



The Public Budget' Coverage of the Electoral Campaigns and Elections (2017-2024) and the Prevention of the Abuse of State Resources for Free and Fair Elections in Albania

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Abstract

This paper aims to analyze the use of public budgets to finance the electoral process, including electoral campaigns and elections of the political parties, candidates and other electoral subjects. The focus in this paper is in organizing free and fair elections, by preventing the abuse of the state resources, considered as one of the main deficiencies of the new democracies, including Albania from the year 1991- onward. The abuse of state resources, as an important feature of political finance, focuses on the problems resulting from the undue influence of the incumbent political party that wants to stay in power as long as possible. It is related with the funds or other resources, gained by political parties and candidates that benefit the incumbent party, and it results in undue influence of the later, and prevents other political parties and candidates from having a fair electoral contest. The main research question of this paper is: what are the programs and activities that are funded by the public (national) budgets related with the parliamentary and local elections and what are the financing' regulations and their effects? Also, does the government create a fair starting point for all of the political parties and candidates, as a mean to preventing the abuse of state resources? As a result, this paper will study the approved budgets and the differences that arise from year 2017- until now, and it will analyze the total spending or expenditures for the elections, given to CEC and to the electoral subjects. The methodology used here is the combination of qualitative methods, and by using primary and secondary sources of information from different international and national relevant institutions and the analysis of the public budgets, for the budgetary years of 2017-2024.

Keywords: Electoral campaign financing, political parties financing, abuse of state resources, policy capture, public budgeting

1. Introduction

The importance of democratic elections and the public budget coverage of elections: The use of public budgets to finance the electoral process, including electoral campaigns and elections of the political parties and candidates is very important, in direction of free, fair and democratic elections. It is the duty and the function of the government, to organize and sustain democratic parliamentary, and local elections, as a mean to choose between alternatives and ideologies, offered by different political parties or candidates. Every democracy has established free and fair elections, for the citizens to express their will, regarding the political parties and individuals that are going to represent them, usually in four years. Thus, every government should finance and organize democratic elections, for ensuring representation that is in line with the peoples will. This is possible by offering a level playing field, for every possible competing alternative, by financing the electoral campaigns of political parties and candidates and elections. Even in democratic countries, the government should take measures to prevent the abuse of the state resources.

The steps for preventing the abuse of state resources are very important, especially in the new democracies like

Albania from the 1991- onward. Thus, as an important feature of the political finance, the abuse of state resources focuses on the problems resulting from the undue influence of the incumbent political party, that wants to stay in power as long as possible.

The methodology used in this article is a combination of qualitative methods, and by using primary and secondary sources of information from different international and national relevant institutions, and the analysis of the public budgets for the budgetary years of 2017, 2018, 2019, 2020, 2021, 2022, 2023 and the actual budgetary year of 2024. The main research question in this paper is: what are the programs and activities that are funded by the public (national) budgets related with the parliamentary and local elections and what are the financing' regulations and their effects? Also, does the government create a fair starting point for all of the political parties and candidates, as a mean to preventing the abuse of state resources?

As stated by the article 3 of the Electoral Code of Albania, EC, the general principles of the elections¹ are: Elections are periodical and shall be conducted through free, secret, equal, and direct voting. Voters shall freely exercise their right to vote. Each voter shall have the right to only one vote for the election of an electoral subject. Electoral subjects shall be free to present their electoral programs in any lawful form and manner and will benefit public and non-public funding to support their campaign, in accordance with the relevant legal provisions. They have the obligation for transparency and disclosure of income and expenditures to the CEC, to persons tasked with auditing or monitoring, and to the public. It shall be prohibited to provide electoral subjects with the opportunity to use different equipment, funds, and materials that are public property, as well as with human resources of the public administration of any level. Institutions of public administration of any level must not impair the conduct of elections with their activity.

Sources of electoral campaign funding for electoral subjects, art. 86² include:

- a. advance funds from the State Budget for political parties registered as electoral subjects;
- b. income generated by the electoral subject itself, in accordance with the law;
- c. gifts to the electoral subject and its candidates, in monetary value, in kind, or services provided;
- d. borrowing or loans taken by political parties or their candidates (it must not exceed the amount of 1000000 ALL).

