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ALBANIAN HELSINKI COMMITTEE
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FINAL REPORT

ON THE MONITORING OF THE PROCESS
OF THE

PARLIAMENTARY ELECTIONS 2021



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ALBANIAN HELSINKI COMMITTEE

FINAL REPORT
ON THE MONITORING OF THE PROCESS OF THE
PARLIAMENTARY ELECTIONS IN 14 MUNICIPALITIES OF THE COUNTRY
APRIL 25, 2021

Tirana, June 2021

This report was prepared in the context of the Project “I participate! My voice, my vote,” implemented by the Albanian Helsinki Committee, in partnership with Civil Rights Defenders and the Institute of Political Studies, supported financially by the European Union, and the initiative “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. The contents of this report are the full responsibility of the Albanian Helsinki Committee and does not necessarily reflect the views of the European Union and the Federal Republic of Germany.



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ALBANIAN HELSINKI COMMITTEE



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Contents of the Report:

Introduction.....	4
1. Executive Summary	4
2. Legal framework.....	7
3. Pre-election monitoring of the elections of April 25, 2021	8
3.1. Establishment and functioning of the Central Election Commission (CEC).....	8
3.2. Extracts of electoral components and voter lists.....	9
3.3. Written notification of voters in their homes	9
3.4. Voting by Albanian citizens who are permanent residents abroad	10
3.5. Misuse of human, financial, and logistical resources of the public administration before the elections	10
3.6. Registration of parties and coalitions.....	12
3.6.1. Submission of multi-name lists of candidates.....	12
3.7. Contents of the ballot	12
4. Setting up electoral administration infrastructure at the local level: CEAZ, VCC, and VCG.....	14
4.1. Establishment and functioning of CEAZs.....	14
4.2. Establishment and functioning of VCCs.....	14
4.3. Establishment of VCGs.....	15
5. Electoral campaign and incidents	15
6. Monitoring of the voting process	16
7. Monitoring the vote counting process.....	18
8. Preliminary election results and complaints	19
9. Suggestions and Recommendations.....	20

Introduction

The Albanian Helsinki Committee (AHC) is a non-governmental, non-profit, and independent organization. Its mission, since the time of its creation (December 16, 1990), has been and remains: respect for human rights and freedoms.

Pursuant to this mission, AHC has had special appreciation for the importance of periodic elections that have been conducted in our country and has monitored them since the parliamentary elections of 1996, thus making its modest contribution, with the goal being that these elections achieve the standards of free and fair elections. AHC's contribution has also been offered for improving electoral legislation, based mainly on the Monitoring Reports and Recommendations of OSCE/ODIHR for Albania.

From that standpoint and to that end, AHC engaged in monitoring elections for the Assembly, which were held on April 25, 2021. AHC engaged 206 long-term and short-term observers, accredited by the CEC. Monitoring extended over 14 Municipalities, namely: Shkodër, Malësi e Madhe, Dibër, Kukës, Lezhë, Tiranë, Durrës, Elbasan, Pogradec, Korçë, Berat, Fier, Vlorë, and Gjirokastër.

This monitoring was made possible thanks to the financial support of the European Union and the Federal Republic of Germany. We hereby express our sincere thanks for them.

AHC feels the obligation and, at the same time, the pleasure to express its heartfelt thanks to all its observers who monitored the April 25, 2021, elections. In the circumstances of the pandemic, they engaged voluntarily and informed AHC in a fast, accurate, and objective manner about the conduct of these elections.

1. Executive Summary

As a result of the polarized political environment, created mainly by the parliamentary boycott of the largest opposition in the country, electoral reform was conducted within a relatively short timeframe. This reform was agreed upon in June 2020, through the mechanism of the Political Council¹ and was voted on July 23, 2020, i.e. in less than one year before the elections, thus failing to respect deadlines suggested in the Venice Commission best practices.² Amendments agreed upon in the Political Council, contributed positively to resolving the political crisis in the country. On the other hand, they addressed partially the key or priority recommendations of OSCE/ODIHR. In its entirety, electoral reform did not respect the standards for transparency and inclusivity, especially with civil society organizations and other stakeholders. The Assembly approved within a short period of time and without an advance in-depth study the amendment of articles 64 and 68 of the Constitution, which led to the change of the electoral system.

¹ This enabled the extra-parliamentary opposition to become part of the dialogue and consensus necessary for carrying out this reform.

² It states, "Fundamental elements of electoral legislation, in particular the electoral system proper, membership in electoral commissions, and the drawing of constituency boundaries, should not be open to amendment less than one year before an election."

AHC monitored partially the activity of the highest electoral administration body, the CEC. In this regard, we kept in mind that the new CEC, lacking the necessary experience, would face difficulties due to the volume of amendments to the Electoral Code. Within a relatively short period of time, it had to approve some different decisions and instructions that provided details for the new (amended) Electoral Code. Not all members of the new CEC had prior experience with the implementation of electoral legislation, and in some cases, there were also different interpretations. AHC's finding is that the CEC, even in these circumstances, generally managed to handle the assigned tasks. There were visible divisions among the members of one of the three leading bodies of the CEC, namely the CSC. This finding applies to some important CSC decisions, whereby electoral subjects had different arguments. In this regard, the possibility of influences of a political nature from the political forces that proposed them may not be ruled out.

In the context of decriminalization, according to CEC data, it resulted that in the April 25, 2021 elections, the CEC sent to the General Prosecution Office 30 requests for verifications of candidates proposed by the electoral subjects. Of these, 4 cases of candidates who had no legal prohibitions for election were sent back to the CEC. Verification is ongoing on the other requests. Verification for most candidates needs to be conducted abroad. The experience of past elections has seen cases when the mandate of MPs, mayors, or municipal council members has been interrupted when they were exercising their functions. The time for verification between the submission of the multi-name lists of candidates and their inclusion in the ballot is relatively short. For this reason, AHC, in its statement of January 21, 2021, addressed this problem and suggested that relevant legal amendments be made in the future.

The electoral campaign, which began before the deadline envisaged in article 77 of the Electoral Code, was held in a polarized political environment, in violation of health measures and protocols for the prevention of the spread of COVID-19, and with selective application of administrative fines for failure to respect these measures. Furthermore, in some cases, there were elements of hate speech in remarks by political leaders.

There were indicia and accusations of vote-buying or selling during the pre-electoral process in several Municipalities of the country. As in past elections, AHC considers that investigations by the prosecution office should be faster, objective, and comprehensive, and the public should be informed transparently. SPAK announced on its official website on April 23,³ that the Special Prosecution Office against Corruption and Organized Crime assessed with priority, during the period March-April 2021, a considerable number of criminal referrals, namely 91 cases, more than half of which were by political subjects and only 4 were filed by citizens. The Special Prosecution office states that there are 32 criminal proceedings for which investigation continues, 15 of which have been sent to State Police for preliminary verifications, and 23 have been sent to the district prosecution offices. Pursuant to this announcement, there is still no information about the progress of investigations of these cases, no general indicators about the conducted investigations, and the decisions by the prosecution office to date (if there were any).

