



KOMITETI SHQIPTAR I HELSINKIT

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ALBANIAN HELSINKI COMMITTEE

FINAL REPORT

**ON THE FINDINGS AND CONCLUSIONS OF THE MONITORING OF
ELECTIONS FOR LOCAL GOVERNMENT BODIES OF JUNE 30, 2019**

Tirana, August 2019



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This report was prepared in the context of the project *“Guaranteeing free and fair elections through the monitoring of Local Elections in Albania – June 2019,”* implemented by the Albanian Helsinki Committee, with financial support from the Federal Republic of Germany.



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DEUTSCHE ZUSAMMENARBEIT

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Introduction

The Albanian Helsinki Committee (AHC) is a non-profit organization, founded on December 16, 1990. The mission of AHC is to contribute to respect for human rights, strengthening of the rule of law, and the conduct of free and fair elections, in accordance with the Constitution and international laws applicable in the Republic of Albania.

As is known, the exercise of the right to elect and be elected is a fundamental right, sanctioned in the Constitution. From this standpoint, AHC views periodic elections as an important event. This is why AHC is continuously engaged in monitoring them since 1996, not limiting itself only to the process of voting and vote counting. Our monitoring has sought to raise public awareness and the responsibility of competent institutions on the importance of the right to elect and be elected in a democratic society, where the rule of law should prevail.

AHC monitored the Elections for Local Government Bodies, of June 30, 2019. For these elections, AHC took action immediately after the decreeing of the elections by the President of the Republic because preparations for the elections had to begin right after that date. AHC's monitoring extended over the pre-election period, voting, and the vote count. It was partial in that it only covered 182 Voting Centers of the total 5417 such. In other words, it managed to monitor only 3.4% of the total number of voting centers. The monitoring of the vote counting process extended over 12 CEAZs of 90 such across the country (i.e. in 13.3% of them).

AHC accredited 115 long-term observers with the CEC. For monitoring the June 30 elections, AHC observers were spread in 8 cities, namely in Tirana, Shkodra, Durrës, Elbasan, Fier, Vlora, Gjirokastra, and Korça. Though the monitoring by the Committee observers was limited, data presented in reports of our observers may serve to highlight some issues that should be kept in mind in the future.

All observers became familiar (were trained) with the provisions of the Electoral Code and CEC instructions. During the training, special clarifications were provided on the methodology of the observation, linked closely with the rights and duties guaranteed by law, to be impartial and not influenced in their conduct. AHC thanks all observers and correspondents in the districts for their professionalism, impartiality, and dedication. We particularly thank the AHC staff and the Federal Republic of Germany for supporting financially the realization of the activity for monitoring this electoral process.



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1. Executive Summary

11 After the 2017 parliamentary elections, although late, the Special Electoral Reform Commission was established, headed by two co-chairs of the majority and the opposition. The commission had to engage in reviewing and approving OSCE/ODIHR recommendations, not only of 2017, but also of some other recommendations that had not been reviewed and had to do with the Reports on the 2013 and 2015 elections. It is worth mentioning that of 75 recommendations, 25 of them were a priority.

12 AHC devoted special attention to the progress of the Special Electoral Reform Commission also because a marked slowdown of its work was noticed. In the workings of the commission, it was being noted that OSCE/ODIHR recommendations were being reviewed while in fact, no consensus was being reached between political forces represented in the commission. The Commission did not manage any concrete result. We may say that its activity failed, as the activity of the previous parliamentary Commission on electoral reform had. The experts assigned by the Commission prepared draft amendments, but they were not discussed because opposition MPs, due to disagreements of a political nature, walked out of parliament and then relinquished their mandates.

13 Regarding the electoral system, it is our opinion that this issue deserves deep, objective analysis and broad consultations with citizens. A review of the electoral system requires in parallel legal reform in the manner of organization and functioning of political parties, strengthening their internal democracy, the separation and balancing of competences of the party chair for the selection of candidates to be proposed to the electorate.

14 Pursuant to article 92, letter “gj,” and article 93 of the Constitution of the Republic of Albania, as well as article 9, paragraph 1, of law no. 10019, dated 29.12.2008 “Electoral Code of the Republic of Albania,” amended by Decree no. 10928, of 05.11.2018, the President of the Republic set June 30, as the date for the conduct of elections for local government bodies.

15 Just before the registration of electoral subjects with the CEC, opposition party MPs decided to relinquish their mandates. The replacement of vacant seats in the Assembly aggravated the political environment even further. Immediately after that, the opposition outside parliament made its position concrete and declared that it could not participate in farce elections and stressed that “there would be no elections on June 30.” This was accompanied later by the call on voters to boycott the elections. Throughout this period, opposition parties organized several rallies. AHC, based on domestic and international legislation, declared that anyone enjoys the right to rally, but based on some violent developments in some of the protests, it called for them to be peaceful.

16 Opposition parties (DP and its allies, as well as the LSI) did not register as electoral subjects. The number of candidates for Mayor in these elections was 97, of which only 11 were women.

The figure shows low participation and representation, about 10% of women to run for mayor. Our Electoral Code does not envisage a gender quota for candidates proposed for Mayors by electoral subjects, but only quotas for members of Municipal Councils.



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17 In 31 Municipalities, there was only 1 candidate¹ running for mayor. The lack of alternative candidates as well as the fact that our legislation does not envisage a minimum number of votes in order to be declared a winner (the winner shall be that candidate who earns the most votes) made these Municipalities lack a race altogether.

18 Following the announcement of the election date by decree of the President, AHC monitored through its observers some main aspects of the pre-election process, the voting day, and the counting, which are presented below in a summarized manner:

a. AHC observers encountered instances when voters' access to posted preliminary voter lists (extracts of electoral components) was difficult, not only because voter lists were not posted in appropriate spots, but also because some administrative units and schools where these were posted were not open in the afternoons. AHC also found that local government units were not allocated the relevant funds by the Ministry of Interior for notifying voters in their places of residence.

b. Although the electoral campaign, according to the Electoral Code, should have begun on May 31, 2019, the Socialist Party (SP), in some instances, held events of a political nature before that date. On these, AHC notified the CEC, which should have been more proactive in identifying these cases, which were public, and if appropriate, should have implemented relevant sanctioning provisions of the Electoral Code.

c. In the cities of Fier and Shkodra, AHC observers were conveyed claims of abuse of the public administration for propaganda electoral purposes and the fact that employees were asked to vote and ensure participation of a given number of voters from their family members. These claims are not documented.

d. AHC monitored partially the activity of the highest electoral administration body, the Central Election Commission (CEC). The CEC exercised its functions in the circumstances of a large volume of work and a polarized political situation. Vacancies created in its composition were not filled by the parliamentary opposition. Developments in the CEC after the President's Decree for the annulment of the June 30 election date clearly positioned the CEC Chair on the one hand and four other CEC members on the other in opposite stances. AHC deemed that the full depoliticization of this body, in accordance with OSCE/ODIHR recommendations, would be useful for respecting and guaranteeing free and fair election standards in the future. AHC also considers that certain members of the CEC, at difficult decision-making moments, which were accompanied by controversies or accusations of political representation, should have avoided public individual responses, which partially had evidently political overtones.

¹ These municipalities are: Kuçovë, Poliçan, Skrapar, Ura Vajgurore, Mat, Krujë, Elbasan, Librazhd, Peqin, Divjakë, Fier, Lushnjë, Patos, Roskovec, Dropull, Gjirokastër, Libohovë, Memaliaj, Përmet, Maliq, Pogradec, Has, Fushë-Arrëz, Pukë, Shkodër, Vau i Dejës, Rrogozhinë, Vorë, Delvinë, Konispol, Himarë.



