



## The Proportional Electoral Systems in the Western Balkans Countries: A Comparative Approach

**Alketa Marku**

Dr., Center of Research, Development, and Excellence  
University of 'Aleksander Moisiu' Durres,  
Durres, Albania  
markualketa@gmail.com

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### Abstract

Representative democracy is closely related to elections and voting. Electoral systems can influence not just the number of minority candidates elected but also how majority parties seek to appeal to or marginalize minority voters, and how inclusive candidate lists will be. Electoral systems can be defined and categorized concerning - How many representatives are elected from each constituency? Is the formula used a plurality, majority, or type of proportionality? What is the threshold for representation for parties and candidates? These elements determine the seats in the parliament and the winning parties. This paper does not aim to be an exhaustive one about the wide topic of electoral systems. It aims at presenting an overview of electoral systems in Western Balkans, focusing on the presentation of the main features of the proportional electoral systems in these countries. Proportional representation systems are applied in the countries under consideration, therefore analytical and comparative research will be the focus of the paper. From the short comparative analysis of this paper on the electoral systems in the countries of the Western Balkans, similarities and differences between them are observed. As a result, we will try to understand which of the criteria and formulas used provides better representation and governance for these countries.

**Keywords:** electoral systems, proportional representation, Balkan countries, thresholds, open/close lists

### 1. Introduction

Electoral democracy was made possible by the "democratization of the vote", as a result of the solution to the "participation crisis", which was dictated by the "social and political mobilization of employees". At the same time, the electoral system was institutionalized. With it, norms, rules, and practices are sanctioned in a constitutional way such as participation based on the right to vote, the division of electoral areas, the management of the voting process, and the ways of translating votes into seats in the parliament.<sup>1</sup>

The design of electoral institutions has important consequences for the quality of democracy. Ever since John Stuart Mill's (1861) seminal works on democratic representation, scholars of political science have explored the myriad ways electoral systems shape electoral competition (Duverger, 1954), incentives of parties and candidates to campaign (Iaryczower and Mattozzi, 2013), political selection (Carey and Shugart, 1995; Besley, 2005; Galasso and Nannicini,

<sup>1</sup> Llambro Filo, Alketa Marku (2014), *Institucionet politike ne sistemet e qeverisjes*, Tirane, UFO Press, p. 117

2011; Meyerson, 2014), and electoral outcomes (Blais and Carty, 1990; Cox and Shugart, 1996; Herrera et al., 2014)<sup>2</sup>.

According to Gallagher and Mitchell, the electoral system determines how votes are cast in elections and how these votes are converted into parliamentary mandates. According to this definition, the electoral system determines the composition of the parliament or a representative institution elected by popular vote. Consequently, first, this composition indirectly determines the composition of the executive, as well as makes the decisions and political processes of a country more predictable. Secondly, the electoral rules define the details of the electoral process, including the administration of the elections, the right to vote, the way to run (vote for one or more candidates, open or closed list, etc.), the transparency of the counting of votes, etc<sup>3</sup>.

Representative democracy is closely related to elections and voting. It is synthesized with the content of the minimal or simple meaning of democracy argued by J. Schumpeter, as "government by political elites competing for popular votes", in regular and planned electoral elections<sup>4</sup>. Contextual factors have influenced the definition of the types of electoral systems, especially social stratification and political culture with its special features. However, the preferences of the political parties, especially the big parties, or the winning parties, have had a much greater impact. This is explained by the fact that "electoral systems have a decisive influence on the party's performance" and especially on their opportunities to win elections and share power. Therefore, as A. Heywood writes, it would be useless to deny that the attitudes towards the electoral system are formed mainly by the party advantage. Also, a general tendency appears in the big parties "to weaken and eliminate the small parties"<sup>5</sup>.

For this reason, the selection of the electoral system is one of the most important institutional decisions for any democracy. However, it is not easy to choose an ideal electoral system. Often the selection is random, the result of an unusual combination of circumstances, or the history of the country<sup>6</sup>. Different democratic states apply different systems for the election of representative institutions such as parliament. The way a state translates citizens' votes into parliamentary mandates is determined by various factors that are related to the specifics of the country: the nature of the state, traditions, demographic composition, regional divisions, etc. However, the decisive factor in the selection of a country's electoral system is often not the general public interest or the assessment that a certain system best suits the needs of a country<sup>7</sup>.

