



**Koalicioni i  
Vëzhguesve  
Vendorë**

**ELECTIONS FOR LOCAL GOVERNING BODIES  
21 JUNE 2015**

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**Tirana, on June 29, 2015**

**MONITORING INTERIM REPORT - IV \***  
**19 – 26 June 2015**

**I. PRELIMINARY CONCLUSION**

The Albanian society has been struggling of the last 25 years to conduct periodical electoral processes in accordance with the principles of a constitutional democracy. This struggle has in continuity suffered in reaching the minimal legal standards.

Every electoral process conducted to date has been faced with the risk of being contested by the losing party and in this tradition, the losing party has been self proclaimed as the party that “certificates” the will of the people.

At the conclusion of each electoral race, the approval of the losing party has been transformed into the only standard that the process should ensure.

While in fact what formally is called the certification of the electoral process must indispensably be performed only based on the electoral legal framework and by the institutional body in charge of organizing the process.

Under this logic of state building, the Electoral Code should be the only regulator of the whole organization and preparation of the elections.

This framework provides, apart rules, also the institutions of law enforcement (Central Election Commission, Commissions of the Electoral Administration Zones, Commissions of the Voting Centers and the Electoral College).

The aspirations and obligations undertaken by the Albanian society to conduct a process which is both legal and legitimate need a true implementation of all provisions of the Electoral Code.

In the period of time covered by this fourth report, as in the period preceding it, which dealt with the preparation of the process the phenomena of: 1) **lack of enforcement of the law**, 2) **discretionary decision making and judgment**, 3) **maladministration**, and 4) **institutional deformity** were manifested in continuity by all electoral operators.

The manifestation of the above phenomena in this electoral process which is heading toward its conclusion are the reasons why the legality and procedurality of the process have been violated. This for the following reasons:

- 1) Every norm, rule, provision, law or legal process have as an inseparable part the deadlines and time spans.

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*\* This copy is a translation of the original Report in Albanian and is not a substitute for the official stance of the CDO. The original version of the report is the only official document*

In the establishment of the voting centers, allocation of venues for the voting centers and ballot counting centers, preparation and compilation of voter lists, all legal deadlines were violated to the extent that, in fact, undid the legal provisions.

2) The Electoral Code provides the rights and obligations for each institutions and official in these institutions.

In the case of individuals which are serving a penal sentence in penitentiary institutions, whom were not included in the voter lists within the deadline for the fault of the state administration, was used an incorrect legal artifice to ensure the them right to vote.

Despite the presumed positive will, after every procedure and regulation that the law provides has been missed and skipped, it is not possible to ensure a right by violating the law again in the last phase of the process.

3) The Commissions of Electoral Administration Zones and Commissions of the Voting Centers are collegial bodies upon which, among other, is trusted almost entirely the progress of Election Day.

These commissions, raised ad hoc and based on a formula of political balance, are attackable by the political pressure.

The strongest guarantee to ensure that these bodies will function as the legal framework requires is the training that the Central Election Commission should perform. In the worst case, the commissioners should be aware of when they are acting in accordance or violation of the law.

The exaggerated replacements, both in number and in time, of the CEAZ members, as well as the delays in establishing ballot counting groups and voting center commissions were the cause for the observed low level of preparation and training in performing their duties.

4) Apart problems created, in a society in transition and struggling to build a state based on the right and the rule of law, the three above mentioned remarks could lead to an even worst damage in long term, deformation of the institutions.

Going from a negative precedent to another negative precedent in the history of elections, reaching the standards in the future would become even more difficult.

In front of organizational challenges that every process normally brings the biggest problem in the future will be undoing the tradition of malfunctioning and violation of the law from all institutions and officials.

Violation of the legal process, on the other hand constitutes also a violation of the will of the legislator, whom is the author of the legal framework.

An electoral process has in itself a higher aspiration, which is the manifestation of the will and verdict of the sovereign.

The calm progress of Election Day, not exaggerated time span of the counting process and the political situation which seems accepting until now, seem to give this process up to the present moment the quality of non violation of the will of the voters.

Bringing into attention all the issues mentioned by the Coalition of Domestic Observers in the previous reports and the present one, respecting the will of the people until the very end will give legitimacy to these elections, despite the fact their legality has been violated.

In this finalizing phase of the process, that of appeals and complains, it is worth drawing the attention of the operators, part of the electoral justice, to be maximally engaged in the correct enforcement of the electoral framework.

These operators must manifest a high degree of responsibility and avoid issues manifested until this moment, such as incoherence, discretion in decision making and lack of enforcement of the law.

Transparency is a formal element, but one that dictates extraordinarily the content of institutional life. A value that in the electoral process is folded into two legal obligations for the institutions: the right to information and the right to observation. Although throughout the activity of the CDO in the observation of this process these rights have been denied on more than one occasion, such as in providing the requested information and denial of the presence in the electoral process, they should be taken into account rigorously in the remaining time to the conclusion of this process and especially in the upcoming processes.

