

INTERIM REPORT 2 31 May–16 June 2005

I. EXECUTIVE SUMMARY

- The Central Election Commission (CEC) has registered 27 electoral contestants to compete for the 40 mandates to be distributed to election lists, and ZECs have registered over 1,230 candidates to compete for single mandates in the 100 election zones.
- The CEC continues to conduct its meetings collegially and transparently. All 100 Zone Election Commissions (ZEC) are functioning and their composition has stabilised. Nevertheless, some significant administrative, financial and logistical challenges remain.
- It is crucial that the modalities for monitoring the printing of ballot papers ensure maximum transparency while safeguarding the security of this important process. The integrity of the printing is under the responsibility of the CEC, and granting the possibility for contestants to effectively monitor the entire process should enhance its credibility.
- Some parties have adopted election strategies to exploit shortcomings in the election system. Potentially, these strategies lessen the reliability of the election system to allocate mandates consistently with the constitutional principle of maximum proportionality, blur political identity and reduce the transparency of the process.
- The Socialist Party (SP) and the Democratic Party (DP), among others, have alleged that the voter lists are being manipulated for electoral gain. Controversies concerning the omission of students from voter lists remain. Any obstacle leading to possible disenfranchisement of students is obviously to be avoided. Furthermore, the high number of entries in the voter list (some 18%) where the residence of voters could not be verified ('999 entries' on the voter list), is a matter of concern.
- The current issuance of significant numbers of birth certificates, which can be used as identification document by voters on election day, raises increasing concerns that these could facilitate multiple voting. Such concerns are more frequent in locations with a high number of voters with '999 entries' on the voter list.
- The OSCE/ODIHR EOM's media monitoring data shows that, compared to other parties, the DP and the SP have received more airtime in news content than their legal entitlement.
- The 'tone' of the campaign has become noticeably more rancorous. The EOM has begun to receive an increasing number of allegations that campaign provisions are being violated. Of greatest concern are allegations that public employees and students are being placed under duress to vote for specific candidates; many allegations of vote buying, and misuse of State resources and personnel during the campaign, have also been reported.

- The Electoral College overturned five CEC decisions rejecting party lists. The law does not set out procedures for the CEC to verify registration documents and the CEC did not regulate the issue. Inconsistencies thus appeared in decisions to accept or reject party lists.

II. ELECTION ADMINISTRATION

The Central Election Commission (CEC) continues to conduct its meetings collegially and transparently. During the reporting period, the CEC's key decisions related to: the registration of parties' and coalitions' multi name lists; ballot paper security features; official protocol and material hand-over forms; rules on the declaration of campaign expenses by parties, coalitions and candidates; and the Voting Centre Commission (VCC) manual. The CEC has finalised the location of almost all of the 100 counting centres. Nevertheless, significant logistical and administrative challenges remain including the transportation of ballot boxes to counting centres. The vast majority of local government authorities only delivered to the CEC the requested information on the final number of voters and on the final number and location of voting centres on the very last day (13 June). Together with outstanding appeals over candidate registration, this may present the CEC with a serious problem over the printing and packing of ballot papers. Unlike the last three elections, ballot papers will be printed in Albania.¹ To enhance the transparency of the process and the confidence of the stakeholders in it, it is necessary that election contestants have the possibility to observe the printing of ballot papers without any restriction.

The Socialist Movement for Integration (SMI) has complained that the composition of the CEC reflects a "two-party" political division and that as a consequence it lacks influence on the body. The SMI is particularly concerned that it is unable to replace its election observers after 18 June, whereas the SP and the DP may replace their members of electoral bodies almost without restriction. Other concerns include arrangements for observation of the vote count and the use of invisible rather than indelible ink to mark voters' fingers.

All 100 Zone Election Commissions (ZEC) are functioning and their composition has stabilised with parties replacing fewer ZEC members than previously. However, numerous ZECs have indicated technical and logistical problems, which among others, could affect the transmission of the preliminary results to the CEC. A training session on vote counting procedures was held for ZEC Chairs, Deputy Chairs and trainers. However, a large number of ZECs report that as of 14 June, they had not received operating funds, which the CEC had decided to transfer through local government bodies. Out of 4,763 Voting Centres, 786 have more than the upper limit of 1000 registered voters stipulated in the Election Code. It is noted that over 500 are located in private premises.