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e. Disturbing consequences in terms of the normal conduct and administration of the electoral process were felt particularly after the refusal of the two largest opposition parties to register as electoral subjects. Vacancies in the electoral administration bodies of the second or third level, CEAZs, VCCs, and VCGs influenced their completion (incomplete) with persons referred as coming from civil society. In AHC's assessment, CEC decision no. 127, of 04.04.2019, was disputable in granting the body competences that are not give to it in the Electoral Code, to fill vacancies created in the VCCs, proposing the CEAZ lists of citizens who could be appointed members/secretaries of the VCC/VCG.

f. The pre-electoral process was accompanied by numerous incidents and violent acts undertaken toward CEAZs. In some cases, AHC observers in the districts reported that these incidents involved representatives of the opposition and the personnel of opposition-led municipalities, as was the case in Shkodra Municipality.

g. In the municipalities of Elbasan, Durrës, Gjirokastër and Tirana, AHC observers noticed the presence of unauthorized persons in internal VC premises and also external premises, but within the perimeter of the building where these VCs were positioned.

h. During the vote-counting process, AHC observers reported that it was conducted generally in a calm and transparent manner. In some instances, there were delays in starting the count by vote-counting groups, due to their delayed establishment or their training precisely when they needed to start work.

19 Based on final data published by the CEC, a total of 811,727 voters, or 22.96% of the total number of voters, participated in these elections. Compared to voter participation in previous parliamentary elections of 2017, there is a 23.76% decrease, while there is a decrease of 24.9% fewer voters compared to the elections for local government bodies of 2015. This calculation should take into consideration the unusual political situation in which these elections were held. AHC notes that overall, the process accompanied by harsh political rhetoric, had very little attention to the real needs of voters.

1.10 Competent bodies will decide on the lawfulness of the June 30, 2019 elections. Also, the OSCE/ODIHR final report is an important roadmap that should be read by all sides objectively and impartially. Nevertheless, AHC expresses its concern that the political situation in the country remains tense. AHC thinks and hopes that the ways and mechanisms for resolving it may and should be found. Citizens do not wish such continuous clashes, at a time when social-economic issues are at the top of the agenda for them.



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2. Pre-electoral process

2.1. Publication of extracts of electoral components

Pursuant to article 51/4 of the Electoral Code, by **04.12.2018**, civil registry offices, upon approval by the local government chair, print and publish the extract of electoral components of all citizens whose place of residence is in the voting center areas under each office's jurisdiction.

The monitoring conducted in 8 administrative units of Tirana Municipality, it appears that only two of them made observers familiar with the periodically published lists of voters.² **In general, the extracts of electoral components were not published by the established legal deadline.** AHC observers found that February saw delays in the publication of the extract of electoral components while March saw the publication of the extract twice within the month.³

The extract of electoral components was posted only in the premises of the monitored administrative units and in schools. **Public access was limited to official hours of unit employees and during school breaks. Except for extracts published in Unit no. 6, they were sealed and signed according to legal provisions.**



AHC generally observers found that the extracts of electoral components are easily discernible and readable, posted at normal heights in the interior premises of institutions. Some other kinds of instances were also encountered, e.g.: it was difficult to go through the extracts when these were published as multiple pages posted together in a pile; this made it difficult for citizens to find their names in Administrative Unit no. 10, in Tirana Municipality, etc.⁴

Based on data obtained from administrative units of the monitored municipalities, there appear to be no administrative complaints for the correction of lists and that voter interest to become familiar with the voter lists was scarce.

2.2. Written notification of voters

² Administrative Units no. 3 and no. 5.

³ Namely, we noticed publication in Administrative Unit no. 3 on 03.03.2019 and 29.03.2019, while in Administrative Unit no. 5, the extract was published on 04.03.2019 and 29.03.2019.

⁴ The lack of protection measures, such as glass, in Administrative Unit no. 8 and 3 in Tirana, and CEAZ no. 3, at "Ismail Qemali" School in Shkodra, turned these extracts into easily damageable items by citizens and weather factors.



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Until February 4, 2019,⁵ chairpersons of local government units had to take measures to notify voters in writing. This notification, pursuant to article 52/2 of the EC, should inform voters about their voting center, its location and address, as well as the list number of the voter on the voter list.⁶

AHC has found that the procedure of notifying voters in writing in the monitored municipalities across the country was not realized in accordance with the legal deadline. According to the claims of chairs of local government units, as well as authorized coordinators for the administration of the electoral process at the regional level, the delay is the result of failure of the Ministry of Interior, which covers civil registry services, to allocate the necessary funds.⁷

On April 17, 2019, AHC officially notified the Ministry of Interior, suggesting the undertaking of measures to realize this procedure even beyond the legal deadline, in order to guarantee the accurate publication of final voter lists.⁸ In the absence of a reaction by the responsible Ministry, AHC informed the public about the results of this observation through a press release.⁹



AHC observers informed us that there were municipalities that did conduct the process of notifying voters beyond the legal deadline. Thus, on June 27, 2019, i.e. about 5 months after the expiry of the legal deadline, procedures began for the written notifications of voters in the cities of Elbasan and Fier.

2.3. Posting of final voter lists

The posting of final voter lists enables voters to become familiar with them and, in certain cases, address the Court in case their name is not on the list while the voter is registered in the civil registry of the relevant area. According to article 56/3 of the Electoral Code, CEAZs are obliged to announce in a spot that is visible and accessible by voters the final voter lists. This task should have been completed by 26.05.2019.

Partial monitoring conducted in 9 Municipalities across the country indicates that in most monitored CEAZs, AHC observers found that legal deadlines were not respected in the

⁵ Article 52 of the Electoral Code.

⁶ AHC' Press Statement on the 19.03.2019.

⁷ Article 52, point 5 of the Electoral Code.

⁸ Official letter no. 259 prot., date 17.04.2019.

⁹ AHC' Press Statement, on 2 May 2019. Link: <http://www.ahc.org.al/njoftim-per-shtyp-10/>



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overwhelming majority. However, in CEAZs no. 47, 48 and 49 in Elbasan¹⁰ and no. 33 and 48 in Tirana,¹¹ AHC observers found that the procedure of taking over final voter lists and their being protocolled was conducted late.

The chairman of CEAZ no. 41 in Tirana Municipality, alerted AHC observers that in VC no. 2023 and 2010, there was resistance and lack of coordination on the part of state institutions to post voter lists in their premises.¹² Also, in Shkodra, the AHC observer noticed repeatedly that CEAZs no. 2, 3, 4 and 5 did not post any identifying sign on their location. In the 2 centers located in the suburbs such as Gur i Zi and Rrenc, there was no posting of the final voter lists.



In some of the voting centers, we found that lists were placed at a height above a man's normal height, creating difficulties for citizens' access to them.

As during the posting of the extracts of electoral components, AHC observers noticed that access to the final voter lists after official hours was not possible because the external premises of institutions that hosted the lists were locked.

2.4. Registration of Electoral Subjects

In accordance with article 64/1 of the EC, registration of political parties as electoral subjects had to be done by April 23, 2019 (because April 21, which was a Sunday, was an official holiday),¹³ and the deadline for the registration of electoral coalitions expired on May 2, 2019 (because May 1 was an official holiday).¹⁴ By May 13, 2019, registered political parties had to submit the list of candidates for each electoral zone.

Opposition parties (DP and its allies, as well as the LSI) did not register as electoral subjects. A total of 6 independent candidates registered for these elections, proposed by the

¹⁰ Members of these commissions told AHC observers that the overtaking of final lists took place on 29.06.2019. The delay was due to technical reasons with their printing.

¹¹ CEAZ representatives claimed that taking them over officially was realized earlier, but the procedure to document this in protocol was done late due to the workload.

¹² Because of the resistance of citizens, we noticed that CEAZ no. 36 in Tirana, near the Astir area, did not carry out the public posting of the lists. As a solution, the CEAZ chairman said the posting was realized in the same premises where the election process had been conducted in the past.

