



ALBANIAN HELSINKI COMMITTEE

## FINAL REPORT

ON THE FINDINGS AND CONCLUSIONS OF  
MONITORING OF THE PARLIAMENTARY  
ELECTIONS FOR THE ASSEMBLY OF THE  
REPUBLIC OF ALBANIA

**5 Municipalities of the country:  
Malësi e Madhe, Dibër, Lezhë,  
Pogradec dhe Berat**



*This report is drafted in the framework of the project "Toward better integrity of candidates, for Free and Fair Elections in 5 Municipalities of the country," implemented by the Albanian Helsinki Committee and supported financially by the Federal Republic of Germany.*

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**APRIL 25, 2021**

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KOMITETI SHQIPTAR I HELSINKIT

**This report was prepared in the context of the project “*Toward better integrity of candidates, for Free and Fair Elections in 5 Municipalities of the country,*” implemented by the Albanian Helsinki Committee and supported financially by the Federal Republic of Germany.**



KOMITETI SHQIPTAR I HELSINKIT



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DEUTSCHE ZUSAMMENARBEIT

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## Contents of the Report:

<b>Introduction .....</b>	<b>Error! Bookmark not defined.</b>
<b>1. Executive Summary .....</b>	<b>7</b>
<b>2. PRE-ELECTORAL PROCESS IN 5 MUNICIPALITIES OF THE COUNTRY .....</b>	<b>11</b>
2.1. Publication of the extracts of electoral components and final voter lists .....	11
2.2. Respect for the right of the Albanian diaspora to vote during the 2021 Parliamentary Elections...	12
2.2.1. Denial of the right to vote of citizens diagnosed and quarantined due to COVID19.....	14
2.3. Written notification of voters .....	15
2.4. Registration of Electoral Subjects .....	15
1 .....	16
<b>2.5. Central Election Commission.....</b>	<b>18</b>
2.5.1. State Commissioner for Elections .....	19
2.5.2. Regulatory Commission .....	20
2.5.3. Sanctions and Complaints Commission .....	20
<b>2.6. Judicial Electoral College .....</b>	<b>20</b>
<b>2.7. Establishment and functioning of CEAZs.....</b>	<b>21</b>
2.7.1. Meetings and decision making of CEAZs .....	22
2.7.2. CEAZ members who exercise public functions .....	23
<b>2.8. Establishment and functioning of the Voting Center Commissions (VCC).....</b>	<b>23</b>
2.8.1. Educational qualifications and training of VCC members .....	24
<b>2.9. Establishment of Vote Counting Groups (VCG) and their training.....</b>	<b>24</b>
<b>2.10. Electoral Campaign.....</b>	<b>25</b>
2.10.1. Use of public assets and administration during the electoral campaign .....	25
2.11.1 Posting of propaganda materials .....	27
2.11.2 Incidents during the pre-election campaign, as indicia for votee-buying and selling.....	27
3 <b>Voting process.....</b>	<b>28</b>
3.1 Electoral Silence.....	29
3.2 Dissemination of electoral materials by CEAZs to VCCs .....	29
<b>3.3 Monitoring the Voting Process.....</b>	<b>29</b>
3.3.1 Challenges of using the PEI electronic equipment and irregularities noticed as a result of the implementation of technology .....	31
3.3.2 AHC observers' access during the voting .....	32
3.3.3 Procedure of the voter's appearance in the voting booth .....	32
3.3.4 Presence of unauthorized persons in the premises inside and outside VCs.....	33
3.3.5 Voters who cannot vote themselves .....	33
3.3.6 Family voting and vote photographing.....	34
3.4 Voting in special VCs at Institutions for the Execution of Penal Decisions (IEPD).....	34
4 <b>The vote count.....</b>	<b>36</b>



4.1	Respect for legal procedures during counting .....	36
4.2	Environment in VCPs and presence of unauthorized persons .....	40
4.3	Approval of vote tabulations .....	40
4.4	Complaint procedure with SCC.....	41
<b>RECOMMENDATIONS:</b> .....		41



## 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 acts applicable in the Republic of Albania.

By monitoring the electoral process for parliamentary elections, AHC sought to increase the responsibility, accountability, and transparency of institutions that are competent for guaranteeing free and fair elections, with broad citizens' participation and dignified representation by candidates, in accordance with the Electoral Code (EC) and legislation in force. Furthermore, AHC has offered its modest contribution to raising citizens' awareness on the importance of exercising their right to elect and be elected as a fundamental constitutional right.

With financial support from the German Embassy in Albania, AHC implemented the initiative "Toward better integrity of candidates and free and fair elections in 5 municipalities of the country." In the context of this initiative, with the contribution of 5 local coordinators embedded in the areas under the jurisdiction of the Municipalities of Malësi e Madhe, Dibra, Lezha, Pogradec, and Berat, AHC monitored the pre-electoral and electoral process, during the months of March-April 2021.

Due to the spread of the global COVID-19 pandemic, the 2021 Parliamentary Elections were not held in ordinary circumstances because citizens, representatives of the electoral administration, and observers were obliged to respect measures envisaged in medical protocols approved by the Institute of Public Health. However, as will be noted along this report, these measures were not adhered to mainly during the electoral campaign of electoral subjects.

The date of the parliamentary elections April 25, 2021, was decreed by the President of the Republic on September 6, 2020.

AHC accredited 63 observers, 45 of which were engaged in monitoring the voting process in 100 voting centers (VCs) and 18 observers were engaged in monitoring the vote counting process in 9 vote-counting sites (VCSs). AHC observers accredited by the CEC by decision no 217, dated 12.04.2021 of the State Election Commissioner were equipped with the necessary theoretical and practical knowledge, in the course of two training programs dedicated to building their capacities for objective, professional, and quality monitoring of the electoral process. The reflection of data monitored in the field was done by them in individualized questionnaires for each phase of the monitoring process, i.e. the voting and counting phases, in both hard copy and online formats.

AHC's monitoring, which extended over the pre-election period, voting, and counting, was partial because it only covered 100 Voting Centers of the total 5199. In other words, AHC managed to only monitor only 1.9% of the total number of voting centers. Monitoring of the counting process extended over 9 CEAZs of 92 such that were set up across the country (i.e. in 9.8% of them).

Although the monitoring conducted by the observers was limited due to their scarce number, the data referred by them during the observation process in the field helped highlight some important issues, at the conclusion of analysis of which, there are some concrete suggestions and recommendations that could improve future electoral processes.



At the conclusion of this dynamic monitoring process, AHC thanks all the local observers and coordinators in 5 Municipalities of the country, for their proactivity, professionalism, impartiality, and dedication. We particularly thank the AHC staff that contributed to implementing this important initiative, the Government of the Federal Republic of Germany and the Embassy accredited to our country, for supporting financially the realization of the activity to monitor this electoral process.

## 1. Executive Summary

- 1.1.** The data for the parliamentary elections of April 25, 2021, was decreed by the President of the Republic of Albania on September 6 of last year (2020). The 2021 parliamentary elections were the first to test the application in practice of amendments to the Electoral Code. These amendments were not realized according to the best practices of the Venice Commission, which suggests that *“fundamental elements of electoral legislation **should not be open to change less than one year before the elections.**”* In order to include the extra-parliamentary opposition in the phase of amendments to the EC, on June 5, 2020, the Political Council was established. The Council managed to review, change, and approve a series of provisions of this Code, which later were approved by the Assembly. Also, in the absence of consensus from the extra-parliamentary opposition, the Assembly approved the change of the electoral system in articles 64 and 68 of the Constitution, which were then followed by some other amendments to the EC. It is worth mentioning that these amendments, particularly the constitutional ones, were hasty, not inclusive, in violation of recommendation of the Venice Commission, and did not fully address the priority recommendations of OSCE/ODIHR.
- 1.2.** Due to the spread of the COVID-19 global pandemic, on 13.04.2021, the Ministry of Health and Social Protection approved the Protocol “On anti-COVID-19 measures during the electoral process and voting day,<sup>1</sup>” in order to take special measures in preventing the spread of the infection and protect the health of voters and actors involved in this process. In a disturbing manner, during the phase of the electoral campaign by political subjects, during the process of training of the electoral administration at the local level, on voting day, and in vote counting sites, AHC found that it was impossible to rigorously respect preventive anti-COVID-19 measures. Disrespect for anti-COVID-19 measures during the processes related to the conduct of the elections (campaign, trainings, etc.) and the failure of competent authorities to take measures for cases of violations, placed citizens in unequal circumstances, while the right to rally was limited and gatherings of more than 10 people in closed or open premises was not allowed.
- 1.3.** Although the EC envisaged the guaranteeing of the right to vote and Albanian citizens outside the country, this was not realized, in the absence of reasoned decision making by the CEC. The same restriction was placed on citizens infected and quarantined as a result of the SARS-COVID19 global pandemic.
- 1.4.** The Central Election Commission (CEC) was established in October 2020, i.e. 6 months before the election date. This institution of the highest level of electoral administration, in the context of electoral reform, underwent changes in composition and in structure, compared to the previous CEC. The review of candidates by the Assembly for members to the leading positions did not guarantee an entirely meritocratic process and consultation with groups of interest on the presented candidates. The delayed establishment of this institution made the CEC work in circumstances of an overload with regard to the administration of the electoral process.
- 1.5.** Based on official data of the electronic register published on the website of the CEC, it appears

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<sup>1</sup> <https://ata.gov.al/2021/04/20/publikohet-protokolli-i-masave-antikovid-per-procesin-zgjedhor-maskat-te-detyrueshme/>



that 46 political parties and 3 coalitions registered initially to compete in the April 2021 parliamentary elections, unlike the 2017 elections that saw no registered coalitions. After the conclusion of the process for the verification of multi-name lists, it was decided to register 12 electoral subjects and 5 independent candidates.

- 1.6.** The extracts of electoral components and final voter lists, according to data referred by AHC observers, appear to have been drafted and published in accordance with legal procedures envisaged in article 51, paragraph 4 of the Electoral Code, in the 5 Municipalities that were the subject of this monitoring. However, it was reported that citizens' access to become familiar with them in the Municipalities of Pogradec and Lezha was limited (due to their posting in inappropriate premises, etc.).
- 1.7.** During the monitoring realized in the 5 Municipalities, it resulted that the process of notifying voters in writing in their places of residence was not accomplished, although it appears that the funds were granted to the Local Government Units by the Ministry of Interior. With regard to failure to fulfill this obligation, the Municipalities did not provide any relevant arguments.
- 1.8.** Of the 9 CEAZs monitored by AHC in the 5 Municipalities, it appears that the activity of CEAZ no. 69 in the Pogradec Municipality began late, beyond legal deadlines and the decision-making of the State Election Commissioner. The premises of all monitored CEAZs were placed in public premises. The membership of the monitored CEAZs was in keeping with legal provisions in article 29 of the EC, while replacements of members were noticed in the Municipalities of Lezha, Berat, and Malësi e Madhe. The legal obligation to post labels with the names of members/secretary and their contact numbers was not respected by the staffs of most of the CEAZs that were monitored. Among the justifying reasons were: non-provision of sample indications with adhesives on CEAZ doors, or lack of will of the members to provide details of their names or contact numbers.
- 1.9.** CEAZ members were trained in March 2021, about 2 months later than the date when they should have been established and convened.<sup>2</sup> Observers report about a lack of presence of CEAZ members during the hours when CEAZs were supposed to function. Contact with them was only realized after notification by the observers. CEAZ decisions demonstrate procedural deficiencies in terms of publishing minutes of the meetings or decisions in the Protocol Book, or their signing and stamping. Contrary to paragraphs 5 and 6 of the decision of the Regulatory Commission no. 40/2020, secretaries/members of CEAZs kept notes of meetings and decision making in personal notebooks.
- 1.10.** Observers report about delays in the establishment of some VCCs as a result of the long time that political subjects took to correct shortcomings noted by the CEAZ and the time that CEAZs took to make final decisions on the appointment of VCC members. In keeping with article 62, paragraph 2, the establishment of special VCs in the institutions of prisons and of public health, was realized in Lezha Municipality for IEPD Shënkoll and IEPD Reç, Malësi e Madhe Municipality. Delays were found also in the training of VCCs, which was realized during April 18-23, 2021. Participation in these trainings was low in some of the monitored

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<sup>2</sup> According to decision no. 15/2021 of the State Electoral Commissioner, the CEAZ should have conducted the first meeting on January 28-29.

Municipalities and some of the members appointed by electoral subjects were not represented.

