

International Relations

Financing of Political Parties and Electoral Campaigns in the Western Balkans

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Abstract: Functioning of political parties and electoral campaigns is determined by internal legal norms and by international acts. Legal regulation of political party financing and electoral campaigns is one of the key factors to ensure a fair and objective electoral process. These funding within a country must be transparent, regardless of the level of social, political, economic, cultural development, etc. Western Balkan countries have regulated this issue in their own way. In Bosnia and Herzegovina, the relationship between public and private financing of political parties and electoral campaigns is not clearly regulated. On the other hand, in Croatia, the expenditures of services in electoral campaigns are not clearly regulated. In Kosovo, the funding of political parties and electoral campaigns is made by the political force that the political party had in the previous elections. In Serbia to cover election spending, the state allocates the sum of 0.07%. In Montenegro and Macedonia, these funds are more precise. Otherwise, in Albania the funding of electoral campaigns is determined by the Electoral Code. The main purpose of this research is to analyze and evaluate political parties and electoral campaigns in Western Baltic. The methodology used in this study is comparative research as it covers countries in Balkans. Through this research we conclude that state bodies in these countries need to do more to increase the transparency of these financial expenses and punish those who exceed legal limits

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1. Introduction

Political parties are voluntary social organizations with common programs and goals, the aim of which is to acquire state power, to preserve or participate in state power. Political parties in the simplest form can be defined as organizations that are based on voluntary membership in order to secure the position of power within a social community, and also with its ideological and material activities they create opportunities to pursue their own goals and objectives. In this context, goals may vary from one political party to another. Some organizations aim to strengthen their position in the government as a tool to exercise power, dictate policies or reap the benefits of being in the power. (Ware, 1996)

The notion of the political parties has evolved systematically throughout the time and so the means to come to the power. Such changes have been associated with the endorsed society values, created political system and established democratic values. The road of political parties to come in the power in order govern their state institutions has been a long one, with many obstacles and difficulties along, and many times norms and values the political systems have been surpassed for victory purposes in the electoral process. Financing is one of the core mechanisms that has allowed political parties to spread out their ideology, organize campaigns and focus groups, and lobby in order to deliver the message to the masses of potential voters. (Dalipi & Sahiti, 2017) The appropriate way of financing the electoral campaigns has been a controversial debate for over a long period of time (Ringhand, 2002) because of the role of money power in the outcome of the election process. (Kumar, 1999)

In order to function in a stable manner, political parties should provide legitimate financing that is determined by legal acts. In some countries, exclusive laws have been adopted for the financing of political parties and electoral campaigns through which public and private funding is regulated. But there are also countries that have not regulated in a decisive manner this issue. (Van Biezen, 2004) Financing of political parties and electoral campaigns is not well regulated even in the Western Balkan countries unlike other democratic societies in Western Europe and US. The way of financing itself requires control over the expenses of political parties in electoral campaigns. Poor regulation on political financing can monetize the politics and can lead to covert funding of politicians from the organized crime. (Gomez, 2012) Therefore, it is of paramount importance to have rigorous

disclosure provisions on the legislation (Dunn, 1978) in order to prevent the flow of the money from such group of organizations.

The main purpose of this research is to analyze and evaluate the financing of political parties and electoral campaigns in the Western Balkans. The comparative research methodology is adopted for the study as it covers countries in the Balkans region. To accomplish this aim, a research based on the qualitative analysis of secondary data will be carried out. This strategy has been considered firstly since it affords the researcher the freedom to take a holistic view of issue of financing of political parties and electoral campaigns. This effectively takes into consideration the various contexts under which the various policies and policy frameworks were formulated in Balkan countries when it comes to the financing of political parties and their campaigns. Moreover, it allows for the consideration of a myriad of issues that may have had an effect on the result of different laws enacted to facilitate the election process in Balkan countries.

