



**KOMITETI SHQIPTAR I HELSINKIT
ALBANIAN HELSINKI COMMITTEE**

**PRELIMINARY (INTERMEDIATE) MONITORING REPORT
OF THE VOTING PROCESS IN 15 MUNICIPALITIES OF THE COUNTRY**

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Introduction

The Albanian Helsinki Committee (AHC) is an independent and impartial non-profit organization whose mission includes the promotion and respect for human rights and freedoms, the rule of law, as well as free and fair elections. In keeping with its mission, AHC has an experience of 27 years in monitoring electoral processes for the parliament and local government that have been held in our country.

With a team of 30 long-term observers, trained according to a methodology based on the principle of objectiveness and impartiality, AHC engaged from the start in monitoring the pre-election process and the environment around this process, for which it shared the first intermediate monitoring report, accessible at this link:

[Final Raport-i-Ndermjetem Procesi-Parazgjedhor 12-Maj-2023 Komiteti-Shqiptar-i-Helsinki.pdf \(ahc.org.al\)](https://www.ahc.org.al/raportet/raportet-ndermjetem/raportet-ndermjetem-procesi-parazgjedhor-12-maj-2023-komiteti-shqiptar-i-helsinki.pdf)

In this second intermediate report, AHC presents the preliminary findings and conclusions of the monitoring covering the period May 13, 14 and partially 15, 2023, during which we observed respect for electoral silence, the delivery of materials from the CEC to the CEAZs, and from the latter to the VCCs, the voting process, and partially the counting process.

AHC will come out with a final report, which will process in a more complete manner the data and reflect our final findings and conclusions together with relevant recommendations, including legislative ones to the Ad Hoc Parliamentary Committee on Electoral Reform of the Assembly of the Republic of Albania. The activity of this Committee, from its establishment, has been lacking.

Monitoring of these elections is realized in the context of the initiative “Building electoral integrity and sustainability of political parties: Increasing the oversight role and demands of citizens through support for CSOs, media, and the academy,” supported financially by the British Embassy in Tirana. This initiative is implemented by a consortium of local organizations, the Albanian Helsinki Committee, the Institute of Political Studies, Civic Resistance, and BIRN Albania.

The findings and conclusions reflected in this report are the sole responsibility of AHC and do not necessarily reflect the opinions and views of the other partner organizations and the British Embassy in Tirana.

Summary of Main Findings

During the voting and counting process, AHC observers covered with monitoring 200 Voting Centers in 15 municipalities of the country, namely in Shkodër, Dibër, Malësi e Madhe, Kukës, Lezhë, Tiranë, Kamëz, Durrës, Elbasan, Pogradec, Korçë, Fier, Berat, Vlorë, and Gjirokastrë. Meanwhile, the monitoring process of the vote count has begun in 9 VCS, a process that will extend over the following hours in all Municipalities that are the subject of this monitoring.



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Voter turnout in these elections, until 19:00 yesterday, is reported at 37.79% by the CEC, for 3619 VCs out of a total of 5213 VCs around the country. Earlier, AHC reported based on data from contacts with voters in the field, that there is a notable environment of apathy toward political parties and the elections, given that elections held through the years have not led to solutions for the difficult social economic conditions that part of the population lives in, while the phenomenon of the departure of youth out of the country is reported as disturbing.

As a result of the harsh language, with elements of hatred, during the electoral campaign, mostly among the leaders of the competing political forces, the general environment on voting day began with tension, due to some incidents that were reported also in the media, from the early hours of the morning in the Municipalities of Kolonja, Maliq, Durrës, Fushë-Kruja, Lezha, etc. Regarding these, according to the media, it results that State Police services referred the incidents immediately to the Judicial District Prosecution Offices.

In the early hours of the morning, the process began with delays or was interrupted, causing confusion among voters, because electronic identification equipment was not functional or they stopped functioning, in part of the observed VCs, mostly in the VCs in the Municipalities of Tirana, Elbasan, Gjirokastra, and Vlora. There were delays also because materials were obtained late by the VCs of some Municipalities, lack of appropriate knowledge of VCC members about preparatory actions or vacancies created in the composition of these Commissions, mainly by the electoral subject of DP.

The decision of the State Election Commissioner¹ to move from electronic identification through the EID system to the manual identification of voters in about 533 VCs (about 10% of the total of VCs), was made at 09:00 and was sent manually to VCCs where the process was blocked at about 9:24.² In AHC's opinion, this was the right decision, but a delayed one. Regarding this situation and taking into consideration the costs of electronic equipment for this electoral process, AHC suggests to the CEC to analyze fully the causes and enable the identification of responsibilities and the taking of measures on responsible individuals, if appropriate.

Overall, AHC observers reported that VCCs respected voting procedures for voters. there was a division of roles among commissioners with regard to respect for the obligations envisaged in article 40 of the Electoral Code, for the verification of the voter's name on the list, checking the ID, and voter's signature on the list, marking the thumb of one hand with ink, and issuance of two ballots, stamped on the back.

AHC observers reported concrete cases of systemic problems of the electoral process, repeated also in relevant past elections. Of these, 36 written reservations were addressed regarding instances of family voting, lack of respect for procedures to assist voters who could not vote on their own due to their special needs, presence of unauthorized individuals in Voting Centers, use or holding mobile phones by voters, in violation of article 109, paragraph 2, of the Electoral Code, allowing the photographing of votes and failure of VCCs to report

¹ No. 520 dated 14.05.2023

² VC 1827/1 at Petro Nini School (Tirana Municipality)



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such violations to prosecution offices, lack of preliminary checks on ink marks, and in some cases failure to mark fingers with the ink.