The institution for which the electoral process has not yet been completed and should not be considered closed until the finalization of the investigations, is the General Prosecution (and the Prosecutions of the various Districts).

Many accusations have been raised by some electoral subjects and numerous indices for electoral crimes consumed in this process have been brought even by the media for electoral, the heavier one being vote buying.

Accusations and indices must be the primary objectives of the investigation institution.

The political class, continuing the maturity showed until now, should engage strongly to create a supportive environment toward the respective bodies for them to address, investigate and bring to conclusion, under full transparency, every case concerning the electoral process, without leaving it in the shadows, despite the certification of the results or bringing into focus other major priorities or daily events, thus ensuring the right legal recourse and testing until the end of the institutions and the system of electoral justice.

## II. FINDINGS

### A. ELECTION ADMINISTRATION

#### A.1. CENTRAL ELECTION COMMISSION

Decision-making process of the Central Election Commission (CEC), in this period of observation, begins with decision no. 680 (05.19.2015) and onwards.

Proportionally the decision-making process in CEC has been mostly 7-0 but extended in many issues discussed en bloc it voted 4-3, where in general three Commissioners in “minority” are Ms. Shtjefni, Mr. Osmanaj and Mr. Zguri.

Topics of acts during this period are mostly categorized in four types as below:

- approval of international observers and media organizations;
- dismissal and appointment of some members of CEAZs;
- orders to start the counting process in CEAZs; and
- fourth report of the Media Monitoring Board.

#### Decision-making process before the Election Date

During this period decision-making process had these problems:

##### *1. Incoherence in decision-making of the Central Election Commission*

The Coalition of Domestic Observers has previously raised concerns of incoherence in the decisions of the CEC.

This concern was articulated by members of this Commission themselves together with representatives of political parties during the proceedings at this period of observation.

Despite the acceptance from the current members, this phenomenon has continued in the decisions of the CEC.

What does concern is the change of attitudes minority-majority within the CEC, which also coincided with the positions of the two representatives of the two largest political forces in the CEC, namely the Socialist Party (SP) and the Democratic Party (DP).

Incoherence and changing attitudes of Commissioners was observed in two cases.

*The first*, has to do with discussion on transferring the voters list in Municipality Durrës, which was the order of the day in the session of date 19.06.2015.

In the *second case* there were the discussions for establishing Special Voting Centers (SVC) in CIPO institutions, during the session of the date 20.05.2015.

At these sessions, all participants in their arguments before the moment of decision, agreed that they were facing a situation outside the legal framework.

In the first case, DP representatives required de-registration of voters from the list for Municipality Durrës, by claiming that they were transferred in violation of the law.

In this case “the majority” of four members, defended the position that the CEC cannot overcome the powers given by the Electoral Code.

While “the minority” of three members argued that even though outside of CEC legal boundaries, it had the obligation to protect the principle of a fair and equal competition.

The situation was reversed in the second, where they discussed the establishment of SVC's in the CIPO institutions.

In this case “the majority” of four members defended the position that even though in violation of legal deadlines and dispositions of the Electoral Law, it needed to take measures for inmates that were not included in the voters list.

According to them, the right of voting of these persons prevailed in front of law unpredictability.

## *2. Administering out of legal framework and without procedures*

Exclusion from voters list of sentenced persons in CIPO institutions, put some artificial tension for once in the institutional life of the Central Election Commission.

Difficulties were created that forced the CEC to have decision-making on this matter until a few hours before the start of the voting process.

At the hearing on 21.6.2015 (00:30), with the Decision no. 723, Central Election Commission asked the 17 CEAZs to provide VCCs of respective EAZs of administering a number of ballots and then distribute them to those 17 VCCs according to the needs and number stated in the decision by CEC<sup>1</sup>, so that these VCCs could give the right of voting even to sentenced persons for whom a court decision had been finalized.

Due to lack of physical time it was decided that the procedure followed for CEAZs to procure and deliver ballots for VCCs would be left to the discretion of the respective Commissions.

