



FINAL REPORT ON THE FINDINGS AND RECOMMENDATIONS OF MONITORING THE ELECTIONS FOR LOCAL GOVERNMENT BODIES

May 14, 2023

ALBANIAN HELSINKI COMMITTEE



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Initiative “Building electoral integrity and sustainability of political parties: Increasing the oversight role and demands of citizens in support of CSOs, media, and academia,” supported by the UK Embassy in Tirana

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Final report on the findings and conclusions of the Monitoring of Elections for Local Government Bodies

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INTRODUCTION

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

Immediately after the Decreeing of the Elections for Local Government Bodies by the President of the Republic,¹ AHC engaged in their monitoring. In March of this year, the CEC approved the list of 30 longterm AHC observers who extended their monitoring to 14 municipalities of the country, namely, Shkodër, Dibër, Malësi e Madhe, Kukës, Lezhë, Tiranë, Durrës, Elbasan, Pogradec, Korçë, Fier, Berat, Vlorë, and Gjirokastër. Upon their accreditation by the CEC, observers underwent two training programs, which sought to build their capacities on the theoretical and practical aspects linked with electoral legislation and the monitoring methodology, which is based on the principles of objectivity, verification, and professionalism.

AHC thanks and is grateful to all the longterm observers and local correspondents for their professionalism, impartiality, integrity, and dedication.

Besides the direct monitoring in the field by longterm observers and correspondents, instructed and supported directly by the AHC executive staff, the data that supplied the preliminary monitoring reports and this final report also relied on monitoring the official websites of institutions, attending CEC meetings, requests for information submitted to institutions, as well as signals and perceptions of citizens surveyed in the 14 municipalities of the country.

The monitoring was conducted with the financial support of the British Embassy in Tirana, through the initiative "Building electoral integrity and sustainability of political parties: Increasing the oversight role and demands of citizens in support of CSOs, media, and academia." The initiative is being implemented by a consortium of domestic organizations – Albanian Helsinki Committee, Institute of Political Studies, Civic Resistance, and BIRN Albania.

¹ Decree no. 1386, dated 24.10.2022

EXECUTIVE SUMMARY

- Following the parliamentary elections of April 25, 2021, the Assembly established the Ad Hoc Parliamentary Committee on Electoral Reform, for the purpose of carrying out the relevant amendments to the Electoral Code, relying mainly on OSCE/ODIHR recommendations. In fact, in its four meetings, the Committee produced no concrete result and therefore, the May 14 elections in 2023 were conducted on the basis of the Electoral Code that was completed with amendments to it on 23.07.2021 and 05.10.2020.
- Based on monitoring of the implementation of the timely publication of voter lists according to paragraph 3 of article 56 of the Electoral Code, it resulted that in some municipalities, namely the Municipalities of Durrës Lezhë, Shkodër, Vlorë, Gjirokastër and Elbasan, there were deficiencies in the publication or failure to publish the lists entirely according to the set deadlines. Furthermore, AHC continued to view with concern that the physical voter lists continue to be posted on places that create difficulties for voters' access to them.
- The CEC facilitated voters' access to monitoring their intensive work through the live broadcast of meetings on the institution's *YouTube* channel. Nevertheless, the decisions, orders, and instructions approved and especially the accompanying minutes of these meetings were often published with considerable delay on the official CEC website, causing obstacles in their full review and the fast reaction of *monitoring* actors.
- Although in greater numbers compared to previous elections, CEC decision-making to prevent the use of state resources were not always the result of effective investigations (within deadlines), envisaged symbolic and disproportionate sanctions, and there were different positions of the State Election Commissioner and the CSC, causing in some cases favoring of electoral subjects or institutions that had been prohibited to hold certain events.
- The Commissioner approved Decision no. 421, dated May 3, 2023, based on one of the denunciations submitted by AHC, which led to the prohibition of posts or reports on social media by a public institution of activities featured on the personal profile of the head of the public institution. Although AHC lauded the positive precedent created by this decision, it informed the CEC that further verifications showed that shares of activities continued on social media. While the CEC welcomed this information, it did not manage to concretize the above violation.
- In spite of preliminary measures taken by the General Prosecution Office and the CEC for the implementation of the decriminalization process,² during the electoral period of May 2023, it resulted that the process for verifying data reflected in self-declaration forms had not been completed yet. AHC also finds with concern that none of the political parties has exercised the right to seek in-depth verification for their potential candidates, thus showing a lack of interest in the importance of the effective and timely implementation of this law.
- The law on political parties³ contains regulations that favor financial assistance for the larger parties that benefit from this fund because they fulfill the required criteria at the same time. In AHC's opinion, the distribution of funds should be proportional because, as noted in Decision no. 309 of the State Election Commissioner,⁴ the two larger parties receive approximately 75% of the

² Law no. 138/2015 "On guaranteeing the integrity of individuals elected, appointed, or exercising public functions"

³ No. 8580, dt. 17.02.2002, amended until 2017 (article 19/2)

⁴ <https://kqz.gov.al/wp-content/uploads/2023/04/Vendimi-309-date-12.04.2023-Per-shperndarjen-e-fondeve-vjetore-partive-politike-ne-formen-e-ndihmes-financiare-vjetore-per-vitin-2023-1-1.pdf>

state budget fund. This formula is worth reviewing by the legislative body, establishing objective criteria that enable fair and proportional distribution, according to the categorization that if a party gains a certain amount under one of the legal criteria, it may not also be a beneficiary under the other criteria.

- We noticed on a wide scale that electoral subjects that can propose commissioners for the VCCs submitted the lists of members only near the end of the deadline⁵ and these lists were generally not complete with supporting documentation. Nevertheless, most of the ZEACs⁶ chose to proceed with establishing the VCCs. From AHC's viewpoint, this is a negative practice of election administration by the ZEACs, in violation of the Electoral Code, opening the way to the replacement of VCC members by electoral subjects, only a few days ahead of the elections. Relying on ODIHR recommendations, AHC has suggested earlier *the establishment and consolidation of a network of individuals trained on the electoral law who could be capable of responding to emergency needs, especially on the eve of the elections.*
- The deadlines established in article 77 of the Electoral Code on the election campaign were not respected, causing conditions for an unequal race between subjects, in favor of those that possess sufficient financial sustainability to carry out these activities over a longer period of time, compared to smaller electoral subjects.
- AHC notified the CEC immediately after finding the violations of the deadline for distributing electoral materials by the ZEACs to the VCCs, according to article 99 of the Electoral Code.⁷
- AHC reported to CEC the case of intimidation of citizens in Elbasan Municipality who were told that their electronic vote would be identified through cross-referencing data between Electronic Identification Equipment (EIE) and Electronic Voting and Counting Equipment (EVCE). Pursuant to AHC's request, State Election Commissioner Mr. Celibashi declared in a media appearance the inviolability of the process.
- The lack of fast, transparent, comprehensive investigations and the failure to provide effective protection for whistleblowers of electoral crimes, are elements that reoccurred in these elections. Investigations into electoral crimes continued to spread at lower levels of political organization. Preliminary data on the investigation of electoral crimes highlight a double standard of investigations by prosecution offices, while information that prosecution bodies share with the public remains minimal.
- AHC observers found massive violations of provisions on electoral silence. Pursuant to the provision of such information by AHC, the CEC made Decision no. 516, dated 13.05.2023, of the State Election Commissioner, which tasked the State Police and relevant Municipal Police to remove all propaganda materials from all *led-wall billboards* in the vicinity of VCCs, ZEACs, and VCGs. AHC finds that such decision-making and the mobilization of relevant institutions should have been carried out in the early hours of May 13, 2023.
- The voting process, conducted on May 14, 2023, was monitored by AHC observers in 200 Voting Centers, established in 15 of the Municipalities of the Republic of Albania. At a considerable number of VCCs monitored by AHC, the voting process began late as a result of the malfunctioning of Electronic Identification Equipment (EIE) or the lack of knowledge and coordination between VCC members. Of the 20 Voting Centers monitored at Elbasan Municipality

⁵ Article 35, paragraph 2 (April 13-14, 2023)

⁶ Except for ZEAC no. 24 and ZEAC in Vlora Municipality

⁷ Based on field verifications by AHC, it resulted that the distribution of voting materials at some of the monitored ZEACs had been done with considerable delays, going as far as the late hours of the afternoon of May 12 or the early hours of May 13, thus causing difficulty in the activity of ZEACs in the busiest days of their activity.

and Kamza Municipality, where the electronic voting and counting process was conducted, the main problem was the lack of clarity on the part of voters on how to use the EVCE.