¹³ CEC member Bledar Skënderi made this postponement public in the media: <http://top-channel.tv/video/zgjedhjet-e-30-qershorit-kqz-shtyn-regjistrimin-e-partive/>

¹⁴ Article 65 of the Electoral Code.



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voters.¹⁵ Unlike the parliamentary elections of June 25, 2017, when no electoral coalition was registered, 2 electoral coalitions were formed in the June 2019 elections. The SP registered in a coalition with 21 political parties.¹⁶ So did the “Hope for Change,” consisting of 7 political parties.¹⁷ There was only one candidate running for mayor in 31 municipalities, without any opponent candidates.¹⁸ The two coalitions submitted as candidates for members of Municipal Councils lists of 554 individuals.

The total number of candidates for Mayor in the elections for local government bodies was 97, of which only 11 were women. This figure shows low participation and representation, about 10% of women running for mayor. Our Electoral Code does not envisage gender quota for candidates proposed for mayor by electoral subjects. The gender quota element envisaged in article 67/6 paragraph two, regarding representation in Municipal Councils and sanctioned in article 175 of the Electoral Code, appears to have been respected by electoral subjects and the CEC. CEC decision-making regarding the refusal of lists of names of candidates for members in the Municipal Councils of Vlora and Lezha of the Demo-Christian Alliance Party, member of the coalition “Alliance for European Albania” was reviewed in the Electoral College. By means of decision no. 3, on 30.05.2019, the College decided to reject the lawsuit submitted by the petitioner, arguing that, *“It is an uncontested fact in the lawsuit that the suing party has not respected the gender equality criterion in the list of candidates for members of the Municipal Councils of Municipalities of Lezha and Vlora, submitted by the Demo-Christian Alliance Party for the elections for local government bodies of 30.06.2019.”*

The subject of review at the Electoral College were also some decisions of the CEC, which had decided to refuse the list of candidates submitted by electoral subjects or candidates proposed by voters. For instance, by decision no. 2, on 30.05.2019, the College decided to reject the lawsuit filed by candidate for Mayor of Himara Municipality of Mr. Dhionisios Alfred Beleri, due to prohibitions envisaged in law no. 138/2015 “On guaranteeing the integrity of persons who are elected, appointed, or exercise public functions.”

¹⁵ A right exercised pursuant to article 69 of the Electoral Code.

¹⁶ The coalition includes 21 parties, namely: Party Alliance for European Equality and Justice, National Arbnoe Alliance party, Social Democracy Party, Christian Democratic Party, Albanian Labor Movement Party, Albanian National Reconciliation Party, Green Party, G99 Party, Party of Albanian Democratic Reforms, Demo-Christian Alliance Party of Albania, Albanian Social-Labor Party, Alliance for Democracy and Solidarity Alliance Party, Party for the Protection of Emigrants’ Rights, Democratic Party for Integration and Prosperity, Albanian Democratic Alliance Party, Moderate Socialist Party, Party for Albanian Future, National Unity Party, Social-Democratic Party of Albania, Party of Denied Rights, Socialist Party of Albania.

¹⁷ This coalition includes 7 parties, namely: Popular Alliance Party, New European Democracy Party, National Front Party, Liberal Democratic Union Party, Red and Black Alliance Party, Hour of Albania Party, and Albanian Emigration Party.

¹⁸ These municipalities are: Kuçovë, Poliçan, Skrapar, Ura Vajgurore, Mat, Krujë, Elbasan, Librazhd, Peqin, Divjakë, Fier, Lushnjë, Patos, Roskovec, Dropull, Gjirokastër, Libohovë, Memaliaj, Përmet, Maliq, Pogradec, Has, Fushë-Arrëz, Pukë, Shkodër, Vau i Dejës, Rrogozhinë, Vorë, Delvinë, Konispol, Himarë.



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The subject of review in the Electoral College was also the registration of electoral subject – the “Democratic Conviction” Party,¹⁹ based on a complaint submitted against a CEC decision by the electoral subject “Albanian Democrat Union” Party. By decision no. 1, on 09.05.2019, the Electoral College ruled to reject the lawsuit due to the lack of legitimacy of the suing party, arguing, *“According to the evaluation of the Electoral College, the suing party does not enjoy active legitimacy because its legitimate interests are not violated, as may be the circumstances for the conduct of elections.”*

For the 2015 elections for local government bodies, OSCE/ODIHR recommended filling the legal vacuum so that the moment when a candidate may withdraw can be determined. This was not realized because no amendments were made to the Electoral Code. In the June 30, 2019 elections, it was noticed that two candidates for mayor submitted their resignations, namely Mr. Salvator Kaçaj (Lezhë) and Mr. Bledar Sinella (Kavajë). On the latter, the CEC decided to file criminal referral with the Tirana Judicial District Prosecution Office.²⁰ The case of candidate Mr. Salvator Kaçaj, proposed by the Democratic Conviction Party was subjected to review in the Electoral College.²¹ In the College, the candidate did not directly oppose the CEC decision to not admit the resignation,²² but asked the invalidation of the CEC decision that had approved the composition of the ballot. Meanwhile, the Electoral College argues, *“the lack of a provision in the Electoral College that envisages the right of the candidate registered for mayor of the local government unit to withdraw from running and, then, the right of the electoral subject (political subject) to replace the registered and resigned candidate after his regular registration, shows that the intent of the lawmaker was precisely to not grant this right through positive non-recognition of these rights for these electoral subjects.”*²³

The “National Unity” Party also filed a request to unregister from the electoral process of June 30, 2019. The CEC decision²⁴ on this subject was reviewed by the Electoral College. Referring to previous precedents, decisions no. 22, on 20.06.2015 and no. 18, on 05.06.2015, the College argued also, *“Withdrawal / un-registration or replacement of candidates by electoral subjects, after the approval and announcement of lists and the registration of candidates or, further, even after the preparation of relevant electoral materials would represent a threat to the stability and transparency of the electoral process and the exercise of the fundamental right to vote.”*²⁵

¹⁹ This electoral subject was registered by CEC decision no. 230, on 27.04.2019.

²⁰ CEC decision no. 639, on 22.05.2019 “On the review of the request for withdrawal from running for mayor of Kavaja Municipality of Mr. Bledar Sinella, for the elections for local government bodies of June 30, 2019.”

²¹ Electoral College Decision no. 9, on 06.06.2019.

²² Decision no. 638, on 22.05.2019.

²³ Electoral College Decision no. 18, on 06.05.2015.

²⁴ Decision no. 836, on 13.06.2019.

²⁵ Electoral College decision no. 12, on 24.06.2019.



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2.5. Central Election Commission²⁶

AHC monitored partially the activity of the highest electoral administration body, the Central Election Commission (CEC). In the circumstances where the opposition forces were not represented at all three levels of electoral administration and the unusual political situation in which these elections were conducted, the CEC faced large workload and difficulties in its activity.

CEC decisions, which in some instances were subjected to appeals at the Electoral College, appear to have been published on the CEC website, unaccompanied by the minority or parallel opinion of its members. Although such publication is not mandatory, it is our opinion that this would make the activity of the CEC more transparent and more open to public oversight.

On voting day and partially during the monitoring, CEC communication with the media and the public caused confusion and lack of clarity in some cases. AHC deems that it is neither regular nor ethical that the spokesperson of this body to be contradicted by the CEC Chairperson on data that were made public. This harmed the principle of transparency to the public.

During the administration of the pre-election process, with regard to controversial issues, we found that members were not able to avoid influences of a political nature. During the CEC meeting on 10.06.2019, during discussions on the legal power of the Decree of the President of the Republic no. 11199/2019, the chairman of this institution walked out and boycotted the proceedings of the meeting. The return of the CEC chairperson was seen after 10 days, on 21.06.2019, but the CEC decisions in their majority were taken by 4 votes in favor and 1 against, not reflecting a spirit of unanimity. As will be analyzed later, this caused delays in the approval of normative acts after election day by this body.