The state or the government should promote a level playing field of political parties and candidates that want to take part in elections, through balanced funding, by:

- Private funding (Article 92/1 and article 92/2)³: the electoral subjects and their candidates may receive funds for the purposes of their electoral campaigns only from domestic natural or legal persons...The amount may not be larger than ALL 1 million or the equivalent value in kind or services.⁴ and/or
- Public funding.

In this paper the focus is on public funding is covered in the main part by public budgets. This is the reason why the article analyzes different budgetary years, including election years and non-election years from 2017 - onwards.

¹ The Electoral Code of the Republic of Albania, Tirana, 2021, approved by Law No. 10019, dated 29.12.2008 and amended by Laws No.74/2012, dated 19.07.2012, No. 31/2015, dated 02.04.2015, No. 101/2020, dated 23.7.2020, and No. 118/2020, dated 5.10.2020.

² *Ibid*, pg. 59

³ The Electoral Code of the Republic of Albania, Tirana, 2021, approved by Law No. 10019, dated 29.12.2008 and amended by Laws No.74/2012, dated 19.07.2012, No. 31/2015, dated 02.04.2015, No. 101/2020, dated 23.7.2020, and No. 118/2020, dated 5.10.2020.

⁴ The EC states in the article 92/1, point 3. Donation of funds by a legal person or any of its shareholders is prohibited if: a) has received public funds, public contracts, or concessions in the last 3 years, exceeding ALL 10 million. This prohibition shall also apply to sub-contracting or public-private partnership contracts; b) exercises media activity; c) has been a partner in different projects with public funds; ç) has monetary obligations towards the State Budget or any public institution. 4. Natural or legal persons who have donated to an electoral subject or their candidates in elections may not receive public contracts, public-private partnership contracts, or in any other way, funds with a total value exceeding ALL 10 million, including as a sub-contractor on a public contract/concession, for up to 3 years following the election date. 5. The electoral subject shall be obliged to disclose and provide full and uninterrupted access to third parties in its database where it records donations, borrowings, or loans, for any amounts equal to and above 50 thousand ALL. Also, every electoral subject should record and disclose the benefited non-public funds as sanctioned in the Article 92/2 of the Code.

Table 1: The balance between public and private funding to political parties in selected OECD countries, 2007-2015

Country	Funding = % of party income	
	Public %	Private + other %
Belgium	85%	15%
Denmark	75%	25%
Finland	75%	25%
Greece	90%	10%
Hungary	60%	40%
Iceland	75%	25%
Italy	82%	18%
Netherlands	35%	65%
Norway	67.4%	32.6%
Poland	54-90%	10-46%
Portugal	80%	20%
Slovak Republic	87.5%	12.5%
Spain	87.5%	12.5%
Sweden	75%	25%
Turkey	90%	10%
United Kingdom	35%	65%

Source: Adapted from GRECO (n.d.), "Third Evaluation Round (launched in 2007 continuing to June 2015): Evaluation and Compliance Reports", Council of Europe, www.coe.int/t/dghl/monitoring/greco/evaluations/round3/ReportsRound3_en.asp (accessed on 27 October 2015).

Public funding is divided in:

- Direct contributions.
- Indirect contributions.

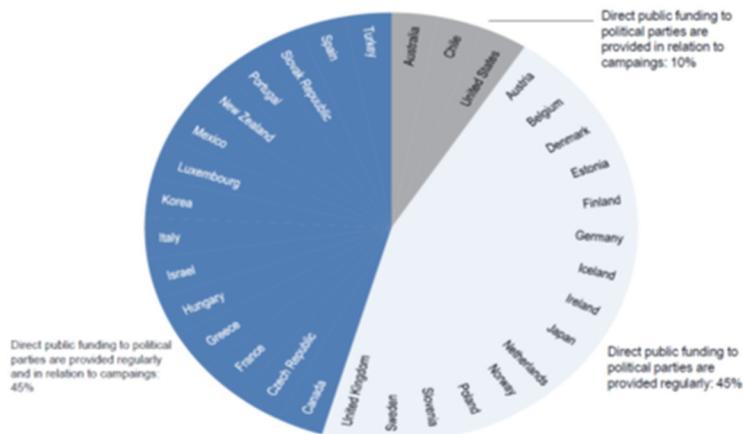


Fig. 1: Direct public funding to political parties in OECD countries⁵.