Interlocutors in different parts of the country voiced their concerns that the issuance of birth certificates – which are one of three documents by which voters can identify themselves to VCCs – could facilitate multiple voting. Such concerns appear to be more frequent in locations with a high number of voters with '999 entries' on the voter list; in particular in places where significant numbers of emigrants are thought to be still on the voter lists. It is of particular concern, especially since birth certificates are easily obtained and can also be requested on behalf of family members. Reportedly, an applicant's identity is often only checked perfunctorily/superficially. In Shkodër, LTOs were told that the civil registry office keeps no record of birth certificates issued, but that the office received 110,000 forms in October 2004, of which all but 20,000 have been used since.

¹ Previously ballots were printed in Slovenia. The company informed the CEC that it could not guarantee the timely delivery of ballots due to delays in finalising the content and layout of ballots.

III. VOTER REGISTRATION

Following the closing of preliminary voter lists on 30 May, Mayors had until 8 June to incorporate all changes and produce the ‘final’ versions of voter lists for the respective local government unit. Final voter lists should have been received by ZECs and publicly posted no later than 13 June. Observers reported that ZECs were unable to ensure this requirement was met uniformly, with the late receipt of lists by some ZECs which led to delays in posting lists in some electoral zones.

According to the Minister of Local Government and Decentralization, 2,879,602 entries appeared on preliminary voter lists. However, some 203,034 entries were identified as ‘possible multiple records’. This figure corresponds to approximately 100,000 registered citizens. By 8 June, the entries for 83,630 citizens had been resolved such that these citizens were registered only once.

The OSCE/ODIHR EOM was informed that some 528,000 entries assigned citizens a numerical address ending in 999 or 888 (some 18% of all entries).² These entries correspond to persons whose details appear on the fundamental/civil register but who “could not be contacted” during the verification and identification process carried out between November 2004 and February 2005.³ Voter lists in 291 of 383 local government units contain such records. Some 40,000 of these types of entry were removed during the process of data cleaning.

The SP, the DP and the Socialist Movement for Integration (SMI) have complained that the voter lists are being manipulated for electoral gain. The SP has alleged that the Municipality of Shkodër did not act on a District Court order regarding a revision of voter lists involving more than 5,000 persons who were registered with a numerical address ending with 999. The party claims that similar problems exist in other municipalities administered by the opposition. The DP has made various claims of citizens omitted from lists including in Durrës and in Tirana (zone 33). In the latter case, the DP alleged, and has presented evidence, that some 2,100 eligible persons were omitted from voter lists. The EOM has not established a reason for such omissions.

The decision by the Mayor of Borough 2 in Tirana not to register to vote 1,422 students at Universities in Tirana was highly controversial. As a result of the Mayor’s decision, in order to vote, the students will have to travel to their place of permanent residence (assuming that they are registered as electors there). The elections will take place during an exam period and some may be forced to choose between exercising their suffrage rights and sitting exams. It should be noted that a dean of the University of Tirana is a candidate for the DP and that the Mayor was elected on the SP ticket. Any obstacle leading to possible disenfranchisement of students is obviously unwelcome.

The SMI and the DP have alleged a similar case in zone 33 where students were denied the right to register to vote, due to the failure of university officials to fulfil their legal obligations for student registration. The EOM is seeking information concerning this claim. More generally, the procedure for enabling students to register appears to have been unequally applied and publicised.

IV. CANDIDATE REGISTRATION

During late May and early June, the CEC registered party and coalition lists and the ZECs registered candidates running in the 100 election zones. The lists of 17 parliamentary parties were

² Of these, 90,000 entries relate to citizens registered in rural communes and 438,000 registered in municipalities.

³ The last three digits of the ten-digit numerical code normally identifies the building in which registered voters are residing, enabling the data to be entered into an electronic database of registered voters.

registered. These include the National Front Party and the National Security Party, each of which submitted a declaration by an incumbent MP that he was a member of that party. However, both MPs are running for other parties in the upcoming elections. The CEC accepted these declarations at face value.

