



## Perception Electoral Integrity Index (PEI) Local Elections, May 14, 2023

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### Abstract

Referring to the PEI2023 value = 53.33 points, the Local government elections that took place in Albania on May 14, 2023, are evaluated as a process, which in its entirety was classified at the "Moderate" level. Compared to the parliamentary elections of 2021, the value of the Index has decreased by about 4.4 points. Factors related to the financing of the election campaign (32.3 points against 40.3 points), legislation (45.6 points against 54.5 points), registration of electoral subjects (48.8 points versus 59.8 points) are perceived as factors with the greatest negative effects on the integrity of elections. Albania continues to be classified in the group of countries where the challenge of organizing and conducting democratic elections that must meet international standards and OSCE commitments is present.

**Keywords:** Integrity Index, Local election, Albania

### 1. Introduction

Elections are one of the most important moments in the exercise of fundamental human rights, civil and political rights. Consequently, their monitoring and observation is necessary to be organized and realized, considering it as a right, duty and as realization of the responsibilities of the civil society, in support and protection of these rights. This participation is an important concretization of the application of the universal principles for democratic elections provided by the Universal Declaration of Human Rights, Article 21

An electoral process is democratic only if:

- is realized as a fair competition,
- takes place in an environment characterized by reliability, transparency and accountability,
- manages to provide equal competition conditions to all subjects involved in it,
- citizens are informed, without distinction, about their rights and duties as voters, about the rules they must respect in the voting process and about the alternatives, programs and candidate competition,
- legal framework and its implementation enable the respect and fulfillment of the right to free expression, free

media, freedom of association, freedom to form political parties, political cooperation, free movement, respect for the principles of the rule of law, equal right to run for public office, non-discrimination and equal rights for all citizens.

To evaluate the electoral process regarding the level of fulfillment of the standards for elections to be considered free, fair and democratic, OSCE participating States have agreed to use as a reference the assessments given in the final election report prepared from OSCE / ODIHR International Observer Mission. Meanwhile, in addition to these assessments and together with them, OSCE / ODIHR recommends that the assessments and considerations provided by the civil society, by independent domestic observers, should to be considered.

In Albania, the engagement of civil society in monitoring and observing the elections began as a process that was accompanied with the change in the system of government and the institutionalization of political pluralism, in the early '90s. Over the years, the engagements of the Albanian civil society to monitor and observe the electoral process has had an integral part of their efforts, the professional training and capacity building of local observers.

The Index that assesses the Perception of Election Integrity (PEI) for the parliamentary elections held in Albania in 2013 and 2017, was evaluated by Norris, P. et al., in the framework of the Electoral Integrity Project (2019), in which the 337 elections, hold in 166 countries around the world were analyzed. The assessment of Electoral Integrity Index (PEI) as a contribute of Albanian Civile society was carried out by IDM, for the elections for the local government bodies, 2015. It was the beginning of the process of qualitative changes in the contribution of civil society to the electoral process in Albania.

This paper provides the research results for the assessment of PEI for the Local Elections, May 14, 2023.

## 2. Methodology

The Evaluation of Perceptions of Election Integrity was carried out by applying the rules described by the Methodology developed by Norris, P. et al., (2014). This Methodology is designed in accordance with the characteristics of the election cycle (Figure 1). According to this Methodology, the evaluation of the Index for the Perception of Election Integrity is performed using the quantitative evaluation of perceptions for 49 items, grouped in 11 categories which reflect the entire election cycle (Figure 2). Each of the items is formulated in the form of an assertion to which the attitude with positive growth should be expressed, ranging from the lowest value (1) to the highest (5). For the evaluation of the Index of Perceptions of Election Integrity (PEI), the values of the indicators (average of the values of all the constituent items of the respective indicator) are standardized in values from 1 to 100 points.

