

CAUGHT IN THE ELECTION TRAP: VOTER FRAUDULENCE AND DYSFUNCTIONAL DEMOCRACY DURING THE 2021 ALBANIAN GENERAL ELECTIONS

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Abstract. There is a growing consensus that data driven elections are a winner, irrespective of variables that may affect the elections. The question of how these data are obtained in the first place is highly disputed. This paper analyzes Albania and looks at one of its prime indicators like voter fraudulence that leads to distorted election results. Our findings show that the factors that have led to such an outcome are the patron-client relationship, shadow financing, and the use of public administration as an arm extension of the ruling party. There are many mechanisms used by ruling political parties in non-consolidated democracies to obtain an outright advantage in elections, ranging from political assassination or imprisonment of political opponents to staffing the ballot boxes. But as the Albanian case testifies, more refined measures are more legitimate both domestically and in seeking international legitimacy. This article advances the present debate on the impact of patronage schemes on electoral competition and results in semi-consolidated democracies.

Keywords: Dysfunctional democracy, voter fraudulence, distorted elections, Albania.

Introduction

Albania held parliamentary elections on April 25, 2021, with a voter turnout of 46.3%, virtually unchanged compared to 2017, despite the

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COVID-19 pandemic. The Socialist Party earned seventy-four of 140 seats in Parliament – the same number of seats garnered from the 2017 parliamentary elections – securing an unprecedented third consecutive term.

On April 11, 2021, two weeks before the general elections, an Albanian media portal (*Lapsi.al*) published a database that revealed personal data of 910,000 citizens, equivalent to one-third of the population, around half of those eligible to vote. The database that was leaked to the press was used by the ruling Socialist Party (SP) to track voters' political preferences and potentially to intimidate them. Furthermore, the leaked database contained the names of more than 9,000 political patrons, most of which were working as “public sector employees, police officers and even army personnel.”¹ By political patronage we refer to Henry E. Hale's definition of the term, meaning the “the use of state resources to reward individuals for their electoral support.”² This revelation caused “massive shockwaves across the country.”³

The use of patron's data to receive electoral favor, instead of being viewed with criticism, was on the contrary praised by the incumbent prime minister. A week before the election and a week after the patronage list leak, the socialist premier Edi Rama, in an electoral rally with his own party patrons admitted that, “[p]atronage is the first class of a large political school and whoever has the ambition to move on to higher political stages, starts with patronage,” continuing further in stressing the long-term political linkages between patrons and voters that,

“[...] can't say anything bad about my patrons. And don't forget, don't ever forget, the patrons know who you are. Don't even let it cross your mind that you can hide even your thoughts from our patrons. We know who you are, and we are coming after you. On the 25th of April, you will see how well we know you!”⁴

¹ Transparency International, “Albania: Alarm over Indications of Personal Data Breach, Elections Campaign Violations,” accessed April 2, 2021, <https://www.transparency.org/en/press/albania-alarm-over-indications-of-personal-data-breach-election-campaign-violations>.

² Henry E. Hale, *Patronal Politics: Eurasian Regime Dynamics in Comparative Perspective* (Cambridge: Cambridge University Press, 2014), 9-10.

³ Gjergj Erebara, “Albania Prosecutors Investigate Socialists Big-Brother-Style Database,” *BalkanInsight*, accessed October 5, 2022, <https://balkaninsight.com/2021/04/16/albania-a-prosecutors-investigate-over-socialist-party-big-brother/>.

⁴ Euronews, “Rama meeting with the Patrons: We know who you are and we know your campaign, you can't hide your thoughts from us,” accessed April 18, 2021, <https://euronews.al/en/albania/2021/04/18/rama-meeting-with-the-patrons-we-know-who-you->.

This is a step too far even for weak states such as Albania, characterized by dysfunctional democracy and poor rule of law enforcement.⁵ As Collin J. Bennet and David Lyon have recently argued: “[p]olitical micro-targeting, and the voter analytics upon which it is based, are essentially forms of surveillance.”⁶ In Albania this was taken to another level in the last parliamentary elections.

Albania has had a tumultuous democratic journey and a difficult transition, which continues to date.⁷ But instead of progressing toward democratic and rule of law consolidation throughout the last decade, it has muddled and even regressed in some significant components of state-building. Recently, it has shown signs of institutional corruption growth, and the political process has been captured by clientelist practices and private funding of electoral campaigns.⁸ As we demonstrate, it has taken another step toward backsliding through voter intimidation and influences by political patronage as in April 2021 general elections, which threaten both the fragile democracy and the rule of law.⁹ The Socialist Party’s patronage scheme used during electoral campaign confirmed the vulnerability of voters to political pressure, and concerns remained regarding the misuse of public

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- ⁵ Blendi Kajsiu, Aldo Bumçi and Albert Rakipi, “Albania - a Weak Democracy, a Weak State. Report on the State of Democracy in Albania” Albanian Institute for International Studies, (2003) <http://pdc.ceu.hu/archive/00004893/>; Ilir Kalemaj, “Transitional justice and democratic consolidation in post-communist Eastern Europe: Romania and Albania,” *Eastern Journal of European Studies* 11, no. 1 (2021): 81-103.
- ⁶ Collin J. Bennet and David Lyon, “Data-driven Elections: Implications and Challenges for Democratic Societies,” *Internet Policy Review* 8, no. 4 (2019) <https://doi.org/10.14763/2019.4.1433>.
- ⁷ Ilir Kalemaj, “Albania’s democracy challenges: External stimuli and internal factors at play,” *Academic Journal of Interdisciplinary Studies* 5, no. 3 (2016): 107-112, DOI: 10.5901/ajis.2016.v5n3p107.
- ⁸ Daniela Irrera, “The Balkanization of Politics: Crime and Corruption in Albania,” *EUI Working Papers RSCAS*, no. 18, (2006); Gentiana Kera and Armanda Hysa, “Influencing votes, winning elections: clientelist practices and private funding of electoral campaigns in Albania,” *Southeast European and Black Sea Studies* 20, no. 1 (2020): 123-139, doi.org/10.1080/14683857.2019.1709698.
- ⁹ Voter intimidation is defined as “the act or process of attempting to deter voters from registering to vote or from casting a ballot, by force or intimidation, including the dissemination of personal information that would make voters the target of harassment, illegal or inappropriate monitoring or surveillance of voters, and threats of either violence or prosecution.” See: <https://www.dictionary.com/browse/voter-intimidation>. more elaborated treatment on the topic see: James J. Woodruff, “Where the Wild Things Are: The Polling Place, Voter Intimidation, and the First Amendment,” *University of Louisville Law Review* 50 (2011): 253-285, 253. SSRN: <https://ssrn.com/abstract=1828483>

resources and functions, the allegations of pervasive vote buying, and leaking of sensitive personal data covering political preferences of citizens.¹⁰

The current article seeks to dissect the connection between voters' manipulation and lack of democratic consolidation by taking as its proxy the distorted election results in the Albanian case. Jessica Fortin-Rittberger, Philipp Harfst and Sarah C. Dingler have convincingly argued that "high levels of electoral fraud are, indeed, linked to less satisfaction with democracy."¹¹ The recent deterioration of democracy in Albania, "thus materializing longstanding fears of rising authoritarianism and a dysfunctional system of mechanisms to check and balance government powers," has become the "elephant in the room" and more attention should be given to the underlying root causes such as voters' intimidation, privacy abuse and human rights violations.¹²

We have more and more politicians worldwide who are fixated with the idea that data driven elections are a winner, irrespective of other internal and external factors that might impact the outcome of the results. However, there is a thin but important line that divides the usual electoral canvassing *versus* abusing of voters' data to intimidate or arm-twist them to vote in a certain direction. Therein, in this paper we identify as our dependent variable the distorted elections through voter fraudulence, while the independent variables are patronage politics used to distort electoral result. Our primary hypothesis is the use of institutional mechanisms and patronage system to ensure that the winning party would have been the incumbent party.¹³ The evidence we

¹⁰ "Country Reports on Human Rights Practices: Albania," Human Rights Report, Department of State, accessed November 29, 2022, <https://www.state.gov/reports/2021-country-report-s-on-human-rights-practices/albania> (2021); "Albania Report," European Commission, accessed November 29, 2022, file:///C:/Users/user/Downloads/Attachment_0%20(1).pdf.

¹¹ Jessica Fortin-Rittberger, Philipp Harfst and Sarah C. Dingler, "The Costs of Electoral Fraud: Establishing the Link between Electoral Integrity, Winning an Election, and Satisfaction with Democracy," *Elections, Public Opinion and Parties* 27, no. 3 (2017): 350-368, doi: 10.1080/17457289.2017.1310111.

¹² "Albania. Nations in Transit Report 2023," Freedom House, accessed November 29, 2023, <https://freedomhouse.org/country/albania/nations-transit/2023>.