2. Financing of Political Parties and Electoral Campaigns

Political financing is a common term and umbrella for financing political parties and funding electoral campaigns. Today, in the contemporary world one cannot imagine the organization of elections without financial means, even financing is dictating the directions of elections outcome. Their legal regulation is pretending to preserve the cohesion of the election, but the way public reporting of financing and control is becoming more and more complex. The regulation of political parties' funding and electoral campaigns is linked to four pillars of funding: membership revenue, state budget revenue, transparency rules and rules of institutional restraint. Lučić and Milosavljević (2008) think that: models for financing political parties and electoral campaigns are based on five questions.

- Are there any restrictions on the amount of funds the parties have the right to collect and spend?
- Are there any restrictions on the source of funds and whether the services and goods that can be spent are also collected?
- Which entity is entrusted with the control of political party financing?
- To what extent should the party funding data be made available to the public?

- And to what extent should political parties be funded from public sources?

In the United States, electoral campaigns are funded by public funds and private funding. Although funding from public funds has been basis of financing, private funding is already a dominant form now. (Strom, 1990) In Kenya, the financing of political parties has been linked with political corruption, and thus has affected the nature of governance. Moreover, it has had negative impact on the competition, accountability, rule of law and transparency. (Mwangi, 2008)

Based on the opinions of many authors who talk about the financing of political parties and electoral campaigns, we consider that there are two types of financing of political parties in the world. The first dominates in the Netherlands, the UK and Ukraine, and relies almost entirely on private funding sources of political parties. The second type of financing of political parties is based on the combination of funds from the state budget and private sources applied by the countries in Central and Eastern Europe. (Grujic, 2003)

Within these two types of funding of political parties and electoral campaigns, then there are other subdivisions which, in principle, either belong to public or private funding.

3. Legal Regulation of the Financing of Political Parties and Electoral Campaigns in the Western Balkans

Elections throughout the countries in the western Balkans grab the attentions in the international arena. There is an ongoing war to dictate and influence the outcome of elections between EU, USA, Russia and Turkey for influence purposes. It is believed that above mentioned countries provide financial support for political parties through different channels to extend their sphere of influence. Moreover, political parties in some countries in western Balkans illegally are believed to be funded through different businesses and organizations that are linked with criminal groups and illegal activities. This poses a serious concern because money that comes from informal system damages the democratic process in the western Balkans. (Aliu et al., 2016)

Funding of political parties and electoral campaigns in the Western Balkans has not a very long tradition. It is after the fall of communism in 1990 when the era of

political pluralism and multiparty system begins. Each state has regulated by law the way of financing political parties and electoral campaigns such as from: state budget funding, membership income, donations, services, and private funding. Even in these countries, the basic breakdown of political party financing and electoral campaigns are: public financing and private financing.

3.1. Financing from Public Funds

Funding of political parties and electoral campaigns from public funds is a rule in states with representative democracies. But each country has special rules on how political parties can be funded; how funds are allocated in cash and services; should there be strict or proportional equality. Any provision for public funding should be explicitly stated in the law and based on objective criteria that leave room for subjective interpretation by governmental authorities. In addition, the legal framework must ensure that state resources are not abused but used only in full compliance with the applicable legal provisions. (OSCE, 2001)

In Kosovo, the first legal basis that dealt with the issue of financing political parties and making their financiers transparent was a 2004 UNMIK

Regulation which sanctioned the conditions under which a political party could accept donations. (OSCE/UNMIK, 2004)

While with the Law on Financing of Political Entities, the financial and material resources of political entities consist of: membership fees (fees); contributions; financing from the Budget of the Republic of Kosovo; any property earned in the law as well as income from the activities of the political entity. (Law on Financing of Political Parties-Article 4, 2010)

According to this law, the fund for the Support of Political Entities is created by the Kosovo Assembly, and is administered by the Central Election Commission. The amount of budget funds dedicated to the Fund for the support of political entities can not exceed (0.17%) of the Kosovo Budget. Public financial resources, which are allocated from the budget of the Republic of Kosovo, are used to finance pre-election and electoral activities, funding and work of parliamentary groups and financing of regular activities of political entities. (Law nr. 03/L-174 on Financing of Political Parties-Article 7, 2014)

