

SOME PRELIMINARY DATA ON THE PROGRESS OF THE ELECTORAL PROCESS OF FEBRUARY 18, 2007

**HOTEL TIRANA, 19 FEBRUARY 2007
13:00**

General Information

1. Following the first press conference of the Albanian Helsinki Committee on the progress of the electoral campaign, today, AHC appears in a second conference to present some preliminary findings regarding the electoral process that took place yesterday, on February 18, 2007, as well as the vote counting process until 08:00 of Monday, February 19, 2007.
2. The Albanian Helsinki Committee (AHC) engaged in monitoring the progress of the electoral process in some electoral areas of municipalities in: Tiranë, Gjirokastër, Fier, Durrës, Elbasan, Shkodër, Vlorë, Korçë, and in some communes. A total of 150 observers were involved in monitoring the voting and the vote counting processes.
3. The *target of this monitoring included*: preparations for starting the voting process, opening of the voting centers, respect for voting procedures, respect for the Electoral Code by voting center commissioners, and finding names on the voter lists, secrecy of voting, closing of the voting process, sending ballot boxes to the voting center sites, and the vote count.
4. The Albanian Helsinki Committee appreciates the generally calm situation in which the voting process was conducted in the areas the AHC monitored. AHC expresses its praise for the participation of voters in the process and the understanding demonstrated regarding delays and some other problems noted at the start and during the conduct of the voting process. In spite of the complicated procedure regarding the birth certificates issued before and after November 1, 2006, and their comparative verification with the special register, in general, voters demonstrated patience and understanding.
5. AHC praises the role of the police before and during the voting day, in transferring ballot boxes to vote counting centers, and during the vote counting process.
6. The broadcast media offered complete live coverage throughout the voting process and on encountered problems.

II Procedures for the start of the voting process

7. AHC monitors observed preparations for the start of the voting process. Many voting centers in Tiranë, Durrës, Elbasan, Korçë, Vlorë, and Fier, opened with delays, because the voting materials arrived late; in some voting centers, the materials were damaged or

deficient. In some cases, voting center seals and other materials were mistaken with those of other centers. Due to the lack of photocopies of the special register, they arrived late in many voting centers. In general, ballot boxes were sealed with the security codes and a process verbal was kept.

8. In some voting centers, there were more ballots than the number of voters, whereas in other areas, there were fewer ballots. In general, voting center commissions had posted voting instructions in appropriate places. There were voting centers in some areas in Vlorë, Tiranë, and Durrës where propaganda materials had not been removed.
9. VCC members and representatives of electoral subjects were not all present at the required time to start preparations for voting. This was encountered in several voting centers in Tiranë and Durrës. The replacement of commission members by political subjects continued even during the election day. The non-arrival of authorizations for their approval led to delays in starting voting. Also, there were absences of commission members; there were problems with the appointment of commission members in VCs in Durrës, Tiranë, Gjirokastër, etc. There were cases such as in Gjirokastër where the members had family relations with candidates for chairmen/mayors who were replaced in the early hours of today.
10. In some voting centers, sample ballots posted on the ballot boxes were on the wrong boxes, something that caused confusion among voters. This phenomenon was encountered mostly in Tiranë.

III. Procedures for starting the vote

11. The start of the voting in the majority of voting centers was done with delays, at different intervals. Delays were caused by late arrival of commission members, but in most cases, this happened due to the incomplete division of voting materials. In some areas, the special register or the voter lists had not been delivered. Some of the most flagrant violations of the law include the start of the voting without first having a process verbal of the special register for the issuance of birth certificates, which were encountered in some voting centers in Elbasan and Durrës.
12. *Delays in the opening of voting centers* varied from half an hour to several hours, particularly in Elbasan, Korçë, and in some voting centers in Tiranë. The start of the process was confused in many of the monitored areas. The start of the process and its continuation was accompanied by debates among commissioners with regard to additional voting documentation and their verification. In some voting centers that AHC monitored, the voting did not take place, including some voting centers in Dukagjin, one voting center in Elbasan, and some communes.
13. *Family voting.* Even in these elections, there were cases of family or group voting, thus violating the fundamental principle of vote secrecy. This phenomenon was noticed in Elbasan, Cërrik, some communes in Elbasan, some voting centers in Tiranë, etc. In some voting centers, the location of voting booths violated vote privacy and did not provide for sufficient lighting. There were voters who complained of difficulties in distinguishing candidates' names and ballots particularly in Tiranë.

