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REPORT

ON THE MONITORING OF THE LOCAL BY-ELECTION FOR THE MAYOR OF HIMARA MUNICIPALITY



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FINAL REPORT
ON THE MONITORING OF THE LOCAL BY-ELECTION FOR THE MAYOR OF
HIMARA MUNICIPALITY

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Introduction

By decree no. 244, of July 5, 2024, the President of the Republic of Albania designated August 4, 2024, for the conduct of elections for mayor of Himara Municipality, Vlora County.

Pursuant to its mission to contribute to guaranteeing free and fair elections, with a team of long-term observers, the Albanian Helsinki Committee engaged in monitoring the following aspects of the electoral process:

- a. Evaluation of election integrity, by establishing contact with voters in the field, during August 2, 2024, and communicating with them on whether there has been any influence that infringes upon the freedom, equality, and secrecy of vote.
- b. Observation of respect for the period of electoral silence and the process for delivering materials from the ZEAC of Himara Municipality toward the VCCs, during August 3, 2024.
- c. The voting process in 44% of the Voting Centers (VC), 14 of which in the villages of Qeparo,¹ Borsh,² Piqeras,³ Lukovë,⁴ Himarë “Village,”⁵ and the four centers within the perimeter of Himara city.⁶
- d. Partial and real-time observation of the counting process until the early hours of August 5, 2024.

AHC long-term observers received preliminary training according to a methodology that is based on the principles of objectivity, professionalism, and impartiality.

The monitoring of these elections was conducted in the context of the initiative “Building electoral integrity and sustainability of political parties: Increasing citizens’ oversight role and requests through support for CSOs, media, and academia,” supported financially by the British Embassy in Tirana. This initiative is being implemented by a consortium of domestic organizations, including 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 views and opinions of other partner organizations or the British Embassy in Tirana.

Executive Summary

In monitoring the pre-election situation, through direct engagements in the field, AHC noticed that most of the citizens said they felt free in exercising their right to vote. It is worth emphasizing that part of them displayed a tendency to hesitate to communicate, in their first contacts with AHC observers. However, there were also claims of vote-buying in the form

¹ VC 4851/00 and 4581/01

² VC 4566 and 4566/1

³ VC 4565/00 and 4565/01

⁴ VC 4563/00, 4563/01, 4563/02

⁵ VC 4588/00 and 4588/01

⁶ QV 4590/00, 4590/01, 4591/00, 4591/01

of material goods, the misuse of public assets, the issuance of ownership titles for homes, but also the use of pressure on the local public administration in Himara Municipality.

AHC notes that property rights in Himara Municipality represent a concern that has affected the decline of citizens' trust in the constitutional right to vote and the democratic system of elections. Even more disturbing are their perceptions that there has been preferential treatment of inhabitants in enjoying and exercising these rights, compared to other citizens who have benefited unjustly or faster, due to ties of a political nature or ties to public officials.

Given that the practice of elections is highlighting election after election, including the latest election in Himara Municipality, the engagement in the electoral campaign of the public administration in coordinating and influencing roles in different areas, although "in appearance" after their official working hours, AHC considers that this practice, in essence, represents an abuse of public assets for electoral purposes, although it is not forbidden according to article 91 of the Electoral Code. As a result, there is an unfair race among competing subjects, politicization among public administration ranks, and incompatibility with their duties at the service of the public, in the sense of article 4 of law no. 9131, dated 8.9.2003 "On rules of ethics in the Public Administration."

AHC notes that with regard to these elections, from the day they were decreed until August 8, 2024, the official websites of the General Prosecutor and the Special Prosecution Office (SPAK), there have been no official announcements on the administration of denunciations or the taking the initiative on criminal offenses affecting free elections and the democratic system of elections. Furthermore, there is a lack of information on whether measures of an organizational nature have been taken to increase the readiness of relevant prosecution offices, in keeping with their area of material competence, toward the prevention and timely and pro-active investigation of these criminal offenses.