¹³ An alternative name which is used concurrently with *patronage system* is *spoils system*. Both of them refer to cronyism and nepotism in distributing jobs, public tenders, and other benefits to political supporters after winning elections. It goes back to the phrase first mentioned by New York Senator William L. Marcy in 1828 after the election of Andrew Jackson as President of the USA, "to the victors the spoils." Carl Joachim Friedrich, "The Rise and Decline of Spoils System," *The Annals of the American Academy of Political and Social Science* 189, no. 1 (1937): 10-16.

use are the reports of the Organization for Security and Cooperation in Europe (OSCE)/OSCE Office for Democratic Institutions and Human Rights (ODIHR), the European Commission progress-reports, data from Transparency International, Freedom House, State Department's country-reports and other international indexes, independent international and national reporting, statistical data and other secondary sources.

In this article, we argue that the control and the use of public resources, institutions, and the use of non-official channels as the patronage's database or clientelist practices by a political party for electoral purposes can determine the electoral result in favor of the ruling party. Previous studies on elections in the Western Balkans have demonstrated the practice of political clientelism as a non-programmatic political relationship between citizens (clients) and political parties or office-seekers (patrons), which is personalized, instrumental, reciprocal, and asymmetric in terms of distribution of power and resources.¹⁴ In Albania clientelist policies are mostly drafted and implemented with a view to the next elections. Therefore, "clientelist linkages are forged in informal clientelist practices and clientelist relations in the use of public resources, vote-buying, employment, selective distribution of social benefits, carousel voting, ballot's photographing, and compilation of guaranteed voters."¹⁵

We first discuss the theoretical overview on elections approaches, before discussing the elections in Albania, particularly the last parliamentary election. This paper contributes several insights to our understanding of the impact of patronage schemes on electoral competition in Albania, their relations to political cleavages among voters, as well their influence on electoral coordination.

¹⁴ Misa Popovikj, Borjan Gjuzelov and Jovan Bliznakovski, "How to Sustainably Decrease Clientelism and Ensure Fair Political Competition in the WB? The Case for Introducing Standing Parliamentary Committees," in *Meaningful Reform in the Western Balkans. Between Formal and Informal Practices*, eds. Eric Gordy and Adnan Efendic (Bern: Peter Lang, 2019), 106.

¹⁵ Armanda Hysa et al., "Informal and Clientelist political practices in Albania: The case of the 2017 general elections," accessed October 8, 2022, <https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5b99f7a07&appId=PPGMS> (2018); Gentiana Kera and Armanda Hysa, "Influencing Votes, Winning Elections: Clientelist Practices and Private Funding of Electoral Campaigns, in Albania," *Journal of Southeast European and Black Sea Studies* 20, no. 1 (2020): 123-139, <https://doi.org/10.1080/14683857.2019.1709698>.

This paper suggests that in the case of elections in Albania, there is a cross-level linkage between patronage scheme and political clientelism, through which politicians connect materially with voters, thus influencing the election's result. Finally, the paper highlights the role of the incumbent party in relying on patronage schemes during the electoral competition.

Patronage Networks and the Electoral Process

Periodic and fair elections are the ultimate test of democracy. It is the only testable means of getting public approval other than referendums, which are rare even in the most consolidated democracies. In Albania, where the sole referendum took place in 1994, the elections remain the sole democratic device. As an anonymous reviewer correctly pointed out: "there are many non-electoral democratic mechanisms such as protests, petitions, citizen initiatives, community organizing, participatory budgeting, citizen lobby, etc." While all these instruments have much leverage in consolidated democracies, we refer here specifically to Albania, where these instruments either do not exist or they are very weak to have any significant impact. The political parties are the only ones that can contest elections notwithstanding the strength of the civil society. Therefore, the bets are all high when it comes to elections while hybrid democracies, such as Albania, find plenty of room to distort its results or skew them in favor of the ruling party.

Election manipulations vary from political assassination or imprisonment of political opponents to outright staffing the ballot boxes or direct vote buying.¹⁶ On the other hand, voter fraud may take more sophisticated forms, such as deliberate changes of procedures that affect electoral law, gerrymandering or constitutional changes that benefit the ruling party. It is important to note that,

"even when ballot rigging is an integral part of electoral competition, it is infrequently decisive. Fraud, nevertheless, undermines political stability because, in close races, it can be crucial."¹⁷

¹⁶ Nick Cheeseman and Biran Klaas, *How to Rig an Election* (Yale: Yale University Press, 2018).

¹⁷ Fe Lehoucq, "Electoral Fraud: Causes, Types and Consequences," *Annual Review of Political Science* 6 (2003): 233-256.

These more polished ways to bend the electoral result in favor of the ruling party are way more preferred in Eastern European states. On one hand, we have the Visegrád group, ranging from Orbán's "illiberal" Hungary to Polish "semi-consolidated democracy."¹⁸ On the other hand, in the Western Balkans, democracy is also far from consolidated. None of these countries rank high in indexes that measure democracy, rule of law and fight against corruption such as Freedom House or Transparency International. These hybrid democracy regimes, Albania among which being recently "categorized as a Transitional or Hybrid regime in the Nations in Transit 2023," are alternatively been described as *stabilitocracies*.¹⁹ This term actually originates in Albania as, back in 2012, Antoinette Primatarova and Johanna Deimel identified Albania as a country that "provides stability externally but domestically oscillates between democracy and autocratic tendencies."²⁰ Therefore, stabilitocracy can be understood as one of the variations of hybrid democracies.

Not only do these tendencies continue, but they have actually worsened. The Albanian stabilitocracy is influenced by the clientelist ties.²¹ A typical aspect where the electoral process is damaged is that of political clientelist interventions in the electoral processes, where mainly the incumbent political parties take advantage of weak institutions to implement clientelist practices. In the case of Albania, after the parliamentary boycott from opposition parties in February 2019, and the subsequent local election boycott from same parties in 2021, the incumbent Socialist Party took over the institutions, apart from the presidency, which ultimately led to state capture. The term *state capture* was first defined in a World Bank paper in 2000 to imply

¹⁸ Andras Bíró-Nagy, "Illiberal Democracy in Hungary: The Social Background and Practical Steps of Building an Illiberal State" in *Illiberal Democracies in the EU: The Visegrad Group and the Risk of Disintegration*, ed. Paul Morillas (Barcelona: CIDOB. Barcelona Center for International Affairs, 2017).

¹⁹ "Albania: Nations in Transit," Freedom House, 2023, accessed December 13, 2023, <https://freedomhouse.org/country/albania/nations-transit/2023>; Florian Bieber, *What is Stabilitocracy* (Graz: BiEPAG, 2017).

²⁰ Antoinette Primatarova and Johanna Deimel, *Brigde Over Troubled Waters: The Role of Internationals in Albania?* (Sofia: Center for Liberal Studies, 2012).

²¹ Eric Gordy and Adnan Efendic, "Engaging Policy to Address Gaps Between Formality and Informality in the Western Balkans," in *Meaningful Reform in the Western Balkans. Between Formal and Informal Practices*, eds. Eric Gordy and Adnan Efendic (Bern: Peter Lang, 2019), 7-20.

“firms shaping and channeling firms’ strategies in the direction of more affecting formulation of the rules of the game through legitimate forms of influence, involving societal «voice,» private payments to public officials and politicians.”²²

According to Anna Grzymala-Busse, it has recently been a common phenomenon for the Western Balkans countries.²³ However, we also consider that state capturing may be also favored by weak opposition parties and their lack of appeal to the electorate, but these factors mostly derive from the rising level of autocracy in the region and a closing space for political pluralism.

Research and country reports on elections in Albania have shown that the political party organizations have continuously provided an infrastructure for delivering votes, buying support via clientelist linkages, and stealing votes. In Albania, clientelism is considered as a flawed generated system of bureaucratic relations derived from the totalitarian regime, in line with the argument advanced by Claude Lefort in his seminal work.²⁴ In line with this, Mirela Bogdani and John Loughlin have argued that the clientelism, which existed in various forms during the communist period, worsened after the fall of the Communism due to the absence of pressure on the political elite, a weak public administration, and a difficult economic situation, resulting in scarce public funding and employment opportunities.²⁵ They have also noted various forms of abuse of public offices including clientelist appointments, bribes for public work contracts, and provisions of illegal benefits.²⁶ Randomly, during elections in Albania,

²² Joel S. Hellman, Geraint Jones and Daniel Kaufmann, “State Capture, Corruption and Influence in Transition,” Policy Research Working Paper Series 2444, The World Bank (2000).

²³ Anna Grzymala-Busse, “Beyond Clientelism: Incumbent State Capture and State Formation,” *Comparative Political Studies* 41, no. 4-5 (2008): 638-673.

²⁴ Claude Lefort, *The Political Forms of Modern Society Bureaucracy, Democracy, Totalitarianism* (n.p.: The MIT Press, 1986).

²⁵ Mirela Bogdani and John Loughlin, *Albania and the European Union. The tumultuous Journey towards Integration and Accession* (London, New York: I.B. Tauris, 2007).