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<sup>1</sup>Central Election Commission, Decision no. 723, date 21.06.2016, “On ensuring ballots for some special voting centers”. According to it is: “1. Authorised CEAZ No. 64, Region Berat, that by decision to take 18 ballots from VC of administered EAZ and deliver to VCC no. 3278. 2. Authorised CEAZ No. 16, Region Dibër, that by decision to take 6 ballots from VC of administered EAZ and deliver to VCC no. 09382. 3. Authorised CEAZ No. 22, Region Durrës, that by decision to take 282 ballots from VC of administered EAZ and deliver to VCC no. 14222. 4. Authorised CEAZ No. 20, Region Durrës, that by decision to take 476 ballots from VC of administered EAZ and deliver 348 ballots to VCC no. 12921 and 128 ballots to VCC no. 1274. 5. Authorised CEAZ No. 44, Region Elbasan, that by decision to take 400 ballots from VC of administered EAZ and deliver to VCC no. 22732. 6. Authorised CEAZ No. 45, Region Elbasan, that by decision to take 80 ballots from VC of administered EAZ and deliver to VCC no. 25651. 7. Authorised CEAZ No. 77, Region Gjirokastrë, that by decision to take 2 ballots from VC of administered EAZ and deliver to VCC no. 43831. 8. Authorised CEAZ No. 71, Region Korçë, that by decision to take 46 ballots from VC of administered EAZ and deliver to VCC no. 37071. 9. Authorised CEAZ No. 11, Region Kukës, that by decision to take 8 ballots from VC of administered EAZ and deliver to VCC no. 06361. 10. Authorised CEAZ No. 13, Region Lezhë, that by decision to take 365 ballots from VC of administered EAZ and deliver to VCC no. 07481. 11. Authorised CEAZ No. 31, Region Tiranë, that by decision to take 9 ballots from VC of administered EAZ and deliver to VCC no. 1690. 12. Authorised CEAZ No. 39, Region Tiranë, that by decision to take 28 ballots from VC of administered EAZ and deliver to VCC no. 1967. 13. Authorised CEAZ No. 29, Region Tiranë, that by decision to take 20 ballots from VC of administered EAZ and deliver to VCC no. 2113. 14. Authorised CEAZ No. 39, Region Tiranë, that by decision to take 28 ballots from VC of administered EAZ and deliver to VCC no. 1967. 15. Authorised CEAZ No. 43, Region Tiranë, that by decision to take 420 ballots from VC of administered EAZ and deliver to VCC no. 22242. 16. Authorised CEAZ No. 83, Region Vlorë, that by decision to take 29 ballots from VC of administered EAZ and deliver to VCC no. 4451. 17. Authorised CEAZ No. 88, Region Vlorë, that by decision to take 3 ballots from VC of administered EAZ and deliver to VCC no. 4678.”

### 3. Change of locations for Voting Centres and Ballot Counting Centres

Change of Voting Centers and Ballot Counting Centers location has accompanied the election preparation process not only beyond the legal deadline but until the last hours before the start of the voting process.

- Decision no. 721, dated 20.05.2015, *“On authorizing the change and setting the location of Voting Center no. 1264, for election of Local Government Bodies, dated June 21<sup>st</sup>, 2015.”*<sup>2</sup> (23:00)
- Decision no. 717, date 20.05.2015, *“On authorizing the change and setting the location of Voting Center no 3304 and 33041, for election of Local Government Bodies, dated June 21<sup>st</sup>, 2015.”* (19:00)
- Decision no. 709, date 20.05.2015, *“On an amendment of decision no.423, date 15.05.2015, “On setting location of Ballot Counting Center for EAZ No. 8, Region Shkoder, for election of Local Government Bodies, dated June 21<sup>st</sup>, 2015”.”* (12:00)

### Decision-making during Election Date and during counting process

On Election Date and during the days that lasted the process of counting, the Central Election Commission together with its administration have been in support and continuous monitoring of second and third level commissions, respectively Commissions of Election Administration Zones (including even Counting Teams) and of Voting Center Commissions.

As it is expressed during the hearings of the Members of the Commission itself, at this point of the process CEAZs and VCCs Commissioners behavior has been under the leadership of political parties.

This was noticed particularly in cases of emerging problems, which clearly evidenced that political representatives were better informed than the administration of the CEC.

As seen by the issues discussed in the sessions held, and as was accepted by the administration, CEAZ commissioners and especially those of the VCC were untrained or poorly informed about their duties and the election process.

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<sup>2</sup>In EAZ no.20, VCno.1264, Commune Bruz Zallë, Municipality Krujë.

## A.2. COMMISSIONS OF ELECTORAL ADMINISTRATION ZONES

Commissions of Electoral Administration Zones (CEAZ) are the commissions of the second level, responsible for administering the electoral process in the 90 Electoral Administration Zones in which the country is divided. The role of these structures in the progress of the process is essential, especially during electoral processes for local government bodies because they have added competencies in these cases, such as the registration of the candidates and the announcement of the results for the municipalities which are covered by a single CEAZ.

### The performance of the CEAZs before Election Day

One of the main competencies of the CEAZs in the day prior to Election Day is the distribution of the electoral materials for all commissions of voting centers (VCC) under their jurisdiction.

According to the Electoral Code *“No later than 15 hours prior to the opening of the polls, the CEAZ delivers the election materials to the VCCs under its jurisdiction.”*<sup>3</sup>

Since the voting starts at 07:00, the CEAZs should have completed the process of materials delivery for the VCCs until 16:00 of Saturday, June 20, 2015.