- 1.11. The location of VC no. 07091, in Shëngjin, part of Lezha Municipality, was changed *de facto*, without any concrete decision making by the CEC. The change of the location from the school in Shëngjin to the private subject Colombo, caused confusion among voters on election day.
- 1.12. In fact, the electoral campaign appears to have begun much longer before the one-month deadline provided in article 77 of the Electoral Code. A disturbing fact was that the campaign was realized in a very polarized political environment and was accompanied by elements of hate speech, elements of discrimination toward women, or in violation of the dignity of candidates proposed by “opposing” electoral subjects. It is worth highlighting the informal meetings in closed premises and in violation of anti-COVID19 protocols and measures. Meanwhile, local coordinators referred “activities forbidden to be promoted” in violation of article 3, paragraph 1, of Decision no. 9/2020 of the Regulatory Commission, by the Municipalities of Pogradec, Dibra, and Malësi e Madhe, during the 4-month period before the elections until the day of the elections. During the electoral campaign, one of the encountered problems was the involvement of employees of different authorities of the public administration during the official working hours in meetings or rallies of electoral subjects, in contravention of article 91 of the EC.
- 1.13. The pre-election process was accompanied by some incidents and violent acts undertaken toward political opponents, which escalated a few days before the voting day. Also, there were cases of referrals filed with SPAK toward local officials in Berat for the accusations of “Passive corruption in elections,” and criminal proceedings against supporters of electoral subjects in Dibra Municipality. About 2 days after the elections, in an official release for the media, SPAK informed the public about 33 proceedings registered in this prosecution office in the category of criminal offenses in the field of elections.
- 1.14. Official voter participation in the parliamentary elections of April 25, 2021, was 46.32%. About 47.66% of voters were female. During the process of the April 2021 parliamentary election process, a total of 1,841 candidates competed, of which 732 or 40% were women. A positive factor that contributes to the consolidation of the democratic system is representation in elected bodies of the underrepresented gender. This percentage of female candidates in these parliamentary elections fulfilled the gender quota stipulated in article 67, paragraph 6 of the EC.
- 1.15. AHC observers in the 5 monitored Municipalities reported that State Police officers acted in accordance with the law and remained in external premises of VCs and VCSs. However, this situation reflects also the fact that the electoral administration at the local level did not request the intervention of State Police forces to preserve order and security in the monitored VCs and VCSs.
- 1.16. The voting process was accompanied by a calm environment, while the presence of unauthorized persons inside VCs or in their external premises was seen extensively in the monitored VCs in some of the country’s Municipalities. VCC members displayed a lack of knowledge and were confused with regard to differentiation between ‘family voting’ and

‘assistance for voters who could not vote on their own.’ The phenomenon of vote photographing was noticed in this electoral process too. The electoral administration was not unified with regard to referring these cases to State Police officers while written remarks by accredited observers were not always protocolled according to legislation in force.

- 1.17.** The vote counting process was realized in an uncalm, noisy environment, with an increased presence of unauthorized persons in VSC sites, exerting influence on VCG members. During the vote count, observers noticed that the number of invalid votes was higher compared to previous elections and there was a lack of a unified practice in evaluating votes as valid or invalid by the vote counting groups. Based on official data published on the CEC website, it appears that about 83,001 votes were found invalid, out of 1,662,386 or about 5% of the total number of votes. Some of the reasons for the invalidity of ballots had to do with the changed electoral system, the contents of the ballot where the candidate was only identified by a number, the insufficient time to sensitize voters about the manner of voting, in spite of the care shown by the CEC, etc. During the monitoring of the vote counting process, observers noticed mass contestations submitted by observers of political parties in the Municipalities of Dibra and Berat, due to the fast passage of ballots on the monitors or the lack of clarity in the monitors. The CEAZ played a proactive role in resolving these situations.

## 2. PRE-ELECTION PROCESS IN 5 MUNICIPALITIES OF THE COUNTRY

### 2.1. Publication of the extracts of electoral components and the final voter lists

Referring to article 50 of the Electoral Code (EC), the Minister of Interior, who oversees the civil registry office, is responsible for the issuance of orders and instructions regarding the methodological direction of the work of civil registry offices and the oversight of their process to draft voter lists.

Through Instruction no. 298, 10.09.2020, the Minister of Interior instructed Mayors of Municipalities, the General Directory of the Civil Registry, officials of civil registry offices in municipalities/administrative units, and other state institutions, about the procedures to draft the voter lists for the Elections for the Assembly of Albania. Due to the change in article 46, paragraph 2 of the Electoral Code, within 06.10.2020, civil registry offices in municipalities/administrative units print the first extract of the electoral components of all voters. The extracts are published in a periodical manner, no later than the dates 05.11.2020, 05.12.2020, 04.01.2021, 03.02.2021 and 05.03.2021. Date 16.03.2021 represents the final deadline by which the civil registry office had to print the final voter lists and sign it for every VC, while the date 21.03.2021 is the legal deadline for the approval of the list by the Mayor of the Municipality and its submission to the Commissions for the Electoral Administration Zones (CEAZ).

Based on the monitoring in the 5 Municipalities of the country, observers found that **representatives of civil registry offices found it impossible to prove through a process-verbal the submission of these lists to the Mayor of the Municipality.**

The extracts of the electoral components appear to have been published in accordance with provisions of article 51, paragraph 4 of the EC, in the civil registry offices or premises of the Administrative Unit. All extracts of electoral components were signed in keeping with legal provisions in force in the Monitored Municipalities.



Meanwhile, the provision mentioned above envisages the guarantee of public accessibility so that at any moment, interested citizens may become familiar with the contents of these components. Based on monitoring in the field, it appears that in some of the



country's Municipalities, both in cases of extracts of the electoral components as well as in the case of final voter lists, it was impossible to access them visually for citizens after the official working hours of the institutions where they were posted (after 16:30 or during weekends or holidays). For instance, in the case of monitoring the final voter lists posted in VC no. 0736, "Gjergj Fishta" School, Besëlidhja Neighborhood (Lezhë), and those published at "Muharrem Çollaku" School (Pogradec Municipality), which were not only posted high, making access impossible for citizens of an average height, but it was also impossible to read them easily due to lack of clarity in printing.



Citizens' access to become familiar with the VCs established in schools appears even more limited during the day because it is only possible during the breaks during classes. Also, the iron bars on windows where lists were published in the “Gjergj Fishta” school in Lezha Municipality make familiarization with these lists difficult.

Based on data submitted by local coordinators, it appears that the merging of VCs, when the number of voters was under the minimum envisaged in article 62 of the EC, occurred precisely the Municipalities of Dibra, Pogradec, and Malësi e Madhe. The establishment of special VCs in prison and public health care institutions was realized in the Lezha Municipality for IEPD Shënkoll (VC no. 0748 – 139 voters) and Berat Municipality (Otlak Administrative Unit).<sup>3</sup>



The local AHC coordinator for Lezha Municipality referred with concern the location of VC no. 07091. Referring to the list published by the CEC, it appears that this VC is placed in a public site, namely “Shëngjin” school.<sup>4</sup> During the monitoring in the field of the posting of final voter lists on April 7, 2021, observers noticed that “Shëngjin” school, due to damages as a result of the earthquake, was in the process reconstruction. As a result, the lists were posted at a private subject, hotel ‘Colombo.’ It appears that the CEC did not publish any decision making about changing the location of

this VC.<sup>5</sup> AHC alerted the CEC on this issue by letter no. 284, prot., on 09.04.2021. By letter no. 296, prot., dated 16.04.2021, the CEC told us that it would pursue issues raised by AHC with priority and that it would inform us of measures taken after verifications. **However, in spite of institutional correspondence, no effective measure was undertaken by the CEC in the context of smooth administration of the electoral process. In practice, this situation caused confusion among voters on voting day.**

## 2.2. Respect for the right of the Albanian diaspora to vote in the 2021 Parliamentary Elections

One important novelty of the Electoral Code, according to article 46, paragraph 3, and other provisions, is the right of the Albanian diaspora to vote from abroad. Concretely, the three basic criteria to enable the exercise of the right to vote for Albanian voters who are part of the Albanian diaspora are:

- a) have permanent residence outside the territory of the Republic of Albania,
- b) have registered in the National Register of the Civil Registry (NRCR) the address of their permanent residence outside the country, and,

<sup>3</sup> The CEAZ of this unit is not the subject of monitoring by the local coordinator for Berat district.

<sup>4</sup> [http://kqz.gov.al/CEC\\_STRUKTURA/struktura.htm](http://kqz.gov.al/CEC_STRUKTURA/struktura.htm)

<sup>5</sup> This change of the VC is not featured as published in decision no. 141, dated 15.03.2021 or in decision no. 120, dated 08.03.2021.



- c) ask the CEC to be equipped with voting documentation for abroad.

The CEC was intensively involved in the very first phases for the successful finalization of this process. Namely, in October 2020, the working group was established on the possibility of voting from abroad.<sup>6</sup> The CEC administration, on March 23, 2021, shared for consultation with civil society organizations and interested stakeholders, including the AHC, the draft of the decision “Regulations for the registration of voters from abroad for the elections for the Assembly.” This draft decision has not been finalized and was never approved, nor does it appear to have become part of the daily agenda in any of the CEC’s meetings.

Based on monitoring in the field, it results that the position of employees of the Civil Registry Office for the registration in the NRCR of the permanent place of residence of Albanian citizens abroad appears to be contradictory and unclear. Some of the employees refer to the process as unrealized because the legal obligation of citizens to register their address on the government e-Albania portal was not realized. Local AHC coordinators also encountered views of other employees who state that many citizens turned to these offices for registration in the civil registry register.

According to official correspondence initiated upon the initiative of the State Commissioner for Elections, it results that the General Directory of the Civil Registry informs the Commissioner that the total number of Albanian citizens with an address outside the territory of the RA and with the right to vote, categorized by year between 2009 – 2021, registered in the NCRC database appears to be 3,613 Albanian citizens, the overwhelming majority of which were registered in 2021, namely 2,774 citizens. The data for these citizens are categorized also on the basis of districts, not municipalities, with respectively 131 citizens registered in the District of Berat, 143 in the District of Dibra, 184 in the District of Lezha, 368 in the District of Korça, and 191 in the District of Shkodra.<sup>7</sup> According to article 24, paragraph 1, of the Electoral Code, amended by law no. 101/2020, the CEC leads and oversees the process for the preparation of conditions and implementation of measures that enable voting from abroad in the elections for the Assembly, for voters with a permanent residence outside the territory of the Republic of Albania. During an interview for the “Java” show on RTSH, the State Commissioner for Elections said, *“Emigrants will not be able to vote in these elections. There are about 3,500 emigrants who declared their place of residence and we were not able to find an alternative even for them. There was the mail variant, but as long as we did not go beyond the first step of the modalities for the registration of requests, it can’t be done.”*

The Albanian diaspora was not involved in the process of elections for the representatives of the legislative, although their interests are affected by the decision making of the legislative body. Although the electoral process has concluded and we are in the post-election phase, the CEC does not appear to have approved any administrative act that explains for the public the difficulties encountered in trying to realize the vote of the Albanian diaspora from their permanent places of residence abroad.

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<sup>6</sup> Order of the State Commissioner for Elections, no. 91, dated 31.10.2020. Link: <http://kqz.gov.al/wp-content/uploads/2020/11/Urdher-nr.-91-date-31.10.2020-Per-ngritjen-e-grupit-te-punes-lidhur-me-mundesine-e-votimit-nga-jashte-vendit-per-zgjedhjet-per-Kuvend-te-dates-25-Prill-2021..pdf>

<sup>7</sup> Letter no. 690/1 prot., dated 23.02.2021 “Response” issued by the General Directory of the Civil Registry

### 2.2.1. Denial of the right to vote for citizens diagnosed and quarantined with COVID-19

Official information published by the Institute of Public Health indicates that on the day of parliamentary elections, April 25, 2021, 128 citizens were diagnosed as new cases infected with the virus Sars-Covid 2, while 149 citizens were hospitalized. Active cases at the national level totaled 22,341 citizens,<sup>8</sup> which according to medical protocols in force should remain in quarantine.

On this issue, the CEC has not announced any reasoned decision, while the State Commissioner for Elections, in his public appearance about 1 month from the election date stated, *“with the current legal basis of elections, those affected by COVID-19, who should remain isolated, may not vote. In order to open the way to voting by those infected with COVID-19, legal amendments in the assembly will need to be undertaken.”*<sup>9</sup>

About 6 days before the elections, the Ministry of Health and Social Protection, by order no. 219, dated 19.04.2021, ordered the compulsory self-quarantine of citizens traveling to our country from the Republic of North Macedonia and Greece. Albanian citizens living in these two neighboring countries are numerous, but the conditions were not provided for this category of citizens to be able to exercise their right to vote. From an analysis of the provisions of the Electoral Code in our country, two are the main criteria for establishing a special VC<sup>10</sup> in a hospital or other health care institution: the institution should have over 15 voters and the hospital/health care institution should accept patients for more than three days.<sup>11</sup>

According to the Council of Europe, there was no unified trend among European countries, as there were some countries that decided to hold elections in the context of the global pandemic by taking additional measures to prevent COVID-19, but there were also other countries that made decisions to suspend/postpone electoral processes. In the case of postponements, public concerns regarding perceived attempts to extend the mandates of those in office “in an undemocratic way” should be taken seriously. Otherwise, the decision to hold elections in the circumstances of COVID-19 infections may limit considerably campaigns and reduce voter turnout, thus undermining the legitimacy of elected institutions.<sup>12</sup> At the European level, Recommendation CM/Rec (2017)5 of the Committee of Ministers to member states “On voting standards for electronic voting” remains an ideal solution that guarantees respect for the principles of free and fair elections, ensuring voting by citizens who are not necessarily physically in the VC. Such practices of providing the possibility to vote for citizens affected by COVID-19 through mobile groups consisting of CEC staff and medical staff were noticed in Kosovo.<sup>13</sup> Meanwhile, in other countries that held electoral processes featured the possibility of realizing electronic voting through special platforms or by mail.