All OECD countries provide direct public funding to political parties, except for Switzerland⁶. Of the remaining 33 OECD member countries, direct public funding to political parties is provided regularly in 15 countries; in 3 countries direct public funds are provided only if they are campaign-related. The other 15 OECD member countries regularly provide funding to political parties and provide funds in relation to campaigns. In some countries, the large majority of political financing is based on public funding at the national level, such as in Greece and Turkey.⁷

⁵ OECD (2016), *Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD Public Governance Reviews, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264249455-en>

⁶ OECD (2016), *Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD Public Governance Reviews, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264249455-en>

⁷ OECD (2016), *Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD Public Governance Reviews, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264249455-en>

1.1 Direct public funding for campaigns and /or political parties' activities⁸

Criteria for receiving public funds, based on the model of OECD countries:

- Distributing resources based on past record (past elections).
- Allocation based on equal access to public funding.
- Allocation of funds that is performance based (after elections).

Albania fits in the first group of countries (in comparison with OECD countries) based in the article 86-88 of the Electoral Code and makes a regulation with the article 89 for the political parties that gain 1% or more of the votes nationwide, after the elections. Thus, election financing in Albania, EC, art. 87, point 2 and 3 state that: In the annual budget in the year elections are to be held, the Assembly shall make available to the CEC and other relevant institutions the funds for the preparation, conduct, oversight, and any other aspect of the election process. In the event of a budgetary year that is not an electoral year, the CEC shall be provided with adequate funds to ensure its functioning and discharge of its responsibilities in accordance with the law.

And, in the Article 88 of the EC are specified the State budget funds for financing political parties running in elections: 1. Political parties participating in elections, which obtained not less than 1% of votes at a national level in the last elections of the same type, shall benefit State budget funds based on the number of votes that each party received in those elections...This fund may not be less than the total amounts distributed to political parties in the previous elections. 2. Within 10 days from the announcement of the final result at a national level, the CEC shall determine, by decision, the monetary value of a valid vote, by dividing the total funds approved with the total valid votes received by the political parties. For elections for local government bodies, the calculation shall be based on votes received for local councils at a national level. 3. The CEC shall calculate the amount that belongs to each party, by multiplying the monetary value of a valid vote, to the number of valid votes. For parties participating in a coalition, the number of respective valid votes shall be calculated by adding up the average of votes per mandate for each candidate elected from their ranks. 4. The CEC shall deduct from the amount calculated any financial sanction imposed to the relevant party, which has become an executive title. 6. The fund earmarked to be distributed shall be given to each party no later than 5 days from the registration of the multi-name lists or candidates for mayor of local government units of the relevant party...7. In the event the amount calculated is higher than the total electoral campaign expenditures reported by the political party, or is estimated as such by the CEC following independent audits or verifications, the political party shall be obliged to return the difference to the CEC. 8. In the event a political party fails to enforce the provisions, it shall be excluded from the right to benefit public funds for a period of no less than 5 years, unless it pays the dues and the fines.

Regarding the threshold used for distributing public funds to political parties, Germany, Slovenia and Turkey may seem identical in terms of public funding eligibility, but Germany requires a 0.5% threshold, whereas Slovenia requires 3% and Turkey 7%. The OSCE/Venice Commission guidelines on party regulation suggest that the pay-off threshold for public funding should be lower than the electoral threshold (OSCE/ODIHR and Venice Commission, 2010). Otherwise, it would make it harder for new parties and small parties to enter the political arena and compete under fair conditions with better established parties (Piccio, 2014).

⁸ OECD (2016), *Ibid*

Table 2: Eligibility criteria for direct public funding to political parties in OECD countries⁹.