²⁶ *Ibid.*, 150-151.

people get involved in clientelist relationships, as several studies have shown.²⁷ Moreover, informal and clientelist practices contribute to favor the incumbent party, by distorting the elections. Informal practices as vote buying, selective investments, party-affiliated state employment, and inauguration of public works during electoral campaign were used as a strategy by the political actors.

Hence, the incumbents “spoil the public office” and its benefits, including political power, patronage resources, and policy influence. As long as the incumbents are in power, they create incentives for long-term loyalty and a long lasting, dyadic, and face-to-face relationship between a patron and a client.²⁸ The holders of political offices spoil the public office through distribution of public resources, direct payments, access to jobs, goods and services in forms of favors, in exchange for political support at the polls.²⁹ The party patronage system allows political parties to staff public sector institutions with their rank and file, in order to extract resources to ensure the incumbent’s continuous dominance. Hence the patronage system assists the incumbent in various informal activities, the most important being rigging the elections in favor of the incumbents, consequently, forging long-lasting relations between patrons

²⁷ Vjollca Krasniqi, Nenad Markovikj, Ilina Mangova, Enriketa Papa-Pandelejmoni and Jovan Bliznakovski, “Leader’s Meetings: Facilitating or Replacing the Formal Political Processes in the Western Balkan Countries,” in *Meaningful Reform in the Western Balkans. Between Formal and Informal Practices*, eds. Eric Gordy and Adnan Efendic (Bern: Peter Lang, 2019), 117-132; Armanda Hysa et al., “Informal and Clientelist Political Practices in Albania: The Case of the 2017 General Elections,” accessed on October 9, 2022, <https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5b99f7a07&appId=PPGMS>.

²⁸ Steven Levitsky and Lucan A. Way, “Beyond Patronage: Violent Struggle, Ruling Party Cohesion, and Authoritarian Durability,” *Perspectives on Politics* 10, no. 4 (2012): 869-889; Tina Hilgers, “Clientelism and Conceptual Stretching: Differentiating among Concepts and among Analytical Levels,” *Theory & Society* 40, no. 5 (2011): 567-588.

²⁹ Herbert Kitschelt and Steven I. Wilkinson “Citizen-Politician Linkages: An Introduction,” in *Patron, Clients, and Policies: Patterns of Democratic Accountability and Political Competition*, eds. Herbert Kitschelt and Steven I. Wilkinson (Cambridge: Cambridge University Press, 2007); Javier Auyero, “Poor People’s Lives and Politics: The Things a Political Ethnographer Knows (and Doesn’t Know) after 15 Years of Fieldwork,” *Perspectives on Turkey* 46, no. 1 (2012), 95-127; Leonard Wantchekon, “Clientelism and Voting Behaviour: Evidence from a Field Experiment in Benin,” *World Politics* 55, no. 3 (2003): pp. 399-422.

and clients.³⁰ Although Dirk Tomsa and Andreas Ufen have questioned this long-term linkage between patron (party) and clients (voters), contemporary party apparatuses have grown bigger, and patrons no longer know how many clients they have, and they know very few personally.³¹ And as we will demonstrate in this paper, this is also true for Albania's 2021 elections, in the case of the incumbent Socialist Party patronage list. However, parties themselves can function as impersonal patrons. Hence informal rules complete or fill gaps in formal institutions and operate parallel to formal institutions in regulating political behavior.³²

In Albania, political parties suffer from weak structures, while its electoral system is a proportional one, thus leading to a fragmented political spectrum, yet clientelist ties between political parties and the business sector are strong and persistent. The politicization of public administration institutions has been a major problem since 1992. A very concerning development has been that, upon seizing power, every political party replaced entire staffs of the previous administrations with its own loyal members or supporters. This phenomenon has weakened the stability and continuity of the institutions, and undermined their legitimacy and efficiency.³³ Sashenka Lleshaj has argued that the clientelist party system at the local and national levels is so consolidated that the results of local elections would not influence the citizens' everyday life.³⁴ During elections, the employees make efforts to keep their jobs while opposition parties promise their clientele new positions. Considering the high unemployment, political parties have become the

³⁰ Dušan Pavlović, "How Political Parties in Hybrid Regimes Help the Incumbent Maintain a Democratic Façade," *East European Politics and Societies and Cultures* XX, no. 10 (2020): 1-20, Doi: 10.1177/0888325420941101; Petr Kopecký et al., *Party Patronage and Party Government in European Democracies* (Oxford: Oxford University Press, 2012).

³¹ Dirk Tomsa and Andreas Ufen (eds.), *Party Politics in Southeast Asia: Clientelism and Electoral Competition in Indonesia, Thailand and Philippines* (Routledge: Oxon, 2013), 6.

³² Julia R. Azari and Jennifer K. Smith, "Unwritten Rules: Informal Institutions in established Democracies," *Perspectives on Politics* 10, no. 1 (2012): 37-55.

³³ Bogdani and Loughlin, *Albania and the European Union*, 47.

³⁴ Sashenka Lleshaj, "Albanien vor den Kommunalwahlen. Probleme einer unvollendeten Reform" [Albania before the communal elections. Problems of an unfinished Reform], accessed October 20, 2022, http://www.fes-tirana.org/media/pdf/pdf_2015/t-150617-komunalwahlen-albania.pdf.

largest “employment agencies.” In their analysis of internal democracy within political parties, Afrim Krasniqi and Ardian Hackaj have confirmed the existence of political clientelist pattern in Albania through which the electoral strategy appears to bear the same importance as the employment of supporters.³⁵ For this paper, we use the leaked patronage list of SP, and also rely on data produced by international and domestic election observation missions and media reports depicting electoral fraud and clientelist practices in the last 2021 elections in Albania.

Unilateral Changes of the Electoral Code and the Democratic Deficit

All in all, Albania has conducted ten general elections, and while all of them have been stained by some irregularities, most of them have been outrightly disputed. Only the results of the 1992, 2005, and 2013 elections have been accepted by the opposition.³⁶ It should be noted that as a result of these three elections, the incumbents left the office, and a peaceful rotation of power ensued. Usually, each pre-election period is tense and as studies have shown, elections are undermined by informal practices in ensuring votes, clientelism, vote buying, and other illegal activities.³⁷

In reference to the Albanian elections, the effective functioning of electoral systems is closely linked to the nature of political parties, to the constitutional devices, and to a range of institutional prerogatives. The success of any electoral system and the process that results from it supposes also its acceptance as a legitimate system, both by the main political

³⁵ Afrim Krasniqi and Ardian Hackaj, *Albanians and the European Social Model. Internal Democracy in Albanian Political Parties* (Tirana: Friedrich-Ebert-Stiftung, 2015), 57.

³⁶ Ioannis Armakolas and Bledar Feta, “Can Albania Exorcise the Ghost of Elections Past? The Milestone April 2021 Elections,” Policy paper no. 67 (April 2021) Konrad-Adenauer-Stiftung and the Hellenic Foundation for European & Foreign Policy.

³⁷ Armanda Hysa et al., “Informal and Clientelist Political Practices in Albania: The Case of the 2017 General Elections,” accessed on October 9, 2022, <https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5b99f7a07&appId=PPGMS>; Kera and Hysa, “Influencing Votes, Winning Elections,” 13-14.

parties and, even more, by the citizens themselves, as direct participants in the democratic process and as bearers of popular sovereignty.³⁸

Despite the trial of various electoral systems and the presence and supervisions of permanent internationals, Albanian elections are characterized by political distrust and politicization of the electoral management process. The losing parties repeatedly contest them. Furthermore, the opposition's boycott of the electoral process from early 2019 set a negative precedent with repercussions for the democratic system and minimized the opposition's role. Hence, the boycott challenged the entire frame of democratic elections as a peaceful mechanism for channeling political conflict, thus introducing a dangerous precedent for the future. Such precedent is that any party or institution can attempt to block the electoral process at whim.³⁹

The evolution of the state capturing process and distorted elections to favor the incumbent parties has been evolving through time. Before each election, the Albanian Electoral Code has been modified and refined. Lastly, it was modified after a prolonged political deadlock on June 5, 2020, in a typical informal political mechanism often observed in the Western Balkans. This so-called phenomenon of "leadership meetings" was an *ad hoc* negotiation process of major political parties with the involvement of external actors that sought consensual resolution on contentious issues, outside formal institutions such as the Parliament. This agreement on changing the Electoral Code was negotiated among the delegated representatives of the main parties, known as Political Council (SP-DP-SMI), who met at the premise of the US Embassy, with the US ambassador and EU Country representative serving as negotiators. The last had to guarantee and ensure that what was agreed in the meetings would be honored. This however was not the case, as the ruling SP broke the terms of the June 5 Agreement by amending the Constitution and adopting the Electoral Code in its favor. The major cause of disagreement that arose from these imposed changes was the proportional system that

³⁸ Elton Meka and Ilir Kalemaj, "Gracka e Votuesit: mes alkimisë elektorale dhe demokracisë hibride" [The Voter's Trap: Between Electoral Alchemy and Hybrid Democracy], (Tiranë: UET Press, 2018).