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<sup>8</sup> <https://www.ishp.gov.al/komunikimi-i-perditshem-per-koronavirusin-25-prill-2021/>

<sup>9</sup> <http://ata.gov.al/2021/02/25/votimi-i-te-prekurve-me-covid-19-celibashi-duhen-ndryshime-ligjore/>

<sup>10</sup> Article 2, Electoral Code

<sup>11</sup> Article 2, paragraph 2 and article 62, paragraph 2, EC

<sup>12</sup> <https://www.coe.int/en/web/electoral-assistance/elections-and-covid-19>

<sup>13</sup> <https://www.dw.com/sq/lvv-fitoi-m%C3%AB-s%C3%AB-shumti-vota-n%C3%AB-zgjedhjet-parlamentare-n%C3%AB-kosov%C3%AB/a-56568000>

From the standpoint of OSCE/ODIHR, in the context of the pandemic, the principle of periodic elections should be balanced against other obligations of states, especially by guaranteeing the right to life and the right to health and, therefore, taking urgent measures to prevent the spread of the pandemic.<sup>14</sup> In the case of our country, although this balance was sought through restrictive measures, the situation could have been managed better through time, so that the number of citizens deprived of the right to vote due to COVID infection or those in neighboring countries could have been as small as possible. In this regard, given that the elections were declared by decree of the President since September of the previous year, parliament could have considered the need for interventions in electoral legislation to minimize this risk, but it did not.

### **2.3. Written notification of voters**

According to article 52 of the EC, until 06.12.2020, the heads of local government units should have taken measures to realize the procedure of notifying voters in writing. Through this procedure, which has a direct impact on informing and sensitizing citizens, voters would be informed about their voting centers, its location and address, and their number on the list of voters.

After a monitoring mission in the field in the 5 respective Municipalities, it resulted that the notification of voters in writing at their places of residence had not been fulfilled in full. Also, based on responses provided by local institutions, the written notification of voters does not appear to have been completed, despite the legal deadline and the allocation of relevant funds by the Ministry of Interior. Citizens with whom AHC local coordinators conducted interviews claim that they were only notified verbally by neighborhood administrators, but none of them were notified in writing.

AHC views respect for this important legal obligation as important and suggests that measures are taken to notify voters in writing in their places of residence, even beyond the legal deadline. AHC deems it necessary to stress that while access to announced voter lists is a right, official notification to their places of residence is a legal obligation.

### **2.4. Registration of Electoral Subjects**

Registration of political parties according to article 64, paragraph 1 of the EC should have been completed by 15.02.2021, while the deadline for the registration of coalitions expired on 25.02.2021. Based on official data from the electronic register published on the CEC website, it results that 46 political parties and 3 coalitions registered initially to compete in the April 2021 Parliamentary Elections, unlike in the 2017 Parliamentary Elections when no electoral coalition was registered. Electoral subjects respected the mentioned deadlines for the registration as political parties and electoral coalitions.<sup>15</sup> From a comparative standpoint with the 2017 Parliamentary Elections, 3 fewer parties competed in the 2021 elections.<sup>16</sup>

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<sup>14</sup> OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic, p. 80. Link: [https://www.osce.org/files/f/documents/e/c/457567\\_0.pdf](https://www.osce.org/files/f/documents/e/c/457567_0.pdf)

<sup>15</sup> <http://kqz.gov.al/wp-content/uploads/2021/03/Regjistri-parti-koalicione-2021.pdf>

<sup>16</sup> In the 2017 parliamentary elections, 49 political parties competed [http://kqz.gov.al/wp-content/uploads/2020/11/170526-regjistrim\\_parti\\_2017.pdf](http://kqz.gov.al/wp-content/uploads/2020/11/170526-regjistrim_parti_2017.pdf)



No later than March 8, 2021, political parties registered as electoral subjects or electoral coalitions had to deposit to the CEC the multi-name list of candidates for every electoral constituency.<sup>17</sup> In the context of verifying the multi-name lists of candidates by its administration, the CEC decided to send back for correction the multi-name lists in 13 instances.

The reasons for such decision making involved mainly failure to complete self-declaration forms by candidates, failure to respect gender quota, or surpassing of the number of candidates, etc. the registered political subjects deposited the corrected multi-name lists and the CEC decided in 12 cases to approve the multi-name lists. The process for the approval of lists from the date of their submission by the political subjects took the CEC about 6 days. Meanwhile, this electoral process for the parliament included the competition of 5 independent candidates,<sup>18</sup> therefore there were a total of 17 electoral subjects competing in the process.

The “National Alliance” Party addressed the Electoral College with the request to “Force the CEC to register the political subject National Alliance Party in the parliamentary elections of Albania on April 25, 2021.” According to the case under review, given that the registered political subject did not present a document that proved it had 1 seat in the Assembly or did not submit support lists of no less than 5,000 voters on the national level, the CEC decided to refuse the deposited multi-name lists because the encountered shortcomings were not fulfilled within the legal deadline. this decision making of the CEC was not appealed to the Sanctions and Complaints Commission (SCC). Failure to pursue the path of administrative appeal led to the dropping of the adjudication of the case by the Electoral College.<sup>19</sup>

During the process of the April 2021 Parliamentary Elections, a total of 1841 candidates, of which 732 women or 40% ran for MP. This percentage of female candidates fulfilled the gender quota stipulated in article 67, paragraph 6 of the EC.

**In the 5 Municipalities that were the subject of the monitoring, it did not appear that women chose to go to the VCs en masse on election day, thus risking the representation of candidates of the same gender with the voters. The total at the national level was 48.22% of female voters exercised their constitutional right to elect. Namely, the monitored 5 Municipalities showed:**

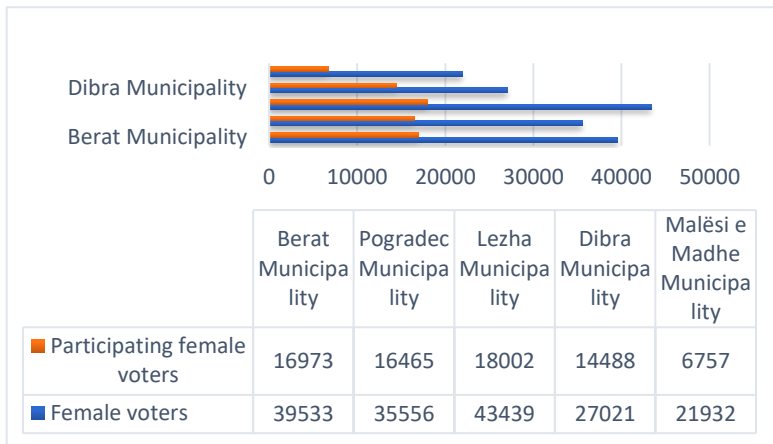
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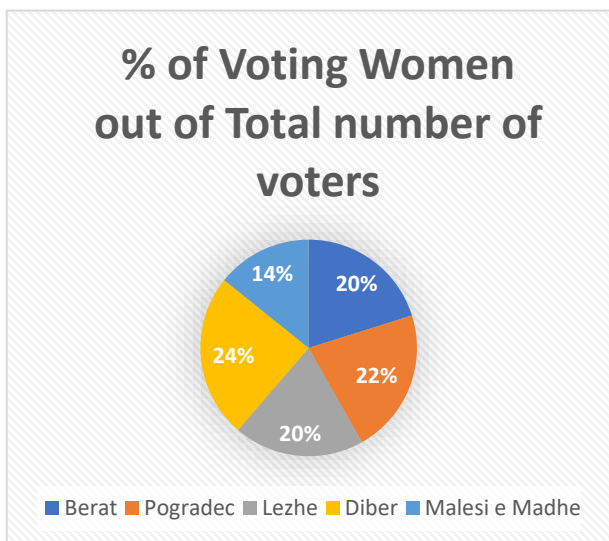
<sup>17</sup> Article 67 of the Electoral Code

<sup>18</sup> Elton Debreshi; Iljaz Shehu; Kreshnik Merxhani; Boiken Abazi and Pal Shkambi.

<sup>19</sup> Decision no. 7, dated 12.04.2021, Judicial Electoral College, Tirana.



Data shows that there is a low number of participating female voters in Malësi e Madhe Municipality compared to the number of female voters on the voter lists of the Municipality. Namely, it appears that only 31% of women registered as voters actually participated in these elections. The highest number of participating women compared to the number of voters registered in the voter lists appears to be in



Dibra Municipality (about 54%).

Participation of voters in these elections was at 46.23%, which reflects a satisfying participation of citizens showing an interest in the electoral process and in exercising the right to elect. Compared to the 2017 parliamentary elections, where voter participation was at 46.75%, we need to consider the fact that the number of voters at the national level increased, with the 2021 voter lists featuring 136,545 voters more than the lists of 2017.<sup>20</sup>

During the pre-electoral process, the multi-name lists were also the subject of hearing at the Judicial Electoral College, in the context of

the submitted SP request, after an administrative appeal had been exhausted. The complaint targeted the multi-name lists of the DP-AN coalition, which upon verification by the CEC administration, were sent back for correction because they surpassed the number of candidates required by article 67, paragraph 4 of the EC.<sup>21</sup> On this decision making, the relevant electoral subject did not file a complaint, but it represented new lists, which were approved by the Commissioner.<sup>22</sup> This decision making was appealed by the DP-AN coalition and the CSC ruled to accept the complaint and change the decision, by stating that the State Commissioner for Elections should accept the multi-name lists as submitted initially (on 16.03.2021).<sup>23</sup> Aside from the different math logic and the different terminology arguments of article 67, paragraph 4 of the EC by the CSC vis-à-vis the State Commissioner for Elections, the CSC argues, “*The Commissioner does not have the competence to interfere with the composition of the list, modify it, whether according to his will or the will of the law. The list is the sovereign will of the subject and the candidates that accept to run. Also, the obligation to fulfill the conditions is the obligation of the subject.*” But this argument by the CSC and the DP-AN coalition was not supported by the

<sup>20</sup> In 2021, the number of registered voters is 3,588,869, but in 2017 it was 3,452,324.

<sup>21</sup> Decision no. 131, dated 10.03.2021 of the State Commissioner for Elections

<sup>22</sup> Decision no. 156, dated 17.03.2021 of the State Commissioner for Elections

<sup>23</sup> Decision no. 9, dated 23.03.2021 of the Complaints and Sanctions Commission

Judicial Electoral College. According to the decision making of the Judicial Electoral College, the terminology used in article 67/4 of the EC does not indicate the minimal number of candidates on the multi-name lists, but rather what the actual number should be. Based on an analysis of this decision, it results that:

- The number of candidates on the multi-name list may not be smaller than the number of mandates to be elected in the electoral constituency;<sup>24</sup>
- When the number of mandates is divisible by 3, there is no need for an addition (+2) in the number of candidates;
- If the number of mandates is not divisible by 3, then (+1) is added so as to generate a figure divisible by number 3. If the division is not possible even after this math action, then (+2) is added.<sup>25</sup>

Per the above, the lawsuit filed by the SP was accepted, thus invalidating the decision making by SCS and leaving in power the decision of the State Commission for Elections, which reduced the number in the multi-name lists of candidates submitted by the DP-AN coalition.

Another element that AHC reacted publicly about in October 2020 is ‘the right of the party chairman or the coalition leading party chairman to run for MP in up to four electoral constituencies.’ In the opinion of AHC experts, the addition to article 67 of the EC runs counter to the principles of equality and non-discrimination, envisaged in articles 18 of the Constitution and 14 of the European Convention of Human Rights. This problem was also addressed in the OSCE/ODIHR Report of September 14, 2009, which among others says that “*The Electoral Code continues to have unclear and ambiguous provisions.*”<sup>26</sup>

## 2.5. Central Election Commission

Amendments to the Electoral Code, in the context of electoral reform, included among others the creation of a new CEC, which underwent significant changes with regard to its organization, composition, formula for the selection of members of the leading bodies, as well as additional duties assigned to them compared to the previous CEC. Also, these amendments included improvement in legislation about electoral financing and advertising, prevention of the use of state resources in the electoral campaign, strengthened provisions on gender quota, the inclusion of technology in elections, voting by emigrants of the diaspora, etc.

The amendments agreed to in the June 5 pact of the Political Council and approved by the Assembly on July 23 did not address some other important problems, such as reforming legislation on political parties, depoliticizing electoral administration bodies, financing of electoral subjects, and did not undergo consultation with groups of interest and civil society organizations. The constitutional amendments that opened the way to changing the electoral system were done within a very short window of time and consultation with civil society organizations had a formal character, mainly. Pursuant to the constitutional amendments, on October 5, 2020, the Assembly

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<sup>24</sup> The number of mandates per electoral constituency is established in decision no. 7, dated 11.12.2020, of the Regulatory Commission.

<sup>25</sup> Para. 16, decision no. 3, dated 29.03.2021, Judicial Electoral College, Tirana.

<sup>26</sup> Article 26 of the International Convention on Civil and Political Rights, Protocol 12 of the Council of Europe on the Protection of Fundamental Rights and Freedoms, paragraph 76 of the OSCE’s Copenhagen Document.

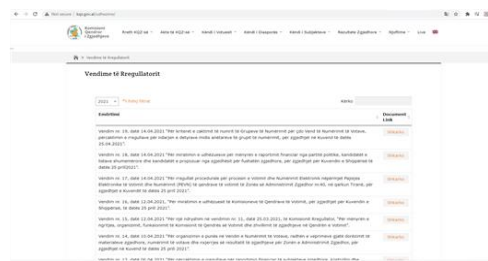
approved the second package of amendments to the Electoral Code, whose provisions specify and provide details on the changes related to the electoral system. this legal package was not subjected even formally to any consultation with the public or civil society organizations.