As in the past, AHC is of the opinion that little has been done to prevent and strike electoral crimes. One of the main duties of State Police is to prevent, discover, and investigate, in keeping with criminal and criminal procedural legislation, the criminal offenses and their suspected perpetrators (including offenses that violate free and democratic elections). In order to effectively fight

³ <https://spak.al/2021/04/23/njoftim-23/>

suspected cases of electoral crime, it is required that State Police strengthen its operational independence, political impartiality, integrity, professionalism, and transparency, principles that are sanctioned in article 5, of law 108/2014 “On the State Police,” amended.

Based on a database containing personal and sensitive data circulating in the media, signaled to be managed by the “SP” electoral subject, on April 14, 2021, AHC reacted with a public statement asking that electoral subjects respect the right to privacy and secrecy of the vote. Electoral subjects may not maintain personal and sensitive voter data without their prior consent. AHC asked the prosecution office to inform the public transparently and impartially, whether all necessary actions have been taken for the full and impartial investigation of those responsible for its creation, and whether state institutions were involved in the transfer of data. Although about 3 months have passed, the SPAK official website, to our knowledge, has no announcement about verifications conducted on this issue and decisions about it.

Guaranteeing the constitutional right of Albanian citizens living permanently outside the country’s territory to vote regrettably was just an unachievable pledge due to deficiencies in legislation and infrastructure. In AHC’s opinion, the CEC should have notified the Assembly about the reasons and causes that made it impossible for emigrants living abroad to exercise their right to vote, in reference to articles 24, 25, and 46/3 of the Electoral Code.

During the 4-month period before the election day, in some cases, observers and local coordinators in the 14 Municipalities of the country, signaled cases of abuse of public resources, due to some activities by institutions at the local level, in violation of article 3, paragraph 1, letters a) and ç) of Decision no. 9/2020 of the Regulatory Commission. Among the most frequent alerts by observers were those about the involvement of public administration employees in meetings or rallies organized by different representatives of electoral subjects. AHC considers that these alerts should have been accompanied by proactive, in-depth, objective, and impartial investigations by the CEC.

In the context of electoral reform, the Electoral Code envisages that any person who becomes aware of facts or circumstances that might be a legal violation of an administrative or criminal violation in the field of elections has the right to directly inform the CEC. However, since this was a new provision and the time from its approval until the elections was relatively short, citizens either did not become aware of it or were very little informed. The signaling of violations by the public should represent an effective means that contributes to preventing and punishing unlawful acts; therefore, the formal provision does not serve this purpose and should be accompanied by necessary guarantees.

As is known, voting in past elections was for the electoral subject and not the candidate for MP as well. The novelty of these elections, due to the change of the Constitution and the Electoral Code, was the fact that voters were given the possibility to vote for his/her favorite candidate along the electoral subject. Pursuant to a complaint, considering the difficulty of ballots with names of candidates (due to the size and difficulty of printing such ballots), the Electoral College decided that the ballot should show the electoral subject and voting for candidates should be done in boxes corresponded to the name of the candidate, based on the multi-name list approved by the CEC. These were the types of ballots used in the April 25, 2021 elections.

Unlike the pre-electoral climate, the voting process was characterized by a calm and incident-free environment. The structures of State Police administered the preservation of public order and

safety with appropriate care during the voting day, pursuant to duties assigned by the Electoral Code (article 42 of the EC). However, family voting in these elections too was disturbing while, in some sporadic cases, observers reported about photographing of ballots or attempts to photograph the voting in the secret booth. This is due to tolerance and irresponsibility by some VCCs. During the monitoring of the electoral process and the vote counting process, our observers reached the conclusion that some violations of the law and instructions of the CEC occurred due to poor or insufficient handling of them as a result of the delayed establishment of CEAZs, VCCs, and counting groups, or due to replacements after they were established.

In these elections, the number of invalid votes was relatively high (the declared number: 83,000), while in past elections the number was much smaller. It is true that the CEC engaged in guiding and sensitizing voters about the manner of voting, but the time for this was insufficient because the review and decision about the contents of the ballot were somewhat delayed. It was difficult at this phase to provide data about the increase of this number because, according to article 117, paragraph 3, of the Electoral Code, the number of invalid votes is envisaged in 10 instances. More in-depth research is needed in order to comprehend why voters did not understand the new electoral system and ballot correctly, leading to a certain percentage of invalid votes.

2. Legal framework

We deem it necessary to mention the brief history of the 2017 – 2019 period, during which the parliamentary elections of June 25, 2017 took place as well as the elections for local government bodies on June 30, 2019. These elections were monitored by OSCE/ODIHR Mission observers and, upon finalization of the monitoring reports, there were recommendations that emphasized that some other recommendations issued in previous elections that had not been addressed should also be reviewed.

In order to carry out this task, there is a need to review electoral legislation and therefore, understanding, a spirit of dialogue and consensus between the majority (SP) and opposition (DP and LSI). It was precisely the lack thereof that was reflected especially after the departure from the assembly of the opposition and its refusal to participate in the June 30, 2019 elections. These moments only raised tensions in the political environment but polarized it even further. This situation delayed the review of OSCE/ODIHR recommendations after the 2017 and 2019 elections. During this period, a Special Parliamentary Committee on Electoral Reform was established. Although it addressed some problems, it did not function normally also because of the absence of the voice of the largest opposition outside parliament. This situation also continued during 2019, and even until April 2020. Representatives of the extra-parliamentary opposition agreed to collaborate with the opposition on the amendments and additions to the Electoral Code although the Assembly, as mentioned above, had established a special committee on Electoral Reform.

On June 5, 2020, consensus was reached between representatives between the majority and parliamentary opposition as well as representatives of the extra-parliamentary opposition to draft legal amendments that would address OSCE/ODIHR recommendations in the field of elections.

This consensus was important that that is why it was supported by the international factor. Later on, the Assembly approved within a short time and without prior in-depth study, the amendment of articles 64 and 68 of the Constitution, which led to a change of the electoral system and made

it necessary to amend some other articles of the Electoral Code. The extra-parliamentary opposition did not agree with these amendments.

Regarding the June 5 agreement, which was a necessary and useful achievement, in spite of reservations that we may have for certain provisions, AHC did not consider fair or principled the contents of paragraph 10 of the June 5 agreement, which noted, “the draft of additions and amendments to the Electoral Code, should not have been changed by parliament.”

According to best practices of the Venice Commission, “*Fundamental elements of electoral legislation, in particular the electoral system proper, membership in electoral commissions, and the drawing of constituency boundaries, should not be open to amendment less than one year before an election.*” However, practice in Albania, as a result of the crisis and the need for political consensus, made it impossible to respect this deadline. Electoral reform was agreed upon in June 2020, through the mechanism of the Political Council, and was voted on July 23, i.e., less than one year before the elections. In its entirety, electoral reform took place in a polarized political environment, which violated the standards of transparency and inclusivity, especially with civil society organizations and other stakeholders.