Issues with family voting and failure to follow procedures for voters who could not vote on their own were encountered in a total of 15 instances, namely in the Municipalities of Pogradec³, Berat⁴, Dibër⁵, Elbasan⁶, Lezhë⁷, Tiranë⁸ and Malësi e Madhe⁹, where we encountered failure to respect obligations envisaged in articles 106 and 108 of the Electoral Code.

A total of 5 written reservations were deposited for the use of mobile phones, in violation of article 109, paragraph 2, of the Electoral Code in the Municipalities of Pogradec¹⁰, Dibër¹¹, and Korçë¹². Regarding failure to mark the voter's finger with ink not in accordance with provisions of article 105 of the Electoral Code, 7 written reservations were submitted in the Municipalities of Kukës¹³, Pogradec¹⁴, and Tiranë¹⁵.

In general, party observers representing the bigger electoral subjects had a generally non-reactive approach to systemic problems in the voting process, demonstrating an understanding and, in some cases, collaborative environment with one another and with VC Commissioners. They focused mostly on identification and reporting through applications and printed forms on elections who decided to show up to vote, obtained mainly through the announcement of Commissioners to them, loudly, on the number of voters on the voter list. Regarding this fact, AHC notified the CEC and communicated that such reports that identify voters, when done on the spot and in cooperation between observers and EID operators or Commissioners, created harmful premises of potential pressure (e.g. identification of voters) and therefore lead to an infringement on the integrity of the process.

Also, AHC notified in a repeated manner special or group violations to the Central Election Commission, as the highest body of electoral administration, requesting the taking of preventive and reactive measures. The CEC confirmed receipt of such communications but reacted immediately only in one case, making a public call for the departure of unauthorized individuals from VCs. Also, AHC informed about continued special or group violations to the Central Election Commission, as the highest body for electoral administration, seeking the taking of preventive and reactive measures. The CEC confirmed receipt of such communications but only reacted immediately in one case, calling publicly for the departure of unauthorized individuals from VCs. This reaction did not serve to prevent the other

³ VC 3885/03

⁴ VC 3311

⁵ VC 1176; VC 1142

⁶ VC 2322

⁷ VC 0737 twice, VC 0687

⁸ VC 2076/00, 2110, 2061/00, 2116, 2052/01. 1895/00

⁹ VC 0025

¹⁰ VC 3700/00

¹¹ VC 1142

¹² VC 3674, 3692, 3684/00

¹³ VC 0640/00 (ink marking on right hand)

¹⁴ VC 3906/1; VC 3886/00 (ink marking on right hand)

¹⁵ VC 0037/1 (no check for ink marking), 1645/00, 1645/01 (ink marking on right hand), 2090 (no ink marking)



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episodes of the presence of such citizens who returned in some VCs after being removed earlier by police forces (such as in the Naim Babameto in Durrës).

Overall, observers' access to the monitored VCs was good. However, there were instances when they encountered obstacles, pressure, or intimidating behavior from Commissioners and party observers in the Municipalities of Lezhë, Kukës, Gjirokastër, and Berat¹⁶. In Lezha Municipality, in contravention of article 7, paragraph 1.b of the Electoral Code, the VCC did not agree to protocol the written observation of our observer due to the occurrence of family voting. In a flagrant violation, the commissioners submitted the observation to the observer of the SP electoral subject, who photographed it and sent it by *WhatsApp*. After that, the AHC observer felt intimidated and left the VC.¹⁷ AHC conveyed systematically signals about obstruction to access of its observers to the CEC.¹⁸

- **Electoral Silence**

AHC observers found that electoral subjects, representatives of the main political forces in the country, did not respect electoral silence. Meanwhile, we appreciate the transparency of the State Election Commissioner on reporting to the public about the review of the 29 denunciations about the violation of electoral silence. Taking into consideration the importance of guaranteeing no influencing of voters' will in the last hours of the race between political subjects, we think the CEC should review within a reasonable time the denunciations it receives about violations of electoral silence and, if appropriate, impose administrative measures according to article 174 of the Electoral Code.

Based on observations in the field, in some neighborhoods of the monitored Municipalities, during the first half of May 13, 2023, AHC observers noticed the presence of static or mobile propaganda materials by different electoral subjects, in the formats of posters, *billboards* (electronic screens) and leaflets put massively on the windows of cars parked on streets. Violations of article 77 of the Electoral Code were also noticed in the Municipalities of Elbasan, Shkodra, Tirana, Kukës, Lezhë, Durrës, Berat, Pogradec, Gjirokastra, Vlora and Shkodra. AHC suggested to the CEC to order Municipal Police and/or State Police to ensure the implementation of articles 77/2, 79, and 174 of the Electoral Code, by removing immediately every propaganda material of electoral subjects, during the day of electoral silence.

On May 13, 2023, pursuant to the notifications by AHC, the CEC published decision no. 526 for the removal of all propaganda materials from all led-wall screens (billboards) near VCCs, CEAZs, and VCLs, tasking electoral subjects, Municipal Police, and State Police for the

¹⁶ Encountered at VC no. 0687, CEAZ no. 12 in Lezha Municipality and VC no. 3273, CEAZ no. 65 in Berat Municipality, VC 0652/00, CEAZ 11 Kukës Municipality, VC 4262/1, CEAZ 80 Gjirokastër Municipality

¹⁷ The observer of this subject addressed the AHC observer by name and loudly, reminding him that this is the second case the observer creates such situations.