According to the reports of the observers of the CDO in several EAZs the materials have been distributed after 16:00 of Saturday<sup>4</sup>, which also lead to the opening of the voting centers in some EAZs.

One of the main problems that can be mentioned about the performance of the CEAZs is the failure to check the materials taken into custody by the CEC which lead to voting with misprinted ballot papers in three municipalities<sup>5</sup>.

<sup>3</sup> Electoral Code of the Republic of Albania (Approved by Law no. 10 019, dated 29 December 2008, amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015). Article 100 *“Delivering election materials from the CEAZ to the VCC”*, paragraph 1. <http://www.osce.org/albania/159501?download=true>.

<sup>4</sup> Such as in CEAZ no. 42, Municipality of Kavajë; CEAZ no. 14, Municipality of Mirditë, the distribution started around 03:00 of the morning of Election Day because the commissioners had been replaced; in CEAZ no. 74, Municipality of Përmet, the distribution has been performed late because the commissioners of the VCCs have been showing up late in the CEAZ; in CEAZ no. 41, Municipality of Tiranë; in CEAZ no. 78, Municipality of Gjirokastrë, the distribution of the materials has started after 17:30 for all VCCs because the commissioners of some VC have been replaced and the members of the CEAZ finished with that issue before dealing with the distribution of the materials; in KZAZ no. 2, no. 3, no. 4 and no. 5, Municipality of Shkodër (in CEAZ no. 4 the distribution of the materials has finished after 2:30 of the morning of Election Day and in CEAZ no. 2 the distribution has started at 19.30 of Saturday and finished in the morning of Sunday, around 06:45 because the political parties had not yet completed the commissioners of the VCCs); in CEAZ no. 71, Municipality of Korçë; in CEAZ no. 89, Municipality of Finiq, some VCs have opened late because there were some materials missing while the CEAZ members claimed they already delivered all materials to the VCCs; in KZAZ no. 82, no. 83 and no. 84, Municipality of Vlorë; in CEAZ no. 86, Municipality of Himarë; in KZAZ no. 1, Municipality of Malësi e Madhe; in CEAZ no. 11, Municipality of Kukës; in CEAZ no. 2, Municipality of Lezhë; in CEAZ no. 18, Municipality of Bulqizë; in CEAZ no. 19, Municipality of Dibër; in CEAZ no. 28, Municipality of Kamëz; in CEAZ no. 67, Municipality of Pogradec; in CEAZ no. 68, Municipality of Maliq; in CEAZ no. 73, Municipality of Kolonjë; in CEAZ no. 75, Municipality of Këlcyrë; in CEAZ no. 76, Municipality of Memaliaj; in CEAZ no. 77, Municipality of Tepelenë; in CEAZ no. 79, Municipality of Libohovë; in CEAZ no. 81, Municipality of Vlorë; in CEAZ no. 85, Municipality of Selenicë; in CEAZ 87, Municipality of Delvinë; in CEAZ no. 88, Municipality of Sarandë; in CEAZ no. 9, Municipality of Tropojë; in CEAZ no. 90, Municipality of Konispol; in CEAZ no. 26, Municipality of Vorë; in CEAZ no. 22 and no. 23, Municipality of; etc.

Regardless of the fact that the main responsibility for this mistake, which can potentially lead to repetition of the elections in these municipalities, falls upon the administration of the CEC which should have checked the accuracy of the content of the ballot papers since the moment of their printing, members of the CEAZs have no less responsibility regarding this issue.

### **The performance of the CEAZs during Election Day**

Throughout Election Day the CEAZ supervises the electoral process in the VCs under its jurisdiction and remains available for any issue that might arise to give the needed guidelines to the VCCs and solve these issues.

It was observed that some CEAZs have not been in duty since 7 AM on Election Day, despite the fact that in the meantime the voting process had started<sup>6</sup>, leaving the progress of the opening of the voting centers unsupervised.

Regarding the opening of the voting centers, in many CEAZs has arrived information about VVs opened late or with voting materials missing<sup>7</sup>.

It is also worth mentioning that many CEAZs received deficient information from the voting centers<sup>8</sup>.

The replacement of the commissioners in the last moments and their lack of training was a problem noticed in many EAZs and which has been highlighted in previous reports of the CDO.

The Electoral Code recognizes the right of the political parties to change the commissioners of the EAZs without any time limit and most of the parties used this right, and even abused with it<sup>9</sup>.