In Albania, in general, the financial resources of political parties consist of membership quotas, from public funds, including financial assistance to the extent specified in the state budget, non-public funds, which are financial donations,

donations in kind, services, sponsorships, credits or warranties, as well as any other financial transaction. (Law on Political Parties, No. 8580- Article 17, 2014) Also every year in the State Budget is defined a fund that serves as public financial aid for carrying out annual activity of political parties. This fund is divided according to the following rules: 70 percent of the fund is divided according to the number of MPs won in the last parliamentary elections; and 20 percent, equally, between parliamentary parties and parties that have received over 10,000 votes in the last parliamentary elections and 10 percent, according to the percentage gained among the political parties that have participated in the recent parliamentary elections and have winning over 1 percent of the country's national vote. (Law nr. 03/L-174 on Financing of Political Parties-Article 19, 2014)

In Montenegro, political entities can provide funds for their political activity and electoral campaigns from public funds. The amount of public funds allocated to political entities is 0.6% of the state budget for that budget year. Registered political entities receive equally 20% of this fund, while 80% of the other fund is distributed to political parties participating in the elections, in proportion to the number of seats won. (Financing Political Entities and Election Campaigns, 2014) In Montenegro, a research conducted by the CEMI Non-Governmental Organization, regarding the financing of political parties and electoral campaigns. The research results have shown that this funding is best done by three sources: State funding, private sources and external financing. (Vujović et al., 2006)

In Serbia, political party funding is made up of two sources: public and private sources of funding. Public funding sources consist of funds, services and goods. Funds from public sources are funds from the budget of the Republic of Serbia, the budget of the autonomous units and the budget of the units of local self-government destined to finance the political activity of the political parties. (Law on financing political activities nr. 123, 2014) Public funds for financing of political parties and electoral campaigns are 0.07% of the state budget. From this fund, 20% of it is equally distributed to the list of political parties that have been certified for elections. The remaining 80% of funds are allocated to the electoral lists that have won MPs' mandates. The amount of funds available for these lists depends on the number of MPs that they won during the elections, regardless of whether these party lists were funded from public or private sources.

Campaign funding sources for electoral subjects in Albania are: funds provided by the State Budget to political parties registered as electoral parties; the revenues of the electoral parties established by law; gifts in monetary value, nature or services provided, as well as credits received by political parties according to law. The funds provided by the State Budget for the election campaign are allocated as an advance to the parties registered as electoral parties with the following: 95 percent of the fund is distributed to the political parties registered as electoral parties, which have benefited not less than 0.5 percent of the valid votes in the previous elections; while 5 percent of the fund is distributed to political parties that have been registered as electoral parties but did not achieve 5 percent of the vote during the elections. (OSCE, 2015) The funds for the financing of political parties, in the amount of 30%, provided by the Budget of the Republic of Macedonia, are equally allocated to all political parties that have won at least 1% of the total number of voters who voted in the last elections held for deputies in the Assembly of the Republic of Macedonia at the level of the entire Republic or in the last local elections held in the local self-government unit. The funds for financing political parties, in the amount of 70%, provided by the Budget of the Republic of Macedonia, are allocated to the political parties and candidates who have been elected as MPs in the Assembly of the Republic of Macedonia in the elections. (Law on financing political parties in Macedonia, 2011)

In Croatia, a part of the funds for the work of political parties are secured by the state budget at the level of 0.056% of the previous year's budget expenditures. Funds are allocated to political parties that have at least one Croatian parliamentary representative with the same amount for each member of the Croatian Parliament, so that each political party receives funds in proportion to the number of its representatives. (Croatian Parliament, 1993) In all Western Balkan countries, political parties and electoral campaigns are funded primarily by public funds, but their public funding mode differs from state to state. Each state from the budget allocates a special percentage of the financial means to the parliamentary political parties, the non-parliamentary political parties, and the newly established parties. Even some of them make their funding conform to the percentage of votes of political parties earned by the results of the recent elections. The best way to finance political parties and electoral campaigns would be two: strictly-proportional and proportionate financing. In the strict form, all parliamentary political parties receive the same level of financial aid from the state, while funding by proportional means all political parties with low voter power or newly-formed

parties are funded proportionally, with a smaller percentage than parliamentary parties but not removed from public funding.