- AHC observers noticed frequent communications between VCC commissioners with observers accredited by political subjects, during which they loudly said the name of the voter who showed up at the VCC to vote. Observers of political subjects marked these names on sheets of paper or certain mobile applications.⁸ AHC is of the opinion that the CEC in such cases acted late and, as a result, prevention of this violation was poor.
- In full contravention of article 109, paragraph 6 of the Electoral Code and Order no. 62, dated 03.05.2023, of the State Election Commissioner, AHC observers reported a constant presence of unauthorized individuals around the Voting Centers. AHC reported these monitoring findings to the CEC, specifying that VC Commissioners neglected or were too passive to verify corridors and yards of buildings where the unauthorized individuals loitered.
- Observers noticed cases of family voting, which represents a clear violation of the law, tolerated by the VCC and failure to properly document assistance to voters who could not vote due to impairments and these remained problems in this voting process too. AHC immediately notified the CEC of the encountered cases.
- While the vote counting process overall was calm, aside from the approval of Order no. 71, dated 15.05.2023, of the Commissioner, the counting process was suspended for several hours at 13 of the monitored 20 VCGs. AHC also notes with concern the lack of a unified approach on the accurate classification of the validity of votes. The presence of unauthorized individuals remained problematic at VCGs, given that in spite of the rigorous control by State Police at the entrance of buildings, a considerable part of persons who were present did not wear their accreditation badges visibly, thus creating suspicions about the authorization of their presence.
- AHC viewed as important the handling of Decision no. 174, dated 06.06.2023, of the CSC (Complaints and Sanctions Commission), whereby the majority of members argued that the claims about the invalidity of the results of VC no. 2224/01 at IEPD Rrogozhina lacked a legal basis. AHC considers that, based on Decision no. 40, dated 16.11.2007 of the Constitutional Court, voting by inmates at the IEPD was conducted in an extra-legal manner, given that their voting for the local government bodies at a municipality where they are not residents is unjust.
- AHC considers that Decision no. 28 of the Electoral College, which decided a rerun of the electoral process for Rrogozhina Municipality was the right one. According to provisions of the Electoral Code and the case law of the Constitutional Court, the institutions of the execution of penal decisions are places of stay and not places of residence of inmates and inmates should vote for local government bodies only when they are inhabitants of the area where they are serving their imprisonment terms. Based on the rerun of elections for Rrogozhina Municipality, institutions informed AHC that at IEPD Rrogozhina, of the 89 inmates kept there, who had a right to vote, only one of them is registered in the civil registry of the Municipality and, as a result, enjoys the right to vote specifically for this Municipality. As a result, at IEPD Rrogozhina, no VC was established pursuant to article 62, paragraph 2, of the Electoral Code (which requires at least 15 voters with the right to vote for this Municipality).

⁸ Encountered in the Municipalities of Tirana and Elbasan

1. ACTIVITY OF THE AD HOC PARLIAMENTARY COMMITTEE ON THE REALIZATION OF ELECTORAL REFORM

By Decision no. 12/2022⁹ dated 10/02/2022, the Ad Hoc Parliamentary Committee for the Realization of Electoral Reform was established in the Assembly of Albania. The work of this Committee focused on reviewing the recommendations presented by OSCE/ODIHR that were not addressed in the context of the April 25, 2021, parliamentary elections, the partial by-elections of March 6, 2022, and earlier processes of local and parliamentary elections.

AHC notes with concern the repeated practice of the Committee to realize this profoundly important reform for guaranteeing elections according to the best democratic standards, within a tight period of time. The first meeting of the Committee was held on June 17, 2022, about 11 months ahead of the date decreed by the President for the conduct of local government elections. The delayed start led to the postponement of the reform until the end of October, a little more than seven months ahead of the voting day. This situation, which narrows down the space for real review of draft acts and recommendations under discussion, violates the principle of inclusive consultation of the entirety of stakeholders.

According to OSCE/ODIHR recommendations, legal amendments to the framework governing the electoral process should not be carried out later than one year from the start of the process. The electoral process began with the decreeing of election day by the President of the Republic.¹⁰

Furthermore, it is worth emphasizing that the Assembly decided to not vote to extend the activity of the Electoral Reform Committee, whose activity, according to postponed legal deadlines (every six months) reached until August 23, 2023. As a result, in the absence of decision-making to postpone the deadline, the activity of this Committee is considered concluded without any results.¹¹

2. PUBLICATION OF VOTE LISTS AND WRITTEN NOTIFICATION OF VOTERS

Article 51, paragraph 4 of the Electoral Code envisages that the first extract of the voters' list should have been published until November 24, 2022,¹² while the provision of paragraph 7 establishes that *publication is repeated periodically every 30 days until the announcement of the list of voters*. Based on the monitoring of AHC longterm observers, we find that in general, the extracts of the lists were published in respect of legal deadlines. An exception was noticed in Municipalities of Korça and Pogradec, which had violations in the deadlines for republishing these lists.¹³ Aside from the changes reflected in the extracts posted in Gjirokastrë Municipality, none of the other monitored municipalities referred any undertaking of administrative procedures to change the content of the extracts as a result of the poor level of interest by citizens to become familiar with the location of the VC they would vote in on May 14, 2023.

⁹ <https://qbz.gov.al/eli/vendim/2022/02/10/12/efd6bc61-a797-413b-bb7d-54f899840b76;q=vendim%20i%20kuvendit%2012%2F2022>

¹⁰ Decree no. 13864, dated 24.10.2022

¹¹ <http://gazetashqiptare.al/2023/07/21/nuk-zgjatet-afati-komisionit-te-reformes-zgjedhore-bardhi-ne-shtator-duhet-gjetur-nje-menyre-per-te-ecur-perpara-gjikhuri-skthehemi-ne-piken-0/>

¹² No later than 30 days from the decreeing of the voting day, civil registry offices

¹³ As a result of the drafting and submission for signature to the Mayor of the Municipality just one day before the republication deadline, namely on February 20, 2023

One of the mediating and important ways to ensure an increased knowledge of the extract is the written notification of voters in their places of residence, which is conducted according to Article 52 of the Electoral Code. Pursuant to the same findings throughout previous electoral processes, AHC has noticed with concern that the relevant fund of the Ministry of Interior was allocated late to the municipalities under monitoring. During the monitoring in February,¹⁴ it resulted that in the Municipalities of Tiranë, Durrës, Fier and Shkodër, the process was being conducted without obstacles, but none of the surveyed citizens was familiar with the extract of the voter lists. AHC suggested to the CEC to undertake concrete and urgent measures to encourage relevant institutions to carry out the process.

Lastly, in contravention of paragraph 3 of article 56 of the Electoral Code, according to which, *the voter list is sent no later than 35 days before the election day to the ZEAC, which publishes the list at the respective voting center accordingly*, during monitoring in the field, observers found several Voting Centers where the lists were not posted.¹⁵ Although the final voter lists were published in the majority of the monitored VCs, AHC observers reported that in a considerable part of these centers, the lists were posted in places that made it difficult to ensure voters' unobstructed access¹⁶ to become familiar with their contents; for instance, due to the iron fences, height of posting, locking of the institution's door after the official hours, etc. This situation is in contravention of paragraph 3, article 56, which envisages that the *ZEAC publishes the list near the relevant voting center, in premises with free access for voters*. Besides, in some Voting Centers, there were damaged voter lists because of their unfavorable position in terms of weather conditions; in more sporadic cases, the damage was caused by people.

3. ADMINISTRATION OF THE ELECTORAL PROCESS

A. CENTRAL ELECTION COMMISSION

Throughout the phases of the electoral process, AHC monitored the activity of the Central Election Commission (CEC), as the highest administering body in the process. This report will be followed by the publication of an in-depth report on the activity of the CEC during the Elections for Local Government Bodies of May 14, 2023.

AHC appreciates the best efforts of the CEC to realize an inclusive awareness campaign, which spread out through a series of platforms (TV, radio, billboards, posts on intercity buses, posters, etc.), making it a friendly campaign for the different targeted groups. Further on, the CEC engaged in realizing various

¹⁴ The process should have concluded 60 days after the publication of the first extract (January 23, 2023)

¹⁵ Durrës Municipality (VC-1358/00 -1359/01, 1408 – 1409/2); Lezhë Municipality (VC 0717-0717/2, 0737/1-0738/3, 0733/1, 0705-0706); Shkodër Municipality (VC 0249 – 0249/0249/1, 0288, 0290, 0236/00 – 0236/01); Vlorë Municipality (VC 4492-4492/01, 4510-4510/01); Gjirokastër Municipality (VC 4234, 4238-4239/1, 4254 – 4254/2, 4258-4238/2); Elbasan Municipality (VC 2356/00 – 2357/00, 2365-2365/1, 2315 – 2317/00, 2350/00 – 2350/01, 2307/00 – 2307/01, 2310/00, 2313/00)

¹⁶ VC 0047/00 - 0048/002, QV 0049/00 - 0049/03 (Malësi e Madhe Municipality), VC 3885/00 – 3885/03 (Pogradec Municipality), VC 1683/00 – 1689/02, VC 1740/00 – 1741/02, VC 1934/0 – 1935/0, 1924/00 – 1926/01, VC 2001 – 2002/02, 2013 – 2013/01, VC 2014-2014/2, 2028/1 – 2029/01 (Tirana Municipality), VC 4493 – 4495/1, VC 4459 – 4459/2, VC 4507 – 4508/1 (Vlorë Municipality), VC 0657 – 0657/00, VC 0660 – 0660/00, VC 0653 – 0654 (Kukës Municipality), VC 3663 - 3665/1, 3670 – 3680, 3668 - 3668/1, 3662 – 3663 (Korçë Municipality), VC 2390 – 2390/1, VC 2394 - 2395/1, VC 2340, 2345 – 2345/1, VC 2355 – 2355/01, VC 2334-2335/1, 2336 – 2336/00 (Elbasan Municipality), VC 1176-1176/1 (Lezhë Municipality)

video spots in languages of the minorities and alternative ways of conveying information for people with disabilities. The CEC also focused strongly on youth, first-time voters, as one of the groups targeted by the awareness campaign. In spite of this, at the end of the campaign, youth participation was really low, reaching only 13.5% at the end of voting day.¹⁷

With regard to the leading document for the voter education process, namely *Decision no. 220, dated 07.12.2022 of the State Election Commissioner, on "Approval of the Education, Information, and Awareness Program of Voters for the Elections of Local Government Bodies of May 14, 2023"* in principle, AHC continues to notice the lack of qualitative and quantitative indicators for evaluating the impact of the campaign on the broad public or the specifically targeted groups, which remains a recommendation presented by AHC since 2021, when the program was first introduced.

Besides the real engagement of the CEC and concretely the State Election Commissioner for voter education, AHC also lauds the close cooperation and proactive communication of the institution with civil society organizations in the context of preliminary consultations on draft decisions and orders, participation in events, periodical meetings, coordination of frequent formal and informal communications, which reflected on the findings and recommendations of AHC and other domestic monitoring organizations.