The countries of the Western Balkans also have defined their electoral systems, based on the Constitution and electoral codes and laws. Through this research, we will focus on and analyze the commonalities and differences in the electoral system that these countries use.

## 2. Types and Characteristics of Electoral Systems

Two poles exist concerning the electoral system: the proportional and the majority. A third type is considered the mixed electoral system using and combining elements from both main electoral systems.

**The majority system** is the simplest electoral system, based on the principle that the candidate who receives the most votes in an electoral district is deemed elected.

Its prime concern is with the creation of an effective government. The 'winner-takes-all' philosophy behind these systems focuses on producing a clear, strong, and stable body of representatives and government, not on mirroring the makeup of the general population. Since majoritarian systems disproportionately favor large parties over small parties, the leading party is rarely required to build a coalition to form a government.

The one-party government is of course stronger and distanced from the problems that may arise from being included in a coalition. The government is formed immediately and is widely united; policies are followed without problem

<sup>2</sup> Hangartner, Dominik and Ruiz, Nelson and Tukiainen, Janne and Tukiainen, Janne, *Open or Closed? How List Type Affects Electoral Performance, Candidate Selection, and Campaign Effort* (July 12, 2019). VATT Institute for Economic Research Working Papers 120, 2019.

<sup>3</sup> Michael Gallagher, Paul Mitchell (2008) *Introduction to Electoral Systems*, in Michael Gallagher and Paul Mitchell (eds.): *The Politics of Electoral Systems*, New York.

<sup>4</sup> Llambro Filo, Alketa Marku., *Institucionet politike ne sistemet e qeverisjes*, cit. p. 117

<sup>5</sup> Andrew Heywood, (2009) *Politika, Dudaj, Tirane*, p. 255-256

<sup>6</sup> Donika Shala, (2019) *SISTEMI ZGJEDHOR. Theses and Dissertations*. 341. <https://knowledgecenter.ubt-uni.net/etd/341>

<sup>7</sup> Agon Maliqi et. al., (2011) *Studim. Krahasim i sistemeve zgjedhore në rajon, INSTITUTI KOSOVAR PËR KËRKIME DHE ZHVILLIM TË POLITIKAVE*, Prishtine, p.4.

[http://www.kipred.org/repository/docs/Krahasim%C2%A0i%C2%A0sistemeve%C2%A0zgjedhore%C2%A0n%C3%AB%C2%A0rajon\\_697108.pdf](http://www.kipred.org/repository/docs/Krahasim%C2%A0i%C2%A0sistemeve%C2%A0zgjedhore%C2%A0n%C3%AB%C2%A0rajon_697108.pdf)

as cannot be done in a coalition where a partner party can ask for political concessions; ministerial portfolios can be distributed without fear, etc.<sup>8</sup>.

The principle of **proportional representation** is that mandates in a constituency are divided according to the number of votes cast for party lists, but there are variations in how this is implemented in different systems. Party lists may be open, which means that voters can express preferences for certain candidates on the list, or maybe closed, which means that voters can only express a preference for a party, while the ranking of candidates on the list has been decided upon before election date by the political party structures. Party lists may be national where the country is one constituency or regional where the country is divided into several constituencies<sup>9</sup>. This system makes an almost entirely fair representation of the political will of the voter, gives the possibility of wide participation of competitive political alternatives, politically forces the relevant political parties to build post-election governing coalitions, prevents the centralization and verticalization of the exercise of power due to political necessity for consensus, etc<sup>10</sup>. A negative aspect of closed lists is that voters have no role in determining who will be the representative of their party, and they also bear no responsibility for any changes that may occur<sup>11</sup>.