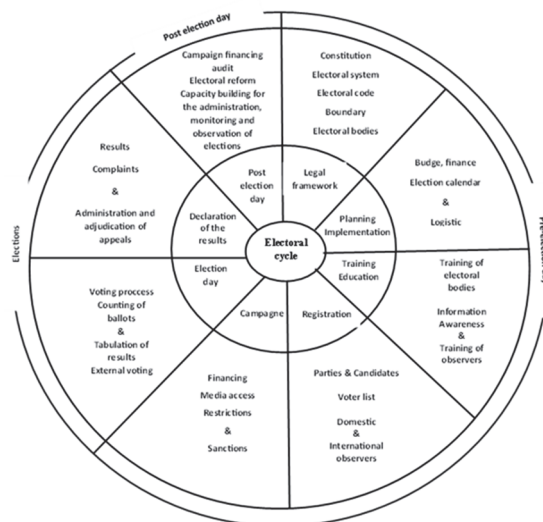
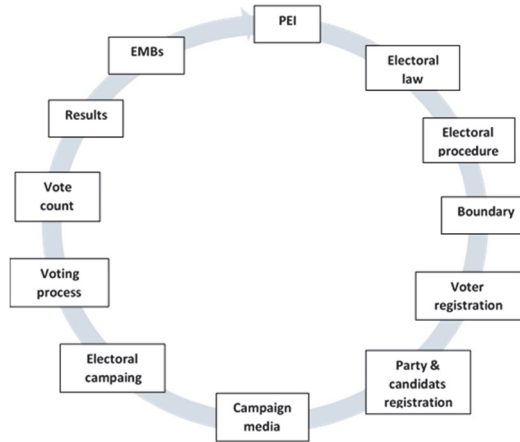


Figure 1. Electoral cycle

Source: [www.idea.int/elections/eea](http://www.idea.int/elections/eea)

For the evaluation of the PEI Index for Local elections, May 14, 2023, based on the above Methodology, AIESD activated 10 specialists, with training in legal and political sciences. Considering the features, characteristics and problems that have accompanied the electoral process in Albania, among which can be listed:

1. problems related to the process of drafting legislation;
2. registration of candidates and their legal obligation for self-declaration in the implementation of the law on purity of image (decriminalization law);



**Figure 2:** PEI Electoral Process

**Source:** Electoral Integrity Project. 2014. The expert survey of Perceptions of Electoral Integrity, Release 2.5 (PEI-2.5).

1. campaign and its financing;
2. gender representation;
3. administration of the electoral process.

for the evaluation of PEI index, was collected data and perceptions for 11 indicators. For each of these indicators a list of items was compiled. The number of which is given in Table 1. (Kume et al. 2023)

**Table 1:** Indicators and number of items

Phases	Indicator	Number
Pre election day	Legislation	12
	Electoral procedure	14
	Boundary	3
	Voter registration	7
	Parties & candidates registration	18
Campaign	Media and campaign	21
	Electoral campaign	17
Election day	Voting process	20
Post election day	Counting	12
	Result	11
	Electoral authority	16

### 2.1 Evaluation of the PEI and their indicators

The summarized results for the evaluation of the indicators that make up the Election Integrity Index for local elections, 2023 are presented in Figure 3. Referring to the value of the Election Integrity Index ( $PEI_{2023} = 53.3$  scores), the local elections, May 14, 2023 were classified at the "Moderate" level ". This value shows that Albania continues to be part of the countries that face the challenge of realizing democratic elections that must respect the principles and meet the

standards foreseen in the Copenhagen Final Document, the OSCE commitments for democratic elections and the principles of European electoral inheritance.

In order to identify the factors that have negative effects on the integrity of the elections and, on this basis, to formulate ideas and to determine the path that should be followed with the aim of reducing their negative effects, the 11 component indicators of the PEI<sub>2023</sub> have been analyzed below.

## 2.2 Legislation

The electoral legislation-Electoral Code as a factor that has a significant effects on the integrity of the elections, was evaluated in the "Low" level. This assessment is a consequence of the fact that the electoral reform for the reflection in the Electoral Code of the OSCE/ODIHR recommendations and local observers was no carried out. The Assembly of Albania maintained a refractory position even to the request of over 20,000 voters, who, based on their constitutional right, presented a draft law for changes to the Electoral Code that would create the opportunity to vote, with a preferential vote for municipal councils. The Parliamentary Commission for Electoral Reform did not even consider the CEC's request for changes in the Electoral Code, in particular in the provisions that regulate the use of public auctions in the election campaign.