Nevertheless, AHC views the deadlines for the consultation of draft acts as unfavorable for conducting their quality review, although justified in the face of fast and unfavorable dynamics of the electoral process in terms of time. The CEC facilitated the access of observers to monitoring their intensive work through the live broadcast of meetings on the institution's *YouTube* channel, becoming one of the first open institutions at this level subjected to public review. However, the decisions, orders, and instructions approved and especially accompanying process-verbals of these meetings were often published with considerable delays in the official website of the CEC, causing obstacles in their real review and fast reaction by monitoring actors. AHC continues to suggest the taking of continued measures by the CEC administration to ensure timely publication of these materials.

The CEC managed the increase of administrative sanctions issued compared to the parliamentary elections of 2021, but issued fines remain symbolic, which did not fully serve the prevention and gradual decrease of violations of the Electoral Code by institutions and electoral subjects. Observers noticed instances when administrative investigations about complaints about the prohibition of the use of public resources were extended over time. Furthermore, there were cases when the position of the CSC was opposed to that of the State Commissioner, thus putting electoral subjects and relevant state institutions that were prohibited in favorable positions, according to AHC (cases analyzed further).

To address the lacking reflection of institutions toward such sanctions, AHC suggests the undertaking of a proactive role by the CEC to monitor the implementation of its decision-making. Beside the repeated violations in reports of activities of a public character by institutions, it is worth mentioning as a sample case the implementation of Decision no. 421, May 3, 2023. By this Decision, the Commissioner decided to prohibit the posting or sharing on social media by a public institution of the events reflected in the personal profile of the head of the public institution, and the immediate erasure of any post of an electoral character from the social network accounts of public institutions. In spite of the positive precedent established by this decision of the CEC for recognizing social media as part of the communication

¹⁷ <https://www.reporter.al/2023/05/16/votuesit-e-rinj-braktisen-ne-mase-votimet-e-14-majit/>

networks used in the context of the electoral campaign, its impact was lacking in practice given that AHC found that the social network accounts of public institutions were still filled with propaganda images of the campaign.

One of the moments when AHC considers that the spirit of the interpretation by the CSC aimed at positively enabling an open race among electoral subjects was the extensively discussed case of the registration of the Democratic Party.¹⁸

B. ESTABLISHMENT AND FUNCTIONING OF ZONAL ELECTORAL ADMINISTRATION COMMISSIONS (ZEACs)

In respect of provisions of the Electoral Code's Article 28 and Decision no. 49, dated 10.02.2023 of the State Election Commissioner, most of the ZEACs established at the Municipalities that were under monitoring held their first meeting during February 13-14, 2023.¹⁹ Meanwhile, in complete violation of these legal provisions, ZEAC no. 32, 36, and 40 at Tirana Municipality appears to have been established on February 17, February 28, and March 1, 2023, with a delay of three to 10-15 days. The reason for this delay was reportedly the lack of completion with members because of delays in the registration of the electoral subject the Democratic Party.

Upon review of documents, it appears that ZEAC no. 40 at Tirana Municipality pursued a positive work practice with regard to meetings held on a daily basis to discuss about different issues and address problems in real time. AHC recommends that good practices are shared and known to other ZEAC's, in future elections, as an important step for conveying and resolving on time the issues that are the subject of discussion and decision-making of these bodies.

Article 32, letter "ç" of the Electoral Code envisages that one of the reasons when *the members/secretary of the ZEAC are dismissed from office* even failure to participate in *training or when they do not pass the tests conducted by the CEC*. During interviews with members of the monitored ZEACs, which were appointed from the moment of establishment of the ZEACs, they talked about proactive participation in these training programs. As a result of the later appointment of members proposed by the electoral subject Democratic Party, their training was realized only during the penultimate week of April, in entirely tight deadlines, considering that in less than three weeks, the pre-electoral period of the process would end.

According to article 99 of the Electoral Code, the CEC sends to the ZEACs, no later than three days before voting day, the relevant electoral materials for the administration of the voting process, separated into separate boxes for each voting center. Based on verifications in the field, AHC found that the distribution of voting materials to some of the monitored ZEACs²⁰ had been done with considerable delays, even into

¹⁸ On March 9, 2023, the State Election Commissioner held a hearing on the registration of six of the requesting parties. AHC considers that the position of the Commissioner to seek minimal additions, signed by Mr. Basha, in the request for the registration of the party "Democratic Party" headed by the acting chair Mr. Alibeaj was wrong and that the position of the CSC through Decision no. 27, dated 16.03.2023, "On the review of complaint requests no. 32, dated 14.03.2023 and no. 33, dated 15.03.2023" imposed the obligation of the "Democratic Party" led by acting chair Mr. Alibeaj, to submit the requested documentation with his data as deputy chair in the capacity of the acting chair.

¹⁹ ZEAC no. 01 (Malësi e Madhe); 02, 03, 04 and 05 (Shkodër); 11(Kukës); 19 (Dibër); 21, 22 (Durrës); 35, 37, 41 (Tiranë) 57, 58 and 59 (Fier); 65 and 66 (Berat); 69 (Pogradec); 73 and 74 (Korçë); 80 (Gjirokastër); 83, 84, 85 and 86 (Vlorë).

²⁰ ZEACs no. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 (Tiranë Municipality) and ZEAC no. 23 (Durrës Municipality)

the early hours of the morning of May 13. As a result, AHC noticed that ZEAC members were tense and worked under overload to meet the deadlines envisaged by the Electoral Code.

The entirety of problems encountered during this process were forwarded to the CEC with the goal of having fast reaction and unblocking the process, but further monitoring data showed that the deadlines were not possible to be met, given that in some ZEACs, the process for delivering electoral materials concluded before the midnight of May 13 or the early hours of voting day, May 14.²¹

C. ESTABLISHMENT OF THE VOTING CENTER COMMISSIONS

Electoral subjects that may propose commissioners submitted their lists only at the last minute of the deadline established by paragraph 2, article 36 of the Electoral Code,²² while some commissioners of the monitored ZEACs²³ stated that although the lists with proposals of electoral subjects were submitted on time, they were incomplete with supporting documentation or outdated²⁴ Except for commissioners of ZEAC no. 24 of Durrës Municipality and the ZEACs of Vlora Municipality, all other ZEACs chose to operate by establishing the zone's VCCs with the argument that the lists presented at this time were preliminary and relevant documentation would be obtained only 10-15 days ahead of the elections. In AHC's opinion, this is a negative practice for election administration by ZEACs, in violation of the Electoral Code. This practice opened the way to the replacement of VCC members by electoral subjects only a few days or even hours before the voting process began, a procedure clearly pursued through the years by electoral subjects, one that harms the proper administration of the process.

As a result of the dissolution of Regional Election Offices based on Instruction no. 4 of the Regulatory Committee issued on 02.02.2023,²⁵ based on the monitoring of previous electoral processes, AHC deems that this regulation should have been accompanied by the positive practice of *establishing and consolidating a network of individuals trained on the electoral law, who would be capable of responding to emergency needs of second and third-level (ZEAC and VCC) election administration bodies, especially on the eve of election day. This position is based on earlier recommendations of AHC and ODIHR.* The presence of this network, accompanied by the categorical prohibition, through appropriate legal provisions, of the phenomenon of emergency replacements in these bodies, would serve to improve the situation.

As a result of the submission of lists and supporting documentation at the very end of the deadline, some of the ZEACs under monitoring, in AHC's opinion, found it impossible to conduct complete and accurate verification of these lists and the fulfillment of criteria by the members proposed for the VCCs. In this sense, during verifications at ZEAC no. 01, Malësi e Madhe Municipality, there were appointed members who only completed the basic 9-year education, in complete violation of article 38, paragraph 1/b.²⁶

²¹ ZEAC 1, ZEAC 80

²² No later than 30 days ahead of the election day

²³ No. 02, 03, 04 and 05 (Shkodër Municipality); 24 (Durrës Municipality), 47, 48, 49 and 50 (Elbasan Municipality); 69 (Pogradec Municipality); 83, 84, 85, and 86 (Vlorë Municipality)

²⁴ The same lists as those presented for the conduct of the parliamentary elections of 2021. At ZEAC no. 50 in Elbasan Municipality, this phenomenon was known to the ZEAC members because one of them highlighted his own name in one of the lists. The list was resubmitted for accuracy.

²⁵ https://kqz.gov.al/wp-content/uploads/2023/02/Vendim-nr.-4-date-2.2.2023- amendim udhezimi-2_KRR.pdf

²⁶ *Individuals who have at least high-school education may be appointed as member or secretary of the VCC*

Lastly, based on close-up monitoring of the training for VCC members in some ZEACs, AHC found a presence of few appointed VCC members. AHC suggests the imposition of relevant measures for members who do not follow the training, stripping them automatically of membership in the VCC and replacing them with individuals belonging to the body of professionals who may be appointed by the initiative of the VCC.

D. ESTABLISHMENT OF VOTE COUNTING GROUPS (VCG)

The Electoral Code envisages in article 95, paragraph 1 that *for the counting of votes at the ZEA level, by decision of the ZEAC, 10 days before the voting day, Vote Counting Groups are established and proposals for the appointment of members should be submitted to the ZEAC at least 12 days ahead of voting day.* VCGs were established within the deadline²⁷ in the majority of the monitored ZEACs. Meanwhile, ZEAC no. 12 at Lezha Municipality established them one day late; ZEAC no. 21, 22, 23, 24 (Durrës Municipality), 83, 84, 85 and 86 (Vlorë Municipality) suspended the process until May 11-12 as a result of incomplete supporting documentation presented by the proposing electoral subjects; and ZEACs 31, 32, 33 and 41 at Tirana Municipality were established 4 to 5 days late.

Meanwhile, the proposing electoral subjects, in most cases, submitted their proposals within the mentioned deadline, except for cases of submitting proposals to ZEACs in Durrës and Vlora Municipalities, where there was a delay of five days. The lists of proposed members were completed, except for VCGs at ZEAC no. 3 in Shkodra Municipality, where the members of the Democratic Party were lacking.