3.2. Financing from Private Funds

All the laws on the financing of political parties and electoral campaigns in the Western Balkan states, among other things, foresee the financing of political parties and electoral campaigns also from private funds. With private sources of funding we mean: membership fees, contributions of legal and natural persons, proceeds from the promotional activities of political parties, income from party assets and party bonds. If we focus more on private funding sources then we can divide them into two ways. (Lučić & Milosavljević, 2008)

- the domestic financing of political parties; and
- financing of political parties by individuals, companies and various interest groups.

Domestic financing of political parties means income from membership fees, party promotional activities, and party assets. External funding is the financing of political parties by individuals, companies and various interest groups. This funding has now received enormous proportions because political parties are increasingly organizing the campaigns with great financial costs and very costly services. In Serbia, private funding sources of political parties consist of membership fees, contributions, inheritance, income from political party assets, borrowing from banks and other financial organizations in the Republic of Serbia. (Law on financing political activities nr. 123, 2014) According to the Electoral Code of Albania, political parties may receive funds for the purpose of their electoral campaign only from natural or legal persons. According to this Code, a natural person is considered an Albanian citizen residing outside the territory of the Republic of Albania. The amount that any natural or legal person may assign to an electoral subject can not be greater than 1 million Lekë or equivalent in items or services. (OSCE, 2015)

Political Entities in Kosovo are allowed to receive contributions from: physical persons, in the amount of not more than 2,000 Euros per calendar year, and from legal entities in the amount of not more than 10,000 Euros for a calendar year. A Political Entity that accepts a contribution whose origin and origin the contributor can not prove is obliged to notify the competent authorities within two weeks of the

confirmation of the origin of this contribution. If the origin of the contribution can not be proven, this value remains in the Budget of the Republic of Kosovo. (Law on Financing of Political Parties, 2010)

Pursuant to this law, political entities may not engage in lucrative financial activities other than the sale of goods such as: publications, sale of advertising materials, posters with the emblem or acronym of political subject and other sources permitted by law. All revenues and expenditures from the financial activities of political entities should be recorded in the financial records.

In Croatia to achieve their political goals, political parties can generate revenues from: membership quotas, contributions, publications, sales of promotional materials, party activities, state budget, local government budgets, and other allowed resources. (Croatian Parliament, 1993)

Money flows in politics are one of today's most important phenomena. The huge amount of money spent on pre-election campaigns and corruption issues increasingly attract the attention of the public. While around the world legal regulation of the issue of private financing of political parties and electoral campaigns has long received positive dimensions, in the Western Balkans in the last two decades this issue has been regulated by law or electoral codes. With the increase in expenditures for political parties and electoral campaigns it has become impossible to cover them only by public funds.

Recent years have witnessed a growing tendency of the role of finance in electoral campaigns. It is unnecessary to explain why the finances are needed and used in such an activity, but it is a fact that their role has become irreplaceable and sometimes takes primary character, leaving behind other elements of the campaign. (NDI, 2005) This kind of funding has its own good and bad sides. By financing political parties from private individuals, the political participation of citizens is stimulated and the restraint of party overload in the state budget is set. On the other hand, there is also the risk that political parties and individuals within political parties fall under the strong influence of private donors who will later realize their interests through political parties or individuals in the political parties they have funded campaign.

Unlike public finance that is more defined and easier controlled, private funding represents an important segment for growing and empowering political parties, but at the same time challenging the control of these finances. State control of private

financing of political parties and electoral campaigns is a major challenge not only in the Western Balkans but also in countries with consolidated democracy.