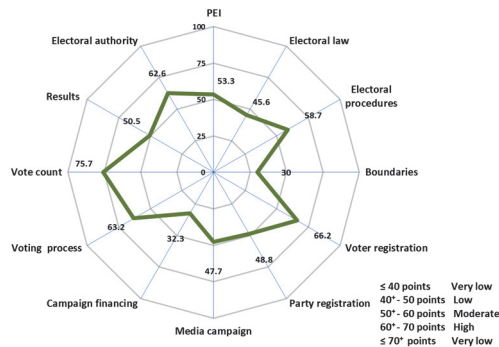


Figure 3: Local Elections Integrity Index PEI<sub>2023</sub>

## 2.3 Electoral procedures

The indicator "Implementation of the procedures" which reflects the compliance with the requirements of the Electoral Code for the procedures that must be implemented in different stages of the electoral code was classified at the "Moderate" level. Among the indicators with a negative effect on the evaluation of this indicator, the following stand out:

- The local government did not fulfill the legal obligation to inform the voters, door to door, about the voting center and its number in the list of voters.
- The political affiliation of its members was perceived, in a sensitive way, in the decisions made by the Commission of Complaints and Sanctions (KAS).

## 2.4 Boundaries

The indicator "Boundaries" was evaluated at "Very low" level. The negative effect that the division into constituencies generated on the integrity of the election was related to the fact that elections were not preceded by the changes of administrative division-territorial of the country. The division into electoral units according to the territorial-administrative map approved in the Local Government Reform, 2014-2015 was perceived, in general, as a supporting factor for the Socialist Party.

## 2.5 Voter registration

The list of voters is an indicator that was evaluated at the "High" level. This is the result of the fact that for the drafting of the list of voters in Albania, a legislation aligned with the requirements of international documents and with the legislation of the EU countries is used. The process for drawing up the list of voters is open for citizens' participation and transparent, the procedures for correcting the list of voters are simple and understandable.

Despite this, in the quality of the process for drawing up the list of voters, it is perceived that the lack of commitment of the local government bodies to inform the voters about the polling station and the changes made in the number of the voting station, for a significant number, had a negative effect of voters.

## 2.6 Parties/candidates registration

Registration of electoral subjects is an indicator that has done a significant negative impact on the integrity of local elections, May 14, 2023. This indicator is rated at the "Low" level. Perceptions of this low value of it were the evaluations at the "Very low" level of the following indicators:

- The process of selecting candidates for mayor was not developed as an open consultation process with citizens.
- The lists of candidates for municipal councils were not drawn up in accordance with the requirements of the principle of proportional representation of different communities living together in a local unit, and the ranking of candidates in these lists did not create real opportunities for the election of councilors according to the requirements of this principle.
- Decisions on the registration of electoral subjects were contested by several political parties. These declared that their registration was not done in accordance with the requirements foreseen in the Electoral Code.
- Decisions on the registration of electoral subjects were influenced by the political situations in which the elections took place, especially for the opposition political parties.
- The content of the ballot paper was not accepted by all electoral subjects

## 2.7 Media campaign

The indicator for the role of the media in the election campaign and the implementation of legal requirements by audiovisual operators is evaluated at the "Low" level. Among the factors influencing this low rating were identified:

- Absence of electoral debates between candidates in audiovisual media.
- Lack of programs for local governance by candidates for mayor.
- Insufficient communication of candidates for municipal councils with voters.
- Dominance of the election campaign and media communication by the leadership of political parties.
- Use of the media to convey the political message to voters instead of presenting programs for local governance.
- Insufficient and unequal access to the media for candidates of new political parties or independent candidates.
- Women/girl candidates did not offer equal opportunities for access to audiovisual media.