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<sup>5</sup> Municipality of Tepelenë, Municipality of Roskovec and Municipality of Devoll

<sup>6</sup> CEAZ no. 78, Municipality of Gjirokastër opened at 8:00 of Election Day; in CEAZ no. 1, Municipality of Malësi e Madhe, at the moment of opening three of the commissioners proposed by the DP were not present; CEAZ no. 52 Municipality of Librazhd was opened with only five members; the other members came late claiming to be tired from the previous night's work; CEAZ no. 78 opened at 7:39 because the commissioners came late; in CEAZ no. 68, Municipality of Maliq;

<sup>7</sup> As in the CEAZ no. 88, Municipality of Sarandë; CEAZ no. 80, Municipality of Dropull; CEAZ no. 52, Municipality of Librazhd; CEAZ no. 3, Municipality of Shkodër: in VC no. 0281 at 7:00 there was no commissioner. This VC was opened at 8:30; CEAZ no. 40, Municipality of Tiranë; in CEAZ no. 78, Municipality of Gjirokaster, VC no. 4226 opened at 8:30 because the classroom where the VC was located had no sufficient light and the rain would fall inside from the windows; in CEAZ no. 72, Municipality of Korçë, there was a number of VCs opened around fifteen minutes late but what is more concerning is that the CEAZ members considered this normal; in CEAZ no. 71, Municipality of Korçë, VC no. 3702 opened at 8:10 and VC no. 3729 at 8:00. In both cases the delay was due to the fact that the commissioners of the VCs put the cover of the box of electoral materials on the ballot boxes. Also the VC no. 3827/1 opened at 8<sup>55</sup> and VC no. 3833 at 9<sup>30</sup>

<sup>8</sup> Such as in the CEAZ no. 88 where at 8:00 of Election Day there was no information on the voting centers opened and not yet opened.

<sup>9</sup> In CEAZ no. 80, Municipality of Dropull, it was reported that almost no of the commissioners was trained in all of the EAZs with exception of already experienced commissioners from previous electoral rounds. Furthermore, three of the members of this CEAZ, proposed by the Socialist Party were replaced with a decision of the CEC of 20:00 of the day before Election Day, only eleven hours before the opening of the polls, behind a request of the electoral subject proposing them because they were not residents in the Municipality of Dropull as required by the Electoral Code (Article 31, paragraph c. provides for the CEAZ member to be resident of the electoral zone).



It were noticed even replacements of the commissioners of the voting centers on Election Day, after it was discovered they were also candidates for the municipality council<sup>10</sup> or for other violations of the provisions of the Electoral Code<sup>11</sup>, or the case of the Municipality of Vlorë where at the moment of the opening of the voting the commissioners of the Republican Party were missing in almost all VCs.<sup>12</sup>

The process started with 6 commissioners while during the day parts of the vacancies were filled even though, at the closing of the voting around half of the VCs administered the process with only six members.

During Election Day there were cases of interruption of the voting process for various reasons. Generally in these cases the CEAZs acted swiftly and managed the process well<sup>13</sup>.

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Their replacement and the lack of training for the new members lead to two of the replaced commissioners being present from time to time in the CEAZ during Election Day to assist the commissioners nominated the night before while they had no competencies and no right to be there.

<sup>10</sup> In CEAZ no. 78, Municipality of Gjirokastrë, in VC no. 4319, two of the members of the commission resulted candidates for the municipality council and were replaced upon request of the commissioners of the SP. While in VC no. 4313, two members of the commission representing the DP were also candidates for the municipality council and were replaced upon request if the commissioner of the SMI.

<sup>11</sup> In CEAZ no. 90, Municipality of Konispol, was replaced the commissioners of the Republican Party in VC no. 4731/1 because it left the VC and in VC no. 4732/2 because did not show up for duty.

While in VC no. 4731/2 the commissioner of the DP was replaced from the CEAZ because it was exerting pressure on the voters.

In CEAZ no. 3, Municipality of Shkodër, in VC no. 0243, the secretary of the commission left the VC taking the stamp of the C with him at 18:30. He was replaced and the stamp recollected.

<sup>12</sup> Commissioners of this electoral subject have been missing in large numbers also in other EAZs, such as in VCs of the EAZ no. 21, Municipality of Durrës or in EAZ no. 88, Municipality of Sarandë. In these cases the CEAZ has replaced them.