There are a range of systems that try to strike a balance between majoritarian and proportional representation systems and are generally (if rather untidily) categorized as **Mixed Systems**. These can broadly be divided into those that try to bring together elements of majoritarian and proportional systems to try and come up with a seat-distributing mechanism incorporating the best of both worlds (but end up tending to lean more towards one system or the other) and systems where both majoritarian and proportional mechanisms are used in different stages<sup>12</sup>. The application of the mixed electoral system, among other things, increases the accountability of the deputy, and gives the possibility of direct representation of the respective communities, or national minorities, since the candidate for deputy is selected concerning the territory defined as the electoral area, etc.<sup>13</sup>

Electoral systems also have electoral thresholds of representation. An electoral threshold for the allocation of seats is the minimum percentage of votes that a political party or a coalition is required to collect to gain a seat in the legislative assembly. Thresholds are said to enable a better balance between governability and representativeness, by favoring the formation of stable majorities and avoiding excessive fragmentation of the legislative assembly. Thresholds in some cases are set by law, but in its absence, they may be the result of the size of the electoral zone and the relevant electoral law that determines the division of mandates between electoral zones<sup>14</sup>.

Proportional representation and the development of parties made it necessary to draw up mathematical methods for the allocation of seats. There are two types of methods for list systems with proportional representation: larger remainder systems (also called 'quota methods) using subtraction (Hare and Droop methods) and highest average systems using divisors (d'Hondt and Sainte-Laguë methods).<sup>15</sup> The d'Hondt method is the most common election formula used. This formula divides the number of votes cast for each party by the number of seats they have already won, plus one - so that after a party has won one seat, their votes are divided by two, after they have won two seats, the votes divisible by three, and so on. Several rounds are held during the count, with the party with the highest total in each round winning the seat.

D'Hondt's biggest competitor is the Sainte-Laguë method. Sainte-Laguë works in much the same way as d'Hondt, though the votes are divided by twice the number of seats won, add one – making the divisors 1, 3, 5, etc. rather than 1, 2, 3, etc. This has the effect of slightly improving proportionality between parties and being more favorable to smaller parties<sup>16</sup>. One other electoral formula that is used is the Hare method. Unlike d'Hondt or Sainte-Laguë, Hare is quota-

<sup>8</sup> [www.stevendroper.com/elect\\_system](http://www.stevendroper.com/elect_system) Electoral Systems in Europe: An Overview - Steven D. Roper, [http://www.stevendroper.com/elect\\_system.html](http://www.stevendroper.com/elect_system.html)

<sup>9</sup> Ruel, Teresa.(2010) "Electoral systems in Southern European Countries – Portugal, Spain, Italy and Greece – an introductory approach to the quality of democracy." Lisbon, p. 4.

<sup>10</sup> Majority Voting Systems and Plurality Voting Systems.

<https://followmyvote.com/majority-voting-systems/>

<sup>11</sup> <https://aceproject.org/main/english/es/esg03.htm>

<sup>12</sup> [http://www.stevendroper.com/elect\\_system.html](http://www.stevendroper.com/elect_system.html)

<sup>13</sup> Aurela Anastasi, Luan Omari, (2008) "E drejta kushtetuese", Shtëpia botuese "ABC", p. 270.

<sup>14</sup> Micaela Del Monte, Maria Diaz Crego and Silvia Kotanidis Electoral thresholds in European Parliament elections, BRIEFING European elections 2024, EPRS | European Parliamentary Research Service

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749770/EPRS\\_BRI\(2023\)749770\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749770/EPRS_BRI(2023)749770_EN.pdf)

<sup>15</sup> EPRS | European Parliamentary Research Service Author: Silvia Kotanidis Members' Research Service June 2019 Understanding the d'Hondt method. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637966/EPRS\\_BRI\(2019\)637966\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637966/EPRS_BRI(2019)637966_EN.pdf)

<sup>16</sup> <https://www.electoral-reform.org.uk/what-is-the-difference-between-dhondt-sainte-lague-and-hare/>

based rather than divisor-based. This means that parties win seats based on how many times they exceed the Hare quota – which is total votes divided by total seats. As this will not fill all the seats, those remaining are allocated to the parties with the most votes remaining<sup>17</sup>.

### 3. Analysis of the Proportional Electoral System in the Six Countries of the Western Balkans

In the context of electoral systems, the commonality of the countries of the Western Balkans is that all 6 countries apply the proportional system with electoral zones, where each zone wins a certain number of deputies in the Parliament. Some countries use open lists and some closed lists, while the translation of the percentages won by the parties in parliamentary mandates is done through different formulas. Let's analyze briefly the main elements of the electoral system in each of the countries.