¹⁸ Other instances were encountered at VC 0732/1 (EAZ 12) in Lezha Municipality, AHC observer was not given access to follow preparatory actions of the VCCs. In the case of Berat Municipality, VC 3273/00 (EAZ 65), during procedures for closing down the voting process, the AHC observer was asked to get out and the help of police officers was sought, who refused to do it. At VC 0652/00 (EAZ 11) in Kukës Municipality, we noticed that VCC members tried to intimidate the AHC observer by instructing her to only report positive things about the VC. At VC 4262/1 (EAZ 80) Gjirokastra Municipality, the AHC observer was kicked out at the time the voting process would be concluded.



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enforcement of this decision. On voting day, May 14, there were reports about police interventions to remove propaganda materials in the outer premises of the electoral office of the Together Movement, whose chair runs for Tirana Mayor. Nevertheless, this intervention does not appear to have been done for the other electoral subjects, which according to the findings of AHC observers, had their propaganda materials remain posted in different premises around the city.

In general, AHC considers that CEC's decision-making on ordering the removal of propaganda materials should have taken place earlier, from the early morning hours of May 13, and it required systematic oversight of the enforcement of its orders, by State Police and Municipal Police.

AHC observers found posts on social media or through telephone messages by different candidates for members of municipal councils in the Municipalities of Dibra, Tirana, Vlora, and Lezha. There were also some instances of some online media outlets that published polls realized for candidates for mayor in the Municipality of Pogradec. However, online media are outside the scope of oversight by AMA, according to the provisions of the Electoral Code.

During the exercise of the right to vote on voting day, in contravention of requirements for electoral silence, representatives of political parties or candidates for these elections have made statements that encouraged the participation of citizens in voting but indirectly contained political propaganda messages for citizens to vote for representatives of their electoral subjects.

- **Transfer of electoral materials to the VCs**

Pursuant to article 99 of the Electoral Code,¹⁹ the process for the distribution of electoral materials begins with their dispatch by the CEC to the CEAZ headquarters, a step that should have concluded by May 11, 2023, three days before Voting Day. Meanwhile, AHC verified in the field that in some CEAZs in Tirana and Durrës Municipalities,²⁰ this process was realized late, only in the afternoon of May 12 or the morning hours of May 13. In these conditions CEAZ commissioners were seen to be under excess workload and were, therefore, tense. It is worth mentioning that the CEC has envisaged May 12, 2023, as the date for the conclusion of this process,²¹ in breach of the legal deadline.

The second step of the process consists in conveying materials from CEAZs to VCCs, a process that, in the sense of article 100 of the Electoral Code, should have concluded no later than 15 hours before the start of voting, i.e. no later than 16.00 of May 13. None of the CEAZs in the monitored Municipalities completed the process within the deadline, due to

¹⁹ *The CEC sends to the CEAZ headquarters, no later than 3 days before election day, the electoral materials, divided in separate boxes for each voting center (VC), among others, the necessary number of ballots, the VCC seal, process-verbal sheets of the voting center, the protocol book for meetings of the VCC, relevant envelopes for damaged, unused ballots, special ink for marking, etc.*

²⁰ CEAZ 23, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40

²¹ Referring to the *Action Plan 2022-2023: Duties for the Electoral Process 2023*, accessible at this link: https://kqz.gov.al/ep-content/uploads/2022/12/kqz_221117_pdf_detyrat_2023.pdf



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delays in receiving materials and problems created with vacancies and replacements proposed by electoral subjects for the composition of VCCs.²²

Regarding issues encountered with the delayed delivery of electoral materials, first toward CEAZs and then to VCCs, the AHC reported to the CEC and requested that measures be taken for the process to be completed on time. However, further monitoring data indicated not only that the deadlines were not respected, but there were CEAZs that completed the delivery process to VCCs at midnight or the early hours of the voting day.²³

As a result of these delays, there were deficiencies regarding the completeness of electoral materials, as the case of VC 3909/01 of Fier Municipality (EAZ no. 58). Referring to Decision no. 522, dated 14.05.2023 of the State Election Commissioner, at this VC, 250 votes were lacking, which were obtained from the adjacent VC, no. 3209/00. Meanwhile, AHC observers reported that VC 3209/01 lacked 500 ballots, and initially had available only 5 such. Given that VC no. 3209/01 has a total of 496 voters, AHC suggested to the CEC to take measures to supply the necessary ballots to the VC, to match the number of voters.²⁴

● **General Environment and Public Order**

Due also to the harsh language, containing elements of hatred, during the election campaign, mostly between leaders of the competing political forces, the general environment on voting day began with tension, due to some incidents that occurred in the early morning hours. From 06:37, the first incident was noted in Kolonjë Municipality, where a supporter of the DP political subject reportedly punched the mayor running again for the SP electoral subject, Mr. Erion Isai.²⁵

Around 10:50, the voting process was interrupted at VC no. 1430/2 in Durrës Municipality, after a physical confrontation between supporters of the two main political forces and the VCC secretary, the latter proposed by the political subject “Together We Win Coalition.” The secretary left and took the seal with him, thus causing the voting process to be interrupted for 30 minutes.²⁶

During the period of time 11:00 - 13:00, there were two physical incidents in the area of Fushë-Krujë and Maliq. Initially, a voter hit the member of one VCC. According to information shared by State Police, it is thought that the reason for the debate was the long