³⁹ "Country Report – Albania," Bertelsmann Stiftung, accessed December 20, 2022, <https://bti-project.org/en/reports/country-report/ALB#pos14>.

now had a national threshold, although the candidates' competition was still left on regional basis (Buna, 2020).⁴⁰ Only the parties that achieved the national threshold of one per cent could now benefit from the distribution of mandates, but they simultaneously needed to pass the regional threshold. This double threshold proved impossible for smaller parties, mostly from the opposition where the spectrum is more fragmented. Not only the opposition but also the President of the Republic was vehemently opposed to such changes, although we take his opposition with a grain of salt given his political alignment. However, he was quick to write that:

“[t]oday’s act of the unilateral change and with unjustified urgency of the Constitution by the Albanian Parliament, is anti-constitutional and unacceptable.”⁴¹

Although EU officials criticized Prime Minister Edi Rama on changing the Electoral Code without consensus, the Constitution was changed on July 30, 2020, infuriating the opposition parties, as the adoptions aimed to prevent pre-election coalitions between parties and introduced preferential voting. The Electoral Code was subsequently amended on October 5 – it replaced the regional thresholds with a national threshold of one per cent, it provided for a minimum number of candidates on the party lists, and allowed leaders of political parties to be nominated as candidates in up to four electoral districts.⁴²

The one per cent threshold also challenged the principle of standing on equal terms for all candidates. This is because it was particularly challenging for the independent candidates, as they would require a

⁴⁰ Ardita Buna, “Opinion lidhur me ndryshimet e reja Kushtetuese në Shqipëri” [Opinion related to the new Constitutional Changes in Albania], *EuroSpeak* 22 September 2020, <https://www.eurospeak.al/news/nga-shqiperia/19076-opinion-lidhur-me-ndryshimet-e-reja-kushtetuese-ne-shqiperi/>.

⁴¹ Fatjon Cuka, “Kuvendi i Shqipërisë miraton ndryshimet kushtetuese për reformën zgjedhore” [The Assembly of Albania approves the constitutional amendments for the electoral reform], Anadolu Press, June 30, 2020, accessed December 20 2022, <https://www.aa.com.tr/sq/balkani/kuvendi-i-shqip%C3%ABris%C3%AB-miraton-ndryshimet-kushtetuese-p%C3%ABr-reform%C3%ABn-zgjedhore/1927518>.

⁴² Council of Europe, “Observation of the parliamentary elections in Albania,” May 21, 2021, accessed November 18, 2022, <https://www.ecoi.net/en/file/local/2052142/doc.+15293.pdf>, 3.

significantly higher number of votes to enter the Parliament in the respective district.⁴³ The constitutional changes to partially open party candidate lists and change coalition rules just a few months before the elections also faced criticism. Hence, in December 2020, in the aftermath of the electoral reform, the Venice Commission and ODIHR issued a Joint Opinion related to the amendments of the Constitution (July 30, 2020) and to the Electoral Code (Law 118 of October 5, 2020), stating that the procedure for the adoption of the amendments to the Constitution as well as of Law No. 118 was extremely hasty. They also stated that wide consultation among the political stakeholders and non-governmental organizations should have taken place before the amendment of such fundamental texts.⁴⁴

The unilateral Constitutional amendments by the parliamentary majority (SP) proved the fragility of the bipartisan agreement of June 5. Despite the pressure to adopt legislative reforms proposed solely for the purpose of compliance with the *acquis communautaire*, these legislative changes frequently amounted to “empty shells,” or “fabricating reforms.”⁴⁵ Therefore, the legislative changes were adopted exclusively to the benefits of the incumbent SP. Even the gerrymandering right before the elections favored the incumbent SP. Tirana gained two seats, while the constituencies of Dibër and Gjirokastër both lost a seat. Therefore, this clearly favored the SP in gaining more parliamentary seats in their left-wing constituencies, while the DP boycotted the decision-making.

⁴³ Council of Europe, “Observation of the parliamentary elections in Albania,” 3.

⁴⁴ Venice Commission and OSCE/ODIHR, “Joint Opinion on the amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020,” accessed December 23, 2022, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)036-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)036-e) (2022).

⁴⁵ Antoaneta L. Dimitrova, “The New Member States of the EU in the Aftermath of Enlargement: Do New European Rules Remain Empty Shells,” *Journal of European Public Policy* 17, no. 1 (2010): 137–148; Gordy and Efendic, “Engaging Policy to Address Gaps.”

The Persistence of Voting Distortion during the 2021 Parliamentary Elections

The elections of 2021 were Albania's tenth parliamentary elections in the past three decades of democratic transition. The ruling Socialist Party had a decisive victory obtaining a solid majority of 74 out of 140 deputies with a turnout of 46.29 percent.

Meanwhile, the pre-election environment was marked by partisan acts of localized violence, including one homicide. Allegations of vote-buying and voter intimidation, including SP's alleged misuse of public resources and personal data for electoral purposes, punctuated a politically tense atmosphere in the run-up of the election. A relatively large proportion of 5% of cast ballots were recorded as invalid, as compared to rates below 2% in the 2013 and 2017 elections.⁴⁶

However, the Socialist Party still claimed to have won a resounding victory and unprecedented third mandate in a row by a comfortable majority. See Figure 1 and Figure 2 for a graphic description of the result, which also shows the dividing of the territorial map in political winning colors.

Although there were more or less the same patterns as those witnessed in previous general or local elections in Albania, some of the generated data was more accurate. One such example was the level of expenditures from the political parties, which was triple of what they are entitled under the Law from state's budget and what they had officially received. See Figure 3 for this and other relevant data.

The legal framework on elections in Albania prohibits the misuse of administrative resources, reduces the advantage of incumbency, and limits budgetary spending during the four months prior to the elections. Prohibited activities include the distribution of permits validating illegal constructions, registration of property titles, use in the election campaign of the resources of central or local state administration, employment, or dismissal of staff of public institutions. Furthermore, the law prohibits increasing wages, pensions, financial or social support, reducing or abolishing taxes, waving fines/taxes, or privatization.⁴⁷

⁴⁶ "Albania: April 21 Parliamentary Election Report," NDI, accessed December 13, 2023, <https://www.ndi.org/publications/albania-april-2021-parliamentary-election-report>.

⁴⁷ OSCE, *REPUBLIC OF ALBANIA. PARLIAMENTARY ELECTIONS, 25 April 2021. ODIHR Limited Election Observation Mission Final Report* (2021) <https://www.osce.org/odihr/elections/albania/493687>.

The economic procurement and public investments prior to 2021 election continued to be high, although the Electoral Code prohibits the unfair use of resources and assets of the central and local state administration by the incumbent. During the first four months of 2021, about 22% of the annual national investments program was used in the election process, such as for the electronic identification of voters, concession projects, reconstruction of individual dwellings due to the consequences of the 2019 earthquake.⁴⁸ Hence, during the first four months of 2021, the government transferred to the Municipalities affected by the earthquake 56% of the total Post-Earthquake Reconstruction Program Fund.⁴⁹

The media reported on the misuse of state resources through different schemes. There was a huge increase in the distribution of municipal grants approved in the week prior to elections under the relevant reconstruction program. For many grant recipients there was also an increase in the cash value of the awards authorized by the municipalities. Attempts were made to influence the vote through the provision of incentives, such as the issuance of permits validating illegal construction. The reports also alleged that many civil servants, a group vulnerable to pressure, were encouraged to vote for the ruling party.⁵⁰

The use of public funds by the government for electoral benefits is related to political clientelism as it favors the incumbent party in distorting election results. While the legal framework prohibits the implementation of public works and the release of financial resources prior to elections, this was not always the case and media reported problematic cases. The legal moratorium on authorization of new employment started on the December 25, 2020. According to INSTAT (apud ODIHR), in the last quarter of 2020, employment in the public

⁴⁸ Monitor, "Censi i Partisë Socialiste nga "patronazhistët" për Tiranën, 69% e votave janë të pasigurta" [The Socialist Party's Census by the "patrons" for Tirana, 69% of the votes are uncertain], April 14, 2021, accessed November 2, 2022, <https://www.monitor.al/censi-i-partise-socialiste-nga-patronazhistet-per-tiranen-69-e-votave-jane-te-pasigurta/>.

⁴⁹ "The Election Campaign Period and the Reconstruction Fund, Additional Budget allocated to 11 municipalities as Unconditional Transfers," Open Data Albania (ODA), accessed December 13, 2022, <https://ndiqparate.al/?p=11936&lang=en>.