As a result of delays characterizing the process in some of the country's Municipalities, as a result of replacements of members proposed by electoral subjects, the conduct of training for VCG members was achieved in most of them only in the hours ahead of the start of the voting process, thus creating gaps in the knowledge of these members about this process of high importance.

4. ELECTORAL CAMPAIGN

A. SPREAD OF THE PRE-ELECTION CAMPAIGN

During the pre-election period, AHC highlighted a series of violations, mostly by the larger electoral subjects, in violation of article 77 of the Electoral Code, according to which *the electoral campaign begins 30 days ahead of election day and concludes 24 hours before election day.* In this sense, every event with an electoral campaign nature for the 2023 Local Government Elections should have begun on April 14, 2023, and continue until the entry into effect of the electoral silence period. Disregard for the deadlines for the start of the electoral campaign created conditions for an unequal race among subjects, favoring those with sustainable financial resources compared to other subjects.

²⁷ May 4, 2023

The events of the pre-election campaign²⁸ began visibly during December 2022, but the larger electoral subjects, immediately after their candidates were made official, increased efforts to reach citizens through meetings, celebrations, distribution of leaflets, etc. In Tirana Municipality, candidates of the Socialist Party and the “Together We Win” Coalition began the relevant campaigns at the start of 2023.²⁹ A similar situation was seen at Pogradec, Gjirokastrë, Kukës and Malësi e Madhe Municipalities.³⁰

B. CLIMATE OF THE ELECTION CAMPAIGN

In AHC’s opinion, the official electoral campaign that lasted about one month was generally characterized by calm tones. However, there were some sporadic criminal and vandal acts. AHC reacted publicly by forcefully condemning the criminal act of serious social threat against the DP chair in Vau i Dejës, Mr. Bernard Ndreca, near whose home an amount of explosive placed under his car exploded. AHC called for an objective investigation, respecting the principle of independence. Afterwards, it should be noted that the resolution of this criminal act and other similar acts serve to increase the electorate’s trust in the conduct of electoral processes uninfluenced by third parties, such as by criminal segments, organized or not, in this case.

The campaign was mainly led by the leaders of the electoral subjects and the running parties and not the candidates for local government, thus further testifying to the centralization of political power. Given that political parties represent different fractions of political thought of the population, AHC continues to make appeals for the decentralization and internal democratization of these parties, in keeping with efforts for further democratization of the entire country. Along the campaign, the majority of electoral subjects did not present political platforms, the presentation of which would enable the electorate to become familiar with the objectives and concrete initiatives of candidates for local government and for making well-thought decisions.

As a direct result of the centralization of the campaign in political leaders, a considerable part of the presented promises, especially by the electoral subject that holds the governing majority, derived directly from decisions of the central government, outside the competences of local decision-making.

A large part of the promises of all electoral subjects are viewed as excessive and unachievable objectively, thus influencing the creation or enhancement of public dissatisfaction and a weakening of their trust in political parties and elections in general. Based on opinion surveys conducted in the field by AHC

²⁸ The unofficial term used to describe the entirety of activities undertaken by political parties/electoral subjects in the period of time before the electoral campaign, according to article 77 of the Electoral Code.

²⁹ Concretely, Mr. Belind Këlliçi, candidate of the TwW subject, conducted events through the movement of vehicles marked with the logo of his campaign and the dissemination of leaflets in sidewalks with high pedestrian traffic. Meanwhile, Mr. Veliaj, a rerunning candidate of the SP in this Municipality conducted a series of meetings with inhabitants of the capital. Both candidates used the possibility to display part of their platforms in *prime-time* television programs.

³⁰ In Pogradec Municipality, the candidate of the electoral subject “Together we Win,” Mr. Tollozhina, in the beginning of April, posted photos of the city’s worn-out streets, accompanied by the campaign slogan and electoral promises. Meanwhile, the rerunning candidates of the SP in the Municipalities of Gjirokastra and Malësi e Madhe undertook a series of meetings in different areas of the territorial jurisdiction of these Municipalities. Starting from mid-March 2023, the two candidates of the SP and Together we Win coalition, respectively Mr. Safet Gjici and Mr. Admir Sinamati, initiated electoral meetings with inhabitants of the rural areas of Kukës (mainly in neighborhood cafés or yards of 9-year schools, thus creating room for misuse of state resources). Meanwhile, Mr. Gjici also engaged in a meeting with inhabitants of Kukës Municipality in Birmingham, London, in the UK.

observers, there were high levels of apathy, disappointment, and tendencies to not vote, thus threatening the further democratization of the country's life. Citizens asked in the Municipalities of Korça, Durrës, and Kukës said that the difficult economic-financial situation makes them distrustful toward the electoral process and the changes expected from it. At the same time, a considerable part of citizens in the municipalities under monitoring stated that they found engagement of the state administration to assist campaign activities.

The most disturbing case of which AHC was made aware through contacts with citizens was the signal that they were intimidated by exponents of the SP, who referred to information that their electronic vote would be entirely identifiable through the cross-referencing of data between the EIE³¹ and the EVCE.³² Pursuant to this pressure, they stated that they were asked to vote for the current Mayor who is also the candidate for the SP. AHC referred the information to the CEC and asked that guarantees be given to citizens about electronic voting, through simple and understandable language, that this was impossible to do. After this letter, State Election Commissioner Mr. Celibashi stated publicly that the process was inviolable because the cross-referencing of data between the two sets of equipment was impossible.

C. MEDIA COVERAGE

The media coverage of the campaign also focused on political leaders and the race for the capital's Municipality, easily evident in *prime time* shows. Candidates for Tirana Municipality had the possibility to present their promises in these national television stations while the same opportunity was offered to a very small part of candidates for mayors in other municipalities. Considering the national status of these television stations, AHC notes that more measures should have been taken by them to include the majority of candidates in other programs besides news editions.

Television stations, according to the provision of Article 80, paragraph 1, on the public radio-television station, and private television stations, of the Electoral Code, devoted minimal time to electoral subjects that are non-parliamentary parties or candidates proposed by voters. These provisions place the mentioned subjects in unfavorable position, creating barriers to pluralism of thought and political representation. Meanwhile, article 78, paragraph 3 of the Electoral Code that envisages *the rules, conditions, and restrictions established in this law aim to guarantee the equality of electoral subjects* is in complete disproportion to the actual situation.

AHC continues to find with concern that, mainly in news editions, there are still audio-visual materials prepared by political parties or candidates that make up the majority of material shown on television, in keeping with article 84/1 of the Electoral Code, which legitimizes their broadcast. These materials vary between pre-recorded footage of meetings, *podcasts*, and other forms of digital broadcasts. Thus, subjects are allowed to present the most attractive aspects of their campaign, gaining advantage in the face of public perception. The same recommendation for not allowing pre-recorded materials was made by the OSCE/ODIHR in their reports since 2009 onwards. In spite of reactions and recommendations presented by OSCE/ODIHR and AHC through the years, electoral reform has not yet addressed or resolved this issue. Even during this electoral year, there was a total lack of debates between candidates.

³¹ Electronic Identification Equipment

³² Electronic Voting and Counting Equipment

D. USE OF STATE RESOURCES

In the context of monitoring and received alerts, AHC conveyed to the State Election Commissioner four instances of the use of state resources. In one of the cases, on April 1, 2023, the candidate rerunning for mayor, Mr. Sotiraq Filo, in Korça, held an event on “Meeting with the expanded Korça SP assembly.” Earlier, this event was considered a prohibited one.³³ Nevertheless, this event was held and the Commissioner, after AHC’s alert, referred the case to the CSC,³⁴ which by Decision no. 73, dated 02.05.2023, interpreted the event to be clearly of a political nature and not institutional, *and as such found the ban of this event by the State Election Commissioner and the imposition of administrative sanctions as unfounded in the law and proof.* In spite of this, AHC believes that the above interpretation is not fair or founded and therefore the CSC decision did not contribute positively to prohibiting the use of state resources for electoral purposes.

Also, from Korçë Municipality, another case was reported that the Local Education Office of Korça County sought reporting on official addresses in social networks of educational institutions. One of the columns in the tables being written was dedicated to the sharing of posts by the Minister of Education and Sports. Based on further verifications by AHC, it was found that the same reporting was done by official social media accounts of education institutions under the jurisdiction of Tirana Municipality in Maminas, Dibra, Kamza, etc. After such reports, the State Election Commissioner made Decision no. 421, dated 03.05.2023³⁵, which *prohibits posts or re-posts on social media by public institutions of events that are reflected on the personal accounts of the heads of public institutions.* Aside from the direct impact of this decision in efforts to prevent the use of state resources, it also consists in recognition for the first time by the CEC of social media as a source of transferring information, especially in the context of the campaign, a recommendation that AHC has shared even earlier with the CEC.³⁶ Though the impact of this decision from a normative (regulatory) aspect is high, ensuing observations by AHC on social media found re-posts of events of the campaign in complete violation of the recently made decision of the CEC.