	Share of votes in the previous election	Representation in an elected body	Share of seats in the previous election	Participation in the election	Number of candidates	Registration as a political party	Other
Australia	x						
Austria	x	x	x				
Belgium		x					
Canada	x						
Chile				x			
Czech Republic	x	x					
Denmark	x						
Estonia	x	x					
Finland		x					
France	x						
Germany	x				x		
Greece	x	x					
Hungary	x	x		x			
Iceland	x	x					
Ireland	x						
Israel		x					
Italy		x					
Japan	x	x	x				
Korea	x	x	x				
Luxembourg	x				x		
Mexico	x					x	
Netherlands		x					x
New Zealand		x				x	x
Norway	x	x					x
Poland	x						
Portugal	x	x		x	x		
Slovak Republic		x					
Slovenia	x						
Spain		x					x
Sweden	x	x					
Turkey	x						
United Kingdom	x	x					x
United States	x						x
OECD 33	25	20	3	3	3	2	6

Related with the state funding of electoral campaigns of the electoral subjects and elections, it is the issue of the abuse of state resources. The abuse of the financial resources is related with the funds or money gained by political parties and candidates, that benefit the incumbent party, and undermines the opposing political parties and candidates from having a fair electoral contest. The focus will be on the approved budgets in the period 2017-2024 and the differences in each year. This includes appropriation of funds, the different earmarked projects, especially in the period before the elections, investments in infrastructure or capital spending, or the decisions regarding the level and categories of the taxes, or even tax deductions or tax cuts.

Using the state resources for political purposes¹⁰, means:

- Giving or receiving state resources by political parties or candidates, except for the regulated public funding.
- Disproportionate government spending on advertising before or during campaigns, hiring new public servants and signing large public contracts.
- Using the state resources by the incumbents as merely "carrying their legislative duties".

In the Albanian Electoral Code, Article 91, sanctions the prohibition on the use of public resources to support electoral subjects (amended by Law No. 101/2020, dated 23 July 2020)¹¹: 1. Resources of central or local public bodies or entities, or of any other type of entity in which the state holds capital or shares or/and appoints the majority of the supervisory or administrative body of the entity, regardless of the source of the capital or ownership, may not be used or made available to support candidates, political parties, or coalitions in elections. 2. "Resources" shall mean movable and immovable assets provided for in Article 142 of the Civil Code, as well as any human resources of the institution. Use of "human resources" shall mean the obligatory use for electoral purposes of the institution's administration within the working hours, as well as the obligatory and organized use of students of the pre-university system within the school hours, in the electoral campaign. Also, it includes promises or provision of benefits to public employees or students to participate in election campaign-related activities outside working or school hours, as well as pressure exercised on them for this purpose. 3. During the electoral campaign, the recruitment, dismissal, release, movement or transfer from duty in

⁹ Adapted from "Framework on Financing Democracy: Supporting better public policies and averting policy capture, OECD, pg. 30

¹⁰ OECD (2016), *Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD Public Governance Reviews, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264249455-en>

¹¹ The Electoral Code of the Republic of Albania, Tirana, 2021, approved by Law No. 10019, dated 29.12.2008 and amended by Laws No.74/2012, dated 19.07.2012, No. 31/2015, dated 02.04.2015, No. 101/2020, dated 23.7.2020, and No. 118/2020, dated 5.10.2020.

public institutions or entities shall be prohibited, except for justified cases. Justified cases shall refer to cases when movement or release from duty is a result of violations, in accordance with the legislation in force, or when the recruitment is conducted within the structure and staff structure in force before the electoral campaign by the public institution or entity for the purpose of its mission. 4. Four months before the election date until establishment of the new government after the elections, it shall be prohibited to propose, approve, or issue legal or secondary legislation which stipulate the provision of benefits to certain categories of population, such as acts stipulating increases in salaries, pensions, economic and social aid, tax reduction or removal, fiscal amnesty, privatization or provision of assets or rewards, etc., except for when such an initiative is conditioned by a state of natural disaster.

Article 92 is related with the activities of public institutions during the campaign: 1. Central and local public institutions, as well as state agencies and/or enterprises shall be obliged to report to the CEC for all the activities of a public nature that they plan to conduct in period coinciding with four months prior to the election date until Election Day... 4. In case the CEC, by its own initiative or upon third-party request, observes from the information that the activity may constitute an abuse of state resources, it shall order its prohibition.

Although the legislation provision of the prohibition of the abuse of public resources, there are a considerable number of cases of political parties or candidates, especially the political party in power, engaging in different activities that constitute abuse of state resources. Cases are related with benefits for the donors or sponsors with major tenders of public works or public contracts; cases of using state resources like buildings, cars, financial and material resources, and human resources, to favor the political party in power; the employment of individuals with temporary contracts, in the period before the election day or the promises to employ them later on, when the interested political party will be in office; pressuring various public administrators to engage in election-related activities; organizing students in the pre-university system within the school hours, in the electoral campaign, etc.