In addition to the parliamentary parties, 17 non-parliamentary parties and coalitions submitted candidate lists to the CEC. As required by law, the submissions were accompanied by lists of support signatures.⁴ However, the Election Code does not include provisions on how these signatures should be verified by the CEC. The law grants the CEC only 48 hours to verify the accuracy of the documentation submitted. The CEC did not adopt a regulation on how it would conduct the process. It decided to examine a random sample of entries (initially ten, and then 50 per list) to establish whether these persons were on the preliminary voter list. On 3 June, the CEC submitted a written request to the forensic police to check for multiple identical signatures. The police established that all lists contained examples of multiple signatures by the same persons.

The CEC appeared to lack a consistent approach in taking decisions whether to accept or reject the 17 lists. Twelve lists were rejected and two were registered.⁵ Three parties were given additional time to produce supporting documents and two were accepted, the other rejected. The Electoral College overturned five CEC decisions to reject parties' lists (see section on complaints and appeals).⁶ At the time of writing, following a number of successful appeals, 27 election subjects (18 parties running separately, two coalitions with joint lists, and one seven-party coalition with a composed list, whereby the parties appear separately on the ballot) have had candidate lists registered by the CEC.⁷

ZECs registered a total of 1,235 candidates for the 100 single-mandate contests, including 11 independent candidates. The CEC received a total of 17 appeals concerning ZEC decisions to reject or register candidates. The CEC upheld seven appeals, rejected four on their merits and two for lack of supporting evidence. Four appeals were on procedural grounds or withdrawn.

Some registered candidates who are Government officials have resigned their posts in accordance with Article 69 of the Constitution. However, opposition parties and the ruling party have publicly complained over potential conflicts of interest and misuse of State resources by candidates who are public employees (e.g. University Deans and Customs and Police Officers).

V. PARTIES' ELECTORAL STRATEGIES

Some parties have adopted election strategies to exploit weaknesses in the election system and its openness to abuse. Potentially, these strategies lessen the reliability of the election system to allocate mandates consistently with the constitutional principle of maximum proportionality, and blur political identities. For a detailed analysis of the election system, please see Annex 1.

The ruling Socialist Party (SP) has registered its candidates and party list separately from its allies in the parliamentary majority (the Social-Democratic Party (SDP), the Social Democracy Party

⁴ The law requires that parties submit 7,000 valid signatures and coalition submit 10,000 valid signatures.

⁵ The list for 'The Green League' was accepted after the party provided notarised statements that citizens had signed on behalf of other family members, although this practice is not foreseen in the Electoral Code.

⁶ The Electoral College also returned to the CEC two separate decisions on the request of the National Front Party to join the Coalition for Freedom, Justice and Welfare since neither decision had the necessary four vote majority. The third CEC vote on 17 June was 4 to 3 to reject the National Front Party request. This decision can be appealed to the Electoral College.

One party whose list was not registered has petitioned the Constitutional Court. The Constitutional Court has not ruled on the admissibility of the case.

(SDY), the Environmentalist Agrarian Party (EAP), the Democratic Alliance Party (DAP) and the Human Rights Union Party (HRUP).⁸ These five allied parties are also contesting the election as separate election subjects at constituency and national level. No formal coalition agreement between the ruling parties has been adopted. Repeatedly, the SP has stated that they would not use ‘Dushk-like’⁹ strategies. However, as noted previously, the SP informed the EOM that it did not exclude the possibility that political agreements could be concluded at the local level. In addition, one of the parties in the ruling coalition indicated to the OSCE/ODIHR EOM that cooperation between the SP and allies in the ruling coalition was indispensable and will actually occur.

The Democratic Party (DP) has concluded written agreements with seven other political parties (hereafter DP allies) whereby the DP and its allies will present a single candidate who is registered in the name of the DP. Formally, the DP will have 100 candidates contesting the election zones as it is required to do by law.¹⁰ However, at the invitation of the DP, fifteen of these candidates were *de facto* nominated by the DP’s allies. The supporters of the DP and its allies are being encouraged to support these candidates. The strategy appears aimed at maximising the number of single mandate zones that can be won by the DP and its allies.

In the national list election, the DP has registered its list separately from its seven allies. These seven allies have formed a coalition, “the Alliance for Freedom, Justice and Welfare”, which has registered as a ‘composed multi-name electoral list’.¹¹ The supporters of both the DP and its allies are being encouraged to vote for the coalition’s electoral lists rather than for that of the DP. The strategy appears to be aimed at maximising the number of supplemental mandates that DP and its allies will receive, by exploiting shortcomings in Article 67 of the Election Code.

