

# I WON'T WALK THIS WAY

## *The other side of the snap elections*

*Francisco Jose Garcia Martinez*

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# Group for Legal and Political Studies

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## I won't walk this way – The other side of the snap elections

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The snap election that took place in Kosovo on June 11, 2017 resulted in a divided Assembly in which three coalitions/political parties split the number of parliamentary seats (not reserved for minority ethnic groups). This unsurprisingly led to tremendous speculation about the future Government of Kosovo, but unfortunately overshadowed another concerning finding – the staggering number of invalid and blank ballots.

According to the results published by the Central Electoral Commission (KQZ in Albanian), the elections left a turnout of 41.30%, with 747,228 votes cast. Of those, 42,540 votes (5.69%) were declared invalid, and 6,553 (0.09%), as blank. With almost six percent of the ballots declared invalid after the June 2017 election in Kosovo, this election resulted in a significantly greater proportion of invalid ballots than in recent elections in the region such as Romania (2.95% in the December 2016 election), Macedonia (3.18% in the 2016 election) and Bulgaria (4.58% the March 2017 election).

The contrast is even more exaggerated when compared with EU countries. In the recent legislative elections in France, 1.54% of ballots were blank and a 0.67% were invalid. Last year in Spain, the percentages of blank and invalid ballots were 0.75% and 0.93%, respectively. Even in the midst of a critical economic crisis and delicate political situation in Greece, only 1.26% and 1.16% of the 2015 election ballots were blank or invalid, respectively.<sup>1</sup>

The distinction of both categories is often overlooked in countries with "first past the post" electoral systems, where invalid votes can be considered "residual", having no effect on the allocation of the seat (except for in the rare case wherein the number of invalid ballots exceeds the difference in the number of votes received between candidates). However, most European states follow a proportional electoral system wherein parties must receive a minimum percentage of votes to garner any representation in parliament. To calculate that threshold, blank votes are included, but not invalid ballots. Thus, they are often listed separately, as it is in the case of Kosovo. The allocation of seats is then made in proportion to the percentage of votes received by those parties that manages to pass the threshold. In contrast to 'first past the post' systems like that in the United States, every vote counts in proportional electoral systems. In addition, the distinction is politically significant since, while there are several reasons for null ballots, a blank vote is a clear political statement. It indicates support for the political system, but disaffection and dissatisfaction with the alternatives represented by the concurring political parties.

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<sup>1</sup> All figures are taken from the information made available online by the Electoral Commissions (or the equivalent organizations responsible for delivering the official results) of Romania, Macedonia, Bulgaria, France, Spain and Greece.

There are a number of reasons for invalid ballots and distinguishing between them is not always easy. On the one hand, an invalid ballot may be the result of a protest vote, which can be a way of showing discontent with the political system as a whole or with the choice of candidates/parties. Protest votes can take multiple forms. Voters may choose deceased, fictional, or ineligible candidates, destroy the ballot, or submit their vote via alternative means (such as on toilet paper); these null votes can make a bold political statement. Alternatively, voters may cast a blank vote according to the established form, usually by marking nothing on the ballot or by writing in or selecting a "none of the above." A high number of these protest votes may suggest that political parties, or the broader political system, are failing to respond to the expectations of citizens. Regretfully however, save for the most bold and assertive forms of protest voting, it can be challenging or nearly impossible to identify protest votes as such.

On the other hand, voters may unintentionally cast an invalid vote due to an honest mistake or insufficient knowledge of the voting process. In general, electoral processes which are particularly complex or require several actions increase the likelihood that a number of voters will not be aware of which actions they are expected to undertake and how. For instance, closed list systems wherein voters can only vote for political parties as a whole (as in Romania where voters pick one specific ballot paper to put inside the envelope) tend to result in fewer invalid votes since the voting process is quite straightforward. On the other hand, open list systems, like the one in Kosovo, require the voter to undertake further actions, which increase the chances for a mistake.

**ZGJEDHIET E PARAKOHSHME PËR KUVENDIN E REPUBLIKËS SË KOSOVËS 2017**  
**PREVREMENI IZBORI ZA SKUPËSTINË REPUBLIKE KOSOVO 2017**  
**2017 KOSOVA CUMHURİYETİ MECLİSİ ERKEN SEÇİMLERİ**

**1** Shënjoni **VETEM NJË** subjekt politik  
 Ozonshite **SAMO JEDAN** politički subjekt  
**SADECE BIR** sijasni kuruługu isaretleyin