14. Although the Electoral Code prohibits a commission member or a political party observer from helping a voter to vote, in some voting centers, member commissions as well as party observers helped elderly persons or others in the voting booth. This was noticed in Tiranë and in Durrës.
15. *The special certificates' register* and its use were a concern that was encountered throughout the voting day. According to article 181/2 of the Electoral Code, item 2, says that no later than 24 hours from the election day, the civil registry office sends to the LGEC of the respective local government unit a copy of the special register sealed and signed by senior officials of the civil registry office until one day before the election day. No later than 12 hours before the start of the vote, LGECs distributed to every VCC of the respective unit verified copies issued by the civil registry offices. In fact, in many voting centers in Korçë, Elbasan, Tiranë, Durrës, Vlorë, this register arrived late, even after the voting center had been opened. Its use too, often led to conflicts between the commission chairman and vice chairman for discrepancies between the name on the documents and the name on the list.
16. *Checking of voter identification documents was not conducted in some areas.* In some voting centers, particularly in Durrës, individuals voted with expired passports without any supportive documentation. There were cases when some certificates were not found registered on the special certificates register that were, however, accepted by the commission. Problems were also noted with regard to obstacles for voters who were supplied with certificates in the last days because certificates were not registered in the special register. Regarding the use of the special register in some commissions, commission members had reached consensus to allow voters to vote with an expired passport. In some voting centers in Durrës, individuals were not allowed to vote with certificates obtained on election day because they were not registered and the register arrived only at 13:00. In some voting centers in Durrës and Tiranë, there were voters who were not allowed to vote although they possessed certificates issued on election day.
17. *Election safety and use of the colored ink.* According to article 100, letter “dh”, the ink used to mark the voter’s finger should not be washable before 24 hours. Observers in Fier, Tiranë, and Durrës informed from the early hours of the voting day that the ink could be easily washed off with alcohol, acetone, or warm water. In some cases, voters’ fingers were not marked. There were cases when voters’ fingers were not checked. According to the law, the voter should sign on the side of his name. The delayed arrival of voter lists made early voters vote with their names being written on a blank sheet of paper.
18. *Voting in the city of Tiranë showed technical difficulties.* Voters were supplied with four ballots. There were ambiguities in some commissions regarding the voting procedure and orienting voters. In some voting centers, voters, being unclear about what ballots to put in which boxes, put them in the wrong boxes.
19. *Voting of persons with disabilities or unable to vote.* There were problems in some voting centers. The law provides for persons unable to vote to receive assistance from another voter in order to vote, but not from commission members, political party observers, or independent observers. The commission needs to make a note of such cases and a person may not assist more than one voter. In fact, in some voting centers, voters of an old age were allowed to vote together and, in some cases, were assisted by members of the voting

center commission. Monitors stated that there were persons who found it difficult to enter voting center premises for physical reasons.