⁵⁰ OSCE, *ODIHR Limited Election Observation Mission Final Report*, 16.

sector increased by 6% (from 171,975 to 182,547). Increases in the same quarter in 2018 and 2019 were 1 and 0%, respectively. On December 24, the government authorized an additional 2,472 positions in state agencies.⁵¹

Open Data Albania has investigated into the “Unconditional Transfers” allocated to eleven beneficiary municipalities from the Reconstruction Program Fund, focusing on the Unconditional Transfers approved by Decisions of the Council of Ministers (DCM) during the electoral campaign period – March 25 until the April 25, 2021 (Figure 4). In this period, as ODA investigated, the budget transfer for eleven municipalities from the Reconstruction Fund from January 1 to the of April 25, 2021, was EUR 124,44 million. From this fund, 56% of the total Annual Reconstruction Fund, or about EUR 69,1 million were delivered within the electoral campaign month. A significant part of these transfers went directly to individual beneficiaries.⁵² The municipalities of Vora (549%), Kurbin (340%), Tirana (250%) and Shijaku (228%) had the highest increase of funds compared to the previous year.⁵³

The problematic aspects of the elections were worsened using the public administration to support the ruling Socialist Party. For example, the chairwoman of the OSCE/ODIHR fact-finding mission, Ursula Gacek, mentioned about “the misuse of the resources of public administration” and the “fuzzy position between the [Socialist] party and the state.”⁵⁴ OSCE/ODIHR reflected it as well in its final report. See Figure 5 for a representation of the unconditional voting impact transfers from Reconstruction Fund for Socialist-run municipalities right before the 2021 elections from Open Data Albania.

Denouncements were raised to the State Election Office not only by the opposition parties but also by civil society actors. For example, the denouncement made by the Albanian Institute of Science over the

⁵¹ OSCE, *ODIHR Limited Election Observation Mission Final Report*, 16.

⁵² *Ibid.*

⁵³ “Misuse of Public Money in Elections, Legislation and Institutions Do Not Guarantee the Process,” Open Data Albania (ODA), November 26, 2021, accessed December 13, 2022, <https://ndiqparate.al/?p=14575&lang=en>.

⁵⁴ Andi Bushati, “Nuk fitoi PS-ja, na grabiti shteti” [The SP did not win, the state robbed us], *Lapsi*, May 1, 2021, accessed December 13, 2022, <https://lapsi.al/2021/04/30/andi-bushati-nuk-fitoi-ps-ja-na-grabiti-shteti/>.

Reconstruction Funds (after the earthquake) used in the region of Durrës with the specific intention of favoring the SP.⁵⁵

The opposition also accused the government and SP for using illicit funds and other favors to massively buy electoral votes, which dictated the overall result. Right after the election, DP and SMI expressed their will to enter the parliament, therefore not making the previous mistake of refusing to participate in 2019 local elections, which negatively impacted their legitimacy. However, they conditioned their full participation in Parliament with an investigative committee to make sure that electoral crimes were fully exposed and punished. According to DP's main electoral expert Ivi Kaso, the electoral crimes were particularly affecting the results in the districts of Elbasan and Shijak, and he indicated that DP has made more than 180 criminal charges in prosecution office.⁵⁶

Further traces of clientelist habits in using public resources during the electoral campaign indicate the existence of a tendency to strengthen political clientelism and vote-buying in distorting elections. Clientelist behaviors and relations could be traced in an investigation of an Albanian NGO (AIS). It showed that the government violated the Electoral Code in the case of transferring public resources to individuals through the framework of Earthquake Reconstruction Fund Program during the electoral campaign. During the election campaign period, the Albanian government has created Unconditional Transfers for the Earthquake, which has affected municipalities through the Reconstruction Fund in the amount of ALL 8.5 billion (about EUR 69.1 million), equal to 30% of the Fund for 2021 (ODA 2021).⁵⁷ This was particularly noted in the Municipality of Durrës, where beneficiary individuals were transferred

⁵⁵ Albanian Institute of Science (AIS), *Administrative Report*, May 31, 2021, accessed October 22, 2022, <https://ais.al/new/wp-content/uploads/Kallezim-KQZ-Finale-ne-dy-gjuhe-1-this1.pdf>.

⁵⁶ "PD përgatit për ankimim dosjen me shkeljet gjatë zgjedhjeve, Kaso: Cilat janë zonat me krimin më të lartë zgjedhor" [DP prepares for the appeal the file with the violations during the elections, Kaso: What are the areas with the highest election crime], *Politiko*, May 3, 2021, accessed October 28, 2022, <https://politiko.al/ditari-i-opozites/pd-pergatit-per-ankimim-dosjen-me-shkeljet-gjate-zgjedhjeve-ka-i435243>.

⁵⁷ ODA, *Misuse of Public Money*.

USD 1,000-5,000 days before elections.⁵⁸ Other violations consisted of the creation of an extra fund by the Central Government for the Municipality of Durrës during the electoral campaign, without a Normative Act or Law; the classification of the fund as “Transfer to Individual Beneficiaries” and not as “Capital Expenditures;” the approval of the beneficiaries list without verifying the status of “housing emergency” or “need for assistance,” while favoring the change of status and level of benefit, with such changes being made on election campaign dates; the execution of Treasury payments one week before the Election Day, which is sixteen months after the disaster and four months after the start of the Budget Year.⁵⁹ In a nutshell, less than a month before elections day, the Municipality of Durrës with its Council’s decision on March 31, 2021, prioritized the funds that have been used as a transfer to individual beneficiaries that did not merit the status.⁶⁰ The list of beneficiaries did not contain information on whether it was the beneficiaries’ house, or if they were “in need of financial assistance.”⁶¹ Money transfers to beneficiary individuals were done between April 12 and April 24. Other public institutions were also involved in influencing the vote toward the incumbent ruling party through *pork barrel* politics. For example, the Ministry of Reconstruction, which had delayed the assistance to the homeless affected by the earthquake for more than sixteen months (November 2019 – April 2021), suddenly approved it during the electoral campaign.⁶² Clearly the central and local decision-making, the use of money from the earthquake’s reconstruction fund program, the wire transfer to individuals, and the use of vulnerable groups in time of elections, constitute a form of abuse of public funds and a sign of distorting the elections by the ruling party.

⁵⁸ ODA, Misuse of Public Money.

⁵⁹ Albanian Institute of Science (AIS), *Administrative Report*.

⁶⁰ The municipality did this by changing their earthquake damages status from DS1, DS2 and DS3 to the vulnerable emergency of the DS4 and DS5 groups, thus increasing the number of votes that as gratitude would vote for SP. On April 14 and 20, 2021, the Municipality of Durrës approved the Grant and the List of Beneficiaries of Financial Aid for Individuals.

⁶¹ Albanian Institute of Science (AIS), *Administrative Report*.

⁶² Ibid.

Widespread allegations of vote-buying, as a practice that involves material handouts of various forms such as food or money in exchange for votes, have been regularly voiced during parliamentary and local elections in Albania. The ODIHR Report on 2021 election in Albania indicated that vote-buying remains a pervasive and wide-spread phenomenon in distorting elections.⁶³ According to Simeon Nichter, clientelist vote buying is the distribution of rewards to individuals or small groups during elections in exchange for their vote.⁶⁴ Rewards are defined as cash, goods (including food and drink), and services. Armanda Hysa, Gentiana Kera and Enriketa Papa Pandelejmoni have asserted in their ethnographic report on 2017 elections in Albania that vote buying is not necessarily a component of political clientelism, precisely because it is an immediate exchange that does not create any form of (short or long term) relationship.⁶⁵ Rather, vote buying is a strategy that has been brought forward by political actors precisely because both their policies regarding the use and distribution of public goods and resources in a formal way (formal politics), and their informal practices applied for this use and distribution (political clientelism) have failed a considerable part of population.⁶⁶ Political parties use their clientelist machinery to implement vote-buying, but vote buying in return brings only momentary profit. There is no guarantee whatsoever that the anonymous vote-sellers will sell their vote again, or that they will do so for the same party (patrons).⁶⁷

For the 2021 elections, in its election observation report the Council of Europe stressed that, in spite of the general improvements, allegations of

⁶³ OSCE, *ODIHR Limited Election Observation Mission Final Report*.

⁶⁴ Simeon Nichter, "Conceptualizing Vote Buying," *Electoral Studies* 35 (2014): 315-327.

⁶⁵ Armanda Hysa et al., "Ethnographic Report. Informal and Clientelist political practices in Albania: The case of the 2017 general elections," accessed October 9, 2022, <https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5b99f7a07&appId=PPGMS>.

⁶⁶ Alternative explanations may analyze vote buying through rent seeking, "whereby it is meant that the expectations of excess returns motivate value-increasing activities in the economy," but this does not particularly explain our selected case study. Robert Tollison, "Rent Seeking – A Survey," *KYKLOS: International Review for Social Sciences* 35, no. 4 (1982): 575-602.