²² CEAZs 73 and 74 (Korçë Municipality, changes proposed by electoral subjects DP and TWW Coalition), Dibra Municipality (CEAZ 19, changes proposed by electoral subject TWW Coalition), CEAZs 84 and 86 (Vlora Municipality, changes proposed by electoral subject TWW Coalition), CEAZ 1 (Malësi e Madhe Municipality, changes proposed by electoral subjects SP, DP, TWW Coalition), CEAZ 59 (Fier Municipality, changes proposed by electoral subject DP), CEAZ 12 and 13 (Lezha Municipality, changes proposed by electoral subject DP)

²³ CEAZ 1 in Malësi e Madhe Municipality, CEAZ 80 in Gjirokastra Municipality

²⁴ According to data on the CEC website

²⁵ <https://top-channel.tv/2023/05/14/zgjedhjet-nisin-me-dhune-goditet-kryebashkiaku-i-kolonjes-erion-isai-simpatizanti-i-bashke-fitojme-shoqerohet-ne-rajon-emril/>

²⁶ <https://top-channel.tv/2023/05/14/nderpritet-votimi-ne-nje-qender-ne-durres-pas-nje-sherri-iken-sekretari-dhe-merr-me-vete-vulen8/>



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queue to vote.²⁷ Meanwhile, in Maliq Municipality, an MP of the political subject DP was a victim of a physical assault by a group of political supporters.²⁸

Also, in VC 1430/00 (EAZ 24) Durrës Municipality, an incident was reported between some citizens, including head of the political subject DP and the SP municipal counselor. Although the incident was reported around 13:00, it was noticed that about 4 hours later, supporters of different electoral subjects remained at the external premises of the surrounding wall of the Neim Babameto School, which serves as a voting center (returning after the State Police sent them away).

Around 18:00, it is reported that the former head of the Shëngjin Administrative Unit (Lezha Municipality), filed a criminal referral, claiming that two vehicles cut him off on the street, while one of the suspects held a firearm in his hand.

Regarding some of the mentioned issues, it has been found that the State Police referred the cases immediately to the Judicial District Prosecution Offices, which are undertaking preliminary investigative actions.

● **Voters' awareness and participation in the elections**

Observers reported that in the majority of cases, voters were not aware about their names on the list, the manner of voting, i.e. the ballots they needed to fill out, and putting them in the respective ballot boxes. Given that several VCs were placed in the same buildings, we often found voters moving from one to the other, receiving help for identifying their center, from commissioners, EID equipment, and even party observers.

In Elbasan and Kamëz Municipalities, two of the Municipalities where the electronic voting system was piloted, it was noticed that marginalized communities of society, mainly Roma-Egyptians, the elderly, or people with disabilities, were not informed about the manner of voting. Lack of awareness among voters influenced the increase in the cases of assistance offered to voters by their family members and the cases of family voting, in which cases respect for paragraph 3 of article 106 of the Electoral Code, envisaging that each voter votes by him/herself, was not guaranteed by the monitored VCCs.

● **Opening and start of the voting process**

Based on article 11, paragraph 1 of the Electoral Code, the voting process should have begun at 7:00 of 14.05.2023, but this deadline was not respected in most of the VCCs monitored in the 15 relevant Municipalities. In the VCs of some Municipalities,²⁹ delays were noticed in terms of the opening of the voting process and voters left to wait, as a result of lack of proper knowledge by Commissioners about preparatory actions. This called into question the quality

²⁷<https://www.balkanëeb.com/incident-ne-nje-qender-votimi-ne-fushe-kruje-persona-te-paidentifikuar-nxjerrin-me-dhune-komisionerin-e-opozites/>

²⁸<https://www.balkanëeb.com/je-i-lidhur-me-bandat-edmond-spaho-goditet-me-grusht-pas-akuzave-per-deputetin-e-ps-kallezim-ne-prokurori-ja-cfare-ndodhi-ne-maliq/>

²⁹ Tirana Municipality, such as those no. 2105/00 (EAZ 29), no. 1858/00 (EAZ no. 36), Gjirokastra Municipality VC 4252/00 (EAZ 80), Korça Municipality VC 3641/00 (EAZ 74), and Berat Municipality VC 3273/02 (EAZ 65), Durrës Municipality VC 1472/01 (EAZ 23).



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of their training or their full participation in training, for which AHC had found earlier the lack of a mechanism for documenting and overseeing participation in training conducted by the CEC. As a result of the same problem, there were VCs that were not sealed with the security seal, but simply locked with a key.³⁰

The irregular functioning and in some cases the failure to use the electronic voter identification equipment in some of the monitored VCs, mostly in the Municipalities of Tirana, Elbasan, Gjirokastra, and Vlora, caused confusion.³¹

The reason for the delayed start of the process was also the lack of members in some VCCs, from the electoral subjects “Democratic Party” and “Social Democratic Party,” in the Municipalities of Malësi e Madhe,³² Korça,³³ Fier,³⁴ and Kukës.³⁵ In part of the VCs, this led to continued work with the commission members who were the majority of the commission, according to article 29, paragraph 8, of the Electoral Code.