Regarding the previous local elections, although there was better respect for the day of electoral silence sanctioned in article 77 of the Electoral Code, AHC considers that the presence of senior state officials and the promotion in the social media of tourism or photos with the SP candidate in Himara Municipality represents at the same time a promotion of the candidate and the electoral subject "Socialist Party."

From monitoring voting day, AHC observers noticed that the process was conducted in a relatively calm environment, with the exception of tension created as a result of the failure of voters under 75 years old, whose identification document had expired, to exercise the right to vote. The differentiated treatment created for these voters, compared to the fact that in previous elections they had been allowed to vote thanks to a normative act of the Council of Ministers to extend the validity of identification cards, needs to be addressed seriously and it may not be an issue left at the discretion only of requests by political parties, according to the interests they may have in the electorate from one election to another.

The problems that accompanied the conduct of the voting process may be summarized into lack of training for commissioners, especially of VCs in the villages, which also created some irregularities, such as failure to mark with ink the voter's thumb, partial failure to respect the procedure for providing assistance to voters who could vote on their own, allowing voters to go to the secret booth with their mobile phone in four cases, sporadic episodes of family voting, and difficulties in respect for procedures for closing some VCs.

Furthermore, although in a small number of voting centers, there was presence of unauthorized individuals within the fence perimeter, within a 150-m radius form the Voting Center, which is forbidden by CEC decision-making and the party observers' possession of applications that enabled voter identification.

In general, the reaction of commissioners toward AHC observers' remarks was positive; meanwhile, these remarks were not protocolled in most cases in the protocol book of VCC meetings. Commissioners reflected on the reported violations and improved their conduct, in respect of required procedures for exercising the right to vote. Nevertheless, there were sporadic cases of pressure on observers, especially when they filed written remarks for the departure of VC commissioners for a long time, without this being logged into the protocol book. Thanks to the CEC intervention, these interventions were limited.

The access of voters with disabilities to Voting Center buildings, as a result of ramps and the lack of special ballots for blind citizens, represents a repeated issue. AHC considers that local government bodies should be the ones to assume a proactive role in identifying these citizens, while the Electoral Code requires that these citizens set these bodies into motion, thus creating a bureaucratic procedural burden for them.

The counting process was administered within a short period of time and, unlike in previous elections, during the time that AHC observed, there were no requests to declare ballots invalid.

1. Pre-electoral period

1.1. Voter lists and their awareness on the process

Article 33, letter "c" of the Electoral Code establishes that the Zonal Election Administration Commission (ZEAC) should post in a visible spot the voters' list. On August 3, 2024, AHC observers found that this procedural requirement was respected for VCs no. 4590/00, 4590/01, 4591/00 and 4591/01. However, at VC 4588/00, in Himara Village, the voter lists in the external premises of the VCC were not protected by glass and they were found torn up on the ground.

Observers reported during the voting day that in the majority of cases, voters were not aware about their names on the lists. Given that in some buildings, there were more than one VCs, often there were voters who went from one to the other and were then helped to identify their VC by Commissioners, EIE operators, as well as party observers. The latter is in violation of article 7 of the Electoral Code, which envisages their rights and obligations, and also creates premises for influence on voters in exercising their right to vote.

1.2. Voter perceptions

The methodology used to conduct this evaluation was based on meetings with inhabitants mostly located at the businesses in the Himara city area, such as stores, pharmacies, parking lots, and the centers of Himara Village, Vuno, and Kuç.

Voters of Himara Municipality who inherited properties from their predecessors expressed concern about the issues related to the effective enjoyment and use of the right to property,

linking these issues with the hesitation to exercise their right to vote. One of them said that there was a dragging out of the process to register immovable property and that if one party would help, he'd be willing to vote for it. Another voter stated that in recent years, inhabitants with property rights under review have been discriminated against because part of the lands or properties of this Municipality have been transferred in a privileged manner to citizens with political influence or state ties. In the village of Kuç, inhabitants said that they had received, just days before the partial elections had been decreed, the ownership titles for their homes, in a ceremony in the village of "Dhërmi" presided by the Prime Minister. Meanwhile, earning full rights to the ownership titles on inherited land in these areas remains in process.