<sup>13</sup> In CEAZ no. 14, Municipality of Mirditë: in VC no. 0822 the voting was interrupted from 12.00 to 12.15 due to disputes between the commissioners about suspicions for family voting. In VC no. 0032 the process was interrupted for around 15 minutes at 10:00 because the ballot box was damaged. The CEAZ decided the voting to be resumed after it was concluded that the ballot box was not damaged on purpose. In CEAZ no. 1, Municipality of Malësi e Madhe: at 12:00 the voting was interrupted due to a conflict between the commissioners for a voter whom wanted to vote for his family members. The Chair of the VC did not allow this while some of the members claimed that it was not a problem. The Chair blocked the voting process and requested the intervention of the CEAZ. The Chair of the CEAZ went to the VC to check the situation and the process resumed around 15:30; in CEAZ no. 19, Municipality of Dibër: in VC no. 1224 the voting process was interrupted for around twenty minutes because a voter declared its vote publicly; in CEAZ no. 14, Municipality of Mirditë: in VC no. 0836 the voting process was interrupted for around 15 minutes due to a ballot paper which had a printing defect which also lead to a debate between the commissioners of the SP and those of the DP; in CEAZ no. 40, Municipality of Tiranë: in VC no. 199 the commissioner of the DP has interrupted the process five to six times during the day, for around ten minutes each time with the claim that in the VC there were not present observers from her electoral subject. The process has resumed with an order from the CEAZ; in CEAZ no. 78, Municipality of Gjirokastrë: in VC no. 4242 the process was blocked from 9:30 to 10:00 because of a person wanting to accompany more than one voter with disabilities or other voters requesting assistance. The CEAZ held a record of the case and communicated to the VC commissioners what the Electoral Code provides for this case; in CEAZ no. 77, Municipality of Tepelenë: at 08:37 the voting was blocked for all voting centers after noticing errors in the printing of the ballot paper. The ranking numbers of the ballot paper for mayor were 1, 2, 2 instead of 1, 2, 3, which means the candidates of the two main competing coalitions had the same number in the paper. The process resumed at 10:50 after a decision of the CEC to do so; in CEAZ no. 70, Municipality of Devoll: the voting was interrupted because in the ballot paper for the municipality council both coalition were written PAJD (Popular Alliance for Jobs and Dignity). The CEAZ decided to resume the voting after a decision of the CEC to do so; in CEAZ no. 73, Municipality of Kolonje: in VC no. 4024 the voting was interrupted for around ten minutes because in proximity of the voting center there were gatherings of partisans of political parties. The CEAZ was notified and decided to continue the voting process. ; in CEAZ no. 22 Municipality of Durrës and in CEAZ no. 45 Municipality of Belsh, in the VCs of the prison of Durrës and Kosovë the

While there were at least two cases in which the CEAZs were closed during Election Day<sup>14</sup>.

In some CEAZs there was information about voters who couldn't vote, for various reasons, such as: lack of proper documents<sup>15</sup>, could not find the name in voter list<sup>16</sup> or change of the family name in the identifying document<sup>17</sup>.

During Election Day were noticed also other violations of the process, among which the most important were:

- In CEAZ no. 68, Municipality of Maliq, in VC no. 3830/1, some voters with disabilities were not allowed to vote by the VCC being accompanied by their own accompanier, with the claim that these voters did not have a disability.

- In some CEAZs there were claims for vote buying or pressure toward the voters. In CEAZ no. 26, Municipality of Vorë, during Election Day could be seen gathering of people in front of the voting centers and there were claims that these people were stopping voters from voting accusing them that they were not residents of Vorë and for being added in the voter list fictively<sup>18</sup>.

The issue was made public by the media and many domestic and international observers were focused in Vorë. CDO sent a team of observers to check the situation closely around 12:00 and the observers noticed gatherings of individuals in front of the voting centers no. 1550, 1550/1, 1556, 1556/1, 1557 and 1557/1.

These people were not sporting distinctive signs of any political party and were not performing any act which could be interpreted as openly threatening, but their continued presence in front of the voting centers in groups and their attitude created tension and was potentially threatening to voters.

- In CEAZ no. 64, Municipality of Berat, in VC no. 3308 below the secrecy booth were found three ballot papers (two for mayoral candidate and one for the municipality council) which were considered irregular by the VC commission, but it remains unclear as to how those ballot papers got there.

- In EAZ no. 3, Municipality of Shkodër, in VC no. 0299 the commissioners found ballot papers below the ballot box around 18:00. Again, it is not clear how did the ballot papers get there.

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voting was interrupted because the ballot papers were missing. The process resumed only after the CEAZ brought additional ballot papers taken from other VCs.

<sup>14</sup> CEAZ no. 78 Municipality of Gjirokastrë and CEAZ no. 2, Municipality of Shkodër were closed during the voting and all commissioners took some time off.

<sup>15</sup> In CEAZ no. 42, Municipality of Kavajë, only in VC no. 2169 were registered around 3- cases of voters being prevented to vote because they did not bring along the needed documents. In the same CEAZ there was information for interruptions of the process because voters presented themselves in the VC with a driving license or a passport that had expired. None of the persons was allowed to vote; in CEAZ no. 38, Municipality of Tiranë, two people presented themselves to the CEA with damaged IDs which wanted to vote under these conditions. There was a debate between the Chair and one of the members, from opposing political parties because the member requested for these people to be allowed to vote while the Chair was opposed to the idea.

<sup>16</sup> Such as in CEAZ no. 42, Municipality of Kavajë; in CEAZ no. 5, Municipality of Shkodër; in CEAZ no. 60, Municipality of Roskovec; in CEAZ no. 19, Municipality of Dibër.