These strategies have been highly controversial and have been sharply criticised, in particular by the SMI¹², while the SP and the DP have engaged in mutual criticism over their respective approaches towards the election context. The media have covered the issue, yet there has been very little discussion as to whether the strategies are ethical or legal.

In extreme cases, some parties’ electoral strategies may misrepresent candidates’ political affiliation and thereby mislead voters.¹³ Moreover they could lessen voter’s confidence in the ability of the election system to translate their electoral choices into mandates according to the principle of representation foreseen in the Constitution. The EOM will assess if the parties convey their electoral strategies to the public in a transparent manner. Such an approach might enhance the electoral process and raise the awareness of voters regarding their electoral choices.

While the parties’ engaging in such strategies might be strictly within the law, their actions circumvent its purpose and exploit its deficiencies. If successful, their strategies could significantly affect the allocation of mandates and reduce the efficiency of Article 67 in meeting the Constitutional objective to achieve proportionality ‘to the largest extent possible’.

⁸ The members of the ruling coalition are: the Socialist Party (SP), the latter three parties benefited from the events in Dushk in 2001, which ensured they overcame the 2.5% threshold.

⁹ Named in reference to strategic voting schemes applied in zone 60 in 2001

¹⁰ See Article 15 of the Electoral Code

¹¹ A composed multi-name list allows the parties to run as a ‘coalition’ while remaining as separate electoral subjects on the ballot paper. The parties in the coalition must receive a combined total of 4% of the vote, but the individual parties do not each need to receive 2.5% of the vote.

¹² As there is a fixed number of supplemental mandates, those parties that overcome the representation thresholds but operate outside of formal and informal coalitions and alliances, may receive fewer mandates than their share of the vote would ideally entitle them under Article 67.1.b.

¹³ It is noteworthy that the list of the Republican Party (one of the parties within the Alliance for Freedom, Justice and Welfare coalition) contains the names of some 30 DP members, including MPs (elected on the DP ticket in the outgoing Parliament) and members of the DP’s Political Orientation Committee.

VI. THE ELECTION CAMPAIGN

In most constituencies, parties - in particular the larger parties - are conducting active and visible campaigns. The major parties are conducting rallies throughout the country. To date, the freedom of peaceful assembly is being respected. Many parties have informed observers that they intend to focus their campaign efforts on door-to-door canvassing. The EOM noted that in Durrës, campaign material calling on supporters from DP and RP to split their votes – voting in favour of DP candidates in single mandate zones and for the Republican Party list – have been displayed.

In general, the ‘tone’ of the campaign has become more rancorous and the EOM has begun to receive an increasing number of allegations that legal provisions are being violated and some serious problems in the campaign environment are emerging. Of greatest concern are: allegations received in Durrës, Tirana, Kukës and Gyrokaster that public employees are being placed under duress to vote for specific candidates and that in Tirana and Korça students were placed under pressure to vote for University officials who are standing as candidates.

The EOM received widespread allegations of vote buying (e.g. in Shkodër, Kukës and Lezhe), and a number of allegations - some of which have been substantiated - regarding the misuse of state resources and personnel for campaign purposes (e.g. in Gyrokaster, Durrës and Tirana). Accusations that campaigning was taking place in schools were received in Berat and Tirana. If verified, these actions would violate paragraph 7.7 of the OSCE Copenhagen Document.

Observers reported that party offices in Korca, Shkodër and Tirana were vandalised and three violent incidents occurred: on 5 June in Lezhe, a journalist was assaulted at a DP rally; on 7 June in Sarandë, a DP candidate was assaulted, allegedly by HRUP supporters, and on 9 June in Fier, a scuffle took place between SMI and SP supporters, for which formal complaints were filed.

By law, candidates do not have to report their sources of campaign funding until 45 days after the election. Some candidates have informed observers that they are self-financing their campaigns.