AHC observers noted that in their first contacts, voters reflected a level of mistrust to discuss openly and directly with the observers. However, though a minority, part of the inhabitants mentioned the presence of a pressured environment for the public administration. One of the inhabitants stated that being a small municipality, they knew one another, including societal or family acquaintances with citizens employed in the public administration of Himara Municipality, who are afraid to talk. Furthermore, he mentioned that he feared communication because he could be inspected by relevant bodies and fined. In the villages that observers visited, it was possible to get direct contact or information about citizens employed in the local public administration of Vlora County, engaged in the electoral campaign. Although it was difficult to clearly identify those called "canvassers" who act in the interest of political parties, based on conversations with some of the inhabitants, one could understand their role as "influencing" or "controlling" certain areas or on voters in favor of the two competing electoral subjects.

A minority of inhabitants stated that there was vote-buying and selling, making accusations toward both competing electoral subjects in these elections. A part of them stated that this only happened in rural areas, because the Himariotes were in good economic situation while the others stated that this was also happening in the city, in fact even the day before the voting, when amounts of money went up to corrupt the "grey" electorate. Other forms of vote-buying and selling were mentioned legalization permits, free supply of fuel, and food packages in the villages.

1.2 Electoral Silence

AHC observers monitored during August 3 respect for the obligation of electoral silence – for a period of 24 hours, during which article 77 of the Electoral Code envisages that no kind of campaigning is allowed through the media outlets, or the conduct of rallies or other electoral events of the electoral subjects.

In almost all areas with high public access in the perimeter within the city, near institutions and the main streets of this perimeter, no propaganda materials were encountered for the competing electoral subjects and their candidates, except for their two electoral offices that remained open and in the outer façade had photos of the candidates and the corresponding logos identifying these electoral subjects. The presence of senior public officials during the day of electoral silence in Himara Municipality and the promotion in the social media of tourism or photos with the SP candidate at the same time is a promotion of the candidate and the relevant electoral subject, on the day when the political class should respect electoral silence sanctioned in article 77 of the Electoral Code.

1.3 Transfer of electoral materials to the VCs

According to article 100, paragraph 1, of the Electoral Code, the ZEAC, no later than 15 hours ahead of the start of voting, disseminates electoral materials to VCCs under its jurisdiction. This legal deadline, in the case of the by-election in Himara Municipality coincides with 16:00 of August 3, 2024.

With the presentation of chairs and secretaries of the 36 Voting Centers, the process concluded with a relatively insignificant delay, namely at 18:30. Following the distribution of some boxes of electoral materials, the ZEAC chairperson asked AHC observers to leave the internal premises and then told them he would draft a decision on their removal, but later withdrew from this request. Often, ZEAC members communicated in Greek, which made the observation and understanding difficult for AHC observers. During the process of delivering electoral materials, AHC observers found some irregularities, which overall, did not harm the smooth conduct of electoral administration.⁷

Based on discussions among ZEAC members, AHC observers noticed that one of the members in VCC no. 4563/00 in Piqerras had an incompatibility with his duties due to his job as a member of the Municipal Council, which runs counter to provisions of article 37, paragraph “b” of the Electoral Code.

During the monitoring visit, ZEAC representatives informed us that there had been changes in the composition of the ZEAC one day before, namely the secretary of the electoral subject “Socialist Party” and one of the members, representing the electoral subject “Together we Win.” AHC notes that this change, two days before the elections, does not serve the stability that this important body for electoral administration should have.

2. 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 August 4, 2024, but in the beginning, there were some small delays of up to 30 minutes.⁸ Causes for the delay in these cases had mainly to do with difficulties to connect the EIE equipment, whereby in one instance, commissioners received instructions from CEC representatives.