AHC received reports of a case at Vlora Municipality, whereby on March 3, 2023, an event was held on “*Women in decision-making, the way to empowering entrepreneurship and the role of women in this process*” by the Socialist Party, Vlora branch. Given that the event took place at 12:00 of that day and participants were employees of local institutions subordinate to Vlora Municipality, the conduct of this event represents a violation of article 91 of the Electoral Code. Upon review of this denunciation by the CEC, the Commissioner³⁷ argued that, first, in order to consider this event a violation, the condition of the electoral purpose needed to be fulfilled for holding the activity, an element that is not within the material competences of the CEC and, therefore, they could not judge it. Secondly, given that the organizer of the event, the subject Socialist Party, was registered as an electoral subject 6 days after the event was held,³⁸

³³ <https://kqz.gov.al/ep-content/uploads/2023/03/Vendim-nr.-231-date-31.3.2023-Per-ndalimin-e-veprimtarise-publike-te-Bashkise-Korce.pdf>

³⁴ https://kqz.gov.al/ep-content/uploads/2023/05/Vendim-nr.-412-date-25.04.2023_Per-sanksion-bashkia-Korce.pdf

³⁵ https://kqz.gov.al/ep-content/uploads/2023/05/Vendim_nr.421_date-01.05.2023-Vendim-per-Ministrine-e-Arsimit-dhe-Sportit-dhe-ZVA-Korce.pdf

³⁶ https://ahc.org.al/ep-content/uploads/2021/03/24032021_Rev_Raport-Monitorimi-KQZ-Shkurt-2021-2.pdf

³⁷ https://kqz.gov.al/ep-content/uploads/2023/05/Vendim-nr.-432-date-02.05.2023_Helsink-Vlore-338.pdf

³⁸ The subject Socialist Party registered as an electoral subject by Decision no. 153, dated 09.03.2023, of the State Election Commissioner “On the review of the request of the Socialist Party of Albania to register as an electoral subject for the Elections for Local Government Bodies of May 14, 2023” <https://kqz.gov.al/ep-content/uploads/2023/03/Vendim-Nr.153-date-09.03.23-Regj-PS.pdf>

the event could not be considered as being in violation, given that rights and obligations arise after registration. AHC considers that the CEC's interpretation is not correct because, paragraph 1 of article 91 of the Electoral Code mentions the prohibition of the use of public resources in support also of political parties (not just electoral subjects). Meanwhile, the formulation of article 91 is also disputable because it is in favor of political parties starting electoral campaigns early. The contents of this provision (paragraph 2 and 3 of article 91) sanctions the prohibition of the use of public resources during the electoral campaign (which, though legally begins one month ahead of election day, de facto, it starts much earlier).

Meanwhile, during the last week of the electoral campaign, the Socialist Party engaged in a series of closing rallies of the campaign, one of which was held in Lezha Municipality on May 7, 2023, whereby AHC was notified that the electrical and electronic equipment used for this event were linked to a vehicle holding a generator that bore the logo of the Electricity Distribution Operator (OSHEE)³⁹ on its front shield glass.

Only one day before voting day, AHC denounced the case signaled from the jurisdiction of Tirana Municipality, according to which, after the closing of the electoral campaign in Tirana, the Prime Minister and the rerunning Tirana Mayor visited the Pyramid.⁴⁰ AHC, through official letters to denounce this to the CEC, as well as in subsequent denunciations, has called on the CEC to take measures to conduct an in-depth and comprehensive administrative investigation into the case.

At the end of the established deadline for the administrative investigation, according to Decision no 9, 09.03.2021, of the Regulatory Commission,⁴¹ which stipulates in paragraph 2, article 7, that *the deadline for administrative review of a denunciation is no longer than 60 days*, the Commissioner, through decision no. 706, dated 17.07.2023⁴² extended the deadline for the completion of procedures for the administrative investigation of this case. Meanwhile, AHC does not have concrete information on the stage of investigations of the case of the use of the OSHEE vehicle at the closing of the campaign in Lezha Municipality.

E. ELECTORAL CRIMES

The lack of fast, transparent, comprehensive investigations and the lack of the provision of effective protection for those referring electoral crimes are elements that reoccurred in these elections. Investigations into electoral crimes continued to extend only over lower levels of political organization. The solemn engagement of party chairpersons, according to article 64 of the Electoral Code, remains formal and vote buying and selling remains a disturbing phenomenon that violates the integrity and fairness of elections in the country.

³⁹ Some of whose shares are held by the Albanian state, represented by the Ministry of Energy and Industry

⁴⁰ In AHC's opinion, this activity, as far as reported in the media <https://ata.gov.al/2023/05/11/hapet-piramida-e-tiranes-veliaj-qendra-me-e-madhe-digjitale-ne-ballkan/?amp=1> appears to be prohibited with regard to concrete cases in Decision no. 9, dated 24.12. 2020 of the Regulatory Commission, according to article 3, paragraph 1.1, letter "c." In its official letter on the denunciation to the CEC and in ensuing denunciations, AHC called on the latter to take measures to conduct an in-depth and comprehensive administrative investigation into the case.

⁴¹ https://kqz.gov.al/ep-content/uploads/Vendime-Regullatori/2021/03/Vendim_Nr.009_210309- Procedurat-e-funksionimit-dhe-mirembajtjes-se-portalit-procedurat-dhe-afatet-e-hetimit-administrativ-te-denoncimeve-dhe-vendimin..pdf

⁴² https://kqz.gov.al/ep-content/uploads/2023/07/Vendim_nr_706_-date-17.07.2023_Zgjatje-afati-mbi-denoncimin-nr-444-dhe-449-ID-1.pdf

A little before voting day on May 14, there was an increase in cases of suspected vote buying and selling in some municipalities of the country,⁴³ reportedly mainly in the media. During a press conference of the State Police on 12.05.2023, it was made known that between 14.04.2023 and 12.05.2023, there had been evidenced 54 cases of offenses in the field of electoral crimes, for which a total of 88 individuals were prosecuted. The sharing of such data by State Police, at the end of the period when the referrals were made, is delayed. As a result, such information does not serve the systematic approach of transparency or to encourage denunciations that help uproot the culture of impunity toward such criminal offenses.

The conclusion of procedural actions for a case referred in the Dibra Prosecution Office, in a fast manner and the issuance of conclusions on a sensitive criminal referral,⁴⁴ created a practice of double standards with regard to cases referred or denounced publicly in the media, in some other municipalities, such as the case of Himara Municipality. Information that prosecution bodies share with the public is minimal and there is no uniformity among prosecution offices in this regard. The data on such criminal cases continue to be under a process of quantitative and qualitative processing, but AHC overall considers that the investigation of electoral crimes by prosecution offices is very delayed. Also, there are no cases pursued upon the initiative of the prosecution office, while, as is known, the organization of electoral subjects of the pre-election process begins months in advance.

5. DECRIMINALIZATION

Pursuant to the law no. 138/2015 “On guaranteeing the integrity of individuals elected, appointed, or exercising public functions,” updated in 2016,⁴⁵ the Assembly of the Republic of Albania approved Decision no. 17/2016, which stipulates detailed rules, on the procedure that will be pursued by the General Prosecution Office on the preliminary verification of data reflected in the self-declaration form and the full/in-depth verification.

In April 2023, AHC sought official information from the three key institutions⁴⁶ that have a responsibility in administering the self-declarations of candidates and their verification. Based on information provided by the General Prosecution Office, AHC finds with concern that none of the political parties exercised the right to seek in-depth verification of their potential candidates, which runs counter to article 7, paragraph 5 of the mentioned law. This situation, aside from the lack of interest from political subjects to respect the law, leads to a dynamic volume and slow-paced and inefficient process of decriminalization in the electoral process, for responsible institutions, during the period of elections and afterwards.

On the basis of article 8, law no. 138/2015, it results that the CEC has requested the conduct of in-depth verification from the General Prosecution Office on 37 individuals,⁴⁷ appointed and candidates for Mayors and members of Municipal Councils, of which 9 candidates for Mayors and 17 candidates for members of Municipal Councils. In spite of preliminary measures undertaken, during the electoral period of May

⁴³ In the Municipalities of Tropojë, Has, Durrës, Tiranë, Himarë and Mallakastër

⁴⁴ On May 12, one of the candidates for mayor in Dibra filed a criminal referral of suspected vote-buying. The prosecution office at the Dibra Court of First Instance, through an official statement, informed that “nothing unlawful resulted.”

⁴⁵ Through law no. 38/2016, 14.4.2016

⁴⁶ Letter no. 251 prot., dated 07.04.2023, to the General Prosecution Office

Letter no. 253 prot., dated 07.04.2023, to the Central Election Commission

Letter no. 252 prot., dated 07.04.2023, to the General Directory of the Civil Registry

⁴⁷ Requested on 24.04.2023 and 26.04.2023

2023, the process of verifying data reflected in self-declaration forms had not been completed; because of contents of sensitive data, they are only made known to the requester and the verified individual.

With regard to the process of international cooperation, in the same line with the concern of the General Prosecutor,⁴⁸ AHC reiterates the need to strengthen bridges of cooperation between counterpart prosecuting, law enforcement, and judicial authorities at the international level. On the other hand, the General Prosecution Office notes that the reason for refusal of information from counterpart authorities appears to be the nature of the procedure of verification, which is purely administrative, while the Convention “On mutual juridical assistance in the penal field” obliges member states to collaborate only in cases of a criminal investigation and not those of administrative verifications. The CEC also encounters difficulties as while overburdened to administer the electoral process, it also is faced with a certain number of self-declaration forms for preliminary verification within very tight deadlines.

Because of the mentioned reasons, as long as it is entirely dependent on multiparty will in the context of international cooperation, and responses by counterpart authorities are not provided before the decreed date for the conduct of the electoral process, AHC notes that the decriminalization process remains a partially effective mechanism in the country.

6. RESPECT FOR ELECTORAL SILENCE

AHC observers, who engaged extensively in the field during the electoral silence day,⁴⁹ found massive violations of legal provisions of the Electoral Code. From the start of the monitoring, observers noticed static materials still posted as *billboards*, advertising in bus stops, *city lights*, and distributed pamphlets and posters.⁵⁰ Also, the campaign and surveys continued in online media and social media, such as in the municipalities of Pogradec⁵¹ and Gjirokastër⁵².

AHC called on the CEC to order Municipal Police or State Police to carry out their legal obligations and remove every propaganda material of electoral subjects as soon as possible, before voting day. After alerts, the CEC made Decision no. 516, dated 13.5.2023, of the Commissioner, which tasked the State Police and Municipal Police to remove all propaganda materials from all *LED walls (billboards)* in the vicinity of VCCs, ZEACs, and VCGs. As a result of the very short period during which electoral silence is applied, AHC notes that the mobilization of relevant institutions should have been carried out in the early hours of May 13, 2023.