- **Presence of unauthorized persons during the voting day**

According to article 109, paragraph 6, of the Electoral Code, in the premises outside the voting center, in the building courtyard, at its entrance, and in the internal corridors of the building, the presence or gathering of individuals is prohibited, except for voters waiting in line to vote. Up to a radius of 150 meters, the presence of unauthorized persons is prohibited according to CEC Order no. 62, dated 03.05.2023.³⁶

Throughout the voting day, AHC observers in 14 of the 15 monitored Municipalities reported a presence of unauthorized persons, without accreditation badges, observing the process or loitering in the internal (corridors and at the entrance of buildings) and external premises (in

³⁰ At VC 1176/00 (EAZ 19) in Dibra Municipality, voting began with a delay of 29 minutes, because the VC door was not found sealed with the security seal. VCC members, not aware of the replacement of the seal wax with the security label, found its absence and noted it in a process-verbal, being unaware of changed materials.

³¹ At Tirana Municipality, VC no. 2077/00 (EAZ 30), 1827/01 and 1827/02, 1828/02, 1829/00 and 1829/1 (EAZ 35), 1857/00, 1857/01 and 1857/02 (EAZ 36), voting began late (about 10:00) after the publication of the decision no. 520, dated 14.05.2023 of the State Election Commissioner, a decision-making that unblocked the process and restored the manual one. The same situation was noticed at Elbasan Municipality VC 2307/00 (EAZ 48), Gjirokastër Municipality VC 4258/01 (EAZ 80) where the operator mixed up the codes of the equipment and VC 4240/00, Vlora Municipality VC 4493/01 (EAZ 86).

³² VC 0047/01 (EAZ 1) the voting process began at 07:20, after the arrival of the member of the political subject Social Democratic Party (SDP).

³³ VC 3669/01 (EAZ 74) and VC 3676/00 (EAZ 74), it was noted that the members of the political subject Democratic Party (DP) and the SDP one were missing, a fact the CEAZ was made aware of.

³⁴ Absence of the DP member only at VC 3020/00 and 3032/01 (EAZ 59) at Fier Municipality.

³⁵ VC 0646/00 (EAZ 11), voting began 20 minutes late as a result of the absence of two commissioners of the electoral subject DP. One of them did not show up and after some minutes of waiting and unsuccessful attempts to contact him, the voting process began without him.

³⁶ Concretely, it is forbidden for other individuals, other than those specified in paragraph 1 of this order (VCC members, voters in line to vote, accredited observers, accredited media members, employees of the Central Election Commission (CEC); and members of the Commission for Electoral Administration Zones) to loiter and/or gather in the premises outside the voting center, in the building courtyard, at its entrance, in the internal corridors of the building where the voting centers are located, and around them at a distance less than 150 m.



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the courtyard of buildings or close to surrounding walls/fences) of VCCs.³⁷ Among these, candidates for municipal councils and heads of electoral subjects in the respective municipalities.³⁸

One of these flagrant cases was encountered in the vicinity of the school Neim Babameto in Durrës Municipality (VCQV 1429,1430,1430/1), where observers noticed many unauthorized persons, near its surrounding wall as well as loud debates and insults among two political groups. Afterwards, police dispersed these gathered individuals. This kind of atmosphere also led to physical clashes, at a prohibited distance from the VC building, between the candidate for the municipal council of Durrës of the subject DP who reportedly punched in the face the candidate for municipal council of the electoral subject SP. Police was notified regarding this incident while the voting process was not suspended by the VCC, as envisaged in paragraph 4, Order 62, dated 03.05.2023 of the CEC.

Unauthorized individuals generally observed voters going in and out of the VC and guided them to identify the VC also through e-Albania.³⁹ In some cases, the unauthorized persons were seen holding voter lists in their hands.⁴⁰ These individuals were identified by AHC observers also as representatives of public institutions.⁴¹ AHC communicated to the CEC that VC commissioners who neglect or are too passive to verify the premises, corridors, and courtyards of buildings where unauthorized persons were. However, there were also other cases when these individuals were told to leave, especially after AHC observers highlighted their presence.⁴²

● **Regularity of the voting procedures**

In general, as mentioned in the beginning of this report, the VCCs respected voting procedures for voters and observers noticed a division of roles among them with regard to respecting obligations envisaged in article 40 of the Electoral Code and Decision no. 22 of the Regulatory Commission, dated 20.04.2023, “*On the Approval of the Guidelines of Work for Voting Center Commissions for the Elections of Local Government Bodies*,”⁴³ regarding the verification of the name of the voter on the list, checking the ID, voter’s signature on the list, marking the thumb of one hand with ink, providing two ballots stamped on the back with two proper seals. With regard to the ink marking, in some VCs it was noticed that it was done

³⁷ Durrës Municipality (VC 1429,1430,1430/1); VC 2099, VC 1828/02 and 1829/00, 1937, 1830/1,1905, 2085/00, 1830/1, 1894, 1804/00, 1891/01, in Tirana Municipality, VC 0745/02 in Lezha Municipality, VC 2307 in Elbasan Municipality; VC 4246/1 in Gjirokastra Municipality; VC 3684/00 in Korça Municipality; VC 4493 in Vlora Municipality, VC 1592/00, 1596/01 and 1574 in Kamz Municipality;

³⁸ VC 3273 in Berat Municipality; VC 3900/00 and 3885/03 in Pogradec Municipality; VC 3669/1 in Korça Municipality;

³⁹ In Berat Municipality VC 3273, 3273/1 and 3273; in Fier Municipality VC ,3020/00, 3032/00, 2983/00;

⁴⁰ VC 0737 in Lezha Municipality, VC 2307 in Elbasan Municipality,

⁴¹ VC 0737 in Lezha Municipality

⁴² In Korça Municipality VC 3669/1; in Gjirokastra Municipality VC 4246/1; in Kukës Municipality VC 0636/00;

⁴³ Part III: “*VCC members shall be responsible for the conduct of meetings in the VC and carry out the duties established by Decision of the VCC for the purpose of the smooth conduct of elections in the VC*”



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on the thumb of the right hand and not the left hand,⁴⁴ or the marking of voters was not done⁴⁵ as envisaged in article 105,1/b of the Electoral Code.