2.1 Presence of unauthorized individuals during the voting day

According to article 109, paragraph 6 of the Electoral Code, it is not allowed to have a presence or gathering of individuals, except for voters waiting in line to vote, in the premises outside the voting center, in the courtyard of the building, at its entrance, or in internal

⁷ Such as: a. VCC chairs’ stamps were not selected randomly, but had been placed in advance inside the folders of each box; b. none of the VCC members was asked for an ID before the delivery of materials, also due to them knowing one another; c. the chairperson of VC 4560\00 was not able to present herself to take over the materials, but they would be delivered to an individual who was asked by that person; ç. The ZEAC chair, in some cases, was found to be signing the required process-verbals before the moment of VCC members presenting themselves and their physical delivery; d. some of the VCC members (Old Himara) notified ZEAC members that there had been no police officer in the VCC premises at the moment of delivery of materials.

⁸ Namely at VC 4581/00 and 4581/01 in Borsh, VC 4590/00 at Himara Municipality, VC 4588/00 and /01 at Himara Village, VC 4565/00 in Piqerras.

corridors of the building. According to Order no. 72, of 02.08.2024 of the CEC,⁹ all individuals, except for members of the VCCs, accredited NPO observers, the media, voters, CEC employees and ZEAC members, are not allowed to stay or gather in the premises outside the voting center, in the courtyard of the building, at its entrance, in the internal corridors of the building where the voting center is located and around them in a radius smaller than 150m.

With regard to unauthorized individuals in the VC and in a radius lower than 150m, it appears that there are fewer cases compared to previous elections. Concretely, these cases were reported at VC 4563/00 and 4563/01 in Lukova and VC 4581/00 and 4581/01 in Himara Village, where individuals or groups of individuals without accreditation badges standing in the courtyards inside the internal perimeter of these buildings, within the 150 radius, were found. Often, these individuals were accompanied by people with accreditation badges, such as party observers or commissioners. In one of the VCs in Piqeras, observers noted the presence of a voter who, with the justification that he did not have his name on the VC list, loitered in the premises and pressured voters, using a coded language saying “*you know whom to vote for.*”

Although these are not considered unauthorized individuals, AHC considers that the presence of public officials in the outside perimeter, beyond the 150 m radius where the VC is, creates premises for pressure or influence toward voters and their family members. One of these cases is reported at a VC in Borsh, where at the café about 60m next to the road, there was a group of local officials from Vlora Municipality who moved away after staying there for some time.

3 Composition of the Commissions on voting day

Based on the provisions of paragraph 1, article 36 of the Electoral Code, the VCC consists of seven members, with one of them serving as the secretary. Further on, paragraph 2 of article 42 of the Electoral Code stipulates that decisions made in meetings of the VCC are taken *by the majority of all members of the Commission*, which presupposes that there should be at least four votes in favor of a decision.

The Albanian Helsinki Committee finds that in VC no. 4565/00 (Piqeras), and in two Voting Centers in Lukova, the respective commissions all had six members each. Although in practice, there were no practices of a lack of quorum in decision-making in these Centers, such as the division of votes into three by three, AHC considers that this practice should be addressed in the coming elections, both by the VCCs and by the ZEAC.

4 Orderliness of voting procedures

With regard to the verification of voters' names on the list, checking the ID, voter's signing on the list, marking the thumb of one hand with ink, VCCs established for the by-election in Himara Municipality, did not always respect these procedures. In AHC's opinion, this was the result of the lack of training. At VC 4590 in Himara City, 4565/00 and 4565/01 in Piqeras, and 4563/00 and 4563/01, the Commissioners resulted to either not have been trained or their training dated back to the latest local government elections of 2023.

⁹ “On the implementation of some rules for individuals present in the territory of electoral sites where voting centers are located, for the mayoral by-elections for Himara Municipality, of August 4, 2024.”

4.1 Identification with EIE equipment

In general, AHC observers found that the electronic identification equipment for voters (EIE) functioned very well, with certain exceptions.¹⁰ There were reports about cases of voters' identification cards that were expired and were identified by the EIE as valid. In these cases, the voter was not allowed to vote and a note was logged in the book of meetings.¹¹

When this equipment did not make it possible to identify the voter's identification, the Commissioners practiced manual voting.