**2** Shënjoni **ME SE SHUMTI PESË** kandidat  
 Ozonshite **NAJVIŠE PET** kandidata  
**EN FAZLA BEŠ** aday isaretleyin

<input type="checkbox"/> 11. JEDINSTVENA GORANSKA PARTIJA - JGP	1	2	3	4
<input type="checkbox"/> 12. PDK-Partia Demokratike e Kosovës Aleanca për Ardhmërinë e Kosovës-AAK Nisma Për Kosovën-NISMA Partia e Drejtësisë-PD Lëvizja Për Bashkëm-LB Partia Shqiptare Demokratikane e Kosovës-PSHDK Partia Konservatore e Kosovës-PK Alternativa Demokratike e Kosovës-ADK Republikanët e Kosovës-REK Partia e Ballit-PB Partia Socialdemokrate-PSD Balli Kombëtar i Kosovës-BKK	5	6	7	8
<input type="checkbox"/> 13. PARTIA E ASHKALINJËVE PËR INTEGRIM - PAI	9	10	11	12
<input type="checkbox"/> 14. G I EROMENDJE ALTERNATIVA	13	14	15	16
<input type="checkbox"/> 15. GRADANSKA INICIJATIVA GORE - GIG	17	18	19	20
<input type="checkbox"/> 16. LDK LIDHJA DEMOKRATIKE E KOSOVËS - LDK ALEANCA KOSOVA E RE - AKR	21	22	23	24
<input type="checkbox"/> 17. POKRET ZA GORA - PG	25	26	27	28
<input type="checkbox"/> 18. PROGRESIVNA DEMOKRATSKA STRANKA - PDS	29	30	31	32
<input type="checkbox"/> 19. PARTIA DEMOKRATIKE E ASHKANLIVE TË KOSOVËS - PDAK	33	34	35	36
<input type="checkbox"/> 20. INICIJATIVA E RE DEMOKRATIKE E KOSOVËS - IRDK	37	38	39	40
<input type="checkbox"/> 21. SAMOSTALNA LIBERALNA STRANKA - SLS	41	42	43	44
<input type="checkbox"/> 22. GRADANSKA INICIJATIVA SRPSKA LISTA - GISL	45	46	47	48
<input type="checkbox"/> 23. NAPREDNA SNAGA KOSOVA - NSK	49	50	51	52
<input type="checkbox"/> 24. PARTIA LIBERALE EGJIPTIANE - PLE	53	54	55	56
<input type="checkbox"/> 25. KOSOVAKI NEVI ROMANI PARTIA - KNRP	57	58	59	60
<input type="checkbox"/> 26. KOSOVA DEMOKRATİK TÜRK PARTİSİ - KDTP	61	62	63	64
<input type="checkbox"/> 27. PARTIJA KOSOVSkih SRBA-AKTIVNA GRADJANSKA INICIJATIVA	65	66	67	68
<input type="checkbox"/> 28. PARTIA DEMOKRATIKE E UNITETIT - PDU	69	70	71	72
<input type="checkbox"/> 29. FJALA	73	74	75	76
<input type="checkbox"/> 30. KOALICIJA VAKAT	77	78	79	80
<input type="checkbox"/> 31. G I ZA PROSPERITET KOSOVA	81	82	83	84
<input type="checkbox"/> 32. NOVA DEMOKRATSKA STRANKA - NDS	85	86	87	88
<input type="checkbox"/> 33. KOSOVA TÜRK ADALET PARTİSİ - KTAP	89	90	91	92
<input type="checkbox"/> 34. KOALICIJA SDA-BSDAK	93	94	95	96
<input type="checkbox"/> 35. Lëvizja VETËVENDOSJE!	97	98	99	100
<input type="checkbox"/> 36. PARTIA ROME E BASHKIAR E KOSOVËS - PREBK	101	102	103	104
	105	106	107	108
	109	110		

#### Ballot, General Elections 2017

In Kosovo's case, the voter must first select a party and, subsequently, up to five names (marking their corresponding numbers) from the list provided by this party. After the vote

count, each party is allocated a number of parliamentary seats according to the D'Hondt formula. Each party's candidates are then ranked according to the number of individual votes they received, and the candidates who received the most votes are appointed as deputies (MPs).

Open list systems which allow voters to influence the order in which a party's candidates are elected provides for greater representation but also increases the risk of errors which could invalidate the vote, such as marking two different parties or more than 5 candidates.

Both possible explanations for invalid ballots likely hold true in the case of Kosovo. The first one, protest voting, can reasonably be expected considering the political landscape in Kosovo, where traditional, leading political parties have held power for the last decade, eroding expectations of change. Two findings in particular point to high levels of voter discontent. First, given the surge of *Vetëvendosje*, a party that began as a protest movement, it is easy to assume that a substantial portion of people in Kosovo are dissatisfied with and unwilling to vote for members of the conventional parties for ideological reasons. Second, the high abstention rate in the last election, with a voter turnout of barely 40%, suggests high levels of voter apathy or dissatisfaction in Kosovo. A deep renovation of the traditional parties and introduction of new alternatives could help to reengage voters and constituents in the political process.

The second explanation for invalid ballots – voter error and complex voting processes and procedures – is equally likely in Kosovo. The voting system in Kosovo is more complex than in most other countries in the region. Moreover, the recent snap elections were called with short notice, and some have argued that KQZ was not fully prepared to organize and carry them out properly. While adjudicating on these claims is beyond the scope here, it is true that the Electoral Commission failed to organize sustained outreach campaigns providing instructions. This oversight needs to be corrected for future elections, whether through radio or TV campaigns, engaging media and other actors to increase public understanding, and/or placing explanatory posters in polling stations. Ideally, the Electoral Commission could implement all of the above measures, at least until the election process in Kosovo is better established and people are inherently familiar with voting procedures.

Whatever the reasons for the staggering number of invalid and blank votes, the phenomenon is cause for concern. On the one hand, the electorate of Kosovo appears to be disconnected from politics. Even amongst those who are engaged, a relatively high proportion failed to find a palatable program to vote for, which undermines the credibility of the political system as a whole. On the other hand, voters may be prevented from effectively exercising their right to vote by a lack of knowledge or excessive procedural complexity, which should be considered as a collective failure of the Kosovar State. In either case, the institutions and citizens of Kosovo should pay close attention to this phenomenon. A democracy, by definition, can only be sustained by a politically active society.

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