The most flagrant phenomenon noticed extensively during this electoral process was the constant communication of EID equipment operators and especially VC commissioners with party observers. Commissioners reported loudly to party observers the number of the voter on the list, while they were voting. This information was noted by observers of electoral subjects in applications in their phones or table formats. In Tirana Municipality⁴⁶ and Elbasan Municipality,⁴⁷ observers noticed the use of this application by party observers. Widely observed was also a tick next to the number of voters on the voter list after the printout of sheets with numbers on EID equipment, in Tirana Municipality,⁴⁸ Lezha Municipality,⁴⁹ Kukës Municipality,⁵⁰ Kamza Municipality.⁵¹ Also, the phenomenon of documenting the voters' identity through their number on the list, in some instances, was seen to be followed through printed voter lists by groups of people (employees of the public administration or party supporters) standing next to the buildings where the VCs had been established.

- i. *Assistance to voters who could not vote on their own and evidenced cases of family voting.*

Raste sporadike të votimit familjar janë konstatuar gjithashtu në Bashkinë Lezhë⁵², Bashkinë Malësi e Madhe⁵³, Bashkinë Elbasan⁵⁴, Vlorë⁵⁵, Berat⁵⁶, Kukës⁵⁷, Pogradec⁵⁸, Dibër⁵⁹, Kamëz.⁶⁰

AHC notified the CEC about some of the cases of family voting or of failure to respect procedures for giving assistance to voters with disabilities who could not vote on their own, which created suspicions of family voting. These systemic (repeated) problems were noticed also in past elections. It is disturbing that VC Commissioners did not display the proper knowledge for preventing cases of family voting or appropriate documentation of cases of assistance to voters who could not vote on their own, in keeping with obligations arising from article 108 of the Electoral Code.

⁴⁴ VC 1645/01, VC 1813/02

⁴⁵ VC 2073, VC 2090/00,

⁴⁶ VC 1827/1, 1827/2

⁴⁷ VC 2376, 2377

⁴⁸ VC 1827/1, 1827/2, 1830/1, 1827/2

⁴⁹ VC 0734/0, 0737

⁵⁰ VC 0652/00

⁵¹ VC 1571/01

⁵² VC 0737 2 cases, VC 687;

⁵³ QV-0025

⁵⁴ VC 2322, three cases

⁵⁵ VC 4459

⁵⁶ VC 3273; VC 3311

⁵⁷ VC 0648/00

⁵⁸ VC 3885/03

⁵⁹ VC 1142; VC 117

⁶⁰ VC 2074/00; VC 1569/01; VC 1572; VC 1598



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During verifications in the field in Tirana Municipality, observers encountered a series of cases of assistance to family members, with the argument that they could not vote on their own, which raised suspicions of family voting. In VC 2061/00, part of EAZ no. 30, the daughter-in-law helped her elderly mother-in-law to vote, but procedures envisaged in article 108 of the Electoral Code were not adhered to. The same situation was encountered in a series of other VCs, established in the outskirts of Administrative Units that are part of Tirana Municipality.⁶¹ In one case, there was an attempt of the person who signed the statement to take the ballots and have someone else fill them out.⁶² In the territory of the same Municipality, observers encountered instances of persons assisting their family members to vote, but notes in the protocol book were administered after assistance was provided for voting,⁶³ in breach of article 108, paragraph 3, of the Electoral Code.

Meanwhile, there were VCCs that though they could clearly notice the disability of the voter, created delays or did not have the necessary infrastructure to facilitate their voting.⁶⁴ In some VCs of Tirana Municipality, there was a problematic issue with the high number of elderly voters who needed assistance for voting. In these EAZs, there was a need to improvise with the manual addition of statements because there was a limited number of sheets in the protocol book.⁶⁵

Cases when observers reported that obligations of article 108 of the Electoral Code are linked with part of the monitored VCs in the Municipalities of Gjirokastra,⁶⁶ Korça,⁶⁷ Fier,⁶⁸ and Pogradec.⁶⁹

ii. Vote secrecy

AHC observers noticed sporadic instances when voters violated the principle of vote secrecy, by folding the ballot outside the secret booth,⁷⁰ by photographing their vote,⁷¹ or by attempting to photograph it.⁷² Photographing of the vote puts criminal liability on voters based on article 327 of the Criminal Code and it forces VCC members to seek the intervention of police officers to guarantee vote secrecy. After these incidents, in some VCs,

⁶¹ VC 2110; 2074/00; 1895/00

⁶² VC 639/00, ZAZ No. 29, where observers noticed that VCC members, in violation of article 107 of the Electoral Code, do not put these sheets in the group of damaged ones, but made marks on them and then put them inside the ballot boxes.

⁶³ VC 2052/01 ZAZ 30;

⁶⁴ In VC no. 3311, Berat Municipality, for a young voter with mental health problems, the VCC chair did not allow her mother to assist her because she did not have a medical report and procedures were carried out for assisted voting only after she went to obtain it and presented it to the VCC. In the same VC, a lady with hearing impairment was helped by her son to vote because there were no special ballots. Procedures for giving assistance were partially respected by the VCC.