4.2 Marking with ink

According to paragraph 1, letter "b" of article 105 of the Electoral Code, one of the VCC members, assigned by decision of the VCC, checks the voter's both hands to find out whether his thumb has been marked with the special ink.

AHC observers reported sporadic cases of voters not being marked¹² or being marked after voting.¹³ At VC 4563/2 in Lukova, voters were not marked, but only those not identified by the electronic identification equipment. At VC 4565 in Piqeras, Commissioners justified failure to mark the thumbs of five voters with the guarantees that the EIE provides for disallowing voting twice. After the remark by the AHC observer for violation of article 105/1 of the Electoral Code, the marking with ink was done in the proper manner. At VC 4591/01, one voter did not agree to have his thumb marked with ink and left after the VCC did not allow him to vote. In violation of paragraph 1, letter "dh" of article 105 of the Electoral Code, Commissioners did not mark down the identity of voters.

4.3 Crossing out the name of voters on the list and voter's signature next to the name

According to article 105/a, letters "c" and "ç" of the Electoral Code, the commission chair, after verifying that the identity details of the voter match the data on the voter list and that the voter is the same as the person in the identity document, marks on the voter list the type and serial number of the identity document and crosses out the name of the voter on the list; then, the voter signs on the voter list next to his name.

AHC observers reported that "crossing out" the voter's name on the list and "getting the signature" next to his/her name was not done in the cases when the EIE was used. This practice was encountered in almost all VCs monitored by AHC observers. AHC notes that these procedural guarantees were not respected as a result of the training program topic "For operators of the electronic identification equipment (*EIE, Directory of Logistics and Digitalization, Sector of Development of CEC guiding manuals*) or as a result of guidance provided by CEC representatives for the commissioners, during the voting process.

AHC notes that CEC materials of a training or guiding nature should not surpass procedural guarantees provided by the law. Furthermore, the EIE, being an electronic equipment, has its own margin of error as has happened with the identification of expired identification cards.

¹⁰ Thus, at VC 4565 in Piqeras, one of the registered voters in this center was not identified by the EIE.

¹¹ VC4563/00 in Lukova and VC 4588/1 in Himara Village.

¹² VC 4565/00 in Piqeras, VC 4563/00 and 4563/01 in Lukova and VC 4588/00 in Himara Village.

¹³ VC 4563/01 in Lukova.

4.4 Respect for the secrecy of vote

In some cases, observers encountered the practice of verifying the identity of voters through their list number, by party observers present in the VC through printed lists or special applications. As noted earlier, this practice bears premises for influence that may be created on voters who are on the party lists of electoral subjects and harm the secrecy of vote.

a. Assistance for voters who cannot vote on their own

According to article 108 of the Electoral Code, voters who for physical reasons are not able to carry out voting procedures on their own, may seek the assistance of a family member of another voter, who is on the voter list of that VC. Before noting on the ballot, the “assisting” voter makes a statement in the Protocol Book of Meetings of the VCC that he/she will not influence the voter’s decision, will not make the vote public, and that he/she did not vote on behalf of another voter.

Instances of assistance have been relatively scarce, mainly for elderly people due to difficulties with vision. In these cases, there appears to be a statement in the protocol book. Nevertheless, at VC 4565/00 in Piqeras, AHC observers encountered one instance of a citizen who although she was not on the voter list, she voted for her family, whose members were blind and the commission did not ask her to make the statement according to article 108/3 of the Electoral Code. Also in VC 4590/1 in Himara City, the assisting voter was not registered in the same VC, while at VC 4563/00 in Lukova, voter assistants were not checked whether they were part of that voting center.

b. Family voting

AHC observers encountered two cases of family voting by voters, namely in VC 4588/00 in Himara Village and VC 4563/1 in Lukova. In the latter one, the family member was allowed to enter the voting booth alone and voted without the voter being present. The Commission did not respect any procedure or legal guarantee for the provision of assistance in this case. Meanwhile, one instance of family voting was prevented by Commissioners at VC 4581 in Qeparo. As a result, one of the family members voted individually while one of the family members damaged the ballot visibly and another one stormed out of the center.

c. Other forms of violation of the secrecy of vote

Paragraph 2 of article 106 of the Electoral Code establishes that the voter should fold the ballot before coming out of the voting booth. At VC 4565/01 in Piqeras, after the voter came out of the booth, one of the commissioners folded the ballot and put it in the ballot box. The AHC observer noted a written remark, which was not logged into the Protocol Book of Meetings.