#### 3.1 Bosnia and Herzegovina

Bosnia and Herzegovina (BiH) has a very complex political system and this is reflected both in the structure of the parliament and in the parliamentary administration. It is a highly decentralized federal structure. The state is divided into two sub-national entities that enjoy substantial political power: the Federation of Bosnia and Herzegovina (FBiH) in the center and west, largely populated by Muslim Bosniaks and Catholic Croats; and the Republika Srpska (RS) in the north and east, largely populated by Orthodox Serbs. The FBiH is further divided into ten cantons<sup>18</sup>.

The country has a bicameral Parliament with one house elected by proportional representation and the other house appointed by subnational units. The parliament is designed to reflect the country's territorial and ethnic diversity, and it is one of the smallest national parliaments in the world<sup>19</sup>. BiH's electoral system consists of open-list proportional representation for national, sub-national, and local elections, and first-past-the-post contests for directly elected national and subnational presidents and mayors. At the electoral district level, a 3% electoral threshold is applied with seats allocated using the Sainte-Laguë method, which also applies to subnational and local elections (Election Law of Bosnia and Herzegovina 2022). This low electoral threshold and method of distribution are designed to favor smaller and regional parties, which results in a highly fragmented legislature<sup>20</sup>.

The national level of government has limited competencies and includes a directly elected three-member presidency consisting of one Serb member from the RS, one Bosniak, and one Croat member from the FBiH. The candidates run on separate ethnic lists, which discriminates against citizens not identifying with one of these three ethnic groups and are excluded from running. The ballot in RS lists only Serb candidates with the winner decided by a simple majority. The Bosniak and Croat candidates are on the same ballot divided into two ethnic lists and voters have only one vote.

The winner is decided by a simple majority on each list. The bicameral parliament of BiH consists of a 15-member House of the People, whose members are equally distributed among the three ethnic groups and appointed by sub-national parliaments, and a 42-member House of Representatives, whose members are elected from eight districts with many members. Through open-list PR, only 30 members are directly elected, with a district size varying from three to six members, while the remaining 12 seats are compensating seats awarded at the entity level to ensure proportionality of the vote and representation of parties whose support is dispersed<sup>21</sup>. Bosnia and Herzegovina's constitution gives political privileges to Bosniaks, Croats, and Serbs - the so-called "constituent peoples" - who are equally represented in the 15-seat House of Peoples and the tripartite Presidency. Citizens without affiliation to one of the three dominant ethnic groups cannot be elected to these two institutions. The territorial composition of the country also determines the rights of voters. The right to elect Bosnian and Croat members to the House of the People and the Presidency is held only by those who live in the Federation of Bosnia and Herzegovina, while Serbian members are elected by the residents of Republika

<sup>17</sup> Ibidem

<sup>18</sup> Edward Atkinson et al., (2017) "Elections in the Western Balkans: Fragile Progress in Albania, Bosnia and Herzegovina, and Serbia", Princeton University, fq.9 <https://spia.princeton.edu/sites/default/files/content/WWS%20591b%20Elections%20in%20the%20Western%20Balkans%20-%20022217%20FINAL.pdf>

<sup>19</sup> Damir Kapidži, Lejla Tafro-Sefi. (2023), *Bosnia and Herzegovina's Parliamentary Administration from The Routledge Handbook of Parliamentary Administrations* Routledge

<sup>20</sup> Damir Kapidžić, (2022) *General elections in Bosnia and Herzegovina, 2 October 2022*, at *Electoral Bulletin of the European Union Elections in Europe*. [https://geopolitique.eu/wp-content/uploads/2022/10/BLUE\\_3\\_en.pdf](https://geopolitique.eu/wp-content/uploads/2022/10/BLUE_3_en.pdf)

<sup>21</sup> Damir Kapidžić, Olivera Komar, (2022). *Segmental Volatility in Ethnically Divided Societies: (Re)Assessing Party System Stability in Southeast Europe*. *Nationalities Papers*,

Srpska, where ethnic Serbs constitute the majority<sup>22</sup>.

### 3.2 Serbia

Serbia is a Parliamentary Republic and the National Assembly consists of 250 deputies, who are elected by direct election by secret ballot, by the law<sup>23</sup>. The president is elected for a five-year term, up to two terms. To be elected in the first round, a candidate must receive more than 50 percent (the majority) of the votes cast. Otherwise, within 15 days, a second round between the two candidates who received the highest number of votes<sup>24</sup>. In the case of elections, the Republic of Serbia functions as a single electoral unit. Deputies are elected through the proportional system, with voting for the electoral lists and with the allocation of the mandates of the deputies concerning the number of votes received by the lists.