VII. MEDIA

The media is covering the election campaign in a variety of formats including: news, special news, talk shows and debates. TVSH allocated and began broadcasting free airtime to political parties. The OSCE/ODIHR EOM’s media monitoring data (from the period 3-14 June) shows that in the news the DP and SP (including members of the government that are campaigning) are receiving more airtime than their legal entitlement (compared to other parliamentary parties). The SP and the DP are allocated a generally equal amount of time in news bulletins. The two main parties also predominate on talk shows and political debates. Overall, the media covers political issues in a neutral and moderate manner. A number of local TV channels aired debates between the candidates in the single mandate election zones.

The Media Monitoring Board (MMB) started its monitoring activity on 3 June, the day the official campaign period began. The MMB provides the CEC with daily reports on the quantity of coverage received by the electoral subjects in the electronic media. On 7 June, the board announced that the SP had received a larger amount of airtime than the DP in the publicly run channel TVSH and some private TV channels. The MMB also expressed concern that parties with less than 20% of the mandates in parliament were receiving negligible coverage in the electronic media. Controversially, the MMB includes paid spots in the calculation of parties’ airtime.

The DP complained to the CEC and the MMB regarding the airing on TVSH of a 45 minute speech by Prime Minister Fatos Nano. While TVSH did attempt to ‘compensate’ the DP, the party was not satisfied with TVSH’s unilateral decision to air archive footage rather than footage of the party’s current campaign. Finally the CEC requested TVSH to provide compensatory time (of a similar content and time slot) to the DP within 48 hours. Other complaints have been filed by electoral subjects for unbalanced coverage and the CEC, after examining the MMB reports, asked the broadcasters to rebalance the airtime ratio.

VIII. ELECTION DISPUTES

Five of the 1,422 students omitted from the voter lists in Borough 2, Tirana appealed to the District Court of Tirana against the decision of the Mayor (see section IV). Subsequently the DP filed a request to the CEC to impose sanctions on the Mayor for not including the students in the voter lists. On 9 June, the Tirana District Court ruled in favour of the five students. However, although the court found that the mayor’s decision should be set aside, it only ordered the inclusion of the five students who had lodged a formal appeal. Even these five students may not be included in the voter lists because of the requirement to print the final voter lists by 8 June. It is problematic that these students were omitted from the voters list, not through any fault of their own, but due to the actions of government authorities. The CEC is still in the process of considering the request for the Mayor to be punished and has requested all relevant documentation from government authorities involved in the processes for registering student voters.

Since the start of the election campaign, 20 appeals against CEC decisions have been filed with the Electoral College. One appeal was withdrawn by the plaintiff before it was decided, another was dismissed due to the College’s lack of jurisdiction and four have yet been decided. The other fourteen appeals have all been decided. Of these, the College upheld seven CEC decisions, overturned five decisions and returned two to the CEC for additional consideration. The five successful appeals all concerned CEC decisions not to register parties’ multi-name candidate list due to questionable supporting signatures (e.g. apparent forgeries, duplications and other problems that suggested some signatures on the list were not valid). The Electoral College ruled that the party lists should be included on the ballot because the number of questionable signatures involved did not bring any list below the required number and that therefore there was no objective basis to conclude that the parties had failed to meet the registration criteria. During the hearings, some parties complained that the CEC had not notified parties and coalitions when it would take decisions on registering a party’s list. Those parties that were present at the CEC respective meeting were given an opportunity to provide additional documentation. Parties and coalitions who were not present when their lists were considered were not given this opportunity.

IX. GENDER AND NATIONAL MINORITY ISSUES

The participation of women in the elections is very low. Only 95 female candidates are registered in single-mandate constituencies (less than 8%) and only 141 appear on party lists (less than 9%). The EOM is following closely electoral issues as they affect women’s participation in public life.

Historically, the Human Rights Union Party (HRUP) has sought the political support of minority populations, promoted issues related to minorities, and fielded a high number of candidates from minority populations. The EOM has noted that the DP has mentioned the problems faced by Roma and Egyptian populations during its campaign. During previous elections some Roma communities complained that some Roma were omitted from voter lists and that many of those who were registered lacked a proper identity document required to vote. The EOM is following closely electoral issues as they affect minorities.