In the beginning of October 2020, officials of the leading bodies of the new CEC were appointed (State Commissioner and Deputy Commissioner for Elections, the Regulatory Commission, and the Complaints and Sanctions Commission). The establishment of the new CEC, within a period of less than 7 months from the date of elections, was followed by an overload of this important institution that manages the electoral process at the highest level, thus causing the consultation of different draft acts with different stakeholders, including civil society, to be conducted within very short periods of time and not enable the offering of suggestions and recommendations of good quality.

AHC monitored online, in a partial manner, the activity of the CEC. AHC appreciates the taking of measures by this institution to offer information about guaranteeing transparency to the public in an understandable and clear language.<sup>27</sup> During January – April 2021, the CEC held 62 meetings, precisely 32 meetings of the State Commissioner for elections, 14 meetings of the Regulatory Commission, and 16 meetings of the Complaints and Sanctions Committee. The decisions of the CEC, based on the publication of minutes of meetings or the transcripts of reasoned meetings to guarantee transparency before the broad public, demonstrate considerable delays, during the pre-electoral process and the electoral process. Delays beyond the deadline established in article 34 of Decision no. 1, dated 26.10.2020, are seen in the Regulatory Commission. Also, the last month, we found a change in the official website of the CEC, which makes it impossible to effectively monitor the concrete date of the publication of the decision on this website.



(Photo as was)



(Photo as is)

### 2.5.1. State Commissioner for Elections

Based on article 13 of the EC, the State Commissioner for Elections as a monocratic body exercises the executive competences, guides the CEC administration, and represents the CEC in relations with third parties. During the pre-electoral, electoral, and post-electoral process, AHC notices that the State Commissioner for Elections played a proactive role, informing the media and the public in a continued manner.

AHC notes that from the moment of its creation, the Commissioner has issued 393 decisions, (352

<sup>27</sup> <http://kqz.gov.al/>

of which in 2021),<sup>28</sup> 13 instructions, and 9 orders.<sup>29</sup>

At the conclusion of the voting process, the CEC reminded subjects to not hurry in declaring results and show respect for the electoral administration bodies responsible for this process. Also, the Commissioner appeared several times publicly about key moments of the administration of the pre-election process on biometric identification, working groups to implement technology in elections, voting of emigrants, electoral logistics, verification of self-declaration forms, etc., and during the voting day in order to clarify public opinion about what VCs had encountered problems with the PIEs and how voting in these VCs functioned. The Commissioner managed with necessary care the process to accelerate the vote counting process. It is a positive fact that the official website of the CEC enabled real time access to information regarding voter participation and vote counting results.

### **2.5.2. Regulatory Commission**

The Regulatory Commission, consisting of 5 members, was established by decision no. 58/2020 of the Assembly of the Republic of Albania. Since its creation, the Commission approved 31 decisions and 2 instructions.<sup>30</sup> The decisions of the Regulatory Commission are unanimous and signed by all members, while discussions between members in the relevant meetings were of a constructive nature, argued, which reflect good knowledge of electoral legislation by the members.

### **2.5.3. Complaints and Sanctions Commission**

The CSC is a collegial body, consisting of 5 members, elected by decision no. 59/2020 of the Assembly. Since its creation, the CSC issued 55 decisions, of which 4 intermediate decisions.<sup>31</sup> Unlike the Regulatory Commission, CSC decisions on different issues were not made unanimously. In 14 CSC decisions, it was found that members were divided 2 by 3 or only 1 member in the minority, accompanying respective decisions with parallel views by the minority members per article 21, paragraph 3 of the EC. Given that candidates for the bodies that make up the CEC offered themselves or were proposed by parliamentary groups or particular MPs,<sup>32</sup> AHC considers that in decisions where CSC members are divided, they display the possibility of political nature influences.

## **2.6. Judicial Electoral College**

The Electoral College was established by decision no. 293, dated 09.09.2020 of the High Judicial Council and consists of 8 judges. Since the moment of its creation, the Judicial Electoral College issued decisions on 8 instances.

The first two decisions made by this College belong to the electoral process for the 2019 local government bodies.<sup>33</sup> Meanwhile, the other 6 decisions of the College dealt with controversial issues raised by representatives of the electoral subjects, such as: opposing the decisions of the

<sup>28</sup> Decisions no. 194, no. 239, no. 267, no. 268, and no. 280 were not published.

<sup>29</sup> <http://kqz.gov.al/akte-te-komisionerit/>

<sup>30</sup> <http://kqz.gov.al/udhezime/>

<sup>31</sup> <http://kqz.gov.al/vendime-te-komisionit-te-ankimimeve-dhe-sanksioneve-2/>

<sup>32</sup> Article 17, paragraph 2 of EC

<sup>33</sup> Decision no. 1, dated 16.10.2020 and decision no. 1, dated 18.02.2021.

Commissioner for assigning political parties that would propose the third and fourth member of the VCGs;<sup>34</sup> registration of political subjects to compete in the 2021 Parliamentary Elections;<sup>35</sup> change of decision of the Commissioner on assigning the amount of funds from the state budget to be disseminated in advance to political parties competing in the parliamentary elections;<sup>36</sup> contents of the ballot and the logo to be used with regard to an electoral subject;<sup>37</sup> and the number of candidates on the multi-name lists.<sup>3839</sup> The judicial hearings at the Electoral College were open while they were also aired live by the media.

## 2.7. Establishment and functioning of CEAZs

For the 2021 Parliamentary Elections, the Regulatory Commission approved the establishment of 92 EAZs by decision no. 06/2020. AHC monitored partially the establishment and functioning of 8 Commissions for Election Administration Zones (CEAZ) in the 5 Municipalities under monitoring.<sup>40</sup> The establishment of the CEAZs was to be realized 90 days before the election date. By decision no. 40/2020, the State Commissioner for Elections assigned the political parties that should propose members and secretaries of the CEAZs. Referring to decision no. 15/2021 of the Commissioner, January 28 and 29 were set as the dates for establishing the CEAZs and for convening the first meetings. Of the 9 CEAZs monitored in 5 Municipalities of the country, CEAZ no. 69 in Pogradec held the first meeting on 02/02/2021. Meanwhile, based on monitoring on 20.04.2021 at CEAZ no. 13, Lezha Municipality, the protocol book did not show any documented meeting.

Although according to the decision of the Commissioner, the electoral subject SDP should have proposed 1 member for the CEAZ with odd and even numbers, this right was not exhausted by this subject and therefore the vacancies in 59 CEAZs were filled by proposals submitted by the SP.

The membership of CEAZs under monitoring is in keeping with the legal provision in article 29 of the EC, while replacements of members were noticed during March-April 2021 in the Municipalities of Lezha, Berat, and Malësi e Madhe. Decisions made public on the official website of the CEC indicates that some of the political subjects asked for the replacement of members/secretaries of CEAZs 1 day before the elections (CEAZ 66, Berat), on election day (CEAZ 15, Lezha) or 1 day after the conclusion of the voting (CEAZ 65 and 66, Berat). The reasons for the replacements and changes in the membership were not reflected in CEC's published decisions. AHC considers that this lack of sustainability of CEAZ members/secretaries harms the quality of the proper administration of the electoral process at the local level by them because replacements are not possible to train within such short windows of time.

The headquarters of all CEAZs under monitoring were settled in public premises, easily accessible for citizens and interested parties. Initially, by decision no. 32, dated 16.12.2020, the

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<sup>34</sup> Decision no. 8, dated 19.04.2021

<sup>35</sup> Decision no. 7, dated 12.04.2021

<sup>36</sup> Decision no. 6, dated 08.04.2021

<sup>37</sup> Decision no. 5, dated 04.04.2021

<sup>38</sup> Decision no. 4, dated 31.03.2021

<sup>39</sup> Decision no. 3, dated 29.03.2021

<sup>40</sup> 1 CEAZ in Malësi e Madhe, 2 in Lezha, 2 in Berat, 2 in Dibra, and 1 in Pogradec.



Commissioner assigned the administrative units where CEAZ headquarters would be set, but the HQ of CEAZ no. 66 in the Berat Administrative Unit was changed about 1 month later.<sup>41</sup> Based on monitoring in the field, AHC observers reported that the working hours of the CEAZs, namely 09:00 – 13:00 and 16:00 – 20:00, were not respected en masse by them. In spite of the generally collaborative spirit, limited access to accredited observers was noticed in monitoring CEAZ no. 13 in Lezha Municipality.

During the monitoring missions undertaken by the local commissioner in CEAZ no. 12 and no. 13 in Lezha Municipality during March 2021, members referred the difficulty caused in logistical deficiencies due to failure to supply office accessories and ineffective functioning. According to interviewed CEAZ members, these deficiencies were caused by the replacement of members and delays in CEC's dispatch of materials.

### 2.7.1. CEAZ meetings and decisions

The publication of CEAZ memberships, the CEAZ number, phone number and e-mail address on the label on its headquarters are important elements that guarantee effective access of citizens and interested parties. In this regard, observers noted shortcomings, such as failure to publish the names of members/ secretary and contact numbers, in CEAZ no. 12 and 13 (Lezha Municipality), no. 66 (Berat Municipality), no. 69 (Pogradec Municipality), and no. 1 (Malësi e Madhe Municipality).

For the most part of the monitored CEAZs, during the first monitoring visits in March 2021, there were no boards for posting decisions, making it impossible for citizens and interested parties to become familiar with them.



Due to COVID-19, members of CEAZ no. 66 in Berat Municipality stated that they held some online meetings through the WhatsApp program, which were not noted in the protocol book.



Regarding CEAZ decisions, several problems were encountered. For instance, the Protocol Book of CEAZ no. 13 in Lezha, no notes were found during the monitoring in April 2021. CEAZ secretaries/members claimed that they took notes for decisions in personal notebooks, a practice that runs against article 22, paragraphs 5 and 6, of the decision of the Regulatory Commission. 40/2020.



<sup>41</sup> Decision no. 13, dated 25.01.2021, "On some amendments to the decision of the State Commissioner for Elections no. 32, dated 16.12.2020 'On assigning the administrative units where CEAZ headquarters for the parliamentary elections of April 25, 2021, will be created.'"

We note with concern the situation of documenting decisions by CEAZ no. 12 in Lezha. Its Protocol Book of the last meetings features deficiencies in signatures and stamping of decisions. The same deficiencies are also noticed in decisions made available by this CEAZ, where the signatures of all members are lacking as is the stamp.

Based on monitoring conducted in 8 CEAZs of the 5 Municipalities under monitoring, we find that voters did not exercise their right envisaged in article 34, letter g) of the EC, for submitting requests or complaints regarding the update or specifications of data on the voter lists. The lack of such requests and complaints also indicates poor interaction between voters and the CEAZs, which might be due to the fact that the level of publicity of the CEAZs' activities is relatively low.

### 2.7.2. CEAZ members exercising public functions

With regard to the activity of the CEAZs under monitoring, AHC long-term observers noticed that decision making on the issuance of permissions for engagement as CEAZ members of citizens exercising public functions was varied and not unified.<sup>42</sup>

The request for engagement appears to be filed by the electoral subject or the public employee him/herself to the responsible employing institution. In the case of the permit approved for the secretary of CEAZ no. 1 in Malësi e Madhe, it appears that the Local Office of the SCA (State Cadaster Agency) referred its decision to decision no. 9, dated 24.12.2020 of the Central Election Commission, while the permission approved for the specialist of education, culture, social affairs, and tourism at the Dibra County Council is based on special legislation for the civil servant, article 29, paragraph 3 of the EC.



Although no concrete indicia were referred to in the field on the simultaneous engagement of CEAZ members while holding public functions and attachment to the electoral administration, AHC considers that the decisions of public institutions should be unified with regard to the legal basis. Meanwhile, the CEC should monitor strictly respect for prohibitions in the use of human resources during the electoral process.

## 2.8. Establishment and functioning of Voting Center Commissions (VCCs)

During the monitoring conducted in the 5 VCCs in the 5 Municipalities of the country, observers noticed delays in the establishment of some of them, as a result of the long time that it took electoral subjects to correct inaccuracies noted by CEAZs and the time it took the latter to make final decisions. March 25, 2021, was the legal deadline for the submission of lists of proposals by political subjects, but in CEAZ no. 18 (Dibra Municipality), the last letter submitted by electoral subjects for correcting deficiencies dates back to 03.04.2021. As a result of the delay in submitting the list of proposals for members of the VCCs, the deadline was surpassed for the appointment of members by the mentioned CEAZs, which according to the Electoral Code, should have made a

<sup>42</sup> According to article 37 of law no. 152/2013 "On civil servants," participation in political activity should be outside the official hours, while engagement as a CEAZ member is conducted in accordance with stipulations in decision no. 5, dated 20.11.2020, of the Regulatory Commission.



decision by 05/04/2021.

The need to notify the CEC about the decisions on establishing VCCs is envisaged in article 9, paragraph 5, of the EC. Meanwhile, CEAZ no. 65 and no. 66 (Berat Municipality) although they had set up the VCCs, had been waiting without reason for the deadline of 05.04.2021 before filing it with the CEC.