In the Republic of Serbia, the elections are held under a proportional representation system in a single, nationwide constituency, with closed party-list representation and mandates are distributed concerning the number of votes received from each party -list. Only electoral lists which have passed the threshold shall take part in the distribution of the seats<sup>25</sup>. Before the 2020 parliamentary elections, the threshold for candidate lists to participate in the distribution of mandates was lowered from five percent to three percent of votes cast. Lists representing national minorities are exempted from this threshold requirement<sup>26</sup>

### 3.3 Montenegro

Montenegro has a unicameral assembly (Skupština). The Assembly consists of 81 members who are directly elected by proportional representation vote in a nationwide constituency. Members serve 4-year terms. The president is directly elected by an absolute majority of votes up to two rounds. The President may serve up to two 5-year terms<sup>27</sup>.

The applied electoral system is proportional to closed party lists. Political parties (independent or in coalitions) or groups of citizens present a single electoral list<sup>28</sup>.

Seats are allocated according to the highest average system, using the d'Hondt formula. Regarding the electoral threshold at the national level, parties or groups that receive at least 3% of the total valid votes have the right to parliamentary representation.<sup>29</sup>

Montenegro applies special thresholds for minority groups or communities<sup>30</sup>:

- Electoral lists for representatives of certain minority groups or communities, as specified in the electoral application or the title of the electoral list: In case none of them exceeds the threshold of 3 percent, but they separately win at least 0.7% of the votes of valid, they are entitled to win up to three mandates as a single electoral list based on the total number of valid votes they collectively win. This special threshold applies to electoral lists representing the same minority groups or communities that constitute up to 15% of the total population in the electoral area based on the last population census.
- Electoral lists representing Croats in Montenegro: In cases where none of them wins 3% of the valid votes, or separately wins at least 0.7% of the valid votes, the most successful list that receives no less than 0.35% of valid votes wins a mandate

<sup>22</sup><https://www.euronews.com/my-europe/2023/08/29/bosnia-and-herzegovina-elections-undemocratic-amplify-ethnic-divisions-human-rights-court>

<sup>23</sup>Constitution of The Republic of Serbia. Neni 100.

[http://www.parlament.gov.rs/upload/documents/Constitution\\_%20of\\_Serbia\\_pdf.pdf](http://www.parlament.gov.rs/upload/documents/Constitution_%20of_Serbia_pdf.pdf)

<sup>24</sup>Law on the Election of the President, Article 1, 21, 22.

<sup>25</sup><https://www.rik.parlament.gov.rs/tekst/en/269/parliamentary-elections.php>

<sup>26</sup>Technical Election Assessment Mission in Serbia, IFES, March 2021. [https://www.ifes.org/sites/default/files/technical\\_election\\_assessment\\_mission\\_in\\_serbia\\_march\\_2021.pdf](https://www.ifes.org/sites/default/files/technical_election_assessment_mission_in_serbia_march_2021.pdf).

<sup>27</sup><https://www.electionguide.org/elections/id/4126/>

<sup>28</sup> Inter-Parliamentary Union. Montenegro Skupština (Parliament) [http://archive.ipu.org/parline-e/reports/2385\\_B.htm](http://archive.ipu.org/parline-e/reports/2385_B.htm)

<sup>29</sup> Article 94. Law on Election of Councillors and Members of Parliament as amended in 2020. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2020\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)031-e)

<sup>30</sup> *Ibidem*

### 3.4 North Macedonia

North Macedonia's Constitution states that members of parliament are citizen representatives who should vote their conscience (Article 62). Representation of citizens is a cornerstone of representative parliamentary democracy, as provided by the Constitution. The parliament is a unicameral body comprising 120 to 123 members who are directly elected for a four-year term under a proportional representation model using closed lists<sup>31</sup>.