The agreed amendments only partially addressed the key or priority OSCE/ODIHR recommendations and some of the amended provisions in the Electoral Code called into question important constitutional principles, such as the principle of respect for the hierarchy of normative acts, the principle of the separation and balance of powers, or the principle of disciplinary responsibility of judges before the law, etc. The priority recommendation of OSCE/ODIHR for the depoliticization of electoral administration bodies at all levels was not addressed in the agreed amendments to the Electoral Code.

3. Pre-electoral monitoring of the April 25, 2021 elections

3.1. Establishment and functioning of the Central Election Commission (CEC)

In October 2020, with a procedure that was different from the previous CEC elections, a new CEC was elected, about 7 months ahead of the election date. This institution of the highest level for electoral administration, underwent changes both in composition and structure compared to the previous CEC. The review of candidates by the Assembly for members for its leading bodies was carried out very quickly and did not guarantee an entirely meritocratic process or consultation with stakeholders about the presented candidates.

The establishment at a relatively short time away from the election day made the CEC work in the circumstances of overload with regard to the administration of the electoral process. This volume kept growing as it needed to approve a series of individual or normative acts, which further detailed the Electoral Code that had undergone significant amendments.

The State Commissioner managed the pre-electoral process and the acceleration of the pace for the vote count with necessary care. In particular, it is worth highlighting the continued communication of the Commissioner with the media, throughout the process for pre-electoral management, during the voting, and the counting with the goal of informing voters. The

Regulatory Commission made decisions with unanimity while discussions among members in relevant meetings were constructive and with arguments.

Unlike the Regulatory Commission, the CSC decision-making on controversial issues were not made with unanimity. In 14 decisions of the CSC, it was found that members were divided into three and two or with only 1 member in the minority. Given that candidates for the bodies that make up the CEC either presented themselves or were proposed by parliamentary groups or particular MPs, AHC considers that decision making where CSC members were divided, there was a possibility that there were influences of a political nature.

It is positive that the CEC continuously consulted civil society organizations on its draft decisions or draft acts. However, due to urgent needs of the process, this consultation was conducted within a very short period of time (on an average of 3 days) which did not make it possible to make quality contributions and gave the process formal tones.

Based on monitoring conducted in the field by the AHC team of observers, it is to be said that the implementation of electronic voting through the EIE was managed relatively well by the CEC, in spite of efficiency in the training of operators involved in the administration and monitoring of the functionality of this equipment.

3.2. Extracts of electoral components and voter lists

Based on monitoring conducted in the civil registry offices and Administrative Units in the 14 Municipalities of the country, it was found that the extracts of the electoral components and the final voter lists respected legal provisions of article 51, paragraph 4 of the Electoral Code. However, it was noticed that citizens did not have complete access to final voter lists because these were posted in public institutions or educational institutions that only functioned during official working hours.

The locations of voting centers (VCs) were assigned through decisions of the State Commissioner for Elections during February – March 2021. However, in the case of VC no. 07091, at the Shëngjin Administrative Unit, Lezha Municipality, it was not established at the school because it was damaged by the earthquake. The failure of voters to become familiar with the final voter lists in this VC, posted at the private subject “Colombo,” caused confusion among voters on election day.

3.3. Written notification of voters in their homes

Regarding the legal obligation in article 52, paragraph 1 of the Electoral Code about the written notification of voters in their homes, AHC exchanged several official letters with 7 of the Local Government units (Municipalities).⁴ Based on data submitted by these Municipalities, it was found that the procedure of written notification of voters in their homes was not concluded, in spite of the expiry of the legal deadline and the allocation of the relevant fund by the Ministry of Interior.⁵

Considering the importance of written notification of voters in their homes as an important element of guaranteeing their participation on voting day, it is our opinion that preliminary monitoring,

⁴ Tirana Municipality, Durrës Municipality, Elbasan Municipality, Gjirokastra Municipality, Vlora Municipality, Fier Municipality, Korça Municipality

⁵ Article 52, paragraph 5 of the Electoral Code

periodical measures should have been taken by the CEC as the institution managing the electoral process.

3.4. Voting of Albanian citizens who are permanent residents abroad

For the first time, the lawmaker approved in the Electoral Code 3 legal provisions (articles 24, 25 and 46, paragraph 3), which guaranteed the Albanian diaspora the right to vote from the countries where they have permanent residence. This right should have been realized starting from the parliamentary elections of April 25, 2021. In fact, that right was not respected. In October, 2020, in an observation in 11 local government units, AHC was informed that Civil Registers did not contain permanent living addresses for Albanian citizens living abroad, which the above provisions required. AHC notified the CEC on this first indication.

Besides, the 2016 law that guaranteed Albanian citizens abroad some rights do not deal with their permanent living addresses for the purpose of elections. The Decision of the Council of Ministers that refers to provisions of this law (approved in December 2020), although it mentions the right of Albanian citizens abroad to vote, does not deal with their permanent living addresses, nor with the procedure to be pursued. This was also due to the fact that the Decision of the Council of Ministers relied on a law that had been approved 4 years earlier and its relevant provisions did not address guaranteeing their right to vote.

From the moment the mentioned provisions were approved, AHC presented the opinion that, on some issues, the lawmaker should not task the CEC to address them with by-laws because there were matters that were the attribute of the legislative. In front of this situation, the CEC only said through a statement that this task was not possible to accomplish for the April 25, 2021 elections. Except for some public appearances of the State Commissioner for Elections, the CEC did not make any reasoned decisions on the challenges and difficulties that the electoral administration at the central level faced and that kept it from making this system functional. It is notable that the two largest parties of the majority and the parliamentary and extra-parliamentary opposition did not make any statements or file complaints on this position of the CEC.

3.5. Misuse of human, financial, and logistical resources of the state administration before the elections

On 24.12.2020, the CEC communicated the rules for reporting activities of a public character by public institutions, agencies, and/or state enterprises, categories of prohibited activities, and the monitoring of the activity, conduct, and use of human, financial, and logistical resources of the state administration before the elections. This decision of the CEC was accompanied by a series of discussions and different positions among CSC members, as a complaints body, which reflected division among members proposed by different political forces.

The CEC guaranteed access for the general public to denunciations through the section “Prohibited activities” on its official internet website.⁶

⁶ <https://aktivitete.kqz.gov.al>

During the 4-month period before the election date, in some cases, local observers and coordinators in the 14 municipalities of the country, provided alerts about the misuse of public resources, due to activity by institutions at the local level in violation of article 3, paragraph 1, letter a) and ç) of Decision no. 9/2020 of the Regulatory Commission. After becoming familiar with the decisions of the Tirana Municipal Council to exempt businesses from the obligation to pay the fee for occupying public space and postpone the payment of local taxes and fees, publicized in the broadcast media, AHC issued a public reaction,⁷ considering that this decision created premises for misuse of state resources and inequality in the electoral race. Also, Pogradec Municipality issued infrastructural permit no. 3893 prot., dated 16.08.2020 for works on “Rehabilitation of streets, squares, and façades block at neighborhood no. 2.” Referring to the contents of this permit, the deadline for completing works noted 16 months from the start of works, while data collected in the field, as well as Facebook postings of Pogradec Municipality and the Albanian Development Fund indicate that the works effectively began in early March 2021, that is one month before the election date.