3.3. Reporting of Financial Expenses and Legal Penalties

The political parties involved in the election report all the expenses, including the campaign expenses incurred by the subject during the reporting period. No political entity can exceed the financial costs envisioned by election rules. In Kosovo, any Political Entity certified to participate in the election submits to the Central Election Commission the financial declaration of the campaign of the entity's campaign, including all branches and its constituent parts, for the period commencing ninety days before the elections and end on Election Day. (Kosovo Assembly, 2008)

In Serbia political parties are obliged to keep records of financial expenditures and report these expenditures at certain time intervals. On the other hand, every year they have to report to the State Anti-Corruption Agency for their expenses. In Montenegro, the political entity determines a person responsible for the spending of financial means. That person should notify the State Audit Institution of its choice and report at specified intervals by law. For years, Transparency International in Bosnia and Herzegovina has lobbied to improve the legal framework to ensure more transparent funding of political parties and electoral campaigns, while on the other hand regularly monitored the implementation of laws and financial reviews of political parties and electoral campaigns with the aim of providing citizens with timely information on how to finance political parties and electoral campaigns. (Transparency International, 2017) Despite the remarks made by Transparency International in Bosnia and Herzegovina, the way of controlling financial means by authorized bodies has not brought transparent standard.

In Albania, political parties are obliged to document in a correct and complete manner, according to the rules of the legislation in force, all the expenses incurred and the manner of using the funds during the election campaign. (Assembly of Albania, 2017) For political parties and their electoral campaigns, restrictions on contributions, fundraising, spending or the use of media may be imposed. Different limits may apply to specific categories of funds, donors, uses, and phases of a campaign. (Johnson, 2005) Political parties that do not respect these criteria should be punished. In Kosovo, Albania, Serbia is prohibited the financing of political

entities and electoral campaigns by: foreign countries; foreign natural and legal persons, anonymous donors, public institutions, public enterprises, organizations that exercise public authority, trade unions, associations and non-profit organizations, religious communities. For non-compliance with these criteria and their abuse, each country imposes punitive measures. Abuse of public financial resources in Serbia is widespread and widespread, although the law provides for the ban on donations from public institutions and public enterprises, as well as from institutions and companies with a share of state capital. (Minić & Nenadić, 2017)

In Montenegro, political parties that exceed the financial costs foreseen by legal acts are also penalized by the political party as a legal entity and the party's political party as a natural person, from 15 to 20 in proportion to the average salary in Montenegro. (Financing Political Entities and Election Campaigns, 2014)

In Kosovo, sanction measures also foresee fines for violations of legal provisions ranging from 1,000 to 10,000 euros for political entities and 500 to 3,000 euros for candidates. (Law on Financing of Political Parties, 2010)

The financial statements of a political party registered in Kosovo are audited on a yearly basis. The criminal record against a registered political entity means de-recognition of that political entity. In Serbia, control by the State Audit Institution is carried out after checking the financial statements of a political entity. The Agency will issue a warning to a Political Entity if it defines deficiencies during the control procedure that may be removed. If a political entity fails to implement the warning measure, the Agency submits a request for initiation of a misdemeanor procedure until the expiration of the deadline specified in the decision.

In general, in Western Balkan states, the reporting of financial expenditures of political parties and electoral campaigns differs among each other, but each state has authorized an institution where it can be reported. Also, punctuating measures are distinguished between them as to the magnitude of the financial amount and to the political punishment of the political party. But today, a strong challenge remains the financial control of political parties and electoral campaigns by private donors.

4. Conclusions and Recommendations

Financing of political parties and electoral campaigns in the Western Balkans is well defined by laws and other legal acts, but the way of financing them varies greatly among themselves. In some countries, public funding of political parties is attributed only to parliamentary political parties, to other non-parliamentary states. The main challenge is private funding and state audit. Even within private financing we have the funding coming from private donors, within the state and private financing overseas. Particularly in the Western Balkans the funding is coming from private anonymous donors, which are growing fast and hard to control. Given these particularities of the financing of political parties and electoral campaigns in the Western Balkans we give these recommendations:

- Legislation for financing political parties and electoral campaigns is drafted in accordance with the standards set by the Venice Commission;
- Public funding of political parties is made strictly (equal) for parliamentary political parties and proportionally to non-parliamentary political parties;
- Find mechanisms for controlling revenue and spending of financial means by private donors;
- To stop financing political parties and electoral campaigns by anonymous donors;
- Punish political parties and officials of political parties in parallel: in criminal, material and political terms.

The realization of these recommendations will help these countries for the best way to finance political parties and electoral campaigns and control the flow of such money.

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