20. *Voter lists.* Monitors informed that there were voters who were not able to vote because they were not able to find the name on the list, there were inaccuracies in how the names were printed on the list, particularly in Tirana. In almost all cases when various problems were found in which the CEC requires that a decision be made or a process verbal be kept, voting center commissions did not do so.
21. *Voting of detained persons, inmates, and the military.* With the signed agreement between the DP and the SP, any provision related to the temporary register and persons with a temporary residence was removed from the Electoral Code. However, even without this amendment, according to articles 76 of part I, article 63, item 2 of the Electoral Code that were not amended, it appears that in voting for candidates for mayors or commune chairs and for members of municipal or communal councils, only voters whose residence is in the territory of the municipality or commune may participate, that is, only voters registered in the fundamental civil registry register and not persons with a temporary residence; and that in voting to elect local government bodies, the voter lists should include only those inmates and detainees whose place of residence is in the electoral unit where the institution is located. With regard to the military, article 107 of the Electoral Code, which was not amended, says that in local elections, voters serving in the armed forces or public order forces may vote in the area of the voting center of their place of residence. This is a problem that may be discussed in further amendments that will be made to the Electoral Code.
22. *Emigrants and the right to vote.* It was claimed that there were emigrants who did not have the letter “E” on the side of their name. Reasons may have been several, including, for instance, insufficient time for door-to-door verifications, neglect, carelessness, etc. It is important that the person who votes (whether an emigrant or not) should vote with identification documents according to the law (the amended Electoral Code) and CEC instructions. This is one of the main duties of VCCs. Based on our monitoring in voting centers in Vlorë and Tiranë, there were persons who found the letter “E” on the side of their names although they were not emigrants.
23. *Freedom to vote.* The voting process was conducted calmly, without pressure from candidates or their supporters. No cases of VCC members’ pressure were found. However, in some voting centers, the large number of commission members and political subjects’ observers, small premises, and voters waiting to vote, created situations of chaos and disorder.

IV. Procedures for closing the polls and the vote count

24. *Closing of polls.* Procedures for closing voting centers, although voting continued until after 18:00, was concluded without problems, except for voting center 1867. Ballot boxes and the voting materials were placed in a car and were escorted to the vote counting site calmly and mainly without incidents.
25. *Transport of ballot boxes.* According to the law, ballot boxes should arrive within 3 hours at the vote counting site. In almost all vote counting sites, ballot boxes arrived late due to the delayed conclusion of the voting process. Groups tasked with receiving ballot boxes

from VCCs did so in a normal fashion. In some cases, ballot boxes had the codes upside down.

26. *Setting up vote counting commissions and start of the count.* The time for starting the vote count was different, but, generally delayed. In some centers, delays were noted from the early morning hours. There were cases when the process was interrupted due to discussions on concrete cases. The delayed setting up of vote counting commissions and their training during election day or during the night, that is, during the time the counting should have been happening, led to a delayed start of the counting. In some cases, LGECs had not made decisions on some vote counting groups. Due to contestations and misunderstanding between members of vote counting commissions, the absence of their approval or failure to meet the criteria for commission members, the vote counting process moved slowly. There were contradictions between vote counting commission members over technical issues or lack of knowledge of the law. There were exchanges between members of vote counting commissions and representatives of political subjects present in the process.

V. Vote Commissions

27. Due to amendments to the Electoral Code, made 36 days before election day, and the reduction of deadlines for several processes, LGECs were established late. Delays were notd also in the establishment of VCCs and vote counting groups. This had to affect legal violations. On February 17, 2007, voting center commissions had not been set up in some electoral areas. Relevant political parties had not submitted the names of members to the CEC. Also, according to information from our monitors, vote counting commissions had not been set up, which, by law, should have been set up two days before the voting day. The delayed establishment and changing or replacement of VC members until midday on election day in some voting centers seriously harmed their training.
28. LGECs, VCCs, and the voting process. Commission members were untrained or very poorly trained. Some commissions included members that did not know voting procedures and the law. There were commissions in which members tried to resolve issues by consensus, without consideration of requirements of the law. In some cases, LGECs did not offer timely responses to resolving emerging concerns or problems.

VI. Various

29. *Campaign financing transparency.* From the start of the campaign until February 16, 2007, the level of expenses for the campaign is striking. Naturally, it is not our duty to calculate the expenses made by the ruling forces and the opposition or how much they were exceeded compared to levels established by the CEC. However, considering that no transparency was made on the previous election, as required by law and OSCE/ODIHR recommendations, we would suggest that documented transparency be made to prevent discussions or mutual accusations.

30. AHC and addressing problems with voting

During the voting process, as well as during the vote counting process, AHC made its necessary interventions with the CEC, LGECs, and relevant voting center commissions.