During the electoral campaign, denunciations most reported by observers had to do with the involvement of public administration employees in meetings or rallies held by different electoral subject representatives, during official working hours. For instance, heads of Administrative Unit Region 4, Durrës, engaged in electoral activity during official working hours.⁸ Meanwhile, the candidate of a political subject in Dibra Municipality held an electoral meeting at Pilafë village, Tomin Administrative Unit, at 12:00 on April 13, 2021. Electoral meetings with the participation of senior leadership personnel were denounced also at Sllovë Administrative Unit, Dibra Municipality.

The Mayor of Dibra Municipality, also a candidate for MP in the parliamentary elections of 2021, published on his Facebook account a copy of the Cooperation Agreement signed with the Albanian Development Fund, for the reconstruction of the road segment Perlat-Kurbnesh-Krej Lurë-Fushë Lurë. Meanwhile, the water supply for Boriç i Vogël village, Malësi e Madhe Municipality, for the first time 9 days before the elections was promoted on the Facebook page of the candidate for MP for Shkodra County as a primary engagement of the Albanian Government.

These denunciations submitted by local coordinators were conveyed through official correspondence to the CEC. After the review of 2 of these denunciations,⁹ the CEC decided to conclude the administrative review and did not consider the denounced activities as being in violation of article 91 of the Electoral Code and decision no. 9/2020 of the Regulatory Commission. AHC considers that such alerts should have been accompanied by proactive, more in-depth, objective, and impartial investigations of the CEC.

⁷ https://ahc.org.al/wp-content/uploads/2021/04/20210407164839700.pdf?fbclid=IwAR1IDD0e15_2_8vBUiBlG6OIO3KcXilsgCt28reY8aerwrfT9WtqDLgKCYk

⁸ <https://www.facebook.com/104485125050487/posts/118996800265986/?sfnsn=mo> Involvement of the Head of the Administrative Unit Chairwoman, Region 4, Durrës

⁹ 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/2021/06/Vendim-nr.385-dt.8.6.2021-Per-shqyrtimin-administrativ-te-denoncimit-ndaj-Dionis-Imeraj.pdf>

3.6. Registration of parties and coalitions

February 15 and 25, 2021, coincided with the official deadlines by which the process for the registration of political parties and electoral coalitions coincided. Initially, 46 political parties and 3 coalitions registered to compete in the April 2021 Parliamentary Elections. Not all political parties respected the criteria for the submission of support documents for candidates who were members of their multi-name lists as well as the deadlines for addressing deficiencies. As a result, 17 electoral subjects, of which 3 coalitions and 5 independent candidates, were included in the race.

3.6.1. Submission of multi-name lists of candidates

March 8, 2021 was the legal deadline by which political parties registered as electoral subjects or electoral coalitions had to file with the CEC the multi-name list for every electoral zone.¹⁰ Required acts included self-declaration forms, as an important element of the process for implementing decriminalization legislation. The CEC announced that 9 political parties and 3 electoral coalitions filed multi-name lists of candidates for MPs in accordance with the legal deadline. In his decision no. 156 of 17/03/2021, the State Commissioner for Elections reviewed the request of the DP-AN coalition vis-à-vis the conditions stipulated in article 67 of the Electoral Code. According to the interpretation of the Commissioner, paragraph 4 of article 67 of the Electoral Code sets the accurate number of candidates that the multi-name lists of electoral subjects should contain. However, the same argument was not supported by the Complaints and Sanctions Commission (CSC), which rejected the decision of the Commissioner in a decision divided into 3 votes in favor and 2 votes against. According to the interpretation of the CSC, the above-mentioned provision sets the minimal number of candidates. However, this decision of the CSC and therefore its interpretation was not final because the Electoral College, in its decision no. 3, dated 29/03/2021, rejected the CSC decision and reinstated the initial interpretation of the provision.

In the context of electoral reform, the amendment to article 67 of the Electoral Code consisted in giving the right to the chairpersons of parties (electoral subjects) or leading parties of electoral coalitions to compete as candidates for MP in up to 4 constituencies. AHC reacted publicly against this amendment (exemption) that ran counter to the principle of equality and was discriminatory. The violation of these principles was also highlighted by the Venice Commission in its opinion of December 2020 and even recommended that this provision be revisited after the parliamentary elections. Following this opinion, AHC reacted again and suggested that heads of parties only run in one electoral zone in the April 25, 2021 elections. In fact, the multi-name lists filed with the CEC indicated that the chairman of the SP was running in two zones (Durrës and Vlora), the head of the National Front Party was running in 4 zones (Berat, Fier, Korça, and Tirana), the Chair of the Hashtag Party in 4 zones (Durrës, Korça, Shkodra, and Tirana), the Chairwoman of the Movement for Change Party in 4 zones (Tirana, Durrës, Lezha, and Shkodra), Chairwoman of the LSI in 3 zones (Elbasan, Fier, and Tirana), and the SDP Chairman in 2 zones (Shkodra and Tirana).

3.7. Contents of the ballot

¹⁰ Article 67, paragraph 1 of the Electoral Code

On April 1, 2021, the State Commissioner for Elections approved Decision no. 198 “On the approval of the contents of the ballot for the elections for the Assembly of Albania of April 25, 2021,” after the Regulatory Commission announced its lack of competence for deciding on the ballot. The conflict created about the competency between the State Commissioner for Elections and the Regulatory Commission, in our opinion, is a matter of interpretation. Nevertheless, although article 20 of the Electoral Code does not expressly envisage the competence of the Regulator the approval of the contents of the ballot, on the other hand, this decision making has a normative character as it extends over the entire territory of the country and article 20, in its entry part, tasks the Regulator to review and approve draft acts of a normative character.

The decision of the Commissioner was appealed by 3 electoral subjects, basing their claims on the high number of names of candidates, the reflection of names of candidates and not numbers on the ballot, the logo of the Democratic Conviction party, etc.

By decision no. 19, dated 03.04.2021, the CSC decided to change the decision of the Commissioner and accepted partially the filed complaints. The DP-AN coalition filed a complaint with the Electoral College against the decision of the CSC, while the electoral subject of the Socialist Movement for Integration joined the appeal as a secondary petitioner. Given that within this judicial review, two demonstrations arose, namely the use of names or numbers for the multi-name lists of electoral subjects on the ballot, and the disagreement on the logo of the Democratic Conviction Party, used on the ballot, the College issued the respective arguments in its decision.

- The ballot approved by the CSC, with regard to technical parameters, appears to have respected the accurate dimensions according to decision no. 6 of 26.02.2021 of the Regulatory Commission;
- Given that the DP-AN coalition and the Democratic Conviction Party may not compete with similar logos, it was decided to uphold the decision of the Commissioner given that the redesigned logo of the DC party, accepted by the CSC, created confusion among voters.

Given that this decision was conditioned also by the communication with the company contracted for the production of the ballots, in order to respect the scheduled date of April 25, 2021 for the elections, the Electoral College did not go deeper into its judicial investigation on the contents of the ballot.