During voting day, it was reported on social media that police intervened to remove propaganda materials in the outside premises of the Together Movement, whose chairman was running for Tirana Mayor. Based on field observations of AHC, it results that this intervention, though just in a legal context, was conducted

⁴⁸ Interview of the General Prosecutor <https://www.zeriamerikes.com/a/7049101.html>

⁴⁹ Article 77, Paragraph 2, Electoral Code, *the period of electoral silence consists of the day before election day and the election day until the closing of voting.*

⁵⁰ Municipalities of Tiranë, Durrës, Elbasan, Berat, Kukës, Lezhë, Pogradec, Korçë and Fier

⁵¹ Publications of surveys were found early in the morning of May 13

<https://www.facebook.com/100070195478664/posts/pfbid038947jVQFiReorYezVZ1fhBfcVm52U824VBdxL35tYHqVngAr dYRL8bDG9LBoyVVrl/?mibextid=cr9u03>

⁵² There were reports about a survey that remained open for the public on the electoral results for mayor

<https://argjirolajm.net/gara-mes-kusherinjve-ne-libohove-leonard-hide-modeli-yne-eshte-i-punes-dhe-veprave-qe-flasin-modeli-i-atyre-eshte-mizerja-dhe-dembelizmi/>

disproportionately vis-à-vis other electoral subjects, whose campaign posters remained posted in the party headquarters. AHC again calls on institutions to function by guaranteeing equal treatment of all electoral subjects.

7. THE VOTING PROCESS

A. CLIMATE AND PUBLIC ORDER

As a continuation of the polarization of the electoral campaign, during voting day, there were some sporadic incidents. Early in the morning, before the voting process began, the first incident occurred near Kolonjë Municipality.⁵³ The first hours of the voting process were followed by the next incident, whereby the voting process in VC 1430/2 in Durrës Municipality was interrupted for about 30 minutes.⁵⁴ Later on, around midday, there were two consecutive incidents in the Municipalities of Fushë-Krujë and Maliq.⁵⁵ Also, at VC 1430/00 (EAZ 24) Durrës Municipality, there were reports about an incident between some citizens, including the head of the DP political subject and the municipal councilor of the SP. AHC observers observed that about 4 hours later, supporters of the different electoral subjects had returned after they were dispersed by State Police, which had been summoned to restore order again at the VC, thus calling into question the authority of their intervention.

While some of the above cases were referred to the Judicial District Prosecution Offices by the State Police, AHC continues to follow up closely and the analysis of electoral crimes that occurred during the year.

B. OPENING OF THE VOTING PROCESS

The voting process, on May 14, 2023, was monitored by AHC observers in 200 Voting Centers, established in 15 of the Municipalities in the Republic of Albania. In a considerable part of the VCs covered by AHC observers, the voting process began late as a result of malfunctioning of Electronic Identification Equipment (EIE). AHC observers reported that in 26.8% of the monitored Centers,⁵⁶ the equipment had displayed problems. Voting began late, about 10:00 in some of the monitored VCs, after the publication of Decision no. 520, dated 14.05.2023, of the State Election Commissioner,⁵⁷ according to which the process of identification returned to normal procedure.

⁵³ A sympathizer of the political subject DP was reported in the media to have punched the rerunning mayor of the electoral subject SP, Mr. Erion Isai <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/>

⁵⁴ As a result of a physical confrontation among supporters of the two political forces and the VCC secretary, proposed by the political subject “Together We Win,” after which the secretary left and took the center seal with him.

⁵⁵ Respectively, in the first incident, one voter hit one of the VCC members. Meanwhile, in Maliq Municipality, the MP of political subject DP was the prey of a physical attack by a group of young supporters <https://www.balkanweb.com/je-i-lidhur-me-bandat-edmond-spaho-goditet-me-grusht-pas-akuzave-per-deputetin-e-ps-kallezim-ne-prokurori-jacfare-ndodhi-ne-maliq/>

⁵⁶ VC nr. 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), VC 2307/00 (EAZ 48), VC 4258/01 (EAZ 80), VC 4240/00, VC 4493/01 (EAZ 86).

⁵⁷ https://kqz.gov.al/wp-content/uploads/2023/05/Vendimi_520_230514_KSHZ_Nenkomisioner.pdf

Meanwhile, in some other VCs⁵⁸ in the Municipalities of Tiranë, Gjirokastër, Korçë, Berat and Durrës, observers encountered delays as a result of the lack of knowledge and coordination among VCC members. AHC finds that these discordances at important moments of the administration of the election process may be the direct result of poor attendance of commission members in training programs, a phenomenon reported by AHC to the CEC with the suggestion to take concrete and immediate measures.

C. FUNCTIONING OF ELECTRONIC VOTING EQUIPMENT

Pursuant to Decision no. 22, dated 01.02.2023, of the State Election Commissioner,⁵⁹ elections in three municipalities were conducted electronically. Of the 20 Voting Centers monitored by AHC at the Municipalities of Elbasan and Kamëz, 14 of them had problems of different kinds. The main one was the lack of clarity of voters on the way to use the EVCE⁶⁰ although all monitored VCs had informative posters. The lack of clarity of voters was accompanied by other problems, such as family voting, whereby two or three voters mostly of the same family approached the equipment together,⁶¹ lack of documentation for helping voters who could not vote on their own,⁶² etc.⁶³

D. REGULARITY OF THE VOTING PROCESS

In general, commissioners of VCs monitored by AHC observers respected voting procedures envisaged in article 40 of the Electoral Code, as well as the detailed provisions in Decision no. 22, dated 20.04.2023, of the Regulatory Commission,⁶⁴ regarding the verification of the voter's name on the list, checking identification documents, signing by voters on the list, marking the thumb with ink, and issuance of two ballots sealed by two seals on the back. Meanwhile, one of the problems encountered most frequently by AHC observers in a relatively low number of VCs included the total lack of ink marking⁶⁵ or the members' following the wrong procedure by marking the thumb of the right hand instead of the left hand,⁶⁶ in contravention of provisions made in article 105, paragraph 1, letter "dh" of the Electoral Code, and in the Working Guidelines for VCCs.

During their monitoring, AHC observers noticed consecutive communications of VCC commissioners with observers accredited by political subjects. This communication included sharing individual data of voters⁶⁷ by shouting out (their name) the moment these were identified in the VCC. The observers of political subjects maintained sheets with tables of voter lists and marked next to them the number of the

⁵⁸ VC no. 2105/00 (EAZ 29), VC no. 1858/00 (EAZ nr. 36), VC no. 4252/00 (EAZ 80), VC no. 3641/00 (EAZ 74), VC no. 3273/02 (EAZ 65), VC no. 1472/01 (EAZ 23)

⁵⁹ <https://kqz.gov.al/wp-content/uploads/2023/02/Vendim-nr.-22-date-1.2.2023-Per-zbatimin-e-projektit-pilot-per-procesin-e-votimit-dhe-numerimit-te-votave.pdf>

⁶⁰ VC no. 2307/48, 2204/02 (Elbasan Municipality) 1529/00, 1566, 1569/01, 1571/01, 1576, 1600/03 (Kamëz Municipality)

⁶¹ VC no. 1529/00 (Kamëz Municipality)

⁶² VC no. 1600/03, 1569/01, 1576 (Kamëz Municipality)

⁶³ For instance inability to understand the vote administration by the equipment confused a voter who, receiving assistance from his family member, was not able to realize the moment when the vote was finalized – VC no. 1566 (Kamëz Municipality)

⁶⁴ https://kqz.gov.al/ep-content/uploads/2023/04/Vendim-nr.-22-date-20.4.2023-Per-miratimin-e-udhezuesit-te-punes-per-KQV_compressed.pdf

⁶⁵ QV 2073, QV 2090/00, QV 3674, QV 2090 (marking begins after written reservation by AHC observers), VC 0037/1

⁶⁶ VC 1645/01, VC 1813/02, VC 2092/00

⁶⁷ In general, their order number on the VC's voter list.

voter on the list,⁶⁸ while in Tirana⁶⁹ and Elbasan⁷⁰ municipalities, there were observers with adequate mobile phone applications to carry out the same process. This phenomenon in some cases was found to be accompanied by the parallel process of considerable groups of individuals gathering at cafés near the buildings where the VCs were established and taking notes on printed lists of voters. Further on, observers reported that at least part of these individuals were employees of the public administration or supporters of political parties. AHC followed this situation with concern, as a violation of personal data and premises for intimidation of voters, and therefore notified the CEC immediately. AHC has no information on verifications conducted by the CEC or their results.

Article 109, paragraph 6, of the Electoral Code stipulates that *no presence or gathering of individuals is permitted in the premises outside the voting center, the yard of the building, at its entrance, or internal corridors of the building*. Furthermore, the Commissioner has approved Order no. 62, dated 03.05.2023, which prohibits the presence of unauthorized individuals within a radius of 150 meters from the building where the Voting Centers are established.⁷¹ Against these provisions, AHC longterm observers reported a presence of unauthorized individuals who did not carry an accreditation *badge* visibly and who monitored the process or loitered in the internal (e.g., corridor, entrance of the building) and external (e.g. yard, surrounding walls, and adjacent cafés) premises of the VCs.⁷² AHC reported these alerts to the CEC and specified that VC Commissioners neglected or were too passive to verify the premises in the corridors and yards of buildings where the unauthorized individuals are located. However, there were also some positive cases whereby these individuals were instructed to leave after AHC observers reported their presence.⁷³

As in previous electoral processes, AHC continues to find that family voting and lack of appropriate documentation, according to Article 108 of the Electoral Code, provision of assistance to voters who cannot vote on their own, remain among the main problems. During voting day, there were several disturbing instances of family voting,⁷⁴ for which AHC notified the CEC immediately. On the other hand, AHC also noticed some positive sporadic cases when the VCC acted immediately to stop the family voting process.⁷⁵

In the majority of VCs that AHC observers accessed, VCC commissioners instructed voters to place their mobile phones at tables at the entrance of the VC, thus disabling their use to photograph votes.