ANNEX 1: THE ELECTION SYSTEM

The Constitution establishes the main principles of the election system that should be honoured by the legislator when drafting subordinate legislation, specifically:

- A fixed number of parliamentary mandates (140), with 100 deputies (71%) elected in single mandate zones and 40 (29%) elected from party or coalition lists;
- That “the **total number** of deputies of a party [...] shall be, **to the closest possible extent**, proportional to valid votes won by them on the national scale [...]”; and,
- That parties obtain at least 2.5% of the votes and coalitions obtain at least 4% of the votes, to participate in the allocation of the 40 mandates awarded to party and coalition lists.

The Parliament is required to adopt electoral legislation that elaborates further an election system that respects these principles. While Article 65 of the Electoral Code states that the 40 ‘supplemental mandates’ are allocated: “according to the proportional percentage of votes won by the multi-name [party] lists”, the Albanian election system is not a parallel system. Article 67 of the Electoral Code provides that the 40 supplemental mandates be allocated such that parties’ share of the **total number of deputies** (140) would approximate ‘to the closest possible extent’ the percentage of the vote received by their electoral lists.

The allocation of the 40 ‘supplemental mandates’ is linked to the number of mandates won by a party or coalition in single mandate constituencies (plurality mandates). Article 67.1.b establishes that the number of valid votes won by each party/coalition meeting the respective threshold is divided by the sum of valid votes they have obtained in the whole country i.e. the total number of valid votes for all parties overcoming the threshold and multiplied by 140 (the total number of deputies in parliament). This establishes an ‘ideal mandate entitlement’ whereby parliament is composed on the principle of proportional representation.

The Electoral Code provides for the use of two votes (one for candidates in the single mandate zone and the other for party or coalition lists) and thus voters are permitted to make two separate electoral choices. According to Article 67, if the number of plurality mandates won by each party/coalition exceeds the total number of mandates to which it is ‘entitled’ (according to Art.67.1.b), the party/coalition will not receive any of the 40 supplemental seats. Parties/Coalitions retain the single mandates won regardless of the percentage of votes for their list.

The degree of proportionality injected by the Constitution into the composition of parliament is limited by three factors. The first one is the impossibility to decrease the parties’ gains in the single mandate constituencies. The second one is the predetermined size, a pool of 40 seats, of the instrument for achieving the “closest possible degree of proportionality”. The third factor is the size of this instrument, 40 seats out of 140, or 29%. The combination of these factors, together with the complicated electoral system itself, is specific to Albanian elections.

Article 67 appears to be aimed at realising the constitutional objective to maximise the proportionality of representation (as set out in Article 64.2).¹⁴ However, the provisions of the Election Code are not infallible in ensuring the approximate proportionality of representation. Because voters have two electoral choices, parties can circumvent the intention of Article 67 of the Election Code through developing political strategies with formally or informally allied parties. If successful, these strategies necessarily results in fewer mandates being awarded to rival

¹⁴ In 2001, the Constitutional Court issued a ruling on the constitutionality of a similar formula (Article 66 of the Electoral Code 2000). It found that while there may be an allocation formula that will result in a greater degree of proportionality, the formula (similar to the one found in Article 67 of the Election Code 2005) satisfies the Constitutional requirement of proportionality stated in Article 64.2 of the Constitution.

parties, as there is only a limited ‘pool’ of supplemental mandates to allocate. Despite the attempts in 2001 to manipulate the election system, the legal provisions on allocating the supplemental mandates remain largely unchanged.

Four examples are used below to illustrate the potential effects on the allocation of the supplementary mandates and the ‘disproportionality’ of representation as calculated by the difference between percentage of votes and the percentage of seats¹⁵.

Example 1: In this example, Party A has gained the most plurality mandates (54) and the highest number of votes. No political strategy is being applied by any party.

Party	No. of votes	% of votes	Plurality Mandates and % of all 140 seats	Supplementary Mandates	Total Mandates	% of all Mandates	Difference (% votes to % mandates)
A	400,000	40%	54 (38.6)	4	58	41.4%	+1.4%
B	300,000	30%	42 (30)	2	44	31.4%	+1.4%
C	140,000	14%	2 (1.4)	18	20	14.3%	+0.3%
D	70,000	7%	0	9	9	6.4%	-0.6%
E	50,000	5%	0	7	7	5%	0%
F	15,000	1.5%	1 (0.7)	0	1	0.7%	-0.8%
G	15,000	1.5%	1 (0.7)	0	1	0.7%	-0.8%
H	10,000	1.0%	0	0	0	0	-1.0%
Total	1,000,000	100%	100	40	140	100	-

Total disproportionality: 2.1%

Example 2: In this example, party A encourages its supporters to cast ballots (in favour of party lists) not for Party A, but for party E. Party B follows a similar approach, and encourages its supporters to vote for parties F and G. The number of plurality seats is the same as in example 1.