### **2.8.1. Educational qualification and training of VCC members**

Based on monitoring of some of the practices with support documentation on the members and secretaries of VCCs, it results that legal obligation in paragraph 2 of article 38 of the EC on the higher education of the Secretary of the VCC was not respected in all cases. Secretaries of VCCs established by CEAZ no. 19 (Dibra Municipality), CEAZ no. 18 (Bulqizë Municipality), and CEAZ no. 1 (Malësi e Madhe) generally had high school education and not higher education.

We consider that delays in the establishment of VCCs caused by the lack of coherence in the conduct of verifications by the CEAZ, on the compatibility of documentation for candidates and the legal conditions and correction of deficiencies by the electoral subjects, had a domino effect also on the training of VCC members. Due to the inclusion of the online reporting platform by VCC members and the use of cameras and biometric identifying equipment, AHC considers that the training programs courses were delayed.



Referring to the scheme of training distributed by CEC representatives, it appears that at the national level, training VCC members began on 18.04.2021, or one week before the election day and concluded on 23.04.2021. During the training, monitored by AHC observers, it was noticed that there was participation in training by VCC members from political subjects of the SP and DP and lack of participation from LSI members. Low participation is found low in several Municipalities, and in a training on 21.04.2021 at Malësi e

Madhe Municipality, only 4 members participated.

### **2.9. Establishment of Vote Counting Groups (VCGs) and their training**

Around April 15, 2021, in keeping with article 95 of the EC, VCGs should have been established by decision of the CEAZs. Based on monitoring in the field, only CEAZ no. 66 in Berat Municipality made a decision to establish the VCGs, 1 day later than the legal deadline. proposals for the appointment of VCG members in other Municipalities appear to have been submitted by electoral subjects within the deadline envisaged in the mentioned provision. VCG members all had higher education.

With the exception of CEAZ no. 1 in Malësi e Madhe Municipality, which conducted the training of VCG members about 3 days before the elections, the CEC enabled the training of VCG members in the 4 other Municipalities about 1 hour before deciding to open the vote counting process. Such a practice, repeated in previous electoral processes, is not only wrong, but it also impacts the performance of VCG members to carry out their duties efficiently, according to legal procedures.

Especially given that these elections had some specifics requiring prior training, considering that the vote count would include not only the electoral subject, but also the preferred candidates. AHC observers in the 4 mentioned municipalities were not allowed to access and follow the training provided for VCG members in the premises assigned for vote counting (VCS).

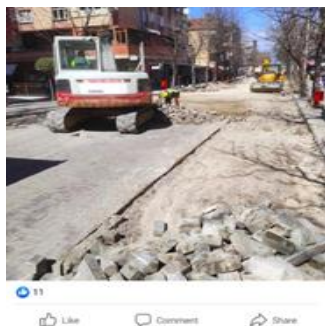
## **2.10. Electoral Campaign**

*De facto*, the electoral campaign appears to have begun many months before the deadline established in article 77 of the Electoral Code, which envisages the official start of the campaign one month before the election date. It is disturbing that this campaign was realized in a very polarized political climate and was accompanied by elements of hate speech, elements of discrimination toward women, or violations of the dignity of candidates proposed by “opposing” electoral subjects.

The monitoring indicated the organization of informal meetings in closed premises and in violation of anti-COVID19 protocols and measures, proposed by the Technical Committee of Experts and approved through by-laws. Based on the disturbing situation in the country regarding daily announcements of persons infected with COVID-19, on March 19, 2021, AHC called on political parties and, in particular every candidate for MP to show restraint in this situation and not overestimate narrow party interests.

### **2.10.1. Use of public assets and administration during the electoral campaign**

Regarding disrespect for legal prohibitions on the use of public assets and administration during the electoral campaign, citizens played a proactive role by referring denunciations to local AHC coordinators in the 5 Municipalities of the country. More concretely:



Pogradec Municipality issued an infrastructure permit for works on “Rehabilitation of roads, squares, and façades, block of neighborhood no. 2.” Referring to infrastructure permit no. 3893 prot., dated 16.08.2020, the deadline is 16 months from the start of works. Based on data collected in the field, as well as posts on the Facebook page of Pogradec Municipality and the Albanian Development Fund, works effectively began at the start of March 2021, i.e. 1 month before the election date.

The issue of the misuse of state resources was also denounced in Dibra Municipality, where there were claims that the Mayor of Dibra, at the same time a candidate for MP in the 2021 Parliamentary Elections, published on his Facebook page a copy of the Cooperation Agreement with the Albanian Development Fund for the reconstruction of the Perlat-Kurbnesh-Krej Lurë-Fushë Lurë road segment. The promotion of this signed agreement runs counter to article 91 and 92 of the Electoral Code and article 3, paragraph 1, of Decision no. 9/2020

of the Regulatory Commission.

Another case is the publication of the supply of water for the first time of Boriç i Vogël village in Malësi e Madhe Municipality, promoted on the Facebook page of candidate T.M., as a primary engagement of the government. The promotion of this investment on 16.04.2021 (about 9 days ahead of the elections) in our opinion runs counter to articles 91 and 92 of the Electoral Code and article 3, paragraph 1, of Decision no. 9/2020 of the Regulatory Commission.



During the electoral campaign, there were highlighted cases of engagement of public administration employees in meetings or rallies of electoral subjects. The involvement and exploitation of the state administration and resources to promote electoral subjects or certain candidates is in violation of article 91 of the Electoral Code. There are allegations that this provision was violated in Dibra Municipality, where SP political subject candidate Mr. L.K., S.K. (Director of Insurance) and Ms. A.Xh., held an electoral meeting in Pilafë village of the Tomin Administrative Unit, at 12:00 on April 13, 2021. This meeting was not held in the premises of public institutions, but it did have the participation of employees of different public authorities.



Also, at the Sllovë Administrative Unit of the same Municipality, there were denunciations that electoral meetings were held while representatives of the public administration were involved in electoral meetings within the official working hours, in violation of article 91 of the Electoral Code.

Denunciations conveyed by local coordinators in the 5 Municipalities of the country were submitted to the CEC through official correspondence, while the CEC itself informed us about measures taken to address these denunciations, without making known the results of administrative investigations and whether there were sanctions in accordance with the Electoral Code.

#### **2.10.1.1. Position taken by the CEC on submitted denunciations**

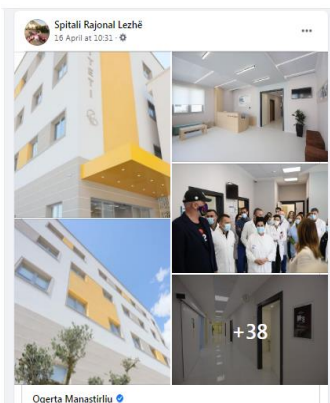
By decision no. 233, dated 14.04.2021 and decision no. 385, dated 08.06.2021, the CEC decided to conclude the administrative review of received referrals, without finding violation of legal provisions in power by the subjects who were referred. More concretely, in the case of citizen D.P., it was argued that *“in March 2021, the subject resigned from the position of member of the*

*National Assembly and as delegate to the Socialist Party congress.*”<sup>43</sup> In the case of the second deposited denunciation, the CEC, in its decision argued among others that referring to decision no. 4/2021 of the CSC, “...Posting on the Facebook account does not make the activity public. Facebook or other social media are not part of the category of ‘media’ required by paragraph 1 of article 92 of the Electoral Code. Facebook has not taken part in the activity because Facebook is not a media outlet that ‘participates.’”<sup>44</sup>

### 2.11.1 Posting of propaganda materials

Mayors of Municipalities, according to article 79 of the EC, assign the public places in the territory of the Municipality where propaganda materials of electoral subjects may be posted. Based on monitoring in the 5 Municipalities of the country, observers found that **Dibra Municipality did not respect the legal obligation for the publication of decisions on the assignment of places for posting propaganda materials.**

Beside the legal obligation to respect a distance no less than 300m between an electoral office and electoral administration bodies/locations, observers found an electoral office on the Republika Boulevard, in Berat Municipality, no farther than 150m from CEAZ no. 65. The same situation is found at the Culture Palace of Pogradec Municipality, which is qualified as a VC and is located close to the electoral offices of electoral subjects.



Also, it is reported that public institutions promote on social media certain electoral subjects or candidates. Among these is the inauguration of the new Lezha Maternity Hospital, where certain candidates wearing promotional electoral insignia participated. This situation is in contravention of article 91 of the EC and decision no. 6, dated 23/03/2021, of the State Commissioner for Elections.

### 2.11.2 Incidents during the pre-election campaign, as indicia for vote buying-selling

The pre-electoral process was accompanied by numerous incidents and violent acts undertaken between representatives or supporters of electoral subjects of “opposing” camps, which escalated a few days before the voting day.

On 31.03.2021, some elderly people in Malësi e Madhe were forcefully removed from the vaccination center, under the pretext that the premises of this center were assigned for the electoral administration.<sup>45</sup>

On 10.04.2021, about 30 activists of the VetëVendosje Movement, which is represented by independent candidate Iljaz Shehu in Lezha Municipality, were involved in a peaceful protest on

<sup>43</sup> [http://kqz.gov.al/wp-content/uploads/2021/04/210414\\_Vendim-233-Per-shqyrtimin-e-denoncimit-ndaj-Donika-Hysenaj-1.pdf](http://kqz.gov.al/wp-content/uploads/2021/04/210414_Vendim-233-Per-shqyrtimin-e-denoncimit-ndaj-Donika-Hysenaj-1.pdf)

<sup>44</sup> [http://kqz.gov.al/wp-content/uploads/2021/06/Vendim-\\_nr.385\\_dt.8.6.2021\\_Per-shqyrtimin-administrativ-te-denoncimit-ndaj-Dionis-Imeraj.pdf](http://kqz.gov.al/wp-content/uploads/2021/06/Vendim-_nr.385_dt.8.6.2021_Per-shqyrtimin-administrativ-te-denoncimit-ndaj-Dionis-Imeraj.pdf)

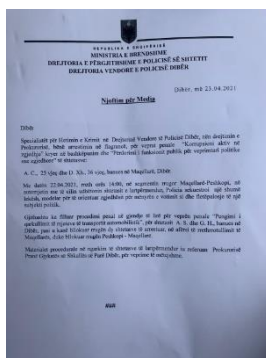
<sup>45</sup> <https://politiko.al/ditari-i-maxhorances/rama-ne-malesi-te-madhe-perfaqesues-te-pd-donin-te-perzinin-i433000>



the decision to build a hydropower station and a water plant in Thirrë.<sup>46</sup> The protest, considered illegal by the State Police, was followed by a decision of the police to fine the candidate for violating anti-COVID19 measures.<sup>47</sup> During this month, in the absence of clear legal reference, independent candidate Elton Debreshi was fined by Bulqiza Police.<sup>48</sup> **Maintaining continued monitoring of gatherings realized by major electoral subjects, AHC finds that selective decisions for fines of this nature, create inequality and premises for discriminating treatment by state authorities, in violation of the freedom of peaceful assembly, envisaged in article 47 of the Constitution, article 11 of the European Convention for Human Rights, and orders no. 633, dated 17.11.2020 and no. 183/1, dated 08.04.2021 of the Minister of Health and Social Protection. The two independent candidates who were fined through the mentioned administrative measures, considered the practice an attempt at intimidation.**

During the pre-election period, there were reports about suspected cases of vote-buying or other criminal offenses harming free and democratic elections. Thus, on 19.04.2021, at 20:00 o'clock, a live denunciation by candidate for MP T.A. in Berat Municipality, claimed that a van had representatives of the electoral administration and it was suspected to be disseminating illegally food items part of the state reserves. Based on the interview in the field by the local AHC coordinator with representatives of Berat Municipality, it was claimed that the representative of CEAZ no. 66, present in the van, was authorized by the Municipality to carry out the transport of food assistance from the conference hall to the warehouse of the Educational Directory. Then, the Berat prosecution office conveyed to SPAK the referral submitted by the DP electoral subject against local officials for “passive corruption in elections,” envisaged by article 328 of the Criminal Code.

About 3 days before the elections, on 21.04.2021, the Local Directory of Dibra Police said in a press release that it had arrested in flagrante two citizens for the criminal offenses of ‘active corruption in elections’ committed in collaboration with others and ‘use of public functions for political or electoral activity.’ One of the arrested citizens appears to be employed as a lawyer at Dibra Municipality. The case was referred to the Dibra prosecution office of first instance.



The official website of SPAK states that there are 33 ongoing criminal proceedings related to criminal offenses in the field of elections.<sup>49</sup>

AHC considers that such cases require fast, comprehensive, and objective investigation to resolve suspicions that exist on the perpetrators implicated in electoral crimes. The prosecution’s informing the public transparently on the progress of these cases, without disclosing data of the investigations that might be compromised, is an important factor for public confidence in the justice bodies.