Based on data provided by AHC observers, who monitored the voting process and became familiar with citizens’ displeasure, it is noticed that the ballot, according to the views of citizens, did not fully meet the legal requirements set in article 98 of the EC, in terms of clarity, understandability, and proper guidance for voters. Meanwhile, it took voters a lot of time to become familiar with the names and ranking number of candidates, posted on a list in the form of a poster. With regard to the posting of this poster-like list at the VCs that were subjected to monitoring, it was found that this practice was not unified. Some chose to post these lists in the internal premises of the VCs while others chose to have 1 list in the external premises of the VC, near the entrance door. Regarding this manner of posting, it does not appear that the CEC published any concrete instruction or manual.

4. Establishment of the electoral administration infrastructure at the local level: CEAZ, VCC, and VCG

4.1. Establishment and functioning of the CEAZs

Pursuant to decision making by CEC bodies, specifically the State Commissioner for Elections¹¹ and the Regulatory Commission,¹² regarding the establishment and assignments for the organization of the Commissions for Electoral Administration Zones (CEAZ), AHC monitored proactively the establishment and functioning of 31 CEAZs or 34% of the total number of CEAZs around the country.¹³ In reference to decision no. 15/2021 of the Commissioner, January 28-29 were set as dates for the establishment of CEAZs and for convening the first meeting. Generally, the electoral administration at the local level respected the 90-day deadline stipulated in article 28 of the Electoral Code, except for some CEAZs in Elbasan Municipality and CEAZ no. 69 at Pogradec Municipality, which held the first meeting during February 2021. Meanwhile, based on the verification of protocol books at CEAZ no. 13 in Lezha Municipality, it was found that none of its meetings were documented.

In general, the headquarters of the monitored CEAZs were set in public premises, except for CEAZ no. 84 in Vlora Municipality, which until 05/03/2021 exercised its activity in the premises of the deputy mayor of Vlora Municipality. Although the monitoring missions undertaken by AHC observers were conducted after preliminary telephone contacts, there were absences of members of some CEAZs, in spite of the official hours determined for the functioning of the CEAZs.¹⁴ Given that some of the CEAZ members were public functionaries and were authorized to be engaged in the CEAZs, the absence of members raises suspicions about misuse of human resources during the electoral process.

CEAZ members were trained approximately 2 months late from the date when they should have been established and met, which influenced the efficiency of their exercise of their duties.

4.2. Establishment and functioning of VCCs

Based on monitoring conducted in April 2021, it was noticed that the process for the establishment of Voting Center Commissions (VCCs) was accompanied by delays due to the submission beyond the deadline to CEAZs of the proposals for members/secretaries (no later than 30 days before the election date) and delays of CEAZs to make final decisions (no later than 5 days since the submission of proposals). Due to the involvement of the online reporting platform by the VCC members and the use of technology that enabled biometric identification of voters, AHC considers that the training of VCC members, conducted during April 18-23, were late. Participation in these trainings was low in some of the monitored Municipalities.

¹¹ Decision no. 15, 25.01.2021 “On the establishment and first meeting of Commissions of Electoral Administration Zones for the elections for the Assembly of April 25, 2021;” Decision no. 14, dated 25.01.2021 “On the appointment members and secretaries of Commissions of Electoral Administration Zones”

¹² Decision no. 05, dated 20.11.2020, “On the approval of regulations for the organization and functioning of the Commission of Electoral Administration Zones”

¹³ At the national level, 92 CEAZs were established across the country for the parliamentary elections of April 2021.

¹⁴ The official hours of CEAZs: 09.00 - 13.00 and 16.00 - 20.00.

4.3. Establishment of VCGs

The establishment of Vote Counting Groups (VCGs) in some cases was accompanied by problems and delays, failing to respect the requirements of article 95 of the Electoral Code. Among the monitored CEAZs, it results that in CEAZ no. 35, Tirana Municipality, CEAZ no. 83 in Vlora, CEAZ no. 81 in Gjirokastra, and CEAZ no. 84 and no. 86 of Vlora Municipality, the VCGs were not established by a difference of 5 days beyond the legal deadline. In the last two, the reason was a political conflict between the LSI and PDIU on the appointment of the fourth counter, according to article 96 of the Electoral Code.

Except for CEAZ no. 1 in Malësi e Madhe Municipality, which conducted the training of VCG members about 3 days before the elections, AHC found that the training of VCG members took place about 1 hour before the CEAZ's decision to start the vote-counting process. This timeframe, turned into a negative practice during electoral processes in the country, in our opinion, does not serve the efficiency of trainings and the conduct of a counting process in accordance with legal provisions in force.

5. Electoral campaign and incidents

The electoral campaign that began before the deadline envisaged in article 77 of the Electoral Code, was conducted in a polarized political environment, accompanied by mutual accusations between representatives of the main political forces and in violation of the health measures and protocols for the prevention of the spread of COVID-19. Furthermore, in some cases, there were instances of hate speech in speeches of political leaders. The pandemic situation, as well as the way in which electoral subjects conducted their campaigns, limited to some extent the possibility of voters to become familiar with the electoral platforms and profiles of candidates.

Administrative measures consisting in fines were imposed on 2 independent candidates in the Counties of Lezha and Dibra, for violation of anti-COVID-19 measures and protocols. In our opinion, the punishment is disproportionate and placed competing subjects in discriminatory positions, compared to the tolerance demonstrated toward the main political forces (which in some cases did not abide by these measures).

Based on the monitoring of the decisions of Mayors of Municipalities for posting propaganda materials, it was noticed that the Municipalities of Tirana, Korça, Elbasan, Durrës, and Dibra did not respect the legal obligation to publish these decisions on their official websites.

In Tirana Municipality and Gjirokastra Municipality, observers found a violation of decision no. 6, dated 23/03/2021 of the State Commissioner for Elections, because the façades of the Polytechnic University or the Palace of Sports featured propaganda materials of electoral subjects.

Electoral offices in Municipalities of Vlora, Gjirokastra, Shkodra, and Elbasan were established before the legal deadline of the electoral campaign and contained elements of the campaign such as logos, posters, and mottos of electoral subjects, in violation of article 79 of the Electoral Code, which envisages the posting of propaganda materials in the vicinity of electoral offices solely during the electoral campaign (starting from March 26). Meanwhile, an electoral office was established and carried out its functions about 150 meters from CEAZ no. 65 on Republika Boulevard in Berat Municipality.

There were indicia and accusations of vote buying and selling during the pre-electoral process in several Municipalities of the country. In the case of the incident in Berat Municipality, the prosecution office submitted to SPAK a criminal referral by the DP toward local officials for “passive corruption in elections,” envisaged by article 328 of the Criminal Code. The arrest in flagrante of 2 citizens for the criminal offenses of “passive corruption in elections” in collaboration with others and “the use of public functions for political or electoral activity” took place in Dibra Municipality and the case was referred to the prosecution office. AHC considers that the investigation of the prosecution office should be proactive, comprehensive, fast, and objective, and the public should be informed transparently on whether the conduct of these investigations is being harmed or obstructed. Also, it is the opinion of AHC that the work of law enforcement bodies to prevent and strike suspected activities that are criminally punishable and harm free and fair elections, especially the State Police, which should be led by the principle of impartiality and professionalism in carrying out its mission, should be strengthened.