In the June 30, 2019 elections, as in previous ones, AHC alerted the CEC on some obstacles that our observers encountered during the process of monitoring Voting Centers. The CEC did not react about these obstacles.²⁷

2.6 Media Monitoring Board

Although it was not in the main focus of the monitoring, the Media Monitoring Board (MMB), which according to the Electoral Code should have been established on April 22, 2019,²⁸ was set up one month late, on 28.05.2019.²⁹ From the moment it was constituted, the MMB compiled 20 daily periodical reports and 4 weekly reports.

²⁶CEAZ no. 56 and 57

²⁷Namely Ms. Emira Ymeraj, limited AHC observer's access during the monitoring of the counting process at CEAZ no. 5 in Shkodra.

²⁸Article 85/1 of the Electoral Code.

²⁹Decision no. 694, on 28.05.2019.



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On June 25, 2019, AHC became familiar with the publication of an electoral opinion survey published in a media outlet. The publication of the survey ran counter to legal limitations set in article 78/3 of the Electoral Code and, therefore, AHC notified the CEC to this effect. The CEC alerted the relevant subject.³⁰ AHC deems that the CEC and MMB should have been more vigilant and proactive toward the violation of provisions of the Electoral Code, which envisages the deadlines for the start of the electoral campaign and the deadlines that prohibit the publication of results of electoral opinion surveys.

2.6. Establishment and functioning of the CEAZs and VCCs

AHC monitored partially the establishment and functioning of 28 Commissions for Electoral Administration Zones (CEAZs) at the national level.³¹ By decision no. 16, on 18.01.2019,³² the CEC decided that the territory of the 90 Electoral Administration Zones (EAZs) for the 2019 elections for local government bodies would be in the 61 local government units, in 12 counties of the country.

During the monitoring conducted by AHC observers, there was no limitation to access, except for in CEAZ no. 2, 3, 4 and 5 in Shkodra. The opposition political forces did not respect the legal deadline of 18.03.2019, within which political parties needed to propose relevant candidates for members of the CEAZs. By means of decision no. 114, on 02.04.2019, the CEC approved in accordance with the deadline envisaged in the Electoral Code the candidates proposed for CEAZ members only from the electoral subject the "Socialist Party." The CEC appointed itself members of the CEAZs until the completion of the number of members necessary for decision-making in the CEAZs.³³ AHC notes that the boycott by the parliamentary opposition political parties had an influence on failure to respect legal provision of article 29/2 of the EC, which envisages that the CEAZ chair should be from an opposite political camp than the deputy chair.

On May 20, 2019, opposition forces addressed the CEC to request the replacement of CEAZ members appointed by the CEC with members proposed by them. The proposal was submitted at a time when they were not registered as electoral subjects, while political parties assume the capacity of electoral subjects when they are registered as such within the deadlines envisaged in the Electoral Code. The CEC rejected the request,³⁴ and the issue was appealed to the Electoral College. The College decided to reject the filed suits

³⁰ By letter no. 12627 prot., on 28.06.2019, the CEC addressed the subject to take measures to remove the relevant survey from its website.

³¹ Namely: 7 CEAZs in Tirana, 4 CEAZs in Vlora, 3 CEAZs in Durrës, 3 CEAZs in Fier, 4 CEAZs in Shkodra, 2 CEAZs in Korça, 1 CEAZ in Gjirokastra, and 4 CEAZs in Elbasan.

³² <http://cec.org.al/vendime-2019/>

³³ Based on Instruction no. 4, dated 19.02.2013 "On procedures for the selection and training of citizens whom the CEC may appoint to fill vacancies created in the CEAZs and VCCs," amended by Instruction no. 127, dated 04.04.2019, the CEC published on 20.03.2019 the announcement for the expression of interest by citizens who are willing to carry out this function and meet the relevant criteria.

³⁴ Decision no. 657, on 23.05.2019.



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arguing: “*In the sense of article 145 of the Electoral Code, political parties are legitimized to address the Electoral College by opposing the decision-making of the Central Election Commission only in those cases when a request to register as an electoral subject has been rejected.*”³⁵

Until 29.06.2019, AHC found that the CEC made decisions in 32 cases to release from duty and appoint CEAZ members/secretaries.³⁶ The CEC replaced the resigned members or those who did not show up in three consecutive CEAZ meetings, or on the basis of requests of the proposing subject, the Socialist Party.



The CEAZs that we monitored did not function fully according to the provisions of the Electoral Code.³⁷ AHC observers found that identifying elements for the location of the CEAZs to guarantee voter accessibility were not respected.³⁸ CEAZ premises in second and third floors of schools were not appropriate for conducting meetings.

There were instances when AHC observers showed up at different times of the day or on different days at these premises but found no CEAZ representatives. Based on contact with the majority of members of the monitored CEAZs, it does not appear that there were requests from voters to issue certifications of whether their names are on the final voter list.

On May 8 and 9, 2019, the CEC conducted the training of CEAZ commission members

³⁵ Decision of the Electoral College no. 10, on 06.06.2019.

³⁶ Reviewed decisions are: no. 172, on 16.04.2019; no. 173, on 16.04.2019; no. 183, on 23.04.2019; no. 216, on 27.04.2019; no. 250, on 07.05.2019; no. 274, on 10.05.2019; no. 348, on 15.05.2019; no. 606, on 21.05.2019; no. 609, on 21.05.2019; no. 610, on 21.05.2019; no. 640, on 23.05.2019; no. 652, on 26.05.2019; no. 658, on 27.05.2019; no. 670, on 28.05.2019; no. 698, on 28.05.2019; no. 726, on 30.05.2019; no. 751, on 01.06.2019; no. 793, on 03.06.2019; no. 794, on 03.06.2019; no. 802, on 06.06.2019; no. 829, on 10.06.2019; no. 846, on 21.06.2019; no. 854, on 22.06.2019; no. 863, on 25.06.2019; no. 877, on 26.06.2019; no. 880, dt. 26.06.2019; no. 883, on 27.06.2019; no. 901, on 27.06.2019; no. 902, on 27.06.2019; no. 914, on 28.06.2019; no. 922, on 28.06.2019; no. 935, on 29.06.2019.

³⁷ E.g.: From the communication of the AHC observer with the guard of CEAZ no. 2 in Shkodra, the latter said: “*CEAZ members showed up only one day in the premises of the sports palace, took one office, changed the lock and did not show up again.*” The AHC observer found that CEAZ no. 82 in Vlora did not continue its activity *de facto*. In these premises, there was no identifying element of the CEAZ, while the contacted secretary said that the office key had not yet made available to her.

³⁸ Immediately after the constitution, the CEAZ places the national flag in a visible spot; makes public at the entrance of the CEAZ the decree of the President of the Republic of Albania for setting the election date; names of CEAZ members and secretary; the label [distinguishing mark] for identifying the CEAZ; the address, phone numbers, and schedule of the CEAZ.



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throughout the country.³⁹ AHC found that in these elections too, there were replacements of members/secretaries of CEAZs after the training conducted by the CEC. The practice of replacing members of the CEAZs after the request submitted by the proposing electoral subject has received criticism from AHC in previous elections as well but has not been addressed.

AHC observers found several irregularities in the way in which the activity of the monitored CEAZs was documented.⁴⁰ First, we found that in some cases, the publication of decisions does not adhere to the same standard. Lack of representation of opposition-proposed members to these CEAZs has led to unanimous decision-making by them. AHC observers were not able to verify all the documentation of CEAZs because it was not administered in CEAZ premises. In fact, these documents should be administered in CEAZ internal premises and be secured against external unauthorized intrusions.

Based on AHC's partial monitoring, it appears that only the electoral subject the Socialist Party submitted by the deadline of May 30, 2019,⁴¹ the proposals for members/secretaries of VCCs. AHC observers were notified that opposition forces, DP and LSI, also submitted lists of candidates for members/secretaries of VCCs, but these lists were refused by the CEAZs.

There were delays in the appointment of members/secretaries of Voting Center Commissions (VCCs) by the CEC.⁴² On 04.04.2019, the CEC issued decision no. 127 "On some additions and amendments to instruction no. 4, dated 19.02.2013 "On procedures for the selection and appointment of citizens who may be appointed by the CEC on its own initiative to fill vacancies created in CEAZs and VCCS." Article 23/1 letter "a", item 2 and 5, article 29/5, article 36/5 of the Electoral Code of the RA were referred to as the legal basis for this decision.

The above CEC decision is disputable as it grants the CEC some competences that the Electoral Code does not; namely, to fill vacancies created in VCCs, proposing to the CEAZ the list of citizens who may be appointed as members or secretaries of VCCs. As is known, CEC instructions are issued on the basis of and pursuant to the law, which is the Electoral Code. Instructions may not envisage provisions that go against provisions of the Code.

³⁹ CEC press release, on 07.05.2019. Link: <http://cec.org.al/deklarate-3/>

⁴⁰ E.g.: in CEAZs no. 30 and 36 in Tirana, there is no document recorded in the Register of Decisions, while these CEAZs. Although these CEAZs were constituted, this legal moment is not reflected. Also, members of CEAZ no. 24, Durres, told the AHC observer that they held a meeting in order to take over the material base and decision 3 to propose the CEAZ secretary. AHC found that this meeting was not on the Book of Meetings Protocol. This fact is against the legal obligation envisaged in articles 13/2, letter ç), 23/5 of the EC, and Instruction no. 2/2009 of the CEC.

⁴¹ Article 36/2, Electoral Code.

⁴² Instruction no. 4, on 19.02.2013, "On procedures for the selection and training of citizens whom the CEC may appoint on its own initiative to fill vacancies created in the CEAZ and VCC," amended by CEC decision no. 127, on 04.04.2019.



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In fact, article 33 letter “b” of the Electoral Code envisages that it is the CEAZ that appoints the chair, deputy chair, members, secretaries of the VCCs, and members of vote-counting groups, included in the jurisdiction of the EAZ, according to this Code. Meanwhile, according to article 36/5 of the Electoral Code, it is precisely the CEAZ as the body administering the electoral process at the second level, that should take measures to fill on its own initiative the vacancy created by the VCC. It is disputable that the CEC sent the CEAZ the list of names of members who may be appointed to these vacant positions as, through this, it has predetermined the manner of selection, not leaving it at the discretion of the CEAZ to identify and verify candidates and then make their selection. Referring to article 3/1 of the 2013 Instruction, amended by decision no. 127 of the CEC, the only discretion the CEAZ had practically was to appoint the member or secretary of the VCC, with the names from the list approved by CEC decision; when the number of citizens on the list approved by the CEC is larger than the number of vacancies, the CEAZ organized a public session to draw a lottery for their selection.

Based on data made available by the CEC, it appears that 5441 VCCs across the country consist of 4 members and were trained during 22.06.2019 – 27.06.2019, in other words, 3-7 days before voting day.⁴³

2.7. Electoral Campaign

Political events of an electoral nature, of the electoral subject the “Socialist Party” began before the legal deadline (May 31, 2019). This early campaign contravenes the content and spirit of article 77 of the Electoral Code; therefore, AHC addressed the CEC through a public letter.⁴⁴ CEC representatives sought a meeting on this issue. AHC considers that seeking meetings to prove facts that are already public shows lack of courage and independence of the CEC to face political forces on such cases.

It is not the mission of the AHC to evaluate the act of opposition MPs to relinquish their mandates. However, this influenced the creation of a tense political environment and was accompanied by violent incidents during the electoral campaign (mainly burning of CEAZs or protests with violent elements), which escalated a few days before the vote. Based on data made public by State Police, the violent events against CEAZs at the national level involved 250 perpetrators, of which 59 were arrested, 138 were prosecuted at large, and 53 were declared wanted.⁴⁵

⁴³ The CEC director of the DKZTEZ (DECTEV) made available to us by email the training program of VCC members on 24.06.2019.

⁴⁴ Letter no. 206 Prot., dated 27.03.2019.

⁴⁵ Source of information: <https://shekulli.com.al/dë-heshtje-zgjedhore-ne-shqiperi-me-incidente-te-mosbindjes-civile/>



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Despite CMD no. 283/2019⁴⁶ and the establishment of the Task Force by the Council of Ministers, AHC observers in the Municipalities of Fier and Shkodra were given claims of exploitation of the public administration for propaganda purposes as well as the fact that employees were asked to vote and ensure the participation of a certain number of observers from their families. Meanwhile, employees asked that their anonymity be preserved due to the threat that may be posed to their jobs.

AHC deems that electoral subjects registered for the local government elections should have highlighted during the campaign the criteria they followed for candidates that they selected for Mayors or members of Municipal Councils. This should have been done not only in terms of implementing the principle of transparency, but also because of the fact that the regional proportional system of closed lists remains in place here.

3. Voting Process

3.1. Electoral Silence

June 29, 2019, which symbolizes the day before the election day and the election day itself, until the completion of the voting process, represent the period of electoral silence.⁴⁷

While monitoring the voting process, the AHC observer (around 08:11 on 30.06.2019) at VC no. 1729 and no. 1729/2 at the Artistic Lyceum in Tirana stated that the protest outside was disturbing and intimidating voters. Also, the AHC observer informed us that around 12:36 on 30.06.2019, outside VC no. 1494, EAZ no. 23 near the Palace of Culture “Aleksandër Moisiu” in Durres, there was a verbal confrontation between DP militants and commissioners.

In statements made public in the media by representatives of opposition forces, AHC noted repeated calls encouraging and urging voters to not participate in the voting.

3.2. Preliminary actions and opening of Voting Centers

AHC observers noticed that in about 76.5% of the monitored VCs, voting started at the time envisaged by law, at 07:00.⁴⁸ In about 23.5% of the monitored VCs, voting began 20-30 minutes late. Causes had to do with the fact that VCC members did not know properly the preliminary actions, according to the Electoral Code, because they confused boxes and

⁴⁶ CMD no. 283, on 10.05.2019, “On taking measures and monitoring the activity, behavior, or use of human, financial, and logistical resources of the state administration, during the electoral process for the 2019 local elections.”

⁴⁷ Article 77/2, Electoral Code.

⁴⁸ Article 11, Electoral Code.



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security codes, lacked organization, arrived late, etc. The AHC observer noticed that at VC no. 4510, EAZ no. 82 at “Ali Demi” School in Vlora, voting began at 06:46 and a process-verbal was kept on this, yet the situation is in contravention of article 102/1 of the EC.

It is our opinion that another cause that impacted the delayed opening of VCs was the change of their location. Within 03.06.2019 – 30.06.2019, the CEC made 17 decisions to relocate 318 VCs. The CEC was obliged to carry out these changes due to the created situation, particularly the violent incidents and obstacles or resistance encountered in some Municipalities of the country.



AHC encountered irregularities during the procedure of preliminary actions of VCCs for setting the secret booth in order to secure the secrecy of voting.⁴⁹ More frequent cases, for which AHC observers deposited written remarks, were encountered in the Municipality of Vlora, VC 4497/1, at the High Industrial School, VC no. 4510, at the “Ali Demi” School, VC no. 4492, at the Nursing Faculty, VC no. 4440, at the “Rilindja” 9-year school. The same situation was noticed at VC no. 259/1 in Shkodra, where cameras of the national television station filmed from above the voting process of a voter, flagrantly violating the principle of the secrecy of the vote.⁵⁰ In this instance, the reservation submitted by the observer in writing was not registered in protocol. The AHC observer at VC no. 4440, at the “Rilindja” School in Vlora reported that the special secret booth for voters with disabilities was placed too close to the window, creating possibilities for the violation of the secrecy of the vote.

3.3. Access of AHC observers during the voting

AHC’s 91 observers accredited by the CEC were engaged in monitoring the process of voting day in 9 municipalities of the country. They deposited a total of 85 written remarks.

⁴⁹ Article 101/1, letter a), Electoral Code.

⁵⁰ Link: <https://opinion.al/ndodh-ne-shkoder-transmetohet-live-ne-tv-vota-e-qtetareve/>



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The largest number of written remarks were submitted to the monitored VCCs in the cities of Vlora and Tirana.

In a repeated manner, reservations deposited by AHC observers were not entered into protocol by the VCC secretary, in violation of the legal obligation envisaged in article 41, letter “g” of the EC. For instance, in VC no. 1569/1 at the “Ibrahim Rugova” high school in Kamza, the AHC observer submitted written reservations because he noticed the violation of article 108 of the EC. The remark was noted in protocol about 30 minutes late, because the VCC did not have a protocol book. Also, the chairwoman of VC no. 4510, at the “Ali Demi” school in Vlora, refused to take over the written reservations by the AHC observer, claiming that she had no such right. At VC no. 4258/1, in Gjirokastra, VCC members tore up the written reservations submitted by the AHC observer. It is disturbing that in Durres, the AHC observer faced intimidating threats by a party observer when he submitted written reservations about the VCC.

AHC observers noticed the presence of unauthorized persons in the internal premises of the VC and external premises, inside the perimeter of the building where the VCs were located.



Particularly in the outside yard of the “Bardhyl Popa” school in Elbasan, where VCs no. 2374, no. 2374/1, no. 2373 and no. 2373/1 were located, we noticed groups of youths identified as representatives of political parties, orienting voters or simply watching over voters entering and exiting the buildings. At VC no. 1472, EAZ no. 23 at the “Aleksandër Moisiu” University of Durrës and VC no. 4258/1, EAZ no. 78, at the University in Gjirokastra, unauthorized persons introduced themselves as party observers and were informed about the number on the list of the voting person, which is not permissible because it identified the voter who voted or did not vote. The same took place in Tirana, at VC no.18311, EAZ no. 35 at Kindergarten no. 25, at VC no. 1889/1 and 1889, EAZ no. 37 at the “Gustav Mayer” School, and VC no. 1867, EAZ no. 36 at the “Musine Kokalari” school, etc.

VCC members, in some occasions, asked for opinions on certain procedures of the electoral process. There were even cases in which VCC members asked observers for authorization from CEAZs although they are accredited by the CEC, and there were attempts to read the questionnaires they were equipped with.⁵¹

3.4. Respect for legal procedures during voting

In the majority of the monitored VCs, commission members were organized and had divided up tasks in the administration of the voting process. Only in 3.2% of the monitored VCs we

⁵¹ E.g.: at VC no. 4501, EAZ no. 82, at the “Avni Rustemi” School, Vlora.



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found that there was no division of tasks among commission members, with regard to the conduct of the voting process, and in about 10% of them, it appeared that the member tasked with ensuring the order of people in line to vote did not carry out that task. The most frequent reason was the lack of an orderly line of voters in the VC.

We noticed a lack of checks on both hands of voters in 7.9% of the monitored VCs, while in 92.1% of, this legal obligation envisaged in article 105/1, letter b) of the EC was respected. AHC observers also addressed verbal reservations (e.g.: at VC no. 1830, EAZ no. 35 at the “Dëshmorët e Lirisë” school, at VC no. 1867, EAZ no. 36 at the “Musine Kokalari” school, etc.), as well as written reservations in 6.3% of the monitored VCs, after the voter was not marked on his left hand.⁵²

In sporadic cases, we noticed in the monitored VCs that the name of the voter on the list was not crossed out before he/she voted. After the submission of reservations by observers at VC no. 1867, EAZ no. 36 at the “M.Kokalari” school and VC no. 1985, EAZ no. 40 at the “D.Distria” School, as well as VC no. 4490, EAZ no. 84 at the Palace of Culture in Vlora, the members of the respective VCCs corrected the procedure.

One of the reasons why VCC observers submitted written reservations was the departure of VCC members from the VCs in a repeated manner and without being documented on the Book of Meetings Protocol.⁵³

In 100% of the monitored VCs, commission members verified voter identification documents. However, there were sporadic cases such as in VC no. 3675, EAZ no. 72 at the “Themistokli Gërmenji” school in Korça, in which the voter was not allowed to vote because his identity card had expired. After addressing the verbal reservation of the AHC observer, based on Law no. 11/2019,⁵⁴ the voter was allowed to exercise his right to vote.

No instances of voters appearing to vote by using a judicial decision were encountered.

In 92% of the cases, we saw the implementation of the legal provision reflected in article 106/1 of the EC, and the voter entered alone in the secret booth or there were sporadic cases when they entered with the help of another voter who helped due to disability. The principle of the secrecy of the vote was violated by 2 commissioners of VC no. 4501, at the “Avni Rustemi” school in Vlora, who did not vote in the secret booth, but on the table where the other commission members sit. AHC observers noticed that voters conversed with family members during the voting process at VC no. 4447, at the “Halim Xhelo” school in Vlora and at VC no. 1430, at the “Naim Babameto” school in Durrës. In 8% of the monitored VCs, instances of family voting were reported (e.g. VC no. 4491, at the Palace of Culture, Vlora).

⁵² Article 105/1, letter dh), Electoral Code.

⁵³ Article 102/2, Electoral Code.

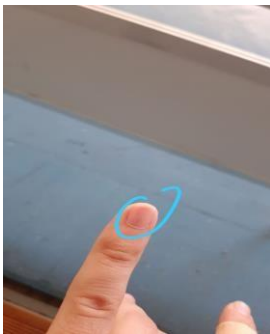
⁵⁴ Law no. 11/2019, “On an addition to Law no. 8952, dated 10.10.2002 “On the electronic ID of Albanian citizens” amended, decided the extension of the validity of electronic IDs until 31.12.2019.



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It is a positive fact that compared to previous elections, there is a considerable reduction in the number of such instances.⁵⁵

AHC voters encountered one sporadic instance of vote photographing at VC no. 4460, EAZ no. 84 at the “Lef Sallata” school. VCC members referred the situation to the respective CEAZ.



AHC observers reported that some voters, after some hours since the vote, showed that the marking ink was weak and faded at the first handwash (e.g.: at VC no. 1985 and no. 1981/1, EAZ no. 40 at the “D.Distria” school, VC no. 1936, EAZ no. 38 at the “S.Çaçi” school). Nevertheless, there were no references to information that this might have led to voting more than once. Also, there were voters whose marking would not be removed. This may have been as a result of different quality of the marking ink.

3.5. Voters with disabilities

In the majority of monitored VCs in the 9 municipalities of the country, it was noticed that the necessary measures envisaged by the law had not been taken to create the possibilities for voters with disabilities to exercise their right to vote or to facilitate it. Voting with the help of family members was encountered in 7.4% of the monitored VCs. In 16.2% of these cases, it was reported that the legal procedure envisaged in the Electoral Code for providing assistance to voters who cannot vote themselves was not respected. For instance, at VC no. 4460, EAZ no. 84 at the “Lef Sallata” School in Vlora, two instances were encountered in which the person who helped the voter did not fill out the respective statement in the Book of Meetings Protocol.⁵⁶

3.6. Closing of VCs

AHC observers reported that during lunch hours, the situation in the monitored VCs was very calm, but voter turnout was low. During the 17:00 – 19:00 interval, a slight increase in the number of voters who chose to head for the polls was noticed.

The Electoral Code envisages that the VC is closed after the last voter present in the VC, at 19:00 has voted. In general, the closing of VCs was done at the legally determined hour, but there were some sporadic instances when the voting did not end at that time. For instance, at VC no. 3005/3, at the “Janaq Kilica” school in Fier, voting was concluded at 21:00.

⁵⁵ In the 2017 parliamentary elections, there were reports of attempted family voting in 28.8% of the monitored VCs.

⁵⁶ Article 108/3, Electoral Code.



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At VC no. 1412 and no. 1412/1, at the “Abedin Dino” school in Durrës, the process concluded at 19:30. In Tirana, at VC no. 1828/1, at the “Dëshmorët e Lirisë” school, our observer reported that at 18:11, i.e. before the legal deadline of closing the VC, work was underway to count the unused ballots (no decision on closing had been taken).

Article 112/2 of the EC envisages that after making the decision to close the voting, only the chair and secretary of the VCC may remain in the VC, **as well as accredited Albanian and/or foreign observers** and accredited media representatives. At VC no. 0311, VC no. 0271 and VC no. 0271/1 in Shkodra, the AHC observer was not allowed to observe the closing actions of the voting process. The observer mentioned the legal basis, but that was not taken into consideration by commission members. The attempt to limit observers’ access occurred also at VC no. 4501, at the “Avni Rustemi” school and VC no. 4471/1, at the “I.Qemali” University in Vlora. At VC no. 1867, at the “Musine Kokalari” school, after the VC was closed, the AHC observer mentioned a verbal reservation as commissioners were confused as to whether unused and damaged ballots should be counted.

4. Vote-Counting Process

The legal deadline for the creation of the VCGs by CEAZ decision was not respected.⁵⁷ In its meeting of 22.06.2019, the CEC decided to postpone a decision on the draft decision “On the establishment of the Vote Counting Groups, for the election of local government bodies of June 30, 2019.” The CEC decided on the issue on 25.06.2019 that the VCGs would consist of four members, two proposed by the Socialist Party and two members selected by the CEAZ by lottery from among commissioners appointed to the VCCs (which were elected by CEAZs based on CEC decision-making analyzed above and on the basis of the lottery on the list of names verified/proposed by the CEC).⁵⁸

AHC monitored the vote-counting process in the premises of the Vote Counting Locations (VCLs), placed at 12 EAZs in the 9 municipalities above (13.3% of them). This monitoring continued until 23:00 of July 1, 2019. AHC observers reported that decisions to change the locations of some vote counting centers, although necessary, caused confusion. During the period 06.06.2019 – 28.06.2019, the CEC took 10 decisions to change the 12 VCLs around the country.⁵⁹

4.1. Preliminary actions and the start of counting

The accompaniment of ballot boxes and voting materials to the majority of VCLs monitored by AHC was conducted in accordance with article 114 of the EC.⁶⁰

⁵⁷ Article 95/1, Electoral Code.

⁵⁸ Decision no. 865, on 25.06.2019.

⁵⁹ Reviewed decisions are: no. 803, on 06.06.2019; no. 866, on 25.06.2019; no. 875, on 26.06.2019; no. 881, on 27.06.2019; no. 882, on 27.06.2019; no. 900, on 27.06.2019; no. 904, on 27.06.2019; no. 913, on 28.06.2019; no. 918, on 28.06.2019; no. 923, on 28.06.2019. The VCL in the County of Elbasan and Shkodra, which were the subject of AHC monitoring, were changed 2 days before voting day.

⁶⁰ This article envisages, “1. Immediately after the conclusion of actions envisaged in article 113 of this Code, the ballot boxes with the ballots and the box with voting materials shall be dispatched to the



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However, there were sporadic cases such as the transport of voting materials of VC no. 4491 toward EAZ no.84, where around 20:49, the AHC observer reported that the driver of the transportation vehicle did not allow the VCC secretary, chairperson, and police officer, arguing that there was no room in the van. There were cases when AHC observers reported delays in transferring electoral materials to the CEAZs. Delays were usually because the transportation vehicle did not show up, or due to large distances of VCs. E.g., about 21:50, it was possible to transport the ballot boxes of VC no. 1828 and 1828/ toward EAZ no. 35 at the “Dëshmorët e Lirisë” school in Tirana, while in CEAZ no. 2, at the “Arben Broci” school in Shkodra, boxes were taken over after 00:50. Around 01:18, members of CEAZ no. 3 and no. 4, VCL “Arben Broci” school, although they took over all ballot boxes and boxes of electoral materials, AHC observers reported that the delay came as a result of the delayed establishment of the VCG due to the absence of members appointed by the CEAZs.

At CEAZ no. 21, at VCL “Ramazan Ngjala” school in Durrës, the vote counting process began around 09.18 on July 1, 2019. Around 23:59, on June 30, 2019, the AHC observer at VCL “Tamara Nikolla” Sports Palace in Korça noticed the absence of VCG members, a situation that led to a delay in starting the counting process. AHC observers reported that the VCG only had 2 members, namely one at CEAZ no. 39 at the National History Museum in Tirana and 4 VCLs at CEAZ no. 3, at the “Arben Broci” School in Shkodra, which is in violation of article 95/2 of the EC. These problems had an impact on the smooth conduct of the vote counting process and the quality of training of VCG members. Observers reported that the training of VCG members lasted a relatively short time, between 15⁶¹ and 45 minutes.⁶²

Process-verbals held after taking over ballot boxes and electoral materials’ boxes, lack of contestations or irregularities during the process of their delivery, as well as the lack of decisions by CEAZs for starting the vote counting process show speak of overall respect for procedures in opening the voting process. In some sporadic instance, the AHC observer

to the Ballot Counting Centre, designated in accordance with article 94 of this Code. Other materials used during the voting process are submitted to the CEAZ within the deadlines and in the manner specified by the CEC. The ballot box/es with the ballot papers and the box with voting materials are delivered to the Ballot Counting Centre as early as possible, but no later than 3 hours from the closing of the polls in the voting centre. Their delivery is performed with a motor vehicle, in which are seated the members and the secretary of the VCC, as well as a police officer, who is charged with guaranteeing the accompaniment and the integrity of the ballot box/es with the ballot papers and of the box with voting materials. The CEC authorizes the CEAZ, while also providing it with the necessary funds, for ensuring the transportation by motor vehicle of the ballot boxes with the ballot papers and the box with voting materials. The police officer, under point 2 of this article, is a permanent police officer of the State Police, except for the criminal police, charged with the duty of accompanying by the CEC on the proposal of the General Director of the State Police. The accompanying police officer shall wear at all times the uniform of the State Police and, in a visible place, the number assigned by the CEC, as well as his/her surname in a legible size.”

⁶¹ VCG at CEAZ no. 30, Gym of “1 Maji” School, Tirana.

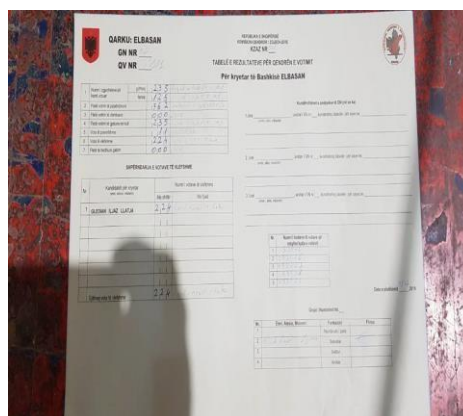
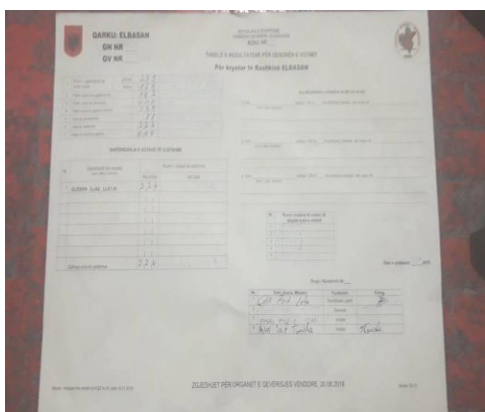
⁶² VCG at CEAZ no. 47, 49 and 50, at the Sports Palace “Tomorr Sinani,” Elbasan.



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notified the members of CEAZ no. 50, that the table of results for mayor of Elbasan Municipality for VC no. 2335/1 was signed only by the secretary of VCG no. 02.⁶³ After the intervention of the observer, the irregularity was avoided.



4.2. AHC observers' access during counting

For monitoring the counting process, AHC engaged 24 observers, who generally were not obstructed to enter or remain in the counting premises. There were however limitations to access for AHC observers at CEAZ no. 5 in Shkodra,⁶⁴ or in the premises of CEAZ no. 34, VCL “Vasil Shanto” school, and CEAZ no. 39, “National History Museum” hall, whereby observers were not allowed to access premises until around 00:00 based on the argument that not all ballot boxes were received and the VCL premises were messy.

4.3. Respect for legal procedures during counting



Transparency in the vote counting process was not guaranteed in full. Around 13:01, the AHC observer who was monitoring the process at CEAZ no. 35, at the “Vasil Shanto” school, reported verbal reservations because one of the monitor screens was not accessible easily due to problems with electricity. Problems with lighting were noticed repeatedly at these premises, as part of the gym ceiling is made of glass and the light interferes with the camera. CEAZ members tried to fix the situation, by improvising cardboard covers.

⁶³ Article 119/1, Electoral Code.

⁶⁴ Regarding limited access of the accredited observer by Ms. Ermira Ymeraj, the CEC was informed electronically.



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The AHC observer at CEAZ no. 39, at the Red School reported verbal reservations to the VCL because ballots were passed too fast through the monitor.

In spite of the low number of voters in these elections, there were still temporary interruptions or suspension of the vote counting process in some VCLs because VCG members involved as commissioners of VCs during the first part of the day were tired,⁶⁵ but also as a result of repeated problems with the electronic system.⁶⁶ AHC observers reported that the vote counting process by VCGs was generally conducted slowly during the time of our monitoring. Also, according to AHC observers, there were unjustified delays by VCGs and CEAZs to start counting the first ballots at 13:12 on July 1, 2019, at CEAZ no. 84, at the Sports Palace in Vlora.

At vote counting centers observed by AHC, a considerable number of ballots were considered invalid.

4.4. Environment inside counting premises



In general, the environment inside monitored vote counting premises was calm and free of accidents. Contestations or inaccuracies were scarce. The CEAZ decided on these on a case by case basis. There was a presence of unauthorized persons in counting premises, noticed by the observer at CEAZ no. 30, at the “1 Maji” school gym in Tirana. The AHC observer reported that the CEAZ commissioner alerted public order forces but the latter undertook no action. Video footage provided by the observer shows that the conduct of the unauthorized person was of an intimidating nature on the VCG members. It was reported that the man walked out of VCL after media showed up to film.

No notes of these were found on the Book of Meeting Protocol of the relevant CEAZ. During the first half of the day on July 1, 2019, the AHC observer at CEAZ no. 35 at the “Vasil Shanto” school reported high temperatures, which made a smooth counting process difficult.

Due to the scarce number of observers, it was not possible to follow the vote count in all counting centers. AHC found it impossible to follow to the end the result reflected in the summarizing tables prepared by the monitored CEAZs.

⁶⁵ VCL “Janaq Kilica,” CEAZ 58, Fier.

⁶⁶ VCL “Janaq Kilica,” CEAZ 58, Fier and VCL “Tamara Nikolla” Sports Palace, CEAZ no. 72, Korça, etc.



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5. Recommendations

Although OSCE/ODIHR has not yet published its final report on the June 30, 2019, elections, in this part of the AHC's monitoring report we are presenting some recommendations that could serve to improve legislation and its implementation, in order to guarantee free and fair elections. Practice has proven that it is necessary to rely on complete, accurate, and clear regulations and legislation.

6.1 AHC deems that it is indispensable and urgent to achieve dialogue between the largest parties in the country, from the majority and opposition, because without political will and in the absence of constructive consensus, it is impossible to overcome controversies and the tense political environment.

6.2 These elections too proved the indispensability of amendments to the Electoral Code, proving some shortcomings, unclear parts, and violations of electoral legislation. These could have been avoided if relevant amendments, pursuant to OSCE/ODIHR recommendations, had been made to the Electoral Code. AHC is of the opinion that in this regard, non-participation of the two largest opposition parties – DP and LSI – had an impact because the electoral race is an element of mutual control.

6.3 AHC deems that electoral reform requires broad consensus and political dialogue, transparency, and inclusiveness. It is necessary to review OSCE/ODIHR recommendations reflected in the last four electoral processes, including on June 30, 2019. A key recommendation is that of depoliticizing the electoral administration at all levels, which was not fulfilled in these elections either.

6.4 Amendments to the Electoral Code should not be a monopoly of political parties. In this regard, we think that formal consultation should be avoided and that the views of groups of interest, experts, organizations and representatives of civil society should be heard effectively.

6.5 Regarding the electoral system, it is our opinion that this issue requires profound, objective, and comprehensive analysis. A review of the electoral system requires in parallel a legal reform in the organization and functioning of political parties. Although every system has its own advantages and disadvantages, there should be public consultations and hearings particularly on this issue with citizens who are active in public life.

6.6 Voter turnout in the June 30, 2019 local elections drew the largest attention. It is necessary to give special importance to transparency to the public, to the criteria followed by political parties to propose candidates to the electorate. Just as important are the platforms of candidates, which should offer alternative solutions to the problems that citizens face. For winning candidates, the presented platforms should not be just paper, but transformed into serious efforts and maximal engagement to achieve their objectives.



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Otherwise, voters' confidence in political parties will be low, which will be reflected in their low participation in the instrument of direct democracy, through which every voter exercises the fundamental right to vote.

6.7 AHC notes that it is worth reviewing the provisions of the Electoral Code on candidates proposed by electoral subjects for mayor because these provisions, unlike candidates for members of the Municipal Councils do not envisage gender quotas for female representation. This influenced the low representation of women in running for mayors and in candidates declared winners by the CEC.

6.8 AHC thinks that the role of the CEC should be more proactive, not only on voting day and the vote counting, but also throughout the pre-election process. Its interventions to reinstate the violated law should be immediate and sensible so that they could have preventive effects. For the CEC, transparency and information for the public on issues of interest to the public should be seen as priority obligations.

6.9 The CEC, when appropriate, should not hesitate to undertake measures envisaged in article 171 (administrative sanctions), article 172 (sanctions for the violation of principles of the Code), article 173 (sanctions regarding campaign financing), article 174 (violation of electoral silence), and article 175 (sanctions regarding gender equality).

6.10 Considering that the professional knowledge of members of electoral commissions play an important role in the conduct of the electoral process and the fact that violations of the legal provisions of the Electoral Code have been noticed in all legal provisions of the Code as a result of lack of knowledge thereof, AHC thinks that this problem should be analyzed seriously and the forms, manner, and sufficient time for quality and effective training should be determined.

6.11 Regarding the phenomenon of vote stealing, AHC is of the opinion that this is a problem that has been highlighted in every electoral process. In this regard, the view that that penal punishment should be harshened, although it may have some positive impact and even deterring impact, would not resolve the problem. The main thing is to raise the awareness of electoral subjects, especially the largest political parties, so that they not only do not agree with such actions, but should condemn and denounce them. The need arises that in cases of the commission of criminal offenses related to elections, there is objective and non-selective, comprehensive, and priority investigation and adjudication within reasonable times. So far, punishment of this phenomenon has been negligible.