⁶⁷ *Ibid.*, 49.

widespread practices of vote buying throughout the election process remain a serious problem in Albania, and this has a negative impact on the public trust in the electoral process.⁶⁸ As in the previous elections, credible allegations of vote-buying were present during and after the campaign, and investigations were initiated in a number of cases. The DP, the most vocal against vote-buying activities even adopted potentially illegal interventionist methods to “protect the vote,” self-justified in public statements.⁶⁹ The Special Anti-Corruption Structure (SPAK) had opened over thirty cases related to vote buying. Prosecutor offices in Berat and Shkodër municipalities had launched official investigations into vote-buying incidents. Meanwhile the DP filed a complaint with SPAK containing dozens of allegations of vote-buying incidents in Elbasan.⁷⁰ In turn, this led to other incidents during the election period, especially in this municipality. For example, four days before elections, on April 21, one person was killed and three injured, in a shooting incident in the city of Elbasan. The Elbasan Police arrested ten people, under suspicion of illegal deprivation of liberty by force, and stated that some of them were armed.⁷¹

During the electoral campaign, the political machinery of the incumbent party was employed in establishing new clientelist relationships or maintaining the old clientelist practices and networks, ensuring that SP would stay in power. Usually during electoral campaign, political parties, mainly the incumbent, work toward creating a *new clientelism* through the distribution of public resources, or by the power networks established by the elites within the political parties.⁷² Throughout the electoral campaign, although the Electoral Code prohibited certain public shows preceding election day, ministers continued with official engagements. They regularly appeared at “inspection visits” of key facilities such as vaccination centers, wearing facemasks or t-shirts with “No. 12” (the SP ballot number),

⁶⁸ Council of Europe, “Observation of the parliamentary elections in Albania,” 3.

⁶⁹ OSCE, *ODIHR Limited Election Observation Mission Final Report*.

⁷⁰ *Ibid.*

⁷¹ Council of Europe, “Observation of the parliamentary elections in Albania.”

⁷² Jonathan Hopkin, “Clientelism, Corruption and Political Cartels: Informal Governance in Southern Europe,” in *International Handbook on Informal Governance*, eds. Thomas Christiansen and Christine Neuhold (Cheltenham: Edward Elgar Publishing Limited, 2012).

which drew significant publicity and constituted electioneering. The Prime Minister also inaugurated several major infrastructure projects during the campaign period. These types of events provided the SP with a significant advantage, which had been already reinforced by the dominance of the SP in the local administration. In addition, public employment increased significantly in the lead up to the elections.⁷³

Elections and Patron's Data Leak

For a long time, international actors have focused on promoting quick-fix institutional change, ignoring the ongoing patronage system that in fact makes institutions powerless. Often, international capacity-building aims to improve technical conditions and train people that have been politically nominated. Thus, international capacity-building has often helped to cover up and even reinforce the political patronage system.⁷⁴

Hence, we should bring to attention the difference between electoral and relational clientelism. Electoral clientelism is understood as client relationships, which are established only during election campaigns, in particular on the election day.⁷⁵ On the other hand, relational clientelism is based on long-term relationships, and the exchange of benefits is much less direct.⁷⁶ The practices of relational clientelism range from examples of party patronage in employment where permanent benefits, usually from the state are secured to party's loyalists, establishing thus long-term relations between the patrons (party) and the clients (voters, employees). Unlike electoral clientelism, the relational clientelism is much more nuanced and often situated in a grey area of the political domain – between legal and illegal influence on election outcomes.

⁷³ OSCE, *ODIHR Limited Election Observation Mission Final Report*, 16.

⁷⁴ Bertelsmann Stiftung, "Country Report – Albania," 9.

⁷⁵ Jordan Gans-Morse, Sebastián Mazzuca and Simeon Nichter, "Varieties of Clientelism: Machine Politics During Elections," *American Journal of Political Science* 58, no. 2 (2014): 415-32.

⁷⁶ Herbert Kitschelt and Steven I. Wilkinson, "Citizen-Politician Linkages: An Introduction," in *Patron, Clients, and Policies: Patterns of Democratic Accountability and Political Competition*, eds. Herbert Kitschelt and Steven I. Wilkinson (Cambridge: Cambridge University Press, 2007).

These types of clientelist practices are carried out mostly through the abuse of public resources so that advantage accrues to the incumbent political parties that act as their distributors. The most notable practice of controlling the elections is through turnout or voting outcomes. This is done mainly by compiling voting lists where those employed in the public administration have to bring in a certain number of sure votes.

In defiance of optimistic expectations, the 2021 elections were marked by the same irregularities as all previous elections in Albania, plus the new heights of voter manipulation such as the leaked patronage list of the Socialist Party in the main district of Tirana. This infamous list, by which the personal data of 910,000 citizens were divulged to having been systematically used by the Socialist Party, revealed not only sensitive information, but also according to the opposition, these data was used as intimidation forms to arm-twist the non-affiliated citizens to vote for the Socialist Party or not to vote at all. This data was allegedly taken from the Civil Registry and provided to the Socialist Party for use in the electoral campaign. It was confirmed that SP assigned “patrons” to voters who tracked their political preferences. The data provided included their ID number, name, father’s name, surname, date of birth, voting center, place of birth, residence code, list number, phone number, emigrant status, whether they were likely to vote for the Socialist Party, birthplace, employer, and patron. The data was then leaked to the public domain and was shared widely amongst the public. The leaked database reportedly contains names of 9,000 “patrons.” These have been identified by various journalists as public sector employees, police officers, and even army personnel.⁷⁷

The leaked SP patronage lists is the first officially confirmed manifestation of political clientelism ever in Albania, igniting public outrage over potential misappropriation of personal data for partisan

⁷⁷ Alice Taylor, “Exit Explains: The Leak of Over 910,000 Albanians Personal Data to Politicians and the Public,” April 21, 2021, accessed October 28, 2022, <https://exit.a1/en/2021/04/16/exit-explains-the-leak-of-over-910000-albanians-personal-data-to-politicians/>; “Albania: alarm over indications of personal data breach, elections campaign violations,” Transparency International, April 2, 2021, accessed December 21, 2022, <https://www.transparency.org/en/press/albania-alarm-over-indications-of-personal-data-breach-election-campaign-violations>.

purposes. While SP said that the data had been gathered by canvassers and not obtained from any government agency, media coverage suggested that the data was obtained from E-Albania, a governmental electronic platform that offers e-services to citizens, thus casting doubt on SP's explanation.⁷⁸

The media reports suggest that the vast majority of SP patrons in the database are employed in the central and local public administration, including people employed in public institutions who are prohibited by law to attend political activities, such as the Guard of the Republic, the Armed Forces, or the State Police. According to Balkan Investigative Reporting Network (BIRN), all individuals in the database have the right to vote and are residents of Tirana district. About one in every five citizens in the database have named the public institution or private company where they are employed, while for nearly 70,000 voters, patrons have left different notes. BIRN has identified the names of the SP patrons and compared them with the voter list to find out their number and place of work. From the analysis resulted a total of 9,027 patrons, or approximately one for every hundred voters.⁷⁹

The data revealed the indirect pressure to vote "the right way" for citizens that wanted to solve an existing bureaucratic problem with state offices. The database of around one million Albanians confirms what the scholarly literature on political clientelism describes as relational clientelism.⁸⁰ This is a long-term relationship between client (voters) and

⁷⁸ "Albania: Parliamentary election report," National Democratic Institute (NDI), accessed November 17, 2022, <https://www.ndi.org/sites/default/files/NDI%20April%202021%20Albania%20Parliamentary%20Post-Election%20Report.pdf>.

⁷⁹ Of these, 1,984 were not included in the database as voters, which suggests that they are patrons in Tirana, but not voters in Tirana district. Of the remaining 7,133 patronage voters, 4,205 have unique names, meaning their first and last names match only one individual on the list of patronage voters, which means their employment can be identified with a high degree of certainty. The names of the rest of 2,928 people are repeated in the database two or more times. In one case, the name and surname of a patronage officer are also carried by 36 other citizens. Gjergj Erebara, "Nëpunës, policë dhe ushtarakë në listën me mbi 9,000 "patronazhistë" socialistë" [Clerks, policemen and soldiers on the list of over 9,000 socialist "patrons"], BIRN, April 19, 2021, accessed November 19, 2021, <https://www.reporter.al/2021/04/19/nepunes-police-dhe-ushtarake-ne-listen-me-mbi-9000-patronazhiste-socialiste/>.

⁸⁰ Simeon S. Nichter, *Politics and Poverty: Electoral Clientelism in Latin America* (PhD diss., UC Berkeley, 2010).

patron (party), implemented before and during the electoral campaign, with the aim of strengthening the clientelist benefits, ranging from party patronage in employment to long-term or permanent benefits, typically at the expense of public resources. Several thousand of the patrons identified by BIRN work mainly in public, central or local administration, as well as in a multitude of state-owned companies. The Municipalities of Tirana, Kavaja, and Rrogozhina have a large number of patrons employed by them. The database lists around three hundred patrons that work in or for the Municipality of Tirana, 190 for the Municipality of Kavaja, and 60 for the Municipality of Kamza.

Besides the municipalities of the district of Tirana, from the analysis that BIRN undertook, it seems that several public agencies based in Tirana have as their employees SP patrons, such as the aviation company Albcontrol, Albanian Post, AKSHI (the agency accused for the data's leak), tax offices, as well as agencies and companies owned by the state, such as the Electricity Distribution Operator, the Distribution System Operator, the Albanian Electric Corporation, followed by other public agencies in the field of education, such as educational directorates or the administration of nurseries and kindergartens, and the State Cadaster Agency.⁸¹ Hence, we can presume that clientelist linkages are forged continuously for the sake of political support, harming thus the concept of democracy through fair and free elections.