<sup>17</sup> Such as in CEAZ no. 26, Municipality of Vorë; in CEAZ no. 12, Municipality of Lezhë; in CEAZ no. 52, Municipality of Librazhd; in CEAZ no. 72, Municipality of Korçë; in CEAZ no. 88, Municipality of Sarandë.

<sup>18</sup> It must be highlighted that the electoral subject SMI has denounced to the Prosecution office that the voter list in this CEAZ was added with around 500 fictive voters who are not residents in Vorë.

In the same VC, around 16:30, a voter after receiving the ballot paper and entered the secrecy booth ran outside of the VC bringing the ballot paper with him.

An empty ballot paper brought outside of the VC is a very concerning phenomenon since it creates the premises for deformation of the result in that VC as a result of vote buying.

- In some CEAZs were also reported cases of voters taking pictures of the ballot paper after voting<sup>19</sup>

- In EAZ no. 75, Municipality of Këlcyrë, during the voting process in VC no. 4220 one of the observers noticed some ballot papers inside the ballot box stamped with only one stamp.

After the CEAZ was notified about this fact one of its members reached the VC to verify it. It was indeed noticed that from outside of the ballot box at least ten ballot papers could be counted to be stamped with only one of the stamps.

During the counting process it was determined that the number of these ballot papers was around 30 and all the votes were deemed invalid<sup>20</sup>.

### **Closing of the voting and delivery of the voting materials at the CEAZs**

The majority of the voting centers around the country closed at 19:00 according to the provision of the Electoral Code. In few CEAZs were reported voting centers which continued the voting after 19:00 and in no case were reported problems.

The CEAZs established 1 to 3 groups for the delivery of the voting materials, as provided in the Code. Most of the CEAZ established two of such groups.

Generally the process of voting materials delivery was realized in order, with few exceptions, as in CEAZ no. 6 where it is reported that the process was chaotic.

In most CEAZs were reported long queues during the process of delivery of materials.

What was noticed even in these elections was that the members of the ballot counting groups (BCG) were not trained in advance and that in a big part of the CEAZ this has delayed the start of the vote counting process because the training has been done in the BCC after the delivery of the materials had finished.

One of the reasons is the last minute replacements of the BCGs are replaced in the last minute from the political parties, in the same way as the commissioners of the VCs, but in the case of counters this phenomenon is even more widespread.

### **The performance of the CEAZs after Election Day**

#### **Vote counting**

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<sup>19</sup> In CEAZ no. 8, Municipality of Fushë-Arrëz was reported one case of taking pictures of the ballot paper in VC no. 0392 and the vote was deemed invalid; in CEAZ no. 19, Municipality of Dibër: in VC no. 1141/1 the voting was interrupted from 16.40 to 17.10 because a voter took a picture of the vote and the voting resumed after order of the CEAZ; in CEAZ no. 64, Municipality of Berat, the voting process was interrupted for around half an hour at VC no. 3270 because a voter was caught taking a picture of his ballot paper and refused to give the ballot back to the VCC. The voter was provided another ballot paper and the photographed paper was deemed invalid; in CEAZ no. 19, Municipality of Dibër: in VC no. 1141/1 the voting was interrupted around 16:40 for ballot paper photography and resumed at 17.10.

<sup>20</sup> It is worth mentioning that all one stamped ballot papers were for the independent candidate in the Municipality of Këlcyrë, Mr. Bujar Fezga, whom after the unregistration of Mr. Muhameti from the PAJD from the CEC was publicly supported by the DP as a candidate of this coalition.

The vote counting was again slow and with delays, long pauses and other issues. In all Ballot Counting Centers (BCCs) was reported the presence of party partisans in the surrounding environment<sup>21</sup>.

Also in the premises of the BCCs was observed chaos produced as a result of the big number of observers, while in many cases it was observed that the observers of the political parties would communicate with the ballot counters, slowing the process even more<sup>22</sup>.

In some BCCs it was deemed necessary to interrupt the process and send out of the BCC all observers in order to restore order in the BCC; in some cases the intervention of the police was requested to empty the BCC<sup>23</sup>.

In the BCC of the CEAZ no. 2, Municipality of Shkodër there was a fight inside the BCC, because an observer of minor party accused the counter representing the SMI for manipulating the result and not giving the votes to his party<sup>24</sup>. Other incidents were also recorded<sup>25</sup>.

The supporting technical equipment has mostly functioned well, with few exceptions<sup>26</sup>.

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<sup>21</sup> On June 23, around 23:00 outside of the CEAZ no. 1, Municipality of Malësi e Madhe there was a physical confrontation between the supporters of the Socialist and those of the Democratic Party. In the fight was involved the head of the DP for Malësi e Madhe as well as the MP of the SP Paulin Stërkaj; in CEAZ no. 27, Kamëz Municipality were noticed party partisans not only around the BCC but also inside it.