According to article 109, paragraph 2 of the Electoral Code, voters are not allowed to use mobile phones in the VC and the voter should not be allowed while holding his phone in his hand. Vote photographing makes voters criminally liable according to article 327 of the Criminal Code and forces VCC members to seek the intervention of police officers to guarantee the secrecy of vote.

The observation found that in three instances, in spite of legal prohibition, voters were allowed to hold their mobile phones in the voting booth although there is no evidence of whether photographs were taken.¹⁴

If the voter attempts to use the mobile phone or any other recording device in the voting booth, referring to provisions of paragraph 1, article 107 of the Electoral Code, the ballot is put in the envelope of damaged ballots, the voter is given another ballot, and the case is logged into Protocol Book of Meetings. In one instance, commissioners suspected vote photographing after hearing a flash in the voting booth. After discussion in Greek among commissioners and the voter, the ballot was considered invalid. Regarding this case, it does not appear that the police was notified, but the secretary requested the identification of the voter by the EIE operator. After the voter entered the VC again, he was given another ballot.

4.5 Voters with identification documents whose validity had expired

According to paragraph 1, article 105 of the Electoral Code, the voter should present himself before the VCC with a *valid identification document*, which among other things indicates the use of the document within its validity deadline.

From the early morning hours, AHC observers reported the issue that part of voters whose identity cards had expired insisted to vote and claimed that they had been allowed to vote in the previous elections. AHC notes that last year, the Council of Ministers approved Normative Act no. 1 of 27.4.2023, “On an addition to the law no. 8952, dated 10.10.2002, “On the electronic identification card of Albanian citizens,” amended. After this act, the validity of the voters’ electronic identification document¹⁵ that expired by May 14, 2023, was extended to May 31, 2023.

On this situation, commissioners waited for guidance in some cases from the ZEAC or the CEC. Tension was created not only by voters but also among commissioners, although AHC observers reported that these citizens were not allowed to vote in any instance.

Although two VCs were in the same building, in Himara Village, their commissioners pursued different practices. At VC 4588/01, they noted in the protocol book the decision to not allow a citizen with an expired ID to vote, after guidance provided by the ZEAC representative. In the other VC no. 4588/00 a verbal decision was made, in a four by three vote among members, to allow citizens with expired identification documents to vote, but this decision was not logged into the protocol book and was not implemented in practice.

There is no accurate official data on voters whose validity of identification documents has expired in the mayoral by-election for Himara Municipality. Until 11:00 am on August 4, the voting day, many of the voters departed after they were not allowed to vote. After the public announcement of the CEC for citizens above 75 years old whose identification document did not have a deadline and therefore could vote, VCC members displayed a calmer environment in the administration of voting procedures and relations among themselves.

¹⁴ At VC in Himara City (4590/1), in Himara Village (4588), and in Pigeras (4565). In the latter one, the voter stayed in the VC for a relatively longer time than average.

¹⁵ Voters in the local government elections last year.

4.6 Infrastructure and access of disabled voters to the VC

AHC observers found that in the premises of the monitored VCs, temperatures were very high and that no real measures had been taken to resolve that problem, moreover, in the premises of VC 4563/00, 4565/00, and 4566/00, there was smoking, thus making the inappropriate logistical conditions of these voting centers even worse.