⁶⁸ VC 1827/1, 1827/2, 1830/1, 1827/2 (Tirana Municipality), VC 0734/0, 0737 (Lezhë Municipality), VC 0652/00 (Kukës Municipality), VC 1571/01 (Kamëz Municipality)

⁶⁹ VC 1827/1, 1827/2

⁷⁰ VC 2376, 2377

⁷¹ https://kqz.gov.al/ep-content/uploads/2023/05/Urdher_62_per_qv.pdf

⁷² VC 1429,1430,1430/1 (Durrës Municipality); VC 2099, VC 1828/02 dhe 1829/00, 1937, 1830/1,1905, 2085/00, 1830/1, 1894, 1804/00, 1891/01 (Tiranë Municipality), VC 0745/02 (Lezhë Municipality), VC 2307 (Elbasan Municipality); VC 4246/1 (Gjirokastrë Municipality); VC 3684/00 (Korçë Municipality); VC 4493 (Vlorë Municipality), VC 1592/00, 1596/01 and 1574 (Kamëz Municipality)

⁷³ VC 3669/1 (Korçë Municipality); VC 4246/1 (Gjirokastrë Municipality); VC 0636/00 (Kukës Municipality)

⁷⁴ Malësi e Madhe Municipality (VC 0737, VC 0687, VC 0025), Kukës Municipality (VC 0648/00), Dibër Municipality (VC 1176, VC 1142), Lezhë Municipality (VC 0687, VC 0737/0 2 cases), Elbasan Municipality (VC 2322), Kamëz Municipality (VC 1592/00, VC 1569/00 2 cases, VC 1566, VC 1572, VC 2074/00; VC 1598), Berat Municipality (VC 3273; VC 3311), Pogradec Municipality (VC 3885), Vlorë Municipality (VC 4459)

⁷⁵ E.g., VC -0238 (Shkodër Municipality) and VC 3898/02 (Pogradec Municipality). Meanwhile, at VC -3885 (Pogradec Municipality), the VCC stopped the violation after a written reservation was filed by the AHC observer.

Nevertheless, AHC observers encountered some sporadic cases in VCs at Vlorë and Dibrë⁷⁶ Municipalities as well as other instances of attempts to photograph votes in Kukës Municipality,⁷⁷ in violation of the provisions of article 109, paragraph 2, of the Electoral Code.

E. ACCESS TO EXERCISING THE OBSERVER'S DUTIES

AHC observers confirmed in 92.8% of the cases that they had the ability to see freely in the VC and that they could easily observe the activity of individuals present therein. Among the cases when there was not free access, there is that of the AHC observer at VC 0732/01 in Lezha Municipality, who was not allowed to enter the VC during the procedure for the VC's opening by the chairperson. At VC 3273 in Berat Municipality, the AHC observer was confronted by the VCC Chair who, immediately after the observer's coming close to the premises, addressed him with harsh tones and asked that he depart the Voting Center, claiming that he'd not been notified about the observer's presence. AHC found that such a claim was not based on the law and that is why the AHC observer continued to carry out his duties at this VC.

Again, in Lezha, the AHC observer at VC 0687 was intimidated by the observer of the SP electoral subject, after submitting a written reservation at the VCC regarding the provisions of article 7, paragraph 1, letter "b" of the Electoral Code.⁷⁸

F. CLOSING OF THE VOTING PROCESS

In accordance with article 11, paragraph 1, of the Electoral Code, which envisages the closing of the process at 19:00, all VCs monitored by AHC in this electoral process closed on time. The environment around the closing of the VCs was mainly calm and without incidents as there were no voters in line waiting to vote.

8. COUNTING PROCESS

A. GENERAL CLIMATE OF THE PROCESS

After the closing of the voting process for the Elections for Local Government Bodies, AHC observers continued the partial monitoring of the voting process in 20 VCGs, established in ZEAC buildings, in 13 municipalities of the country.⁷⁹ All VCGs were established in public buildings and were equipped with cameras, which were directed at the tables and broadcast live the process to the CEC headquarters. In general, in the monitored VCGs, the process for the delivery of boxes was done in accordance with the

⁷⁶ VC-4459; VC-1142

⁷⁷ VC-0645 – Further on, at this VC, they followed the procedure of not allowing observers' access with mobile phones inside the VC.

⁷⁸ The VCC chose to not protocol the written reservation and handed it to the observer of the SP who photographed it and sent it on WhatsApp. The observer of the SP addressed the AHC observer and said that this is the second case when the observer was creating situations through the submission of written reservations. In these conditions, the AHC observer felt intimidated and left the Voting Center after harsh tones were used toward him. AHC notified the CEC immediately about this case.

⁷⁹ Namely in Malësi e Madhe, Shkodër, Lezhë, Dibër, Kukës, Tiranë, Elbasan, Vlorë, Gjirokastër, Fier, Berat Korçë and Pogradec

deadlines and procedures detailed in article 115 of the Electoral Code. Extended procedures were only encountered at VCG 13 in Lezha Municipality and VCG 47 in Elbasan Municipality, as a result of the distance of some of the Voting Centers. At the same time, in all VCGs under monitoring, observers found that training was offered in the last moments, a practice highlighted as very harmful by AHC even before.

B. REGULARITY OF THE COUNTING PROCESS

In keeping with provisions in article 95 of the Electoral Code, every counting table had available two Vote Counting Groups consisting of four persons each. At any moment, at each counting table there was only one VCG. At VCG no. 1, Malësi e Madhe Municipality, the AHC observer reported that three of the four tables were counting with three members and not four, in violation of article 95 of the Electoral Code.

All of the observers stated that they had full and uninterrupted access to the screens where ballots were shown. Observers at VCG 69, Pogradec Municipality, and VCG 35 and 39, Tirana Municipality, stated that they found that part of the observers who could sit at a distance were obstructed by observers who stood in the way of the monitors.

The presence of unauthorized individuals remained problematic in most of the monitored VCGs.⁸⁰ Inside these VCGs, observers found en masse individuals who did not wear an accreditation badge visibly.

AHC observers, besides the approval of Order no. 71, 15.05.2023, of the State Election Commissioner të Komisionerit Shtetëror të Zgjedhjeve⁸¹, kanë konstatuar se procesi i numërimit është pezulluar për disa orë në disa prej VNV-ve të monitoruara⁸².

C. ELECTRONIC COUNTING AT ELBASAN MUNICIPALITY

AHC extended its observation also in the four VCGs in Elbasan Municipality, where the electronic vote counting process was piloted. The counting process was conducted entirely electronically, while data was transmitted directly to the respective ZEACs. The entire electronic counting process was done by CEC operators who opened the cases carrying the EVCEs, carried out the transmission of data, documented the process through relevant process-verbals, and printed final result tables for each VC. ZEACs 48, 49 and 50 finalized the counting process within the legal deadline of three hours while the process at ZEAC 47 concluded shortly after 3 am.

D. CLASSIFICATION OF VALIDITY OF VOTES

In keeping with articles 117 and 118 of the Electoral Code, the VCGs have the obligation to evaluate the validity of votes. Through its observers, AHC found some sporadic, yet disturbing cases of inaccurate evaluation of the validity of votes by VCGs. Concretely, among ballots that were considered invalid there

⁸⁰ VCG no. 01 (Malësi e Madhe Municipality), VCG no. 11 (Kukës Municipality), VCG no. 12 and 13 (Lezhë Municipality), VCG no. 35 and 39 (Tirana Municipality), VCG no. 65 (Berat Municipality), VCG no. 69 (Pogradec Municipality), VCG no. 73 and 74 (Korçë Municipality), VCG no. 80 (Gjirokastër Municipality). VCG no. 83 (Vlorë Municipality)

⁸¹ https://kqz.gov.al/ep-content/uploads/2023/05/Urdher_nr_71_230514_KZAZ_per_numerimin_pa_nderprerje.pdf

⁸² VCG no. 1 (Malësi e Madhe Municipality), VCG no. 02, 03, 04, 05 (Shkodër Municipality), VCG no. 11 (Kukës Municipality), VCG no. 12 and 13 (Lezhë Municipality), VCG no. 19 (Dibër Municipality), VCG no. 35 and 39 (Tiranë Municipality), VCG no. 59 (Fier Municipality), VCG no. 80 (Gjirokastër Municipality)

were: (1) Ballots where there were distinctive marks inside the box for two or more candidates/electoral subjects; (2) Ballots where there was no distinctive mark in any of the boxes for candidates/electoral subjects; (3) Ballots where there was a distinctive mark that touches upon the space of at least two candidates; (4) Ballots where there were distinctive marks next to the name; (5) Ballots in which words were written (“Yes,” “For,” “Victory”) inside the box; (6) Ballots where there was a distinctive mark next to the name or order number of the candidate; (7) Ballots where there was a line, circle, or mark on the name of the candidate.

Per the above, at VCG no. 01 (Malësi e Madhe Municipality) and VCG no. 35 (Tiranë Municipality), AHC observers found a massive misunderstanding by VCG members on the evaluation of votes and their categorization as valid and invalid. Referring to training sessions for VCG groups, followed by AHC observers, VCG members appear to have been instructed that items 5, 6, and 7 mentioned above are clear expressions of the voter’s will and, therefore, should be considered valid ballots, without the need to put them back on the monitor. This instruction does not appear to have been respected by VCG members.