The official website of SPAK features the publication of the release of April 23,¹⁵ that the Special Prosecution Office against Corruption and Organized Crime gave priority to all cases filed by different subjects that have to do with criminal offenses in the field of elections, “active corruption in elections” and “passive corruption in elections,” or toward different subjects, which are the competence of this prosecution office to investigate. During the period March – April 2021, there were a considerable number of criminal referrals, namely 91 materials, specified as follows, 55 cases by political subjects, 10 cases referred by judicial police, 4 cases of criminal proceedings referred by the judicial district prosecution offices, 4 cases by citizens, and 18 cases by the institution of the president. Based on these materials, 32 criminal proceedings were registered and investigation on them continues; in 7 cases, it was decided to not start criminal proceedings, 15 cases were sent to the State Police for preliminary verifications, 23 cases were sent to judicial district prosecution offices because they fall under their competences, and 14 cases are under verification by the special prosecutors.

6. Monitoring the voting process

The voting process, which was conducted on April 25, was monitored by 195 observers of AHC, in 424 voting centers (VCs), established in the 14 Municipalities of the country. In general, AHC observers did not encounter cases of limitation of access by the electoral administration at the local level, but there were cases of intimidation, threats, or obstruction of the exercise of the functions of observers by unauthorized persons, present in or in the vicinity of the VCs’ external premises.

During the voting process, the situation was reported as calm and without incidents. The monitored VCs in the 14 municipalities of the country, in general, were opened by the deadline of 07:00 envisaged in article 11 of the Electoral Code, but in some of them, there were delays of about 30-40 minutes. There were delays due to the absence of operators who would make EIE equipment operational, non-functioning of the electronic identification equipment (EIE),¹⁶ delays of Voting Center Commission members to present themselves or delays in preparing the voting booth,¹⁷ lack of the process-verbal to start the voting process, interruption of electricity,¹⁸ etc.

¹⁵ <https://spak.al/2021/04/23/njoftim-23/>

¹⁶ VC 2374 Elbasan Municipality, VC 4242/1 Gjirokastrë Municipality, VC 2998 Fier Municipality.

¹⁷ VC 637/1 Kukës Municipality; VC 3908 Pogradec Municipality, VC 3907 Pogradec Municipality.

¹⁸ VC 3269 Berat Municipality, voting began 30 minutes late due to lack of electricity.

During the voting day, there were numerous cases when the voting process was suspended due to problems with the functioning of the EIE. As a result, in some of the monitored VCs, the process for identifying voters was conducted manually, verifying the presented biometric ID card against the voter lists. This led to a lack of unified practice by VCCs, which only crossed out the voter's name according to article 105, letter c) of the Electoral Code, while some other VCCs used the voter registration system through the EI equipment but did not carry out the first practice in parallel.

In cases when the verification of the voter ID was done through the EIE, the VCC did not instruct voters to sign next to their name on the voter lists,¹⁹ or cross out their names on it.²⁰ Also, there were also reported cases when mainly elderly voters' fingerprints were not identified by the EIE.²¹ AHC observers highlighted cases when the VC²² monitoring camera did not function while some voters who showed up to vote in some VCs were not marked with the permanent ink on their fingers by VCC members,²³ or were not checked whether they had been marked with ink earlier before they were given a ballot.²⁴

Throughout the voting process, AHC was alerted about the presence of unauthorized people, inside or outside at the entrance of VCs, who guided voters or accompanied them to the voting centers.²⁵ The use of photocopied badges and not according to the CEC-approved model was noticed in the case of observers of political subjects, whose badges were signed by the chairperson of the CEAZ. VCC members rarely took measures to remove unauthorized persons from the VC premises by notifying police officers.

In violation of the principle of vote secrecy, AHC observers reported cases of voters who were accompanied and assisted in the voting booth by observers of electoral subjects of CEC members. Furthermore, observers noticed observers of electoral subjects in some VCCs who took note of the voters' names, when these were spoken out loudly by VCC members.

Family voting was allowed by some VC members who mistook this for assistance to voters who could vote on their own, according to article 108 of the Electoral Code. AHC observers reported cases of family voting in some Municipalities of the country, while written reservations of observers, had they been accepted by VCC members, would have led to a prevention of this phenomenon.²⁶

¹⁹ VC 1498, 1460 Durres Municipality, VC 0274, 0260 Shkoder Municipality, VC 1767, 2002 Tiranë Municipality, VC 39201, VC 3291, VC 3292, VC 3279, VC 3280 and VC 3281/1 in Berat Municipality.

²⁰ VC 1767, 1804 Tirana Municipality, VC 4507/1 Vloera Municipality, VC 0260 Shkodër Municipality, VC 3291 and VC 3290/1 Berat Municipality.

²¹ VC 1460, Durrës Municipality

²² VC 1429/2, Durrës Municipality

²³ VC 2390, Elbasan Municipality, VC 4440, Vlorë Municipality

²⁴ VC 3641/1, Korça Municipality

²⁵ VC 255/1, 259 Shkodër Municipality, VC 1844 Tiranë Municipality, VC 3026/1 Fier Municipality, VC 43131 Gjirokastër Municipality, VC 3294 Berat Municipality

²⁶ VC 1411/2, 1489/1, 1449/2, Durrës Municipality, VC 4235 Gjirokastër Municipality, VC 1724 Tirana Municipality, VC 364/1 Korca Municipality, VC 0255/1, 260 Shkodër Municipality, VC 1143, 1149, 1144, 1157 Dibra Municipality, VC 3889 and 3908 Pogradec Municipality

The electoral administration devoted attention to some extent to prohibiting the photographing of votes and the use of a mobile phone during the voting process, an act envisaged as a criminal offense in article 327 of the Criminal Code. In spite of continued calls by the State Commissioner for elections, AHC was alerted about attempts of the photographing of votes²⁷ or the use of mobile phones²⁸ in some VCs, in the Municipalities that were monitored.

About 12 days before the election date, the Ministry of Health and Social Protection and the CEC published the protocols for preventing the spread of COVID-19 during the voting process. This protocol turned into a formal document that was impossible to respect in all the monitored VCs. Due to logistical conditions of premises where VCs were planned to be established, AHC observers reported cases of some VCs placed in the second floors of buildings and not equipped with two doors to enable full airing of the premises.²⁹ In general, it was found that measures for the prevention of the spread of COVID-19 (such as wearing a mask, physical distancing, and disinfecting of hands) were not implemented by voters and VCC members.

AHC observers engaged in monitoring 4 special voting centers established in 4 prisons of the country, such as IEPD Drenova (VC 3707/1), IEPD Durrës (VC 14222), IEPD Shënkoll (VC 07481) and IEPD Rec (VC 00641). Voter participation in these VCs was low while observers noticed a lack of sensitization of the voters about the procedure for voting and the novelty of the new electoral system that enabled voters to choose a preferred candidate of the electoral subject. AHC observers in these VCs did not report evident or discernible cases of intimidation or pressure by Prison Police officers or representatives of the administration to influence the will of citizens deprived of their liberty.