The party-list proportional representation electoral system is used for the election of the MPs in the Assembly of the Republic of North Macedonia starting from the parliamentary elections in 2002 until today. In line with the electoral legislation, 120 MPs are elected using the d'Hondt electoral formula for the calculation of the results, and the country is divided into six electoral districts, and from each 20 MPs are elected. In 2016 the three electoral districts abroad were united into one and three MPs were elected from that electoral district using the proportional representation system, and the election of these MPs is conditioned by winning the minimum required number of votes, identical to the number of votes required for an MP to be elected in one of the six electoral districts in the country. There is no electoral threshold<sup>32</sup>.

### 3.5 Kosovo

Kosovo is the Parliamentary Republic, where voters elect members of parliament directly through a secret ballot every four years.<sup>33</sup> The legislative power is concentrated in the Assembly of Kosovo, wherein 120 Members of Parliament are directly elected by citizens for four-year terms. It is the Assembly that elects the President, and the Prime Minister along with his Cabinet, and appoints all court justices. The 120 MPs of the Republic of Kosovo are elected based on open lists<sup>34</sup>, based on the Sainte-Laguë formula.

Besides the proportional system for allocating the 120 Assembly seats system based on votes cast, some seats are pre-determined. Of the 120 total seats, 20 are reserved for Kosovo's minority populations – namely 10 for Kosovar Serbs and 10 to be distributed among Bosniaks, Turks, Ashkhali, Egyptians, Gorani, and Roma. Moreover, there is a 30% gender quota to ensure the appointment of female MPs<sup>35</sup>. The electoral threshold for parties, coalitions, and independent candidates is 5% of the total valid votes, while for parties representing national minorities, there is no electoral threshold.<sup>36</sup>

### 3.6 Albania

The Constitution of Albania affirms the democratic principles of the election system, establishing a "free, equal, general and periodic" election system<sup>37</sup>. The Republic of Albania is a parliamentary republic with its legislative power vested in the Parliament and the executive power in the Council of Ministers. Albania has a closed list proportional representation system in place, encompassing 12 multi-member constituencies which mirror the country's 12 administrative regions<sup>38</sup>. The most obvious feature of the electoral systems implemented in Albania over these 20 years is their systematic change<sup>39</sup>. With the changes made in 2008<sup>40</sup>, as amended, the electoral system changed to a proportional system with multiple electoral districts with closed lists<sup>41</sup>.

<sup>31</sup> [https://www.osce.org/files/f/documents/b/e/465648\\_2.pdf](https://www.osce.org/files/f/documents/b/e/465648_2.pdf)

<sup>32</sup> National Democratic Institute (NDI) 2022, NORTH MACEDONIA'S ELECTION SYSTEM: HOW TO ENSURE FAIR REPRESENTATION IN PARLIAMENT [https://www.ndi.org/sites/default/files/WEB%20Final%20Digi%20%20%20D0%90nalysis%20on%20the%20electoral%20model\\_EN.pdf](https://www.ndi.org/sites/default/files/WEB%20Final%20Digi%20%20%20D0%90nalysis%20on%20the%20electoral%20model_EN.pdf)

<sup>33</sup> Kushtetuta e Republikës së Kosovës. Neni 64. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=3702>

<sup>34</sup> Electoral Reform in Kosovo A comparative study, 2021. [https://www.legalpoliticalstudies.org/wp-content/uploads/2021/01/Policy-Analysis\\_Electoral-Reform-Paper\\_B.M-converted.pdf](https://www.legalpoliticalstudies.org/wp-content/uploads/2021/01/Policy-Analysis_Electoral-Reform-Paper_B.M-converted.pdf)

<sup>35</sup> Idem

<sup>36</sup> Neni 111/2. Ligji Nr. 03/L-073 Për Zgjedhjet e Përgjithshme në Republikën e Kosovës. <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2544>

<sup>37</sup> Kushtetutës së Shqipërisë. Neni 1 <https://qbz.gov.al/preview/635d44bd-96ee-4bc5-8d93-d928cf6f2abd>

<sup>38</sup> [https://www.legalpoliticalstudies.org/wp-content/uploads/2021/01/Policy-Analysis\\_Electoral-Reform-Paper\\_B.M-converted.pdf](https://www.legalpoliticalstudies.org/wp-content/uploads/2021/01/Policy-Analysis_Electoral-Reform-Paper_B.M-converted.pdf)

<sup>39</sup> Sistemet Zgjedhore në Shqipëri, Evolucioni historik gjatë dy dekadave post-komuniste. <https://shtetiweb.org/wp-content/uploads/2021/03/sistemizgjedhor-140603162437-phpapp02.pdf>