E. CLOSING OF THE VOTE COUNTING PROCESS

In general, AHC appreciates the fast pace of the counting process, while it results that within the first 24 hours, VCGs in about 50 municipalities, of the total of 62, had concluded the counting process. The first three municipalities that closed the counting process and announced the election results were respectively Kamza, Vora, and Elbasan, where the electronic voting and counting process was piloted. These were followed mainly by municipalities with smaller numbers of inhabitants, until the announcement of the results for Lushnje Municipality. The three municipalities that concluded the counting process for mayors around the country only after midday on May 17, 2023, were the Municipalities of Tirana, Malësi e Madhe, and Kukës. Generally, the closing of the process was characterized by calm and the ZEACs sent final results to the CEC in keeping with article 122; however, in some cases, this was done without respecting the deadlines established by this article.

9. ANNOUNCEMENT OF RESULTS AND COMPLAINTS

The State Election Commissioner from 25.05.2023 until 01.08.2023⁸³ issued the mandates for the elected mayors of municipalities, in accordance with provisions in article 166 of the Electoral Code. From 22.05.2023 until 01.08.2023, the CSC made a total of 63 decisions, of which 12 are decisions to respond or complete complaints, 6 for ceasing review of complaints, 9 for not accepting review, 17 for accepting review, 16 for review of requests, and 3 for joint review of complaint requests.

Among the decisions that ruled to drop complaints or to not review, this happened as a result of inaccurate evidence and arguments unfounded in the law.⁸⁴

AHC saw as important the handling of Decision no. 174, dated 06.06.2023, of the CSC,⁸⁵ on opposing the decision no. 531, dated 18.05.2023, of the State Election Commissioner “On the Approval of the

⁸³ As a result of Repeated Elections in Rrogozhina

⁸⁴ For instance, Decision no. 160, dated 25.05.2023; Decision no. 135, dated 24.05.2023, Decision no. 149, dated 26.05.2023

⁸⁵ <https://kqz.gov.al/ep-content/uploads/2023/06/Vendim-nr.-174-date-06.06.2023-Shqyrtim-K.A-80-Rrogozhine-BF.pdf>

Summarizing Tabulation of Results for the election of the Mayor of Rrogozhina, in elections for the election of the local government bodies, of May 14, 2023,” and the approval of the Summarizing Tabulation, after the recount and re-evaluation of votes in all voting centers of the electoral zone, Rrogozhina Municipality. The most important claim, in AHC’s view, was the result of VC no. 2224/01, at IEPD Rrogozhina, which put the candidate of SP ahead. AHC notes that after Decision no. 40, dated 16.11.2007 of the Constitutional Court, the establishment of the VC and voting by inmates at IEPD Rrogozhina was done in an extralegal manner, given that this electoral process has direct impact on local governance, and not the central one. Thus, the voting by imprisoned individuals who are not inhabitants of Rrogozhina Municipality would be unjust, given that their stay in the jurisdiction of this Municipality is temporary. Nevertheless, AHC supports the suggestions made by the People’s Advocate that deprivation of the right to vote of any individual is entirely unfair, and thus AHC proposes immediate amendments of legal provisions, and the taking of measures to guarantee voting by inmates in the local government units that they are registered inhabitants of. The final decision on this issue was made by the Electoral College, which ordered the repetition of the electoral process in this municipality, based on the illegitimacy of the process in the VC established at IEPD Rrogozhina.

In the context of this issue, AHC sent requests for information to three institutions, namely the Rrogozhina Municipality, CEC, and the General Directory of Prisons (GDP), whose responses provided AHC with information about the official correspondence of these institutions on not establishing the voting center.⁸⁶ AHC notes that in the responses of the CEC to questions by the GDP on establishing the mentioned VC, it took the institutional position that the establishment of VCs is not a competence of the ZEAC or CEC and that, in any case, there should be consideration of orders in Decision no. 28 of the Electoral College. The latter says that according to the Civil Code, institutions for the execution of penal decisions are places of stay and not places of residence of inmates, and that according to Decision no. 40, dated 16.11.2007 of the Constitutional Court, inmates should be inhabitants in the area where they serve their prison terms. AHC notes that only one of the inmates in IEPD Rrogozhina (of 89 inmates accommodated therein) is an inhabitant of this municipality with the right to vote.⁸⁷ Therefore, given that at this IEPD there are not at least 15 citizens with the right to vote in Rrogozhina Municipality, the legal criterion for the establishment of the VC in special institutions, such as IEPD Rrogozhina, envisaged in article 62, paragraph 2, of the Electoral Code, is not fulfilled.

RECOMMENDATIONS

1. AHC reiterates its recommendation from previous elections that further electoral reform requires broad consensus and political dialogue, transparency, and inclusivity. It is necessary to take under review the recommendations of OSCE/ODIHR reflected in reports of recent years. Amendments to the Electoral Code should not be a monopoly of political parties, nor should they be realized close to electoral periods, but rather take into consideration best international standards and practices. AHC recommends the avoidance of formal consultations in the future electoral reform through effective hearings with experts and civil society organizations and representatives.

⁸⁶ Referring to communications that the IEPD Rrogozhina Directory maintained with the Mayor of Rrogozhina and the Communication of the Deputy General Director of Prisons with the CEC. Source of information: response by the General Directory of Prisons to AHC, protocol no. 9912/1, dated 08.08.2023.

⁸⁷ Referring to the official response by Rrogozhina Municipality to AHC on 08.08.2023, protocol no. 2647/1

2. The May 14 elections proved once again that members of local Election Commissions, in many cases, professionally were not at the adequate level. Their work displayed partisan bias so there is an immediate need to take under review the early priority recommendation of OSCE/ODIHR and the CEC to fully depoliticize them.
3. The piloting of electronic voting and counting displayed important defects although the CEC has stated that they did not have consequences. The same was noticed in previous elections. Meanwhile, electronic counting highlighted the advantages of speed and efficiency compared to manual counting, which was done faster compared to previous years. Regarding the encountered problems, AHC suggests that this problem is analyzed by experienced and impartial specialist also due to considerable expenses involved. AHC suggests to the CEC to set into motion internal or external mechanisms (through justice bodies) for investigating responsibilities regarding these defects.
4. From one electoral process to another, the same violations are encountered: voters are not notified in their homes because of the lack of funds that the Ministry of Interior should allocate. The CEC, though aware of this, has not intervened effectively to prevent this legal violation. Considering that the time available for such notification is quite short, AHC suggests: a) the fund be given immediately after the drafting and publication of voter lists and b) notification in homes continues even after the publication of final voter lists.
5. AHC recommends the review of law no. 8580, dated 17.02.2002, concretely article 19/2, which envisages the distribution of financial assistance for political parties, establishing that parties meeting one of the criteria established by law, if possible are not beneficiaries under other criteria. Thus, AHC recommends that this provision envisage clear and objective criteria that enable a fairer and more proportional distribution of public funds among political parties.
6. AHC notes that the formulation of article 91 of the Electoral Code is disputable as it alleviates the position of political parties that start the electoral campaign earlier. This is because the contents of this provision (paragraphs 2 and 3 of article 91) sanctions the prohibition of the use of public resources during the election campaign (which, though legally starts one month ahead of the elections, de facto begins much earlier). This is why the prohibition of the use of public resources for electoral purposes, in our opinion, should be revised in the provisions of the Electoral Code, expanding this prohibition further, to start on the date when elections are decreed by the President of the Republic and not limit it to whether a party has been registered as an electoral subject or not.
7. Televisions, according to Article 80, paragraph 1, on the public radio television, and Article 84 about private radio and television stations, of the Electoral Code, devoted minimal time to electoral subjects that are not parliamentary parties or candidates proposed by voters. These provisions are worth revising in order to guarantee pluralistic and and inclusive media coverage of competing subjects.
8. Mainly in news editions, AHC continues to notice with concern that pre-recorded video and audio materials prepared by political parties or candidates make up most of the materials shown on television, in keeping with article 84/1 of the Electoral Code that legitimizes their broadcast. AHC recommends the revision of this article in keeping with recommendations by OSCE/ODIHR, in order to put an end to this practice that violates media freedom and the right of the public to be informed impartially.
9. The deadline for verifying the integrity of candidates is relatively short, which does not allow the General Prosecution Office to conduct relevant verifications. Therefore, we recommend that electoral subjects be obliged by law that the names of potential candidates are submitted for verification to the General Prosecution Office one month before they are presented to the CEC.
10. AHC recommends to the CEC to carry out fast, efficient, and objective administrative investigations of cases or alerts related to the misuse of public resources, and to apply proportionate and fair sanctions that serve general and special prevention, demonstrating rigorousness in the implementation of the law

and sanctioning of violators according to article 81 and 92 of the Electoral Code and its regulatory by-laws.

11. The Electoral Code talks about the legal one-month campaign. Electoral subjects in fact start the campaign much more in advance. This focuses mainly on party chairs. This practice is not only accompanied by major expenses that go beyond the legal campaign, but also creates marked inequality for smaller parties. AHC suggests that the CEC, in such cases, is given the competence to not only intervene, but when necessary, also apply sanctions.
12. In the May 14, 2023, elections as well, the ugly and punishable phenomenon of vote buying and selling continued, as did the commission of other criminal offenses, just as serious, in relation to elections. AHC suggests: a) give priority to full, comprehensive, and objective (not selective) investigation of such cases as a result of their direct impact on the trust of the electorate in democratic processes; b) conduct analyses regarding the circumstances and conditions of such offenses and publicize those that would have a deterring effect.
13. The Electoral Code decided to order the repeat of the electoral process in Rrogozhina Municipality, while also presenting arguments on not establishing a VC at IEPD Rrogozhina, based on provisions of the Civil Code and the jurisprudence of the Constitutional Court. AHC suggests the taking of measures to ensure the exercise of the right to vote for each inmate for local government unit, conditioned by the permanent place of residence of the inmate (respective municipality), thus not depriving them of exercising this fundamental right.

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