



KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

*Anëtar i Federatës Ndërkombëtare të Helsinkit për të Drejtat e Njeriut
Member of International Helsinki Federation for Human Rights*

REPORT

ON THE CONDUCT OF THE ELECTORAL PROCESS FOR THE PARLIAMENTARY BY-ELECTION, CONSTITUENCY 31, TIRANA SEPTEMBER 23, 2007

INTRODUCTION

1. The Albanian Helsinki Committee (AHC), an organization working for the protection of human rights, monitored the electoral process for the parliamentary by-election in constituency 31, Tirana.
2. AHC engaged 15 observers, accredited by the Central Election Commission (CEC). They received training on the Electoral Code, the methodology for monitoring the electoral process, monitoring the vote-counting process and on reporting voting results.
3. The target of the monitoring included: establishment of the voting center commissions and training of their members, establishment of the vote-counting groups and training of their members, the voting process and the vote-counting process, etc.
4. AHC monitored about 31 voting centers in constituency 31, in Tirana, including special institutions such as: penitentiary institution “Mine Peza” and pre-trial detention institution “Jordan Misja,” and the Queen Geraldine Maternity Hospital. Part of the monitoring was also the monitoring of the vote-counting center at the relevant ZEC.
5. ***General situation of the conduct of elections.*** The Albanian Helsinki Committee praises the calm situation in which the voting process was conducted in the voting centers that it observed. No incidents took place during the voting process. Voter turnout was low.



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6. ***Legal framework and electoral reform.*** The parliamentary by-election was conducted on the basis of the Electoral Code, amended in 2007. From the time of the amendment of the Electoral Code for the local elections in February 2007, no other amendments were made to the Code, although electoral reform began since May 2007.

ELECTION ADMINISTRATION

7. AHC followed with attention the activity of the CEC. There were CEC inspectors at almost all voting centers. They offered relevant instructions regarding different problems that were encountered. The CEC did not organize sensitizing and informing TV programs on voting procedures or TV spots in the local media.
8. ***Establishment of the ZEC and registration of parties.*** As is known, political parties play a very important role in the overall conduct of the electoral process, in respect for the right to vote, and in avoiding conflicts. In spite of continued requests by the CEC, the registration of political parties with the CEC as electoral subjects, was delayed.
9. Establishment of the ZEC was delayed. Political parties were late also in submitting their proposals for VCC and vote-counting groups' members. This led to VCCs of some voting centers and vote-counting groups to be established late.
10. ***Establishment of voting center commissions and their training.*** According to item 3 of article 45 of the Electoral Code, voting center commissions (VCCs) should have been established no later than 15 days from the date when the President of the Republic decreed the election day. Based on observations, it was noticed that this legal requirement was not respected. It was noted that these commissions were established mainly 1-3 days before election day.
11. According to article 45, item 4, of the Electoral Code, when the seat of a member or secretary of the VCC remains vacant, it should be filled within 3 days, but no later than 24 hours before the voting process begins. The replacement of members who depart on election day should be done no later than 2 hours from the announcement of the departure. Observers found that this legal requirement was



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not respected in some voting centers and that there were numerous changes and replacements of commission members on election day.

12. Also, item 5, article 45, of the Code says that the replacement of the members and the secretary of the VCC, as a rule, is done with individuals who are trained on the electoral legislation. This legal requirement was not respected.
13. According to ZEC members, the training of commission members of VCCs was conducted during September 19 – 21, 2007. About 60% of the commissioners attended the training. This led to problems regarding knowledge and implementation of procedures in some voting centers. There were cases when commission members requested assistance from independent observers or ZEC inspectors to clarify certain aspects of the voting procedures.
14. ***Posting of voters' lists at given sites.*** In general, the posting of the final voter lists was done on visible places where it was possible for citizens to verify before voting.
15. The ***electoral campaign*** was generally calm. According to the Electoral Code, 25 hours before the voting process begins, electoral silence falls. This legal requirement was generally observed.
16. ***Establishment of vote-counting groups and their training.*** According to the law, vote-counting groups should have been set up 48 hours before election day, but, based on AHC observations, this deadline was not respected. Until election day, according to information obtained from the ZEC, not all political parties had submitted their proposals. Proposals arrived only during the final voting hours. In the end, vote-counting groups were established entirely around 22:30 of the voting day. The training of vote-counting groups lasted only 15 minutes and was conducted formally.