## 2.8 Campaign financing

The average value of the component indicators of the "**Financing of the election campaign**" indicator was 2.29 (30.0 points), classifying this indicator at the "**Very Low**" level. Among the indicators with stronger negative effects, which have influenced the low values of this indicator, are listed:

- The insufficient level of commitment of political parties to implement the requirements of the Electoral Code regarding campaign financing.
- The use, contrary to the law, of public assets for election campaign purposes by the governing majority.
- Use of public administration for electoral purposes.
- The presence of the phenomenon of vote buying.
- Monitoring in real time, without significant effects from the CEC, of party expenses for the election campaign.
- Lack of transparency for the financing of activities that political parties developed as part of their election

campaign.

- Perceived frequency of the use of instruments and methods for intimidation of female voters and the forced orientation of their vote.
- Inadequate reaction of law enforcement institutions, the state police, the prosecution and SPAK in preventing and punishing violations of the electoral law.

## 2.9 Voting process

Based on the observations and perception of the voting day, for all its phases, the opening of the polling stations, the voting process, closing and the administration of the election materials until their delivery to the polling stations, it can be stated that, at this stage, the electoral process was generally conducted in accordance with the requirements of the legislation and in fulfillment of the requirements for democratic elections. The indicator that serves to assess the level of integrity of the electoral process at this stage is evaluated with 63.2 points, at "high" level. Among the items of this indicator, the following were evaluated with the lowest value:

- Delayed opening of the voting process as a result of non-functioning devices for the biometric identification of voters and the creation of opportunities for multiple voting.
- Interference in the voting process in the voting center by unauthorized persons and intimidation of the elections.
- Implementation by the voting center commission of the requirements of the law for proxy voting, secret voting and family voting.
- The quality of the ink for marking on the voter's finger.

## 2.10 Evaluation, vote count and tabulation of the results

Referring to the estimates for the average points for each of the items that have been taken into account for this indicator their average values was 75.7 points. The indicator is classified at the level of "very high".

## 3. Results

The Complaint indicator is evaluated at the lower limit of the "Moderate" level. Among the factors that have negative influence in the value of this indicator were listed:

- The administration of pre-election complaints and complaints about the election results by Commission of Complaints and Sanctions (KAS) is not always in accordance with the requirements of the Election Code.
- Non-acceptance of the results of the elections by the opposition political party, which argued their position with the high level of use by the SP, of public assets and the opportunities provided by being the ruling party, the buying and selling of votes and the great intimidation of voters.
- Implementation of sanctions for violations of the Electoral Code and their effects.
- The political selection of KAS members as a factor that influenced their decision-making.

### 3.1 The electoral authority

This Indicator was evaluated at the "**High**" level. The main effect for this perception is related to:

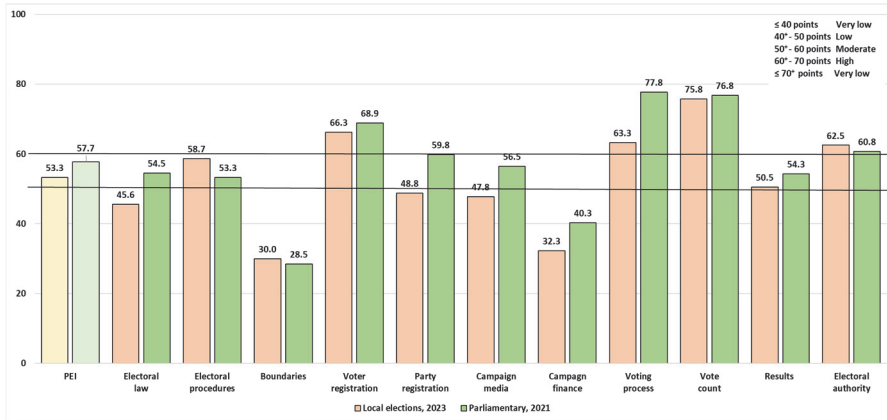
- The level of transparency in the work of the CEC and all election commissions and administration.
- The CEC's commitment to fulfilling its legal obligations for election information, awareness and education.
- Informing and educating voters belonging to national minorities in their native language.