In most of the monitored VCs, the procedure for closing the voting process took place normally, in keeping with legal provisions of closing the VC at 19:00. In some of the VCs, there were delays of up to 1 hour due to the presence of voters waiting in line to vote and delays in drafting process-verbals for the conclusion of the voting process.³⁰ In general, electoral materials were transported toward the VCSs in keeping with article 114 of the Electoral Code, except for VC no. 0740, where the materials box and the ballot box of which were not accompanied by the presence of the State Police officer.

7. Monitoring of the vote counting process

Pursuant to the conclusion of the voting process for the elections for the assembly on April 25, 2021, AHC engaged in monitoring 21 Vote Counting Sites (VCSs) in 14 Municipalities. The legal provision for the arrival of ballot boxes of all VCs in the jurisdiction of the CEAZ to the VCSs, within 3 hours from the conclusion of the voting, generally was not respected.³¹ After the delivery of the ballot boxes, it was reported that the CEAZs conducted training of Vote Counting Groups (VCGs), which AHC accredited observers were not allowed to monitor. There was one flagrant

²⁷ VC 3026, Fier Municipality, VC 3889 and 3891/2 Pogradec Municipality.

²⁸ VC 1468/1, 1470/1, 1429 Durres Municipality, VC 3696/1, 3664/1 Korça Municipality, VC 1887/1 Tirana Municipality

²⁹ VC 0648, Kukës Municipality

³⁰ VC 3016 Fier Municipality (19.50); VC 260 (20.03), VC 259/1 (19.40), VC 259 (19.36) Shkodër Municipality, VC 4440 Vlorë Municipality (19.35), VC 0633 (20.01), VC 0648, VC 0649 (19.47) Kukës Municipality

³¹ CEAZ no. 2 Shkodër Municipality; CEAZ no. 30, 39 Tiranë; CEAZ no. 21, no. 24 Durrës Municipality; CEAZ no. 84 Vlorë Municipality; CEAZ no. 48 Elbasan Municipality; CEAZ no. 80, Gjirokastër Municipality,

case reported by CEAZ no. 48 in Elbasan Municipality, which had not finalized the appointments for VCG members until the moment of delivery of the boxes.

The vote counting process encountered repeated dragging out, caused in some instances by the exhaustion of the commissioners but also by the continued interferences of observers of electoral subjects, who were in considerable numbers in the vote counting premises. Nevertheless, repeated calls by the State Commissioner for Elections to accelerate the pace and not interrupt the process unnecessarily, made a positive contribution in this regard. During the counting process, it was repeatedly reported that there was a presence of unauthorized persons in VCS premises. These citizens, not equipped with identifying accreditation badges, interacted regularly with members of the VCGs or relevant CEAZs,³² thus creating premises for influencing the will of members of the electoral administration and, therefore, their functions to demonstrate impartiality and rigorous application of the electoral law. The vote counting process was carried out in noisy premises, in violation of anti-COVID-19 protocols. Observers of electoral subjects repeatedly played a proactive role in submitting contestations and there were tense situations in some VCSs, but order and calm was restored with the intervention of CEAZs.

During the vote counting process, members of VCGs in the VCSs under monitoring reported a high number of invalid votes. It is considered that implementation for the first time of voting to choose candidates, the contents of the ballot, and the insufficient time of the awareness campaign on the ballot model created premises for having a high number of invalid votes. AHC observers report that the practice pursued to evaluate the validity of the ballot did not reflect a unified approach in some of the monitored VCSs.

8. Preliminary election results and complaints

The preliminary election results, according to the CEC decision, is 74 mandates for the SP, 59 mandates for DP-AN, 4 mandates for the LSI, and 3 mandates for the SDP.

Electoral subjects filed with the CSC a considerable number of complaints, including those on: invalidity and repetition of elections. The CSC, following a review of the cases, found that in some cases, there was a violation of the law, deficiencies and shortcomings of different types, but they did not affect the election results (i.e. mandates) and, as a result, the CSC rejected the requests to declare invalidity and repetition of elections. In some cases, debates and discussions among CSC members were accompanied by harsh notes, including mutual accusations between members. Even in these decisions, there were divisions among members, 3 by 2, which indicate potential political influences in the CSC.

At present, the review of complaints continues at the Judicial Electoral College, which functions at the Tirana Administrative Court of Appeals. Until the day of this report's drafting, the monitoring of decisions of the Judicial Electoral College and the media, indicate that requests submitted for the districts of Gjirokastra, Vlora, Durrës, Tirana, Shkodra, and Korça have been rejected.

³² CEAZ 30, Tiranë Municipality; CEAZ 24, Durrës Municipality; CEAZ 50, Elbasan Municipality; CEAZ 84, Vlora Municipality; CEAZ 2, Shkodër Municipality; CEAZ 74, Korça Municipality; CEAZ 59, Fier Municipality, CEAZ 70, Pogradec Municipality.

9. Suggestions and Recommendations

At the conclusion of this monitoring report, after highlighting some of the key issues that were addressed in different ways by the electoral administration or the responsible state institutions, AHC wishes to share some concrete suggestions and recommendations that might serve a little to rigorous implementation of electoral legislation in the future and create positive practices in keeping with the best practices and standards of OSCE/ODIHR:

9.1 In the future, we would suggest that CEC oversight and control in all phases of the electoral process is exercised at the right time, while it should be more proactive, impartial, and rigorous in applying the law in cases of verified violations. We suggest to the CEC that in cases of verified alerts about violations of the electoral law (including family voting, abuse of state resources, allowing unauthorized individuals inside the VC or inside its external perimeter, etc.), that it apply sanctions stipulated by law. For violations of electoral administration, it is recommendable that the CEC carry out a generalizing research study to include cases of the pre-election phase, the voting phase, and the vote-counting phase. In our opinion, this will serve to avoid such violations, sensitize members of electoral commissions, employees of the public administration, heads of local government units, electoral subjects, etc., and maybe even further improvements of electoral legislation in this regard.

9.2 For preventing the vote-buying and selling, it is really important to conduct sensitization of voters but also the preventive and striking activity of state police structures, which should have effective operational independence, political impartiality, integrity, and professionalism. Furthermore, AHC suggests that the General Prosecution Office and the Special Prosecution Office, aside from the periodical announcements that have to do with denunciations of criminal offenses in the field of elections (which was practiced also in the April 25, 2021 elections), engage to publicize on time the main indicators resulting from the investigation of such cases. AHC is of the opinion that this would serve the confidence of electoral subjects and the public as well as the reduction of mutual accusations that might cause tension in the situation. The investigation, adjudication, and assigning responsibility is the competence of the criminal justice bodies, the prosecution office, and the court.