### 3 Voting process

<sup>46</sup> <https://www.reporter.al/protesta-kunder-hec-ne-thirre-policia-ndalon-33-pjesemarres/>

<sup>47</sup> <https://www.reporter.al/policia-e-lezhes-akuzohet-se-gjobiti-kandidatin-e-pavarur-ne-menyre-selektive/>

<sup>48</sup> <https://www.reporter.al/policia-gjobit-kandidatin-e-pavarur-por-ben-nje-sy-qorr-ndaj-partive-te-medha/>

<sup>49</sup> <https://spak.al/2021/04/27/njoftim-24/>

### 3.1 Electoral Silence

**Based on the monitoring of CEAZs realized on April 24, 2021, observers found that electoral silence was partially respected in the monitored Municipalities.** There were violations of provisions of article 77 of the EC on electoral silence by a candidate for MP in Dibra Municipality who was criminally prosecuted for the charges envisaged in article 222 of the CC “Calls for arming or unjust taking of command.” Meanwhile, there is no decision by the CEC for fining the subject that violated the electoral silence, pursuant to article 174 of the EC.

During the electoral silence period, AHC observers met with citizens on the street to listen to their evaluations about the environment around the 2021 parliamentary elections, mainly in the Municipalities of Dibra, Pogradec, Malësi e Madhe, Berat, and Lezha. Based on results from these interviews, it is found that the majority of citizens plan to participate in the elections on voting day. Also, about 15% of the persons (although this sample is not all-inclusive) stated that they or their relatives were promised material goods in exchange for their votes and were intimidated to vote for a particular party/candidate. The perception that elections would be accompanied by incidents prevailed among a considerable part of contacted citizens (about 60%). Fortunately, this was minimal on voting day.

### 3.2 Distribution of electoral materials by CEAZs to VCCs

The Electoral Code envisages that the CEC sends electoral materials to the CEAZ headquarters no later than 3 days before the elections. Based on our monitoring, it is highlighted that this deadline was not respected by the CEC, while CEAZ members were tired due to remaining awake during the night of Saturday in order to take measures for the preparation of boxes of electoral materials and ballot boxes.

Article 100 of the EC envisages a deadline of 15 hours before the start of voting for CEAZs dispatching relevant materials to the VCCs under their jurisdiction, which is 16:00 o'clock on April 24. For a large part of CEAZs, this deadline was not respected.<sup>50</sup> Delays in dispatching materials occurred between 1 and 5 hours from the deadline. The cause was mainly lack of effective coordination between CEAZ members, changes in their membership, delays in the appointment and replacement of commissioners, etc. The dispatching of cameras and Electronic Identification Equipment (EIE) was conducted separately from other materials due to the peculiarities of transport and installation, according to special CEC instructions. Electoral materials were dispatched to VCCs by vehicles authorized by the CEC and in the presence of State Police.

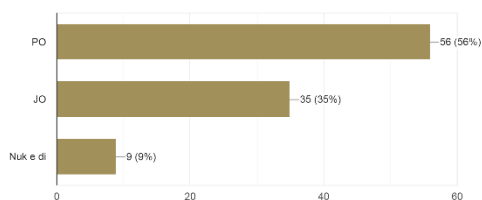
### 3.3 Monitoring the voting process

During the voting process, the situation was reported to be calm and free from incidents, unlike the pre-electoral environment, which had a worsening trend until the day before electoral silence.

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<sup>50</sup> Concretely, the distribution by CEAZ no. 12 and no. 13 in Lezha to respective VCCs concluded around 17.00-17.45, CEAZ no. 1 in Malësi e Madhe concluded the process at 18.00, CEAZ no. 69 in Pogradec continued dissemination until the late hours of the day.

A u hap votimi për zgjedhësit në orën 7:00?  
100 responses

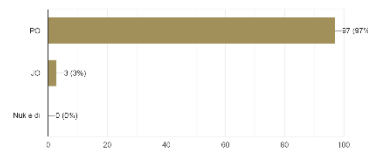


process, electricity interruptions, etc.<sup>53</sup> These delays were not considerable, but vary up to a maximum of 40 minutes. The cases highlighted at 9% have to do with monitoring of VCs where observers did not monitor from start to closing, but partially and randomly or based on information from the media about potential incidents.

VCC members in 97% of the cases appeared to have divided work proportionately, whereby in all cases, 1 member maintained physical distance and advised voters to respect anti-COVID19 measures.

In spite of this role, the protocol “On anti-COVID19 measures during the electoral process and voting day,” approved by the Institute of Public Health and Instruction no. 11, dated 24.04.2021 of the State Commissioner for Elections, was not implemented rigorously at the 5 Municipalities. More concretely, it was not possible for all VCs to be on the first floor of the buildings, with two doors and sufficient airing, in accordance with measures to stop the spread of COVID19.

Tek anëtarët e KQV-ve a kishte ndarje pune?  
100 responses



<sup>51</sup> **Berat Municipality:** VC-3268, VC-32681, VC-3269, VC-32691, VC-3279, VC-3280, VC-3285, VC-3287, VC-32871, VC-3271. VC-3272, VC-3289, VC-32911, VC-32901, VC-3291, VC-3292, VC-3294, VC-32941, VC-3295, VC-32951, VC-3296, VC-3297.

**Pogradec Municipality:** VC-3886, VC-38861, VC-3887, VC-3889, VC-38891, VC-3891, VC-38911, VC-38912, VC-3892, VC-3903, VC-39031, VC-3904, VC-3898, VC-38981, VC-3905, VC-39051, VC-3906, VC-38991, VC-3900, VC-3901, VC-3902, VC-39021, VC-3907, VC-39071, VC-3908

**Lezhë Municipality:** VC-0734, VC-07341, VC-07481, VC-0736, VC-07361, VC-0738, VC-07381, VC-0740, VC-07401, VC-07402, VC-07403, VC-0709, VC-0712, VC-07121, VC-07091, VC-0735, VC-07351, VC-07321, VC-0732

**Malësi e Madhe Municipality:** VC-0047, VC-00471, VC-00641, VC-00472, VC-0048, VC-00482, VC-00492, VC-00493, VC-00491

**Dibra Municipality:** VC-1143, VC-11431, VC-1144, VC-11441, VC-1136, VC-11361, VC-1139, VC-11391 VC-1135, VC-11351, VC-1142, VC-11421, VC-1034, VC-10341, VC-1036, VC-10361, VC-1189, VC-1190, VC-1156, VC-1157, VC-1148, VC-1149, VC-1141, VC-11411

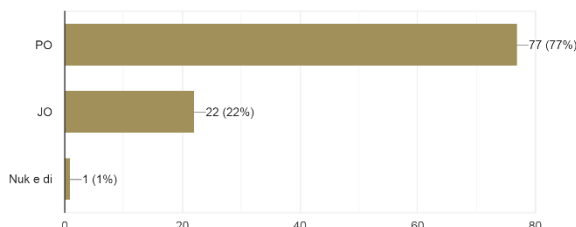
<sup>52</sup> VC 3908 (Pogradec Municipality), VC 3907(Pogradec Municipality)

<sup>53</sup> VC 3269 of Berat Municipality, voting began about half an hour late due to the lack of electricity

### 3.3.1 Challenges of using EIE and irregularities noticed as a result of the implementation of technology

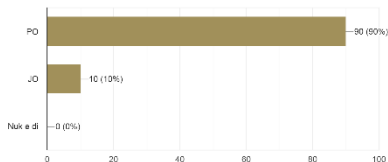
The use of the EIE system in this electoral process found VCC members not so well prepared.

A funksionon në mënyrë të rregullt pajisja elektronike (PEI)?  
100 responses



Printing the ballot at the moment of voting and administering this ballot by them caused a series of delays in the voting process. Also, in some VCs, this equipment displayed problems and was replaced, which led to a suspension of the voting process temporarily, leading to queues created in about 22% of the cases.

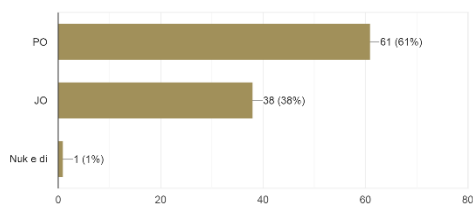
Kur zgjedhësi hyn në qendrën e votimeve a kontrollohet në të dyja duart?  
100 responses



Signing by voters and their crossing out on the vote list was done by VCC members as an obligation envisaged in article 105, letter c) of the EC, was not respected in all VCCs. Massively at VC 39201, VC 3291, VC 3292, VC 3279, VC 3280, and VC 3281/1 in Berat Municipality, which make up 10% of the monitored VCs, VCC members were not clear about this legal obligation.

AHC considers that in spite of the ease of collecting and evaluating data through the use of the technological system, the CEC should have taken measures to instruct VCs to cope with situations in case of failure of EI equipment. Although the CEC declared that it had a Plan B, at the moment of unjust interventions with this system created by this institution, observations in the field noted that the VCs had not planned for such situations. Continued lack of electricity in Pogradec Municipality made the voting process to be suspended by a stating process-verbal continuously, until VCC members were informed about the processing of data by the EIE through battery operation.

Në listën e zgjedhësve, a shënohet numëri i serisë të dokumentit?  
100 responses



The EIE repeatedly made it impossible to read fingerprints, creating some obstacles or delays for voters, which were resolved through manual procedures or stating process-verbals.

In about 38% of the cases, observers found that VCC members did not note the voters' ID document number on the voter list, claiming

that such a function was carried out by the EIE.



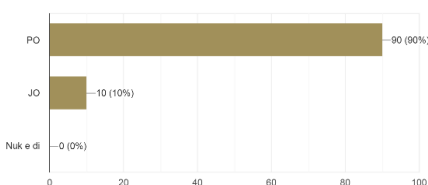
### 3.3.2 Access of AHC observers during voting

About 45 AHC observers, located in the 5 Municipalities of the country monitored the voting process in 100 VCs.

During the monitoring realized in 5 Municipalities of the country, AHC observers accredited by the CEC, submitted 21 written remarks for VCC members. Observers in Dibra Municipality submitted a higher number of written remarks, mainly about encountered cases of family voting.<sup>54</sup> Observers' reasons for submitting written remarks included: presence of unauthorized persons;<sup>55</sup> voting by VCC members in violation of article 106/4 of the EC;<sup>56</sup> failure to note name of voter and signature next to it,<sup>57</sup> etc.

### 3.3.3 Procedure of voters at the secret booth

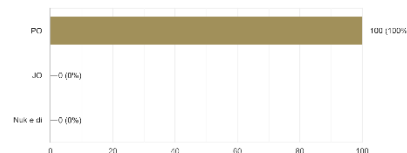
Kur zgjedhësi hyn në qendrën e votimeve a kontrollohet në të dyja duart?  
100 responses



In 90% of the cases, it was found that the voter enters the VC, is checked on both hands, but in 10% of the cases, such a mandatory procedure was not conducted.

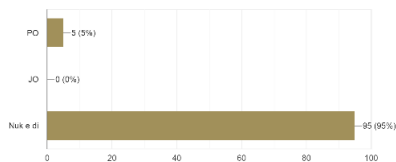
The voter was marked on his left hand while the ink appeared to be of good quality.

Zgjedhësi, a timbroset në dorën e majtë nga anëtar i KQV-së, i caktuar nga KQV-ja (boja për 24 orë nuk duhet të hiqet)? Nëse boja hiqet, ju lutem pasqyrojeni në seksionin koment  
100 responses



on his left hand while the ink appeared to be of good quality.

Nëse zgjedhësi paraqitet me vendim gjyqësorë a lejohet të votojë?  
100 responses



Only in 5% of the cases, observers encountered voters presenting themselves who had not been registered on the voter lists of that voting center but possessed a judicial ruling that recognized to them the right to vote there. These decisions were noted in a special protocol and

copies were kept by VCC members.

Pursuant to article 106, paragraph 4, of the EC, members and VCC secretary vote after all voters present in the voting center at the time of closing the voting had voted. **However, in 34% of the cases, this legal provision was not respected.**

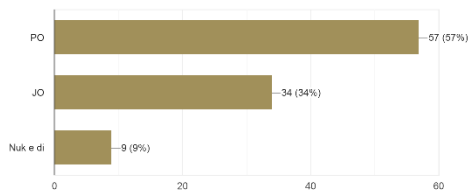
<sup>54</sup> VC 3889 (Pogradec Municipality), VC 3898 (Pogradec Municipality), VC 1143 (Dibra Municipality), VC 1149 (Dibra Municipality), VC 1189 (Dibra Municipality), VC 1190 (Dibra Municipality), VC 1157 (Dibra Municipality), VC 1144 (Dibra Municipality).

<sup>55</sup> VC 0493 (Malësi e Madhe Municipality) VC 1034 (Dibra Municipality), VC 1189 (Dibra Municipality), VC 1190 (Dibra Municipality), VC 1144 (Dibra Municipality).

<sup>56</sup> VC 3891 (Pogradec Municipality)

<sup>57</sup> VC 3291 (Berat Municipality) QV 3290/1 (Berat Municipality)

Sipas ligjit, anëtarët dhe sekretari i KQV-së votojnë pasi kanë votuar të gjithë zgjedhësit e parashikuar. A zbatohet ky rregull?  
100 responses



The members and secretary of these VCCs claimed they were not aware of this legal provision while others found the least busy times with voters to exercise their own right to vote.