⁶⁵ VC 2055/00, VC 2092/00

⁶⁶ VC 4236, VC 4262/1

⁶⁷ VC 3676

⁶⁸ VC 3191; VC 2994/1

⁶⁹ VC 3891/00

⁷⁰ EAZ 74 VC 3683, Korça Municipality; EAZ 37 1907/00, Tirana Municipality

⁷¹ Vlora Municipality EAZ 84 VC no. 4459; Dibra Municipality EAZ 19 VC 1142;

⁷² Kukës Municipality EAZ 11, VC 0645



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a practice was imposed by the VCC to not allow phones inside the Voting Center.⁷³ At another voting center,⁷⁴ it was declared that VC Commissioners did not notice the photographing of the vote. On this case, the AHC observer filed a written reservation, which was not taken into consideration.

As mentioned earlier, observers reported cases of the opportunity to identify voters through information from the EID equipment operator to party observers, namely the number of the voter on the list. Such data was reflected by party observers in dedicated mobile phone applications⁷⁵ or manually in printed tables of notebooks.⁷⁶ Such reports bear the potential risk of intimidation of voters who decide to not vote or influencing them due to the identification enabled by the number of the voter on the voter list.

- **Closing of the voting process**

VCs monitored by AHC observers closed on time, at 19:00, as envisaged in article 11, paragraph 1 of the Electoral Code. Repeated issues from past elections at this phase of the process included confusion and lack of clarity created among VC Commissioners about procedural actions they needed to do to document the process and place electoral materials in ballot boxes, according to article 112 and onward of the Electoral Code. The environment during the closing of the VC was calm and without incidents as there were no voters in line seeking to vote that were refused at the official closing time of the VC.

In some cases, AHC observers were not allowed or were obstructed from monitoring closing procedures for VCs by Commissioners. Namely, at VC 3273 (EAZ 64) in Berat Municipality, after the closing of voting, the VCC Secretary asked all observers, including the AHC one, to get out of the voting center, thus not allowing them to observe the closing of the voting process. After resistance by the AHC observer to get out of the VC, some members of the VCC requested the presence of the police officer inside the VC, who would accompany ballot boxes to the respective CEAZs, who did not intervene. Afterwards, after the delay in the start of the closing of the voting process, the VCC began this process in the presence of observers (including the AHC observer). For this case, the CEC was also notified.⁷⁷

In Tirana Municipality, as a result of the alternated combination of manual and electronic identification of voters through the EID equipment, there was confusion among Commissioners because the number of voters on the printed list and the number of unused ballots did not match, according to procedures envisaged in article 113 of the Electoral

⁷³Kukës Municipality EAZ 11 VC 0645

⁷⁴Dibra Municipality EAZ 19 at VC 1142

⁷⁵EAZ 49, VC 2376, 2377 at Soros Kindergarten in Elbasan Municipality

⁷⁶ At EAZ no. 29, at VC no. 1633/00 Elbasan Municipality; EAZ 29, VC 2073 Tirana Municipality; VC 0737, EAZ 12 Lezha Municipality; EAZ 86 VC 4490 and 4491/01 Vlora Municipality; EAZ 11 VC 0652/00 Kukës Municipality;

⁷⁷ During the procedures for closing the voting at this VC, the AHC observer reports that article 113/6 of the Electoral Code was not respected, requiring that the Process-Verbal for the Closing of Voting be placed in the ballot box, which is sealed immediately with the latest security code and a copy is put in the box of electoral materials, which is then sealed with relevant security codes.



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Code.⁷⁸ Problems were also noticed at VC 1833 and 1827/2 (Tirana Municipality), where commissioners appeared unclear about procedures they needed to undertake regarding filling out process-verbals and the protocol book and their administration inside the box or out, and the procedure for delivering materials to VCSs.⁷⁹ The same situation appeared at VC 0650/00, Kukës Municipality, where the departure of the box to the VCS was done only at 19.54, after consultations during the closing actions of the relevant CEC manual.

The accompanying vehicles of all monitored municipalities did not feature evident CEC logos, which clearly show that the vehicles are being used to transport sensitive electoral materials. Although the Electoral Code does not establish this characteristic specifically, in our opinion, the transport of electoral materials, in principle, should be an entirely transparent and safe process to guarantee the integrity of the will expressed by the voters.

- **Vote Counting**

After the closing of the voting process for the May 14, 2023, elections, AHC observers continued partial monitoring at 9 Vote Counting Sites, established at CEAZ buildings, in 7 Municipalities, namely Berat, Lezha, Malësi e Madhe, Tiranë, Vlorë, Korçë, Pogradec and Elbasan.

In the early hours of the morning, the counting process appears entirely completed only at Kamza Municipality, which piloted electronic voting and counting. Meanwhile, in other municipalities of the country, counting was only partially complete.

Observers found replacements of VCG members, during the start of the process, from the list of members proposed by the political subjects DP and the “Together We Win” Coalition, as well as changes in the order of VCGs at the counting tables by the electoral subject SP at VCS 01 of Malësi e Madhe Municipality.

Based on the problems displayed in this process in the past, AHC views as positive Order no. 71/2023 of the early hours of the morning of May 15 by the State Election Commissioner for not interrupting it, ordering CEAZs in the country to take measures to replace in a timely manner the members of vote counting groups if necessary, and conduct the vote counting process for candidates for mayors and municipal councils in an uninterrupted manner.

As highlighted during the voting process, in the vote counting sites, there were in some cases unauthorized individuals inside the VCS premises. This situation was reported at VCG 69, Pogradec Municipality, and VCSs 12 and 13, Lezha Municipality. The display of accreditation badges in a visible manner is only respected by observers of local or international non-government organizations.