<sup>40</sup> Ligji nr. 8417, date 21.10.1998 "Constitution of the Republic of Albania"

<sup>41</sup> With the new regional proportional electoral system and closed lists, Albania becomes one of the only countries in the region, where no central institution is fully or partially elected directly by the citizens. Currently, all regional countries with the same experience in the

On July 30, 2020, preferential voting was introduced with the constitutional amendments<sup>42</sup>. This determined that the party list is flexible and voters can vote not only for a party or a coalition but also for the preferred candidate on the list. To change the order of the list, a candidate must receive more preferential votes than the average number of votes received for each term by his/her political party or coalition in a relevant district.

After subsequent changes on October 5, the Electoral Code replaced the regional threshold for the qualification of electoral subjects for obtaining mandates with a national threshold of 1 percent (from the previous 5%)<sup>43</sup>, provided for a minimum number of candidates on party lists, and allowed leaders of political parties to run in up to four constituencies<sup>44</sup>. In 2021, all 140 members of the Assembly are elected for a four-year term through a regional proportional representation system where voters can vote for their preferred candidates (open lists) in all 12 districts from multi-name lists of candidates. Referring to Article 61 of the Constitution of the Republic of Albania, deputies are elected through a regional proportional electoral system based on the d'Hont formula, multi-name list, and national threshold<sup>45</sup>.

#### 4. Analysis and Conclusions

From the short comparative analysis of this paper on the electoral systems in the countries of the Western Balkans, similarities and differences between them are observed.

What all the researched countries have in common is that they all use systems proportional to electoral zones, where each zone sends a certain number of Parliament deputies.

The analysis shows that most of the countries included in the study use the d'Hondt formula and closed lists- Serbia, Montenegro, North Macedonia, and Albania; while Kosovo and Bosnia Herzegovina use the Sainte-Lagué formula and opened lists.

Regarding the electoral threshold in the selected countries, it turns out that it varies from 1% to 5%. In Albania, the electoral threshold is 1%, in Kosovo 5%, in Serbia, Montenegro, and Bosnia and Herzegovina 3%, while in North Macedonia there is no electoral threshold.

Based on this data, can we determine which of the criteria and formulas used provides better representation and governance for these countries?

As any electoral system is a compromise between proportionality, voter choice, and local representation, there is no simple way to choose the best electoral formula.

But referring to the studies, we can allude to which has a more positive approach and leads to an improvement of the electoral and democratic system.

Previous studies argue that the direct link between individual performance and reappointment created by open lists incentivizes good governance<sup>46</sup>. Also, an open list will allow voters more latitude in determining not just which parties win seats but how a party's parliamentary caucus looks (which can lead either to progressive or conservative outcomes)<sup>47</sup>. Open-list systems introduce competition among candidates of the same party. In most countries, this gives incentives for a positive campaign by the candidates, all fighting for the parties' platforms against other parties. There is a risk, however, that candidates direct their campaign against fellow candidates of the same party. This can lead to a personalization of politics reducing the importance of parties' platforms and ideas. The closed-lists systems are therefore proportional but not preferential. They focus on political parties and give them control over the translation of the votes

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*past (North Macedonia, Serbia, Montenegro, Bosnia and Herzegovina) apply the election of the President directly by the citizens. Kosovo has approved the political accord for constitutional changes and the transition to the direct election of the head of state. Albania is the only country that remains loyal to the old model of parliamentary elections.*

*Afrim Krasniqi, (2009). Sistemet politike në Shqipëri 1912-2008, UFO Press, Tiranë*

<sup>42</sup> In the changes agreed between the political parties on June 5, 2020, the new amendment to the Constitution introducing preferential voting was initiated and quickly approved by the parliament on July 30, 2020.

<sup>43</sup> With the changes made later on October 5, 2020, in the Electoral Code

<sup>44</sup> Misioni i Kufizuar i ODIHR-it për Vëzhgimin e Zgjedhjeve Raporti Përfundimtar 2021 <https://www.osce.org/files/f/documents/4/c/495052.pdf>

<sup>45</sup> Manual për Reformën Elektorale, Një Guidë për Rritjen e Pjesëmarrjes së të rinjve ë proceset zgjedhore dhe vendimmarrëse. Nga seritë e Edukimit Politik për të rinjtë/KRK/HSS Udhëzues/Doracak/1/2021 <https://krk.al/wp-content/uploads/2021/09/reforma-elektorale.pdf>

<sup>46</sup> Torsten Persson., Guido Tabellini, and Francesco Trebbi (2003). Electoral Rules and Corruption. Journal of the European Economic Association.