According to paragraph 7, article 108 of the Electoral Code, the assignment and organization of the voting center is done in such a way as to guarantee the easy entrance and voting of voters who have registered in advance as individuals who cannot vote on their own. Although after the harmonized interpretation of paragraphs 6, 7, and 8 of the Electoral Code, this requirement is conditioned by the request of the disabled individual to register as voters who may not vote on their own, AHC emphasizes that taking measures to ensure an inclusive process is very important for respecting the rights of disabled citizens. This is also due to the obligation of public institutions and private ones that offer services, for respecting reasonable compliance.

AHC observers encountered one paraplegic voter, who could not access the VC in Qeparo himself,¹⁶ because there was no ramp in the entrance of the building. In one of these buildings, one blind voter was helped by the accompanying person but it was not shared with the VCC whether the person knew how to use a special ballot and whether such ballots were available to the Commission.¹⁷

4.7 Closing of the voting process

According to article 112 of the Electoral Code, voting centers should have closed at 19:00. The decision for closing the voting is made only after all voters present in the VCC have voted and it is noted in the Protocol Book of Meetings. The environment around the closing of the VCs was calm and without incidents as there were no voters in line seeking to vote or denied to vote at the official time for closing the VC.

In some instances, AHC observers were not allowed or were obstructed to monitor fully the closing procedures of VCs by the commissioners. In spite of difficulties, AHC observers did not step outside the VC during the conduct of these procedures in any case.

The chair, secretary, and every member of the VCC have no right, in any case or for any reason, to turn on, turn off, or disconnect the connection of the camera to the electrical grid and/or change its position.¹⁸ In contradiction of CCEC acts, there were instances when the camera was turned off during the conduct of procedural actions for closing the voting. Also, often during this phase, discussions among members were conducted in Greek, which made it impossible for observers to understand.

¹⁶ VC no. 4581/00, 4581/01.

¹⁷ According to paragraph 8, article 109 of the Electoral Code, in the case of blind voters, upon their request, the head of the local government unit notifies the CEC, which equips the commissions with appropriate voting means that allow voters to read or understand the ballot and vote in an independent manner.

¹⁸ According to article 4 of article 19 of CEC decision no. 11, of March 25, 2021, "On the manner of establishing, organization, functioning of the voting center commission and the conduct of elections in the voting center."

The repeated problems from past elections regarding the phase of closing procedures of the process have to do with lack of knowledge and lack of clarity created among VC commissioners on procedural actions that they needed to take to document the process and place electoral materials in the ballot boxes, according to article 112 onwards of the Electoral Code. In a more emphasized manner, this problem was noticed at VC 4565/01 and 4565/00 in Piqeras, where part of the commissioners said they were not trained.

Paragraph 2 of article 114 of the Electoral Code establishes that boxes with the ballots and electoral materials are delivered to the Vote Counting Site no later than three hours after the closing of voting. The observation of the process indicates that this requirement was respected by the monitored VCCs.

According to article 114 of the Electoral Code, the accompaniment of boxes with ballots and voting materials is done by vehicle and the chair, secretary of the VCC and a police officer should be in that vehicle to guarantee the inviolability of the boxes. At VC no. 4588/00, the police officer accompanied the vehicle with a motorcycle and was not inside the vehicle.

5 Vote Counting

AHC observers continued the partial monitoring of the counting process, in the premises of the sole vote counting site (VCS), at the Himara stadium. This observation ran until 02:20 of August 5, 2024. Before the counting began, at 11:00 pm of August 4, 2024, the training of Vote Counting Groups (VCG) was done and this is a repeated issue that has been criticized in the past monitoring by AHC.

At 00:20 of August 5, the counting process began. During this process, counters did not respect the procedure of reading by order or the time necessary for present observers to display the ballot fully and clearly to read on both sides. This practice created tension among observers present in the hall. AHC observers did not encounter cases of contestation of the validity of ballots by party observers. Also, there were empty ballots or ballots with notes and additional names, which were declared invalid. Meanwhile, in three cases, the VCGs requested the intervention of the ZEAC to determine the validity of the vote.