BIRN reports that information collected by patrons in the database includes even the most private and sensitive information, including comments on whether someone has been sick or belongs to a certain religion, or in two cases, the voters have identified as being part of the minority communities (Roma, Egyptians, LGBT). In many cases, patrons have specifically identified voters as "Roma" by noting that they are trying to convince them to vote for the incumbent party. There is also identification of voters as "sick" or with "Down syndrome," and "maybe

⁸¹ Gjergj Erebara, "Albania Prosecutors Investigate Socialists' Big-Brother-Style Database," *BalkanInsight*, accessed October 5, 2022, <https://balkaninsight.com/2021/04/16/albania-prosecutors-investigate-over-socialist-party-big-brother/>.

he won't come [to vote]. He is in diapers, but we will grab him roughly by clothes [to the poll station]."⁸²

The patronage list of SP provides a very rough illustration of the extent of its influence, suggesting that political parties devote significant energies to establishing clientelist linkages for the sake of political support. Pre-election and election period practices establish a system of maintaining influence that derives its power from informal relations and is stronger than the power of rules to regulate it, and at the end it can swing election results.

The SP patron database for the district of Tirana provides interesting data on demographic developments, employment, emigration, and above all voter preference. As *Monitor* magazine reports, out of 782,000 potential voters living in Albania, it can be seen that the incumbent SP was not sure on 69% of the total potential voters. Of the potential voters who were in Albania, 24% of them, from the verifications of the so-called "patrons," usually vote for the Socialist Party, while for the other 7% there is no information. The *Monitor*, in its database analysis, divided the voters in Tirana in two clusters, residents and emigrants. According to the clusters, about 40% of individuals in the database would vote for the SP, 18% for DP, 3% for the Socialist Movement for Integration (Alb. LSI), and 1% for the PDIU (Figure 6). Almost by the same percentages, the results for immigrants. Nevertheless, patrons failed to collect information for 28% of the voters and did not clearly divide the preference for 8% of the voters, while 2% of them were left blank.⁸³

If we compare the SP patrons' provision with the results of the April 2021 parliamentary results for the districts of Tirana, it turns out that SP won 48.67%, DP 39.12% and LSI 6%.⁸⁴ Another big problem that

⁸² Gjergj Erebara, "Nëpunës, policë dhe ushtarakë në listën me mbi 9,000 "patronazhistë" socialistë" [Clerks, policemen and soldiers on the list of over 9,000 socialist "patrons"], BIRN, April 19, 2021, accessed November 19, 2021, <https://www.reporter.al/2021/04/19/nepunes-police-dhe-ushtarake-ne-listen-me-mbi-9000-patronazhiste-socialiste/>.

⁸³ "Censi i Partisë Socialiste nga "patronazhistët" për Tiranën, 69% e votave janë të pasigurta" [The vote of the Socialist Party by the "patrons" for Tirana, 69% of the votes are uncertain], Revista Monitor, April 14, 2021, accessed November 2, 2022, <https://www.monitor.al/censi-i-partise-socialiste-nga-patronazhistet-per-tiranen-69-e-votave-jane-te-pasigurta/>.

accompanied the 2021 parliamentary elections was the very high number of irregular votes, which came in total of 83,028 or more than 5% of the total number of votes cast on election day.⁸⁵ On this aspect, the interpretation varied. While for the SP, the invalid votes were the result of voter confusion,

“for the opposition and independent candidates, a lot of such votes were deliberately forged (by Socialist commissioners), in order to lower the count of the votes that they had fairly received.”⁸⁶

Conclusions

The Socialist Party won the Albanian general elections of 2021. It came first in these elections by a comfortable majority, securing an unprecedented third consecutive term for the Albanian elections post-communist history.

However, we argue that the control and use of public resources, institutions and the patronage’s database by the incumbent party has influenced the election result. We tested our main hypothesis that employing the institutional mechanisms and patronage system was efficiently maneuvered by the ruling party to win the elections. The evidence we have used constituted of several international reports and databases, including the ones that were leaked to the public by the independent press. Our findings demonstrated that the control and the use of public resources, institutions, as well as the use and abuse of patronage database, shaped the outcome of these elections. Therefore, the last parliamentary elections continued the past tradition of rigged elections, but with a touch of sophistication that showed the improved

⁸⁴ “Rezultati në Qarqe ndarja e mandateve në Zgjedhje Parlamentare 2021” [The result in the Regions, the allocation of mandates in the 2021 Parliamentary Elections], ODA, accessed December 13, 2022, <https://ndiqparate.al/?p=11683>.

⁸⁵ Ilir Kalemaj, “Parliamentary Election in Albania, 25 April 2021,” *Elections in Europe: December 2020 – May 2021* (2021): BLUE - Electoral Bulletin of the European Union, *Groupe d’étude géopolitiques* (Paris: Ecole normale supérieure), <https://geopolitique.eu/en/articles/parliamentary-election-in-albania-25-april-2021/>.

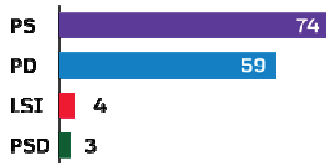
⁸⁶ Ibid.

ways of voter fraudulence to gain domestic legitimacy and international recognition.

Among the paper contributions, we may list our better understanding of the impact of patronage schemes on electoral competition, their relations to further electoral cleavages among voters and to influence the electoral results by the governing party in semi-consolidated democracies. Empirically, the current article sheds light toward our understanding of the impact of political patronage in Albania and their influence on electoral results. We have demonstrated that there is a cross-level linkage between the patronage scheme and political clientelism through which politicians connect materially with voters, thus influencing the election outcome. Finally, the paper highlights the role of the incumbent party in relying on patronage schemes to secure an outright victory and prevent political rotation.

In a nutshell, the findings presented here may help open new avenues of research in the expanding scholarship of political patronage and clientelism, electoral fraud and voter manipulation, especially among still-transitioning countries of Central-Eastern Europe.

2021 General election



**Turnout:
46.29%**

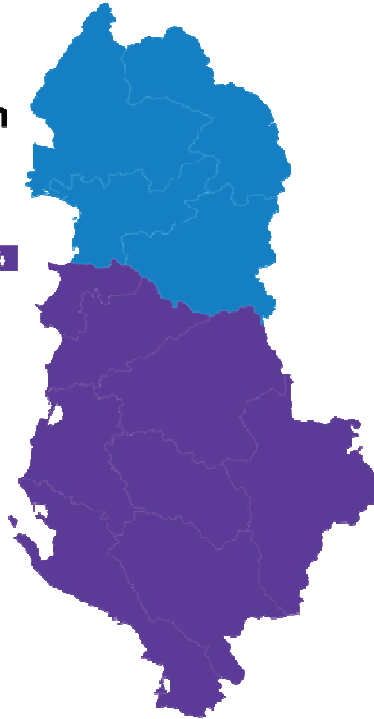


Figure 1. Elections' turnout

Source: Ilir Kalemaj, "Parliamentary Election in Albania, 25 April 2021," Elections in Europe: December 2020 – May 2021 (2021); BLUE - Electoral Bulletin of the European Union, Groupe d'études géopolitiques (Paris: Ecole normale supérieure), <https://geopolitique.eu/en/articles/parliamentary-election-in-albania-25-april-2021/>.