Also, the Coalition for Reforms, Integration and Consolidated Institutions (KRIIK)¹² has noted that the use of state resources for electoral advantage, is a phenomenon that seriously undermines the integrity of elections and the very foundations of the democratic system, and has marked a growing trend, performed openly, in clear defiance of the law and the institutions tasked with enforcing it, especially by high-level political officials. According to KRIIK the abuse of state resources has extended to influencing voters through private companies that direct the vote of their employees or even intimidate them, in exchange for public contracts or other benefits; or offering financial benefits to the media in exchange for unconditional positive coverage for the party in power, using the media simply as re-broadcasters of messages that come pre-prepared by the press offices of institutions or political parties, generally of the party in power, without any editorial filter.

In Albania, the Law no. 8580, 17 Feb 2000, on Political Parties (updated as of 22 May 2017)¹³ sanctions in the article 17, that the financial sources and materials of the political parties consist of a) membership dues; b) public funds including the financial assistance in the amount set in the State Budget, approved by law by the Assembly. c) non-public funds, which are financial donations, in-kind donations, services, sponsorships, loans or guarantees, as well as any other financial transaction.

Moreover, in the article 19, it is specified the distribution of the public funds for the political parties: 1. A fund which shall serve as public financial aid for the annual activities of political parties shall be allocated each year in the State Budget. The financial aid foreseen in the state budget during non-electoral years, as a rule, shall not be less than the aid foreseen in the preceding year. 2. The fund shall be divided according to the following rules: a) 70 percent shall be divided according to the number of seats obtained in the last parliamentary elections. Each party sitting in parliament shall be entitled to financial aid in accordance with the number of seats obtained based on the proportional system; b) 20 percent shall be divided equally among parliamentary parties and the parties which have received more than 10 thousand votes in the last parliamentary elections; c) 10 percent shall be divided according to the percentage obtained among [by] the political parties that took part in the last parliamentary elections and obtained over 1 percent of the votes. The non-allocated remainder of the 10 percent shall be added to the 70 percent fund and it shall be divided among parliamentary parties.

Another important part of the political finance is that of the indirect public funding for campaigns and /or political parties' activities. Indirect public funding is widely adopted and takes a variety of forms in the OECD countries¹⁴:

¹²Coalition for Reforms, Integration and Consolidated Institutions, 5.2.2024, <https://kriik.al/home/en/2024/02/05/addressing-the-misuse-of-state-resources-in-the-electoral-reform-essential-for-guaranteeing-the-integrity-of-elections-in-the-country/>

¹³ Law no. 8580, 17 Feb 2000, On Political Parties (updated as of 22 May 2017).

¹⁴ OECD (2016), *Financing Democracy: Funding of Political Parties and Election Campaigns and the Risk of Policy Capture*, OECD Public Governance Reviews, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264249455-en>

- Tax relief, or tax breaks (about 40 % of the OECD countries uses this indirect form of public funding).
- Free access to public services, including air time (and possibly space for campaign materials) is used by about 15 % of the OECD countries.
- Access to public buildings (13 % of countries secure premises for campaign meetings)
- Provision of goods (free or subsidized postage cost, 11 %; free or subsidized transport, 4 %).
- Allocation of financial resources (about 15 % of the OECD countries).

Based on the Law on Political Parties, Art. 22, in Albania the most important indirect public contributions are: a) Parties have the right to use, without compensation, the public mass media in the case of electoral campaigns and referenda. b) parliamentary parties obtain premises (headquarters) for their central and local offices. The right to obtain premises belongs also to the political party with the average of votes over the last three parliamentary elections was over 1 percent nationwide. c) if the party is equipped with a lease contract building, but does not meet the requirements, it (the party) shall have the right to conclude a lease contract for the building, only for headquarters or its local offices use. Art. 22/1, point 2. Once free premises are identified, where appropriate, either the Minister of Interior or the Mayor shall conclude a lease contract with the political party. Should no free premises be identified, the state, through the Ministry of Finance, shall take upon itself to pay the rent of the party headquarters and its local offices. The lease contract or rental payments shall continue for as long as the political party exercises parliamentary activity.