Negative effects on the value of this indicator are estimated to have been caused by the factors related to:

- Use of information technology.
- Monitor, in real time, expenses for the election campaign.
- Preventing the use of public assets for election campaign.

### 3.2 Comparative Overview-Election Integrity Index - PEI<sub>2021</sub> vs PEI<sub>2023</sub>

Figure 4 provides information that makes it possible to compare perceptions of the integrity of the elections and indicators used for its assessment, for the elections of the Albanian Assembly that took place in April, 2021 and local elections, May, 2023



**Figure 4:** PEI -Parliamentary elections, 2021 and Local elections, 2023

As can be seen, compared to the elections for the Assembly of Albania held on April 21, 2021, the perception of the Integrity of the local elections, May, 2021, has decreased by about 4.4 points.

In reducing the value of this index have a significant negative effect the indicators related to the financing of the electoral campaign (32.3<sub>2023</sub> points vs 40.3<sub>2021</sub> points), the legislation (45.6<sub>2023</sub> points vs 54.5<sub>2021</sub> points) and the registration of electoral subjects (48.8<sub>2023</sub> points vs 59.8<sub>2021</sub> points).

Electoral campaign and their components, transparency in financing as well as the use of public funds and administration are among the factors that continuously negatively affect the development of the electoral process in accordance with the requirements and standards of democratic elections. This is a phenomenon that the electoral processes in Albania face on an ongoing basis. Attempts to build and implement the legal rules to prevent these behaviors of political parties in the election campaign, as a rule, are a complex challenge. Among other this is a consequence of the fact that in Albania there is still a significant difference between the quality of the legislation and its implementation. Despite this, it must be said that this is not only an Albanian phenomenon. Pippa N. et al. (2019) points out that in general, regardless of experiences in the organization and development of electoral processes, in almost every country the financing and development of the electoral campaign is one of the aspects that have the greatest negative impact on the integrity of the elections.

The decreasing of positive perceptions for the "Legislation" indicator by about 8.7 points in the local elections, 2023 compared to the parliamentary elections, 2021 is a consequence of the lack of results in the electoral reform and in the territorial-administrative reform.

Political developments, in particular those in the Democratic Party, were the main factor that influenced the significant drop in positive perception, by about 11 points, for the "Registration of subjects" indicator. The decisions of the KAS and the Electoral College for the registration of the Democratic Party as an electoral subject were perceived as influenced by political interest and as decisions that were in favor of the majority. Even the registration of the "Together" party and the discussion of the way to appear on the ballot in the "Together We Win " Coalition, influenced the decline of positive perceptions about this indicator.

The comparison of the Integrity Index of the Local elections, 2023 and the Parliamentary elections 2021, evidences the fact that the commitment of the Albanian society for the organization and development of elections that meet the standards of democratic elections remain an actual need. Although in Albania there are good experiences in the organization and administration of the electoral process on the day of the elections, in the process of evaluation, counting and tabulation of the results, the drafting of the list of voters, in the transparency in the administration of the electoral

process by the electoral administration, for the increase of integrity of the elections, improvements in legislation are necessary, accompanied by efforts to develop a legal, social, political and behavioral environment that supports the implementation of the law. The sustainable positive perceptions related to the election administration are arguments that support the statement regarding a positive experience for the organization and administration of democratic elections in Albania

#### 4. Conclusion

The evaluation of indicators that reflect the preparation of legislation, the boundaries, the election campaign and its financing, the behavior of electoral subjects during the campaign, highlights the low level of fulfillment of standards in these phases and important aspects of the electoral process.

Referring to the values of indicators related to the requirements for implementation of the legislation, campaign financing, the use of public assets, administration of the electoral process, media and election campaign, it can be affirmed that Albanian society continues to struggle with the complex challenges of conducting democratic elections

The compilation of the voter list, the voting process, the ballots counting and the result's tabulation are identified as the factors with the greatest positive effect on the integrity of the local elections, 2023.

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