<sup>47</sup> Andrew Reynolds, (2006) Electoral systems and the protection and participation of minorities, MRG, Kavita Graphics, UK.

cast for their lists into seats. Such systems leave the possibility for the parties to protect their leaders and to determine their ranking within the list, hopefully, according to a democratic process within the party<sup>48</sup>.

Provisions for electoral thresholds are common in proportional electoral systems, which tend to favor multipartyism. Thresholds can, however, be problematic when they limit or impede the representation of regional parties and ethnic and linguistic minorities, for instance,<sup>49</sup> low magnitudes and high thresholds have the same effect in reducing the proportionality and opportunities for representation of small parties in the parliament<sup>50</sup>.

In the meantime, based on the different studies, the d'Hondt method leads to a less proportional allocation of seats than other formulae such as the Hare/ Niemeyer or Sainte-Laguë/Schepers (modified d'Hondt) methods. In general, it tends to reinforce the advantage of electoral lists by winning more votes to the detriment of those who receive fewer votes. However, it should be noted that all methods for the allocation of mandates necessarily lead to a certain number of votes not being taken into account for the allocation of mandates, so a certain degree of disproportionality is inherent to all electoral formulas<sup>51</sup>. The d'Hondt formula has a slight tendency to reward large parties more and reduce the ability of small parties to win legislative representation. In contrast, the Sainte-Laguë method reduces the reward for large parties and generally benefits medium-sized parties at the expense of large and small parties. Proposals have been made to divide lists by fractions (e.g., 1.4, 2.5, etc.) rather than integers to provide the most proportional result possible<sup>52</sup>. The proportional system with one constituency and the Sainte-Laguë formula is the most favorable for minorities and small parties. It aims to maximize proportionality and thereby encourage the birth of new political parties, as well as maximize the representation of minority communities.

About changing the components of the proportional representation model one could conclude that if the goal is for each party/coalition to get the portion of seats that corresponds to the support they have in the society and to reduce as much as possible the number of the lost votes, the most favorable combination would be if the territory of the entire country represents one electoral district, with no electoral threshold and by using the Sainte – Laguë formula or the Hare quota for allocation of seats. On the other hand, if the goal is to form a stable majority that would have no problems effectively passing decisions then the most favorable combination is if the territory of the entire country is one electoral district with an electoral threshold of 5% at a national level and use the d'Hondt formula for allocating seats.<sup>53</sup>

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<sup>48</sup> DRAFT REPORT ON PROPORTIONAL ELECTORAL SYSTEMS: THE ALLOCATION OF SEATS INSIDE THE LISTS (OPEN/CLOSED LISTS), 2014. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL\(2014\)051-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL(2014)051-e)

<sup>49</sup> Micaela Del Monte, Maria Diaz Crego and Silvia Kotanidis *Electoral thresholds in European Parliament elections, BRIEFING European elections 2024*, EPRS | European Parliamentary Research Service.

<sup>50</sup> Arent Lijphart, (1994) *Electoral systems and party systems*. Oxford University Press.

<sup>51</sup> EPRS | European Parliamentary Research Service Author: Silvia Kotanidis Members' Research Service June 2019 Understanding the d'Hondt method.

<sup>52</sup> <https://www.britannica.com/topic/election-political-science/Plurality-and-majority-systems#ref416871>

<sup>53</sup> National Democratic Institute (NDI) 2022, NORTH MACEDONIA'S ELECTION SYSTEM: HOW TO ENSURE FAIR REPRESENTATION IN PARLIAMENT [https://www.ndi.org/sites/default/files/WEB%20Final%20Digi%20%20%20D0%90nalysis%20on%20the%20electoral%20model\\_EN.pdf](https://www.ndi.org/sites/default/files/WEB%20Final%20Digi%20%20%20D0%90nalysis%20on%20the%20electoral%20model_EN.pdf)



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