Even if the EC and the Law on Political Parties regulates the financing of the political parties and other electoral subjects, it should be noted that the political parties should be responsible about the gained public budget funds and other funds that they benefit legally from private sources of financing. Political parties and their candidates, should be cautious in relation with the campaign expenses and should refrain from engaging in suspicious activities that constitute abuses of state resources.

2. The Programs and Activities Funded by the State Budgets Related with the Elections¹⁵.

CEC, Central Electoral Commission, 2 programs (code 73):

1. 01610, Planning, management and administration.
2. 01620, General (parliamentary) and local elections.

Table 3: Central Electoral Commission public budget financing, 2017-2024.

CEC Year	Programs	Current exp	Capital exp: Internal funding	Capital exp: External funding	Total	Total expenditures ALL	Total funding CEC
2017	01610	106300	33000	0	33000	139300	739300
	01620	600000	0	0	0	600000	
2018	01610	125300	3000	0	3000	128000	128300
	01620	0	0	0	0	0	
2019	01610	135600	26500	0	26500	162100	762100
	01620	600000	0	0	0	600000	
2020	01610	132600	500	0	500	133100	133100
	01620	0	0	0	0	0	
2021	01610	165000	16500	0	16500	181500	181500
	01620	0	0	0	0	0	
2022	01610	186550	52000	0	52000	238550	238550
	01620	0	0	0	0	0	
2023	01610	212300	21500	0	21500	233800	233800
	01620	0	0	0	0	0	
2024	01610	261207	15000	0	15000	276207	300007
	01620	0	0	23800	0	23800	

The year 2017 and 2021 represent parliamentary (general) election years and, the years 2019 and 2023 represent local elections years, with the respective allocated funds from the public budget.

Regarding Political Parties, there are 3 programs (code 40) all financed as Inside, internal Current Transfers (other

¹⁵ All the data, figures, are based on the tables of public (state) budget for each corresponding year, from 2017-2024.

expenditures):

1. 01110: Support for political parties,
2. 01120, Support for associations, and
3. 01130, Support for the Organizations of Veterans.

Table 4: Political Parties funding from public budgets, 2017-2024¹⁶.

Political Parties / Year	Programs	Current expenditures	Total expenditures ALL
2017	01110	290000	300000
	01120	8000	
	01130	2000	
2018	01110	190000	200000
	01120	8000	
	01130	2000	
2019	01110	190000	200000
	01120	8000	
	01130	2000	
2020	01110	140000	150000
	01120	8000	
	01130	2000	
2021	01110	140000	150200
	01120	8000	
	01130	2200	
2022	01110	345600	356208
	01120	8320	
	01130	2228	
2023	01110	345600	355800
	01120	8000	
	01130	2200	
2024	01110	345600	355800
	01120	8000	
	01130	2200	

3. Conclusions and Recommendations

The public funding of the electoral process is very important in order to regulate and supervise the political parties and candidates, in the electoral campaigns and also after the election day. There should be a solid support from the state, by mean of the public budgets, and this will prevent the electoral subjects from engaging in different activities and from receiving funds from private sources that can affect the results of the elections. The threshold of 1 % of votes nationwide for the political financing of the political parties, limits the funding possibility of the smaller parties, by favoring only the bigger parties (that in our case are four political parties). The threshold should be carefully designed because of the disadvantage that it gives to the smaller parties.

Regarding the indirect public contributions, in Albania the state support for the political parties is mainly related with free airtime, access to public buildings (headquarters or premises for their central and local offices, a lease contract building).

Political parties and their candidates, should be cautious in relation with the campaign expenses and should refrain from engaging in suspicious activities that constitute abuses of state resources. The government should take measures to prevent the abuse of public resources, in the parliamentary and local elections. Although the legislation provision of the prohibition of the abuse of public resources, there are a considerable number of cases of political parties or candidates, especially the political party in power, engaging in different activities that constitute abuse of state resources. Thus, promoting a level playing field for all the electoral subjects, should be a very important area of the state institutions in Albania, as a country in democratization, in order that the citizens express their political will in the elections' day and afterwards.

¹⁶ All the data, figures, are based on the tables of public (state) budget for each corresponding year, from 2017-2024.

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