Party	No. of votes	% of votes	Plurality Mandates and % of all 140 seats	Supplementary Mandates	Total Mandates	% of all Mandates	Difference (% votes to % mandates)
A	200,000	20%	54 (38.6)	0	54	38.6%	+18.6%
B	150,000	15%	42 (30)	0	42	30.0%	+15.0%
C	140,000	14%	2 (1.4)	8	10	7.1%	-6.9%
D	70,000	7%	0	4	4	2.9%	-4.1%
E	250,000	25%	0	16	16	11.4%	-13.6%
F	90,000	9%	1 (0.7)	6	7	5%	-4%
G	90,000	9%	1 (0.7)	6	7	5%	-4%
H	10,000	1%	0	0	0	0	-1%
Total	1,000,000	100%	100	40	140	100%	-

Total disproportionality: 29.1%

¹⁵ The level of disproportionality is calculated through the following formula, which defines the distance between two points in a n -dimensional Euclidean space : $\Delta = \sqrt{\sum (v_i - s_i)^2}$, $i = 1, 2, \dots, N$,

Example 3: In this example, party A has the highest percentage of votes cast for its party list, but has received fewer single mandate constituency mandates than party B. No political strategy is being applied by any party.

Party	No. of votes	% of votes	Plurality Mandates and % of all 140 seats	Supplementary Mandates	Total Mandates	% of all Mandates	Difference (% votes to % mandates)
A	400,000	40%	42 (30)	12	54	38.6%	-1.4%
B	300,000	30%	54 (38.6)	0	54	38.6%	+8.6%
C	140,000	14%	2 (1.4)	15	17	12.1%	-1.9%
D	70,000	7%	0	8	8	5.7%	-1.3%
E	50,000	5%	0	5	5	3.6%	-1.4%
F	15,000	1.5%	1 (0.7)	0	1	0.7%	-0.8%
G	15,000	1.5%	1 (0.7)	0	1	0.7%	-0.8%
H	10,000	1.0%	0	0	0	0	-1%
Total	1,000,000	100%	100	40	140	100	-

Total disproportionality: 9.1%

Example 4: In this example, party A encourages its supporters to cast ballots (in favour of party lists) not for Party A, but for party E. Party B follows a similar approach, and encourages its supporters to vote for parties F and G. The number of plurality seats is the same as in example 3.

Party	No. of votes	% of votes	Plurality Mandates and % of all 140 seats	Supplementary Mandates	Total Mandates	% of all Mandates	Difference (% votes to % mandates)
A	200,000	20%	42 (30)	0	42	30.0%	+10.0%
B	150,000	15%	54 (38.6)	0	54	38.6%	+23.6%
C	140,000	14%	2 (1.4)	8	10	7.1%	-6.9%
D	70,000	7%	0	4	4	2.9%	-4.1%
E	250,000	25%	0	16	16	11.4%	-13.6%
F	90,000	9%	1 (0.7)	6	7	5%	-4%
G	90,000	9%	1 (0.7)	6	7	5%	-4%
H	10,000	1%	0	0	0	0	-1%
Total	1,000,000	100%	100	40	140	100%	-

Total disproportionality: 30.6%

Some Comments on the Electoral Strategies Outlined in the Examples Above

- When strategies are applied (examples 2 and 4), the gap between the percentage of votes and the percentage of mandates (disproportionality) increases markedly;
- Such strategies benefit the parties that engage in them. Parties that do not or cannot engage in them receive a lower share of the 40 mandates;

- At times a party/coalition's strategies could blur distinctions between political parties;
- These strategies can only work by lessening the effectiveness of Article 67 of the Election Code in meeting its purpose; and,
- Because of this, these strategies work to the detriment of Constitutional objective to achieve proportionality to the closest possible extent in the composition of parliament (140 seats)