9.3 According to paragraph 4 of article 67 of the Electoral Code, *the number of candidates in the multi-name lists may not be smaller than the number of candidates that will be elected in every electoral zone*. The DP-AN coalition submitted to the CEC the multi-name list with more candidates than the article envisaged, arguing that the formulation of the above provision uses the phrase “may not be smaller than,” which means that it is the right of the subject to present more candidates. This “reasoning” was not accepted by the State Commissioner for Elections or the Complaints and Sanctions Commission (CSC) and the complaint of the subject was rejected by the Electoral College. As a result, the number of 222 candidates in the multi-name list was reduced to 153 for all 12 districts. In spite of this, AHC suggests on this issue that it is better to keep in mind the opinion of the Venice Commission and ODIHR of December 2020 that recommends a revision of article 67 (4) of the Electoral Code, after the April 25, 2021 elections, because the way it is worded, the above article may represent a challenge for smaller parties or even coalitions.

9.4 Suggestions for guaranteeing the effective integrity of candidates for MP, referring to provisions of the law on decriminalization, no. 138/2015:

- a.** Electoral subjects, upon consent of the candidates, before the electoral period or immediately upon registration with the CEC, should address the General Prosecution Office for the verification of candidates, especially those that have lack of clarity in the data presented.
- b.** Make amendments to the Electoral Code regarding the deadlines for the registration of political parties as electoral subjects and the submission of multi-name lists (articles 65 and 67 of the Electoral Code). These deadlines should be advanced (limited) in order for the General Prosecution Office to have more time for the verification of candidates on whom the CEC requests information.
- c.** The contents of candidates' forms, especially in those cases when data is unclear or dubious and may be subject of the decriminalization law, should be made public. This could help different institutions or particular individuals from the public to inform about their accuracy or lack thereof.
- d.** It has been 5 years since the approval of Law no. 138/2015. Referring to the practice so far, AHC would suggest that some provisions of this law be revised.

9.5 *Notification of voters in their homes* – taking into consideration that the purpose of the lawmaker who approved article 52 of the Electoral Code, which envisages the notification of voters in their places of residence, is to ensure as broad voter participation as possible and the fact that this issue showed problems in past elections as well, AHC suggests the revision of the above article as follows:

- a.** Funds for this purpose should be allocated no later than one month after the President of the Republic decrees the date of elections.
- b.** Notification in places of residence should start immediately after the publication of the first voter list and continue until the publication of the final voter lists.
- c.** Within the first 6 months of 2022, create the register of living addresses for each administrative unit.
- d.** Chairs of local government units should notify the CEC every 15 days about the accomplishment of this task.

9.6 Based on what we have followed from the *electoral campaign*, directly or through the media, the following facts draw our attention:

- a.** The meetings of female candidates were scarce, although according to article 66, paragraph 6 of the Electoral Code, not less than one out of every three names should belong to the underrepresented sex in every electoral zone for the elections for the Assembly.
- b.** In electoral propaganda events, there were few instances when party leaders were missing and candidates for MP spoke.
- c.** There was no electoral meeting organized to have a democratic encounter of candidates for MP from different parties, in order to present their programs and give the media or public the possibility to address questions/comments. This is what also happened in

past elections. This has to do with the polarization of the situation and the lack of constructive dialogue.

AHC suggests that these problems are taken into account in the future because this practice would help voters create their positions toward one electoral subject or another and even toward candidates.

9.7 Amendments to the Electoral Code on 23.07.2020 include a provision (*Article 123/3*), which envisages that any person who becomes aware of facts or circumstances that may represent a legal violation of an administrative or criminal nature in the field of elections shall have the right to inform the CEC directly.

AHC considers that citizens, to the extent possible, may be informed (even in an acceptable manner) about what is an administrative violation and what is a criminal violation in the field of elections. Besides, it is important that the citizen who wishes to denounce should enjoy all necessary guarantees regarding the information he/she may provide, that confidentiality and protection will be respected (discovery of the identity of the whistleblower may victimize the citizen).

Article 123/3 of the Electoral Code states that the rights and interests of persons who denounce are protected by legislation in force about whistleblowing and the protection of whistleblowers. We deem it necessary to mention that although it has been 5 years since the law “On whistleblowing and the protection of whistleblowers” has been approved, the number of denunciations at the national level, by employees of the public and private sectors, is relatively low. AHC suggests that the CEC not confine itself to preparing the denunciation form, but also approve special instructions, authorized by law.

9.8 *Voting of Albanian citizens who are permanent residents abroad* – Considering this matter very important and having to do with a fundamental right, AHC suggests a revision of the Electoral Code in order to envisage more completely and more clearly the possibility of realizing this right in practice and to specify the tasks of the CEC. It is also necessary to keep in mind the possibilities for creating the appropriate infrastructure as well as the manner and form of voting that would create confidence, not only among electoral subjects, but also among voters living abroad. Furthermore, we suggest that there is advance discussion and a decision on expanding the realization of this right, which means taking into consideration the voter lists according to the Civil Registry Office who live abroad as well as the advance consent of those who do not appear on these lists.

9.9 Ballot and invalid ballots

Given that the ballot for candidates of subjects specified the numbers and not the name and family name of each candidate, it was declared that there would be a leaflet in the voting booth to show the multi-name list for each electoral subject. In fact, this was not realized. In some cases, it was noticed that such lists had been placed in the internal or external premises of the voting centers.

In this sense, AHC suggests that the Electoral Code mention the obligation that the mentioned leaflet is placed in every secret booth where voting will take place.

AHC thinks that familiarization with the specifics of the causes that led to the invalidity of part of the ballots has its own importance. That is why we would suggest that this issue, after the final result of the elections, becomes a topic of discussion. In AHC's opinion, this could be realized through the review of votes deemed as invalid by a group of people assigned by the CEC, before the deadline for the destruction (according to article 178, paragraph 6 of the Electoral Code) of the ballots.

Pursuant to the above, we deem it necessary to note that in the next elections, with regard to amendments to the Electoral Code and relevant CEC instructions, the following issues are taken into consideration:

- 8.9** The CEC should instruct local government units and CEAZs that the voter lists are posted in centers or institutions that would enable voters to become familiar with them in the morning as well as in the afternoon, thus providing effective access for every voter, including those who are employed.
- 8.10** The practice of previous elections as well as the monitoring of the parliamentary elections of April 25, 2021 has proven that local government units in some VCs do not take the preliminary measures so that on voting day, people with disabilities of movement who find it hard to move without special equipment will have the necessary facilities. To realize this legal obligation, AHC suggests that the chairpersons of these units obtain relevant information for voters of this category. It is worth emphasizing that what is said in the Code about these individuals alerting local government units and have the necessary documentation, has not been accomplished, to the extent of AHC's monitoring, in any election (article 108 of the Electoral Code).
- 8.11** In meetings with CEAZ members, AHC observers have found that, with regard to the approval of VCC members, CEAZs have not paid attention to the verification of especially their ties with candidates for MP in the electoral zones. We suggest that the training of CEAZ members and relevant CEC instructions draw attention to this matter because, as is known, has to do with the impartiality of commissioners.
- 8.12** Article 7 of the Electoral Code recognizes the right of observers to submit written reservations to the electoral commissions. This right is expressly recognized during the voting process but there is nothing about it during the vote counting process. We would suggest that this is mentioned expressly in relevant provisions of the Electoral Code, based also on one of the OSCE/ODIHR recommendations regarding the parliamentary elections of 2017 (see Rec. no. 6).