During the counting, there were no incidents but only some calls by the ZEAC to maintain calm due to the limited space in the voting site. As highlighted during the voting process, in the vote counting sites there were in some cases a presence of unauthorized individuals inside the VCG premises. Only observers of domestic and international non-profit organizations' representatives respected the requirement of wearing accreditation badges visibly.

In a short amount of time, about seven hours, the counting process concluded in the only ZEAC in Himara Municipality.

5 Recommendations

Mayoral Elections in Himara Municipality proved once again that the members of local Voting Commissions, in many cases, did not have the proper professional level. In the coming parliamentary elections of 2025, the CEC should pay increased attention to the quality training of ZEAC, VCC, and VCG commissioners and to the monitoring and evaluation of these trainings to test knowledge acquired by commissioners.

Observers encountered party bias in the work of local commissioners and therefore, AHC suggests that when the process of real electoral reform begins, the Assembly conducts it in a transparent and inclusive manner, taking under review all priority recommendations of OSCE/ODIHR, including the recommendation for the full depoliticization of the electoral administration.

AHC recommends to the Assembly of the Republic of Albania the review and expansion of the scope of article 91, paragraph 2, of the Electoral Code, which prohibits the forced use in the electoral campaign of the public administration of the institution within working hours for electoral purposes, allowing the engagement of the public administration formally after working hours, in coordinating or influencing roles in different areas where they are thought to have influence. In AHC's opinion, such situations create serious conflicts of interest, which in essence, represent a misuse of the public administration for electoral purposes.

AHC suggests to the General Prosecution and the Special Prosecution Office to provide transparency for the public on whether there has been an increased engagement of prosecution offices, according to their material competences, in the identification and investigation of practices of electoral crimes in the mayoral elections for Himara Municipality. AHC reiterates the earlier recommendation that the responsible prosecution body, in keeping with its material competence, should give priority to proactive investigations with its own initiative and objectively, fully, and comprehensively into claims of criminal acts of electoral corruption, unlawful influence on the voters' will, or misuse of public assets and abuse of office by commissioners. The perceptions, though unproven or undenounced, of the public on these criminal acts undermine the electorate's trust in the democratic system of elections and its integrity.

We recommend to the Central Election Commission, referring to anonymous data that AHC received from voters based on contact with them in the field, based on article 123/3 of the Electoral Code to task its administration to conduct an administrative investigation into whether there were procedures linked with property rights, including legalizations or the issuance of construction (and other) permits, for inhabitants in Himara Municipality, close to and during the period of the prohibition of the use of public resources for the mayoral by-election of August 4, 2024.¹⁹ Should there be elements of criminal acts based on this administrative investigation, according to article 328/a/4 of the Criminal Code, we suggest the CEC notify the responsible prosecution body.²⁰

We recommend to the General Directory of the Civil Registry that based on the spirit of competences envisaged in articles 44 onwards of the Electoral Code, to oversee the process for the compilation of periodic extracts of electoral components and final voter lists, processing information of a statistical nature on the validity of biometric identity documents of voters. Such statistical data, divided by municipality, in our opinion should be conveyed to the CEC on time (the CEC may request such data on its own initiative), in order to conduct quality education and awareness raising of voters, tailored to their needs, in accordance with

¹⁹ Also, according to article 123/1 of the Electoral Code, the CEC is set into motion on its own initiative as well, when there is data that there is verifiable at responsible bodies administering the procedures for the treatment and registration of properties, issuance of legalization or construction permits.

²⁰ The use of public goods, the state function or activity, or financial or human resources, by an employee who carries out a state duty, in order to favor a political party or candidate in elections is a criminal act and is punishable by imprisonment for one up to three years.

the competences that the CEC has according to article 19/1/g (on awareness) and article 61 of the Electoral Code (on oversight of the voter lists).

We recommend to the Interior Minister and the CEC that they should not base the practice of proposing an approval of the normative act for extending the validity of identification documents for the voting process in the interest of voters solely on the requests of electoral subjects, but on the highest public need and interest in the highest participation in elections possible. It is advisable that there is broad consultation with competing subjects in order to create such practices.