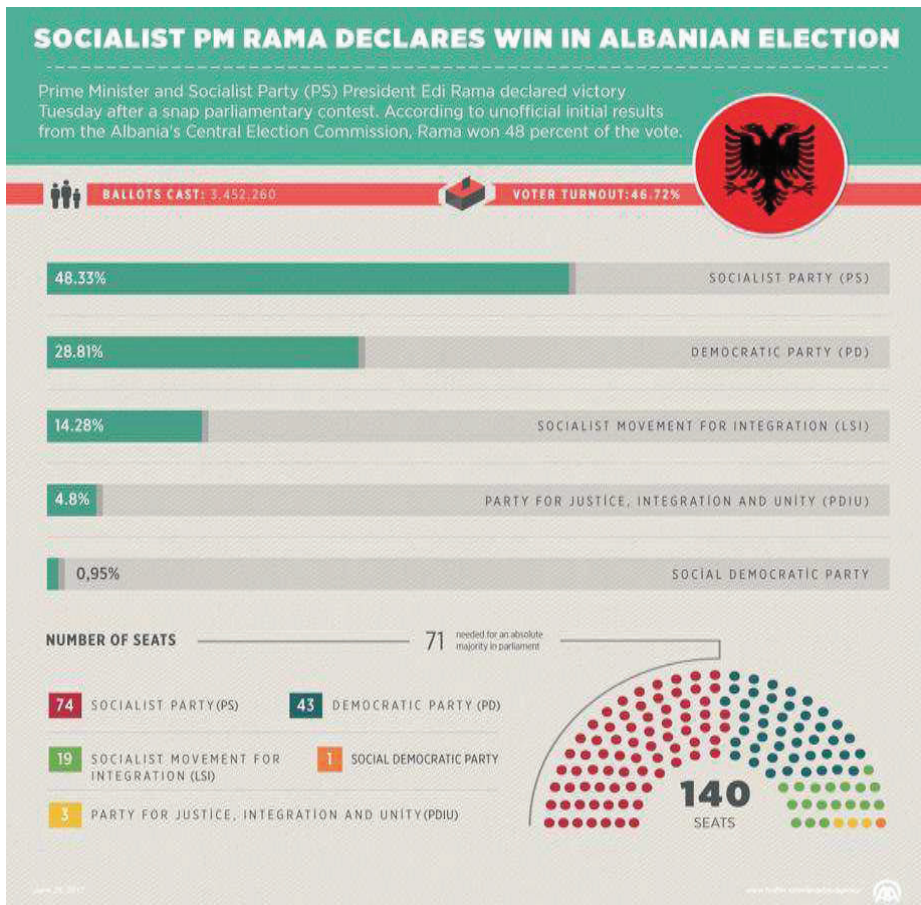


Figure 2. Election results across parties

Source: Ilir Kalemaj, "Parliamentary Election in Albania, 25 April 2021," Elections in Europe: December 2020 – May 2021 (2021): BLUE - Electoral Bulletin of the European Union, Groupe d'études géopolitiques (Paris: Ecole normale supérieure), <https://geopolitique.eu/en/articles/parliamentary-election-in-albania-25-april-2021/>.

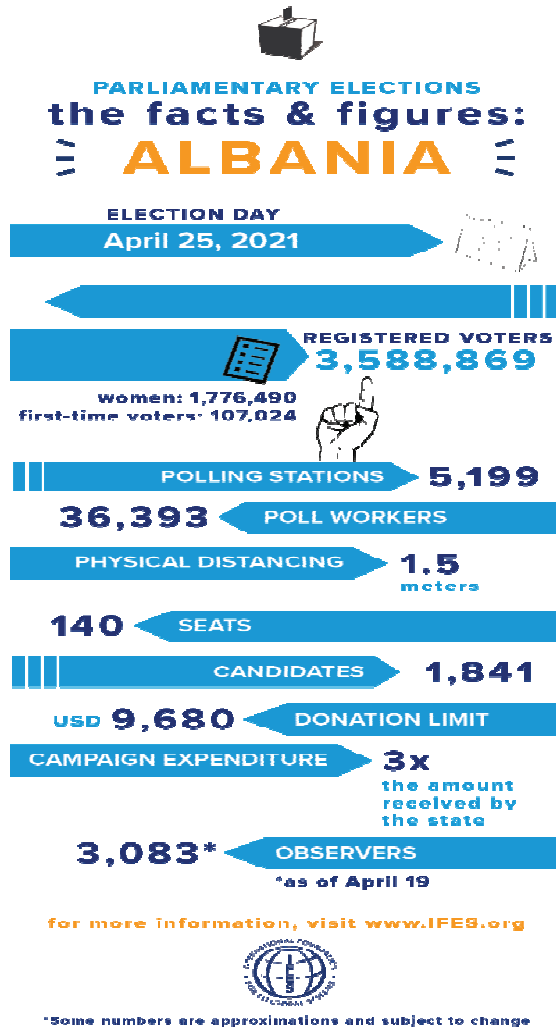


Figure 3. Parliamentary elections. The facts and figures

Source: Ilir Kalemaj, "Parliamentary Election in Albania, 25 April 2021," Elections in Europe: December 2020 – May 2021 (2021): BLUE - Electoral Bulletin of the European Union, Groupe d'études géopolitiques (Paris: Ecole normale supérieure), <https://geopolitique.eu/en/articles/parliamentary-election-in-albania-25-april-2021/>.

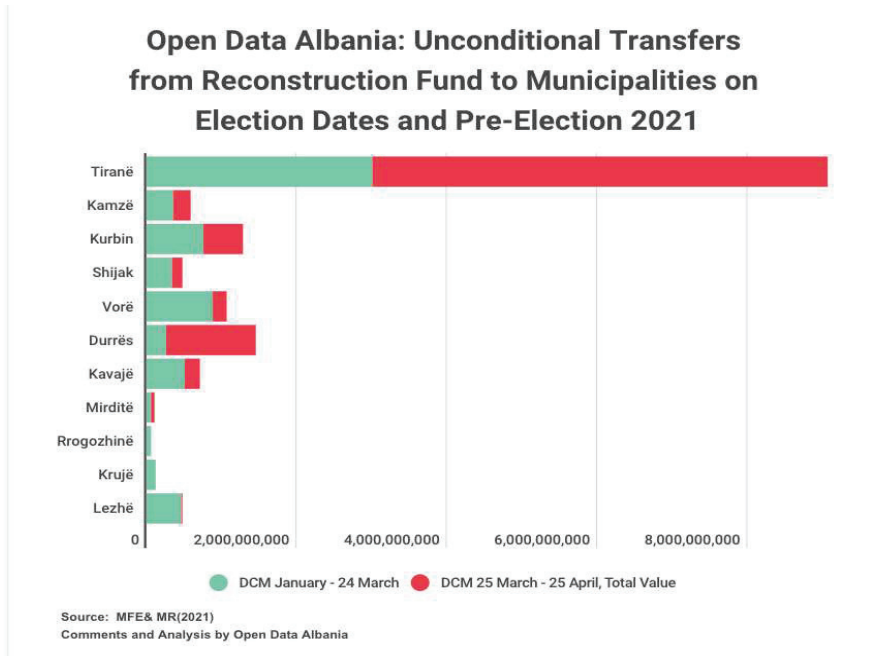
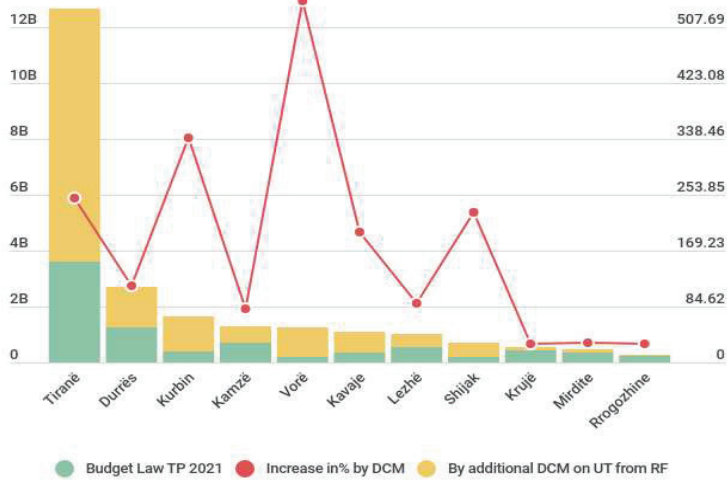


Figure 4. Funding transferred to eleven Municipalities on the first four months and during the electoral campaign of 2021

Source: "The Election Campaign Period and the Reconstruction Fund, Additional Budget allocated to 11 municipalities as Unconditional Transfers," ODA, accessed December 13, 2023, <https://ndiqparate.al/?p=11819&lang=en>.

Open Data Albania: Unconditional 'extra' transfers from Reconstruction Fund per Municipality 2021 before elections



Source: MFE& MR(2021)
Comments and Analysis by Open Data Albania

Made with infogram

Figure 5. Unconditional extra transfers of reconstruction fund to 11 Municipalities on the first 4 months before elections 2021

Source: "Unconditional 'extra' transfers from Reconstruction Fund per Municipality 2021 before elections," ODA, accessed December 23, 2023, <https://infogram.com/unconditional-extra-transfers-from-reconstruction-fund-per-municipality-2021-before-elections-1h7g6k0nxyeyo2o>.

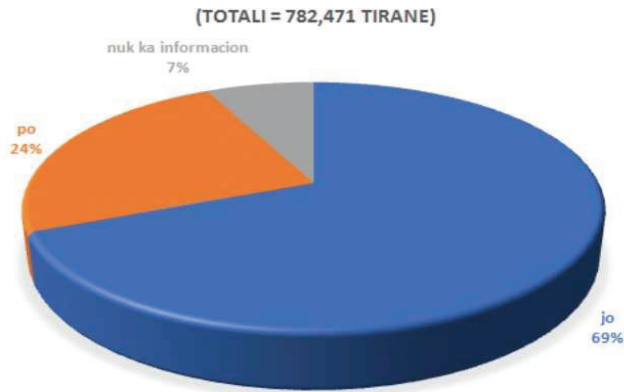


Figure 6. Patrons' provision of voters' preferences in the district of Tirana

Source: "Censi i Partisë Socialiste nga "patronazhistët" për Tiranën, 69% e votave janë të pasigurta" [The vote of the Socialist Party by the "patrons" for Tirana, 69% of the votes are uncertain], Revista Monitor, April 14, 2021, accessed November 2, 2022, <https://www.monitor.al/censi-i-partise-socialiste-nga-patronazhistet-per-tiranen-69-e-votave-jane-te-pasigurta/>.