<sup>22</sup> In CEAZ no. 1, Municipality of Malësi e Madhe the counting process has been very slow. The vote counters presented themselves late, even with a seven hours delay. The counting process in this CEAZ progressed very slowly because the observers continuously intervened with the process, often verbally confronting the vote counting groups members. Several times the CEAZ took the decision to take all observers outside of the BCC and reaccept them in the BCC only after the situation had calmed. But the calm has always been temporary. The CEAZ has replaced the vote counters several times due to them missing to show up in duty and blocking the process. The CEC has sent its inspectors in this CEAZ to facilitate the process.; in CEAZ no. 67, municipality of Pogradec there were debates among the vote counters and the observers but were never a cause for the interruption of the counting apart one time in which the CEAZ decided to escort outside all observers and realow them with a list.

<sup>23</sup> IN CEAZ no. 23, Municipality of Durrës; in CEAZ no. 42, Municipality of Tiranë; in CEAZ no. 14, Municipality of Mirditë: during the vote counting for the municipality council there were three cases in which the intervention of the police was requested to calm the situation within the BCC; in CEAZ no. 42, Municipality of Kavajë: during the whole duration of the counting there were delays and procrastination of the process. The process has been interrupted a few times and observers escorted outside due to chaos within the BCC; in CEAZ no. 67, Municipality of Pogradec; in CEAZ no. 77, Municipality of Tepelenë, during the vote counting the members of the BCGs of the DP left the BCC claiming there was a manipulation. After an interruption of the counting the CEAZ decided to continue counting only with the three members of the SP, SMI and RP.

<sup>24</sup> The observer crossed the line delimiting the area reserved for the observers and approached the ballot counting table, while the counter punched him. The intervention of the CEAZ and of the police brought the order back to the BCC. The CEAZ held an urgent meeting and decided to stop the counting for an hour. After this incident, from the next day until the end of the counting two representatives of the CEC observed the process until the end.

<sup>25</sup> Such as in CEAZ no. 57, Municipality of Fier, on 24.06.2015, around 02:00 a member of the ballot counting group was attacked by an observer and as a cause of the hits taken was sent to the hospital. The observer attacking the ballot counter was an ex member of the municipality council accompanied by its two sons (it is unclear as to whether the sons were also accredited observers). During the incident there were material damages to the BCC

Also in CEAZ no. 19, Municipality of Dibër, while the last ballot boxes for the municipality council were being counted there was a strong debate between the observers of the PJIU and one of the ballot counters proposed by the SMI. With the intervention of the CEAZ the situation was hardly calmed

<sup>26</sup> In CEAZ no. 51, Municipality of Gramsh: on June 23, during the counting the monitors showing the ballot papers did not function properly for around 30 minutes; in CEAZ no. 52, Municipality of Librazhd: there were difficulties inserting the numbers for two VC into the system of the CEC cause the system would not accept the numbers entered. The CEAZ requested the intervention of the CEC and while

Another noticed problem was the delay of the process of approval of the cumulative tables and announcement of the final result, after the counting process had finished. This was mostly noticed in municipalities with more than one CEAZ and in which it is the duty of the CEC to compile the cumulative table for the results and announce the final result.

### **Appeals at the CEAZs**

Some appeals have arrived at the CEAZs during this period such as:

- CEAZ no. 65, Municipality of Poliçan where the electoral subject DP has appealed five votes which were deemed invalid.

The request was rejected because the difference in votes was too big and the reconsideration of the five votes would not bring any difference.

- CEAZ no. 78, Municipality of Gjirokastrë. The Part New Democratic Spirit (NDS) made an appeal on 24.06.2015, but the letter was unclear because the claim was that the votes of this party were not counted correctly in the boxes no. 3 and 4, but without specifying the number of the VC. The CEAZ did not take a decision because the request was unclear.

- CEAZ no. 52, Municipality of Librazhd. The Republican Party requested recounting of votes in the ballot boxes of VCs with numbers 2704, 2704/1, 2707, 2752 and 2741 claiming that the result in these VCs has been deformed. Also, the New Party of Denied Rights claims that the votes of this party during the insertion in the electronic system were allocated to the next party in the list.

- CEAZ no. 16, Municipality of Mat. During the counting in VC no. 0924, in the box of the ballots for the mayor there were two ballot papers missing. They were found in the box for the council

On 22.06.2015 was kept a record for the two missing ballot papers, on 23.06.2015 after the counting of the ballot papers for the municipality council started the two missing ballot papers were found.

After this the CEAZ took the decision to open the box of the voting materials for verification. This brought a tensioning of the situation because representatives of the PAJD opposed this decision. Concerning this case there was an appeal made at the CEAZ with object "Opposing the decision to open the box of the voting materials for VC no. 0924". The CEAZ opened the box.

- CEAZ no. 77, Municipality of Tepelenë, had these appeals:