### 3.3.4 Presence of unauthorized persons inside and outside VCs

With the amendments to article 109 of the EC, it is noticed that the presence of unauthorized persons is now not a violation of order and orderly conduct of the voting process even in external premises of the VCs (aside from inside). With the claim that they are only responsible for order inside the VC, members of VC 3294 in (Berat Municipality) refused to accept the written remark of the observer about the unauthorized persons in the external premises. During monitoring realized in the 5 Municipalities of the country, observers noticed with concern the presence of unauthorized persons who instruct and help voters to identify their VC. Also, in the inside premises of some VCs in the Municipalities of Lezha, Berat, Pogradec, Dibra, and Malësi e Madhe, observers found a presence of persons authorized by the CEC as observers of political subjects who took down the names of voters at the moment when they were read by the VC members. The use of photocopied badges, not per the model approved by the CEC, was noticed in the case of observers of political subjects, whose badges were signed by the CEAZ chairperson.

Although observers encountered a massive presence of unauthorized persons in the yards of VCs (inside the perimeter), members of the monitored VCCs never asked for the intervention of State Police officers.

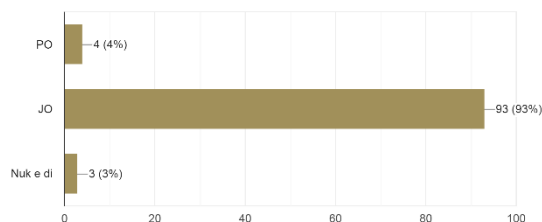
### 3.3.5 Voters who cannot vote themselves

In about 76% of the cases, it was found that VCC members respected the legal provision envisaged in article 108 of the EC. **In 2% of the cases, no process verbal was kept by the VCC, although voters had problems with seeing and were assisted by their family members, who were voters in the same VC. The difference of other cases consists in secondary and mobile VCs, in which this element was not monitored.** Also, another encountered element was the CEC-provided statement that the person being helped and the family member assisting signed. **These statements in some of the VCs were few while VCC members were forced to multiply them in printing offices with their own money in order to not avoid obstruction of the process.**

### 3.3.6 Family voting and photographing of votes

**The element of family voting has continuously been mistaken by some VC members with the assistance provided to voters who cannot vote on their own, according to article 108 of**

A u lejua në ndonjë rast votimi familjar? Ka përgjegjësi KQV-ja nëse do të lejojë votim familjar (Për këtë duhet të njoftohet menjëherë KShH-ja dhe mun...ë mos lejojë pasi është shkelje e Kodit Zgjedhor)  
100 responses

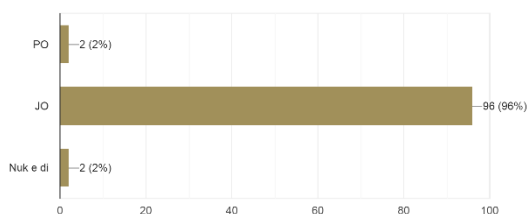


**the EC.** During the monitoring of the process in 5 Municipalities of the country, observers referred 4% of cases about the presence of family members in VCs, voting together. Members of VC 1157 and 1144 (Dibra Municipality) did not accept the remarks by AHC observers on these violations and, therefore, they were not protocolled.

Article 4, letter “c) of the EC envisages

the competence of the electoral administration to take measures to avoid family voting. This disturbing phenomenon was noticed in VC 3889 and 3908 (Pogradec Municipality) and VCs 1143, 1149, 1144, 1157 of Dibra Municipality. In all cases, AHC observers submitted written remarks but preventing this violation was not possible in all cases.

A ka raste të fotografimit të votes nga ana e zgjedhësit?  
100 responses



The violation of the secrecy of vote by photographing it puts individual penal responsibility, according to article 327 of the Criminal Code, every citizen who undertakes such an act. Cases of interventions in the secret booth by mobile phone and its use were reported by AHC observers in 2% of the cases, namely VC 3889 and 3891/2 (Pogradec Municipality),

as well as VC 1157 (Dibra Municipality). Although members of VCCs have the authority to notify the State Police officer, they did not exercise this right. Citizens were either counseled verbally or their ballot was considered invalid, and another ballot was given to them.

### 3.4 Voting in special VCs at the Institutions for the Execution of Penal Decisions (IEPD)

According to official data from the General Directory of the Civil Registry, it results that due to final decisions, the right to vote was suspended for 170 citizens who are inhabitants of the 5 monitored Municipalities that have the procedural status of being convicted.<sup>58</sup>

Accredited AHC observers monitored the voting process of citizens in pre-trial detention, at the Institution for the Execution of Penal Decisions (IEPD) Shënkoll and Reç. In our country's prisons, in keeping with article 2 of the EC, special Voting Centers (VCs) are set up and function. In special VC no. 07481

<sup>58</sup> Letter no. 1696/1 prot., dated 14.05.2021.

28 citizens in Berat Municipality; 7 citizens in Dibra Municipality; 25 citizens in Lezha Municipality; 97 citizens in Malësi e Madhe Municipality; and 13 citizens in Pogradec Municipality.

established in IEPD Shënkoll (Lezha), there are 138 registered voters. Until the end of the voting, it was reported that in the VC Lezha, 87 citizens (about 63%) voted; meanwhile, at the VC near IEPD Reç, 56 detainees (about 15%) appeared to have voted until 13:20 of 25.04.2021.

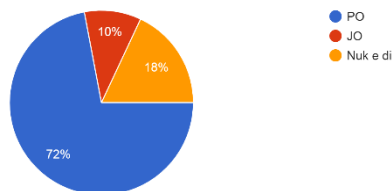
It was noted that the decision to open the voting at the VC in IEPD Shënkoll had 07:00 as the time, but the EIE system for this VC was not functional due to the absence of the operator. Due to security and the necessity for controls, the posting of educational materials for voters and of anti-COVID19 measures was realized a few minutes before opening by VCC members.

The situation at the VC at IEPD Reç appears somewhat different as the voting was opened at 08:43, because the box of materials was lacking the process-verbal of the opening of voting. In the VC, it was noticed that there was a calm situation, without incidents, and without any presence of Prison Police officers inside the VC premises.

AHC observers in these two VCs did not report any cases of intimidation or pressure exerted by Prison Police officers or representatives of the institution's administration, in order to influence the will of citizens deprived of their liberty. For both VCs placed in the IEPDs, observers noted that 20 detainees appeared with a judicial decision and were identified as special cases by the EIE. The transport of ballot boxes and voting materials boxes at VC 07481 (IEPD Shënkoll) was conducted with the VC chair's vehicle, in the presence of the secretary and 1 State Police officer, in keeping with article 114 of the EC.

### 3.5. Closing of voting

A u mbyll votimi ne oren 19:00?  
100 responses



In 72% of the cases, it results that voting was closed at 19:00 while in 10% of the cases, VCC members did not respect this legal deadline as there was a delay of 10 minutes. In 4 cases, after the official closing hour, it was noticed that voters were queued up in line to vote and, as a result, VCC members respected the procedure prescribed in article 112,

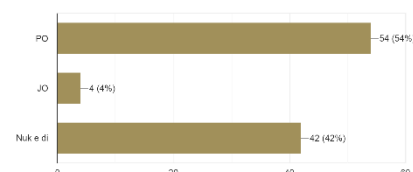
paragraph 1 of the EC.

Because of the functioning of the EIE, VCC members sufficed to print the automatic process-verbal that the equipment generated, while a special process-verbal, signed by all members of the VCC, reflects damaged and unused ballots.

In 4% of the cases, one of the VCC members sought a recount of the ballots because of non-coordination. The chairperson accepted this request and the ballots were recounted more than two times. Also, in 14% of the cases, it was noticed that the observers of the electoral subjects were not given copies of the process-verbals of the closing of voting.

The transfer of electoral material and ballot boxes by the VCCs to the VCS was done in 76% of the monitored VCs within the established deadline of 3 hours, with the presence of VCC members,

Pas kësaj fillon numërimi i zgjedhësve që kanë votuar sipas nënshkrimeve në listë plus atyre që kanë votuar me vendim gjyqësor. Për këtë a mbahet proces-verbal përkatës?  
100 responses

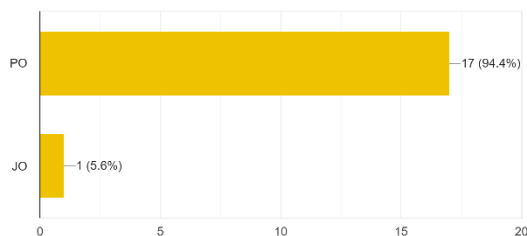


the secretary, and the police officer. Only in 1 case, this legal obligation was not respected due to the lack of presence of the State Police officer to accompany both vehicles with electoral materials. This case was seen in VC no. 0740, CEAZ no. 12, at the Lezha Municipality.

## 4 Vote counting

AHC monitored the vote counting process in the premises of 9 Vote Counting Sites (VCSs) established at 9 EAZs in the 5 mentioned municipalities. This monitoring lasted until the late afternoon hours of April 26, 2021. AHC observers reported that the exhaustion of VCG members caused interruptions of this process continuously.

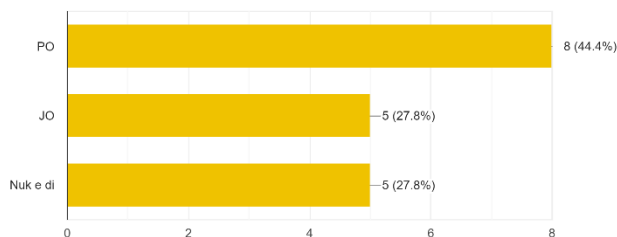
A keni pasur akses të plotë për të hyrë në vendin e numërimit?  
18 responses



Observers' access at the counting process monitoring phase was guaranteed in 94.4% of the cases, while there were limitations to this access in 5.6% of the cases.

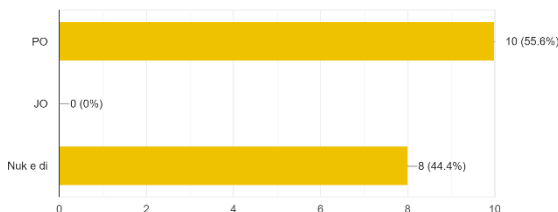
### 4.1 Respect for legal procedures during counting

Kutia e votimit dhe kutia e materialeve të votimit duhet të dorëzohet në vendin e numërimit të votave jo më vonë se 3 orë nga mbyllja e votimit. ... grupet e marrjes në dorëzim caktuar nga KZAZ-të?  
18 responses



In 44.4% of the cases, the deadline to take over the ballot boxes and boxes of electoral materials was respected while in 5 cases, or 27.8% of the cases, it was not possible to respect this legal deadline due to the distance of the VC from the assigned VCSs, delays in closing process-verbals, lack of clarity among VCC members about procedures to be pursued, etc.

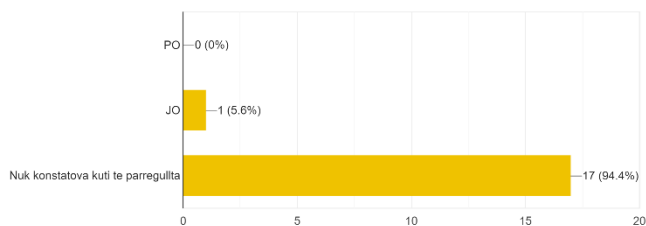
A mbahet procesverbal pas marrjes në dorëzim të Kutive me Fletët e Votimit dhe materialet e votimit?  
18 responses



In 55.6% of the cases, it resulted that VCG members maintained a process-verbal at the moment of taking over materials and ballot boxes, while in 44.4% of the cases, observers were not able to monitor this procedural moment because they were engaged in the second phase of the counting process, which lasted until the morning hours of April 26, 2021.

In 94.4% of the cases (or 17 cases), AHC observers did not encounter opening of irregular boxes

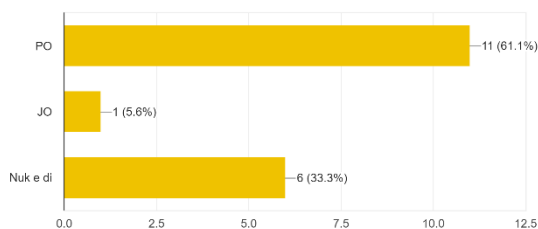
Kutitë e parregullta, ligji nuk lejon të hapen. A zbatohet ky rregull?  
18 responses



by the CEAZ, in respect of article 115, paragraph 5 of the EC. In 1 case, or 5.6% of the cases, 1 box belonging to VC 3890 was delivered to the VCS at EAZ no. 69 (Pogradec Municipality) damaged, with the security seal broken, while it was closed temporarily. The CEAZ was notified on this case and its members verified the case and drafted a process-verbal

on this finding. After the process-verbal, in violation of the mentioned provision, the ballot box was subjected to counting.

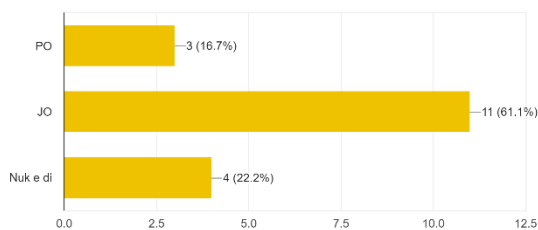
A merr vendim të posaçëm KZAZ-ja për fillimin e numërimit të votave?  
18 responses



In 11 cases, or 61.1% of the total number of cases, the CEAZ made a decision to start the vote counting, while CEAZ no. 13 in Lezha Municipality (or 5.6% of the cases) did not make a decision expressly about the start of the counting process, but talked about the procedure to be followed in the counting, the two respective phases, initially for electoral subjects and then

for preferred candidates. Meanwhile, the figure of 33.3% of the cases in which the observers did not provide information, belongs to the 6 cases in which the observers engaged in the second shift.