VOTING PROCESS

17. ***Voting center commissions and timely opening of voting centers.*** Almost all monitored voting centers were opened at the right time. Part of them, at the moment of opening, featured absent VCC members because they arrived late, did



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not show up, continued with their replacement during the voting process. In some voting centers, up to 4 commission members were not present. This was noticed in VC no. 1974, 1969, 1964, 1966, and 1968, and in penitentiary institution 302.

18. There was a case when the location of the voting center was changed one day before or the same day as election day (VC no. 1961). This led to disorientation of voters regarding the new location of the voting center and the delayed arrival of commission members.
19. **Status at voting centers.** In general, received materials were checked. Ballot boxes were sealed with security codes and a process-verbal was kept. Physical conditions in some voting centers were not good, space was limited, lighting was poor, etc.
20. **Propaganda materials.** AHC observers noticed that there were propaganda materials in the vicinity of some voting centers, some as close as 150 meters from them (VC 1969, 1971, 1973, 1953). Political party observers or/and electoral subject representatives engaged in propaganda in certain centers (VC no. 1973).
21. **Start of the voting process.** In most of the monitored voting centers, the voting process began at the scheduled time. There were centers where voting began ½ up to 1 hour late (voting centers no. 1957, 1971, 1966, 1966/1, 1969, 1971, 1973, penitentiary institution “Mine Peza,” etc.). The voting process continued in an orderly fashion and without incidents in almost all voting centers.
22. **The right to vote.** Some voters were not able to vote. In some voting centers, there were persons who were not able to vote because they showed up when the voting center was about to close, which caused irritation. In some voting centers (VC 1969, 1954, etc.), there were problems with voters’ names. The largest turnout was noticed when polls were about to close. Commission members voted at their voting centers and a process-verbal was kept.
23. **Identification Documents.** In general, checking voter’s identification documentation was done in an orderly fashion. In some centers, there were cases when voters were admitted with expired passports (VC 1966/1, 1971, 1954, 1953), or with birth certificates without photos. At some monitored voting centers, persons with foreign



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passports were not allowed to vote. Driving licenses were accepted as IDs for voting in some centers. At the pre-trial detention institution “Jordan Misja,” it was possible to vote using photocopies of identification documents, as files were incomplete. This procedure was deemed as regular by the CEC representative.

24. ***Prohibition of double voting.*** Voters were not checked in all cases on both hands whether they had been sprayed before. There were cases when voters’ fingers were not sprayed (VC no. 1973, 1953).
25. ***Persons unable to vote themselves.*** According to article 103 of the Electoral Code, when a person is not capable of voting himself, the VC Commission Chairman ??? Kryetari i Komisionit të e votes... A person is not allowed to help more than one other person. The person unable to vote himself should make a statement expressing his request for help. In most of the monitored centers, legal requirements on this aspect were not respected. There were also cases when assistance was provided by VC Commission members (1971). There were cases when one person helped more than another person unable to vote himself as well as cases of family voting. Regarding the observed violations, AHC observers filed written remarks with voting center commissions.
26. ***Voting center facilities.*** The voting process generally was conducted calmly, without pressure by candidates or their supporters. There were cases when unauthorized persons, including members of parliament or political party observers, entered into the voting centers.
27. ***Closing of polls.*** Procedures for the closing of polls ended at the scheduled time and peacefully. At one voting center, some voters wished to vote after the polls had closed. With the intervention of public order forces, the situation was normalized. Ballot boxes arrived as scheduled at the vote-counting center.
28. ***Special institutions.*** At the penitentiary institution “Mine Peza” and pre-trial detention institution “Jordan Misja,” the voting process in general was conducted in an orderly fashion. Ballots were missing at the “Jordan Misja” institution and the ZEC was notified. None of the persons on the voter lists at the Queen Geraldine



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Maternity Hospital voted. At that voting center, 2 commission members were replaced, but a relevant process-verbal was lacking.

PROCEDURES FOR THE VOTE COUNT

29. The vote count began around 23:00, following a brief and formal training of vote-counting group members. During the vote count, at the annex of the voting center, there was an incident between two political party observers. The vote count proceeded regularly and was concluded within the legally established deadline. The vote count was completed around 07:00 of September 24, 2007.