⁷⁸ VC 1827 (EAZ 35)

⁷⁹ VCC 1833 consulted the adjacent VCC, while VC 1827/2 continued consulting the CEC Manual step by step on the closing process



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During the first hours of the counting process, there were no contestations by VCG members regarding the process until then, while there were such by party observers at VCG no. 69, Pogradec Municipality and VCS 12 and 13 in Lezha Municipality.

At VCS 11 in Kukës Municipality and VCS 13 in Lezha Municipality, observers noticed the suspension of the vote counting process for about two hours due to tension created between the observers of electoral subjects and vote counting groups or due to marks noticed on ballots or stamps on ballots not being visible, according to requirements of article 117, paragraph 3, letters b) and c) of the Electoral Code. After the tension subsided, the process resumed in a normal manner.

Overall, compared to previous elections, AHC appreciates the fast pace of the counting process. According to data published by the CEC until the afternoon hours, it appears that the counting process for mayors concluded in 42 of 61 municipalities of the country.⁸⁰ Meanwhile, the vote count for members of municipal councils began after the vote count for mayoral races was completed and it has been completed in 4 Municipalities – Elbasan, Kamza, Vora, and Pustec.

- **Criminal offenses affecting free elections and the democratic election system**

The lack of fast, transparent, comprehensive investigations and the provision of effective protection for those referring violations are elements that affect the citizens' trust in the bodies investigating electoral crime. Investigations on electoral crimes only reach low levels of political organization. AHC notes that this situation has led to a lack of denunciations by citizens.

The solemn engagement of party Chairpersons, according to article 64 of the Electoral Code, remains formal and vote-buying and selling remains a phenomenon that, though not promoted officially and publicly by electoral subjects, is not condemned seriously by them. In these elections too, AHC notes that in general, heads of electoral subjects make serious accusations about vote-buying and selling and electoral crime after the process has concluded. Such approaches of silence during the pre-election period and later reaction, when the process has concluded, call into question the integrity of the subjects themselves.

A few days before voting day on May 14, there was an increased influx of suspected cases of vote-buying in some Municipalities of the country, mainly signaled in the media.

On May 12, one of the candidates for mayor in Dibra, referred a suspected case of vote-buying. Although the phenomenon of vote-buying appears complex with regard to forms of organization and execution in less than one day after the incident was denounced, the Prosecution Office at the Judicial District Court of Dibra, through an official statement announced: *“there resulted to be nothing illegal.”* The completion of procedural actions

⁸⁰ Elbasan; Vlorë; Korçë; Berat; Kamëz; Lushnje; Maliq; Sarandë; Kuçovë; Cërrik; Patos; Librazhd; Rrogozhinë; Dimal; Vorë; Peqin; Mat; Bulqizë; Mirditë; Selenicë; Gramsh; Belsh; Roskovec; Përrenjas; Himarë; Tropojë; Dropull; Has; Përmet; Memaliaj; Klos; Kolonjë; Delvinë; Skrapar; Poliçan; Tepelenë; Pukë; Konispol; Këlçyrë; Fushë-Arrëz; Libohovë; Pustec. A total of 3619 ballot boxes appear to have been counted nationwide, out of the total of 5213 boxes.



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within such a short period of time and the issuance of conclusions on a sensitive referral created a double-standard practice regarding cases signaled or denounced publicly in the media, in some other Municipalities. AHC filed a special request for information with the Dibra Prosecution Office.

AHC continued with systematic observations in the field and the identification and verification of data reported by the media, by journalists themselves, or based on public announcements of electoral subjects or journalists, about criminal offenses affecting the democratic election system. Some suspected vote-buying cases have been reported in the media for the Municipalities of Tropoja, Has, Tirana, Himara and Mallakstra (most of them only a few days before the elections).

In order to be informed about measures taken by prosecution bodies for the effective and objective investigation of these cases, we addressed the prosecution offices of some judicial districts and the Special Prosecution Office (SPAK), with five official requests for information, on whether prosecution began on these cases, whether by report, referral, or upon their own initiative. It is worth stressing that the information that prosecution bodies share with the public is minimal and we notice an approach that is not unified by competent prosecution offices in this regard. The limited and double-standard communication vis-à-vis the public creates premises for misinterpretation of facts by third parties, with regard to the selective nature of criminal proceedings.

At a press conference of 12.05.2023 by the State Police, it was made known that during the period 14.04.2023 and 12.05.2023, a total of 54 cases of offenses in the field of electoral crimes were highlighted and criminal proceedings were conducted on a total of 88 citizens. Such a number of proceedings appears very low, compared to the degree of perception that citizens have on electoral crimes, based on our contacts with voters in the field. It is worth noting that sharing such data by the State Police, at the end of the period when the referrals have been made is delayed. As a result, this information does not help a systematic approach of transparency, nor does it encourage denunciations that help uproot the culture of impunity on offenses infringing upon free elections and the country's democratic system.

Data on such criminal offenses are still being processed, but overall AHC considers that the investigation of electoral crimes by prosecution bodies is very delayed. Also, there is a lack of cases prosecuted upon the initiative of the prosecution office, while it is known that the organization of electoral subjects for the pre-election process begins many months earlier.

In closing, AHC considers that only through proactive, complete, comprehensive, objective, and not selective investigations, done quickly regarding pressing procedural actions, **criminal offenses that affect free elections and the democratic system of elections** will be investigated and punished effectively, contributing to their special and general prevention.