A ka pasur kontestime dhe vërejtje për procesin e fillimit të numërimit të votave?  
18 responses



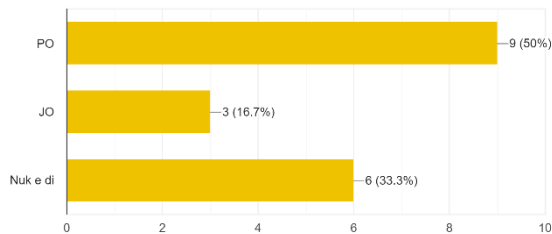
Observers reported contestations and reservations on the start of the counting process in 3 cases, which represent 16.7%, namely: EAZ no. 69 at Pogradec Municipality and EAZ no. 65 at Berat Municipality. The contestations were addressed by observers of electoral subjects, which showed an increased presence of unauthorized persons in the VCG. The causes for contestations had

to do with the fast passage of ballots through the monitor or the unargued delay by VCGs for the start of the vote counting process.

In the cases when VCG members claimed that irregularities were encountered during the vote counting process, article 116, paragraph 7 of the EC, recognizes the right to suspend the counting process, by raising the hand. In 50% or 9 of the cases in the monitored VCSs, counting was suspended at the moment one of the VCG members raised a hand, while the CEAZ intervened to resolve the situation. These cases were reported in EAZ no. 12 and EAZ no. 13 (Lezha Municipality); EAZ no. 1 (Malësi e Madhe Municipality); EAZ no. 19 (Dibra Municipality); EAZ no. 69 (Pogradec Municipality) and EAZs no. 65 and 66 (Berat Municipality).

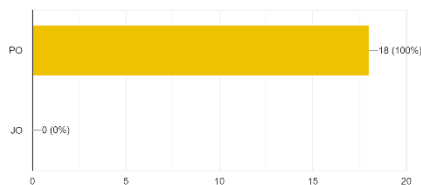
Në rastet kur një prej anëtarëve të GNV ka ngritur dorën dhe ka sinjalizuar KZAZ për çrregullimet e lartpërmendura apo ato të përmendura më poshtë....arët e GNV deri në marrjen e vendimit nga KZAZ?

18 responses



Fletët e votimit, sipas ligjit, të stivuara, vendosen mbi tryezë, numërohen nga numëruesi i parë dhe u bëhet të ditura anëtarëve të grupit të numërimit ...gjedhore. A është respektuar ky parashikim ligjor?

18 responses



In all VCSs monitored by AHC observers, it was noticed that the ballots were placed on the table and, after counting by the first counting, were made known to the VCG members and observers of electoral subjects.

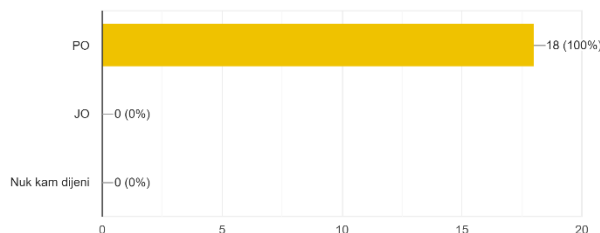
In those VCSs where monitoring was conducted, observers found that in 100% of the cases, the number of ballots matched the number of voters in

the respective lists.

Only in the case of EAZ no. 66 in Berat Municipality, during the review of a VC, it resulted that the box of voting materials did not include the process-verbal of closing the voting process. In this case, the VCG filled out the statement process-verbal, in reference to article 116/1 of the EC.

A përputhet numri i fletëve të votimit me listën e zgjedhësve që kanë votuar?

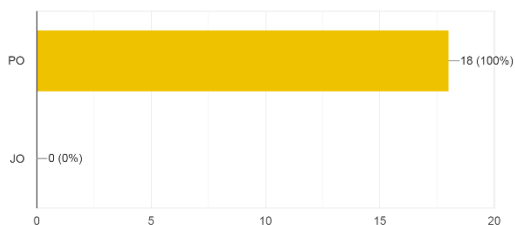
18 responses



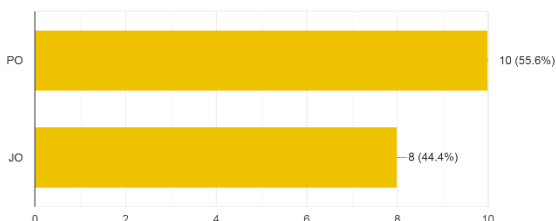
The ballot box was exposed visibly on the monitor at all VCSs that were monitored. In 1 case, the AHC observer at EAZ no. 66 (Berat Municipality) reported that the ballot was unclear to see on the monitor due to the poor quality of the monitor.



Në vlerësimin e votave, a bëhet dallimi midis votës së vlefshme dhe të pavlefshme? SHPJEGIM  
(Vota e vlefshme është ajo në të cilën është votuar...erson ose subjekt që nuk është në fletën e votimit.  
18 responses



A ka pasur kontestime gjatë numërimit të votave?  
18 responses



The evaluation of votes between valid and invalid ones was conducted by VCG members in 9 EAZs in a non-unified manner, reading loudly the relevant evaluation, but not always arguing the reasons for invalidity.

During the one-day monitoring of the counting in the VCSs of these Municipalities, there was a percentage of invalid votes varying between 6 – 9%. Concretely, at Bulqizë Municipality, there were 8.8% of invalid votes, of 15,409 voters, 1362 invalid votes; at Dibra Municipality, about 6% of the votes were considered invalid, of 30,014 votes in total, 1814 were invalid; at Malësi e Madhe Municipality, of 17,391 total votes, 1346 or 7.7%; at Pogradec Municipality, about 8% of the votes, or

2810 votes were declared invalid out of 34734 votes in total; at Berat Municipality, of 34,772 votes in total, 2179 or 6.3% of votes were invalid; and at Lezhë Municipality, 2509, or about 6.6% of the total 37,770 votes were declared invalid.

In 10 cases during the vote counting process, observers of electoral subjects submitted to VCG members complaints or reservations. Only in 5 cases, reservations were noted in the protocol book administered by the CEAZ members in the VCSs. The contestations had to do with: fast passage of ballots in the monitor, inability to review stamps on the back of the ballot, claims of validity or invalidity of ballots, etc.<sup>59</sup> In spite of these contestations, the situation proceeded normally in most of the VCSs without causing any recount, except for VCG no. 3 and no. 5 in EAZ 12 in Lezha Municipality, where the CEAZ decided a recount of votes in one ballot box.

Only in 10 cases or 55.6% of the total number of monitored VCSs, observers were able to monitor the process of drafting original tabulations with voting results, which were made available to observers of political subjects. During the drafting of the tabulations, observers did not report contestations, while the tabulations were signed by all VCG members.

At the conclusion of the counting process, the CSC published its first decision on the complaints filed about activity violating legal provisions by members and the secretary of CEAZ no. 66 in Berat Municipality. In its decision, the CSC noted that at 22:00 of April 26, 2021, only 42.22% of the total number of ballot boxes appeared to be counted by members of functional VCGs at this CEAZ. Noting a violation of article 122, paragraph 1 of the EC, the Commissioner issued an administrative sanction on the members and the secretary of the CEAZ. This decision was

<sup>59</sup> E.g.: At the VCS at EAZ no. 66 (Berat Municipality), the observer reported that the claim that the ballot was passed too fast on the monitor was raised continuously by candidates of political subjects. After the intervention of the CEAZ, with consensus, VCG members were advised to keep ballots longer on the monitor.



invalidated by the CSC, which argued that the responsibility for the counting lies with the VCG, while the double procedure of vote counting for the electoral subject and the preferred candidate makes it impossible to respect the 22:00 deadline of the day after the voting.<sup>60</sup>

#### 4.2 Environment at the VCSs and presence of unauthorized persons

AHC observers who observed the counting process at the 9 EAZs of the 5 monitored Municipalities, reported repeatedly that members of the VCGs exercised their duties in very difficult circumstances. During the count, observers carried out their duties in a noisy environment, in the presence of many persons not equipped with accreditation badges, and in violation of anti-COVID19 rules. There was a lot of smoke and considerable noise at EAZ 1 in Malësi e Madhe



Municipality and EAZ 69 in Pogradec Municipality, during the first hours of April 26, 2021. Also, the presence of unauthorized persons, who conversed continuously with



VCG members was reported at VCS of EAZ 70 (Pogradec Municipality), while there were contestations by electoral subject observers when votes were deemed invalid. Meanwhile, moments of tension were seen in most of the cases during the first hours of April 26, 2021, due to exhaustion and suspension of the counting process by VCG members.

#### 4.3 Approval of tabulations

Based on articles 19, paragraph 1, letter “n,” and 2 and 123 of the EC, the State Commissioner for Elections made a decision for the 5 monitored Municipalities regarding the approval of the tabulations of voting results in the respective electoral constituencies.<sup>61</sup>

Referring to article 167 of the EC, the final result of elections for the parliament of Albania, conducted on April 25, 2021, is conditioned first by the calculation and distribution of mandates for winning candidates and, secondly, by the conclusion of complaint procedures. As a result, the 5-day deadline set in this provision is conditioned by these two conditions. At present, it does not appear that the CEC declared the final election results while the complaint procedure continues at the CSC or the Electoral College.

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<sup>61</sup> [http://kqz.gov.al/wp-content/uploads/2021/05/Vendim\\_349\\_210504\\_V349\\_TPR-Qarku-Lezhe.pdf](http://kqz.gov.al/wp-content/uploads/2021/05/Vendim_349_210504_V349_TPR-Qarku-Lezhe.pdf)  
[http://kqz.gov.al/wp-content/uploads/2021/05/Vendim\\_346\\_210504\\_V346\\_TPR-Qarku-Korce.pdf](http://kqz.gov.al/wp-content/uploads/2021/05/Vendim_346_210504_V346_TPR-Qarku-Korce.pdf)  
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[http://kqz.gov.al/wp-content/uploads/2021/05/Vendim\\_339\\_210501\\_V\\_339-TPR-Qarku-Berat.pdf](http://kqz.gov.al/wp-content/uploads/2021/05/Vendim_339_210501_V_339-TPR-Qarku-Berat.pdf)

#### 4.4 Complaint procedure at CSC

AHC finds that the post-electoral period has brought the CSC in front of a series of complaints filed by electoral subjects. More concretely, the SCS made 40 decisions between April 29 and the day of this report's drafting.

The CSC continued proactively to review complaints filed by electoral subjects. Based on monitoring by the media, CSC meetings were characterized by debates between members and legal representatives of electoral subjects, while there was division along political lines between CSC members.

On May 17, 2021, the CSC decided to open 24 boxes of electoral materials in Berat, which were highlighted as problematic and featured deficiencies in process-verbals, lack of reports generated by EI equipment, mismatches between the number of voters and ballots in one VC, and a lack of voters' lists.

#### RECOMMENDATIONS:

1. Given that these parliamentary elections were held in the circumstances of the pandemic, AHC calls upon State Police that, in the future, it devote proper attention to the need to guarantee the principle of equality before the law for every citizen, in spite of their political convictions or affiliations, as well as avoid discriminating and favorable practices toward freedom of peaceful assembly.
2. Referring to initial data published by the CEC, AHC suggests a deeper analysis in the future of the reasons that lead to a high number of invalid ballots in order to address them effectively in future parliamentary elections.
3. AHC recommends to the CEC to take measures so that in the future elections, it applies rigorously the legal provisions in article 174 of the Electoral Code.
4. AHC recommends to the CEC to undertake proactive steps to realize fast, efficacious, and objective administrative investigations, of cases or indications of the misuse of public assets, demonstrating rigorousness in applying the law and in sanctioning violators in accordance with articles 91 and 92 of the Electoral Code, and Decision no. 9, dated 24.12.2020 "On regulations for reporting activities of a public character by public institutions, agencies, and/or state enterprises, categories of prohibited activities, and monitoring of the activity, behavior, and use of human, financial, and logistical resources of the state administration before elections."
5. With regard to incidents made public by the media, during the election campaign, AHC calls upon the Judicial District Prosecution Offices and the Special Prosecution Office against Corruption and Organized Crime (SPAK) to undertaken comprehensive, objective, and fast investigations in order to punish responsible citizens who sought to violate the free and fair vote of citizens in the April 2021 Parliamentary Elections.
6. AHC suggests the taking of measures by Judicial District Prosecution Offices to inform the public, in the absence of their individual electronic sites, through statistical

announcements on the official website of the General Prosecutor of the Republic of Albania. AHC draws attention to the fact that the right to information about the investigation of electoral crimes is in the interest of the public and, in that regard, we encourage analyses conducted on the basis of judicial districts and sharing with the public the difficulties or obstacles encountered in investigating these criminal offenses. AHC appreciates the public calls and periodical meetings by the General Prosecutor with representatives of the prosecution office at the local level.

7. In order to prevent the phenomenon of vote-buying and selling, AHC suggests the intensification of work by the CEC to educate voters about the harmful consequences of vote buying and selling.
8. AHC recommends to the CEC to take concrete measures to manage, according to legal provisions in force, quality training of the electoral administration at the local level in order to avoid training sessions within short periods of time that demonstrate a lack of efficiency in the process to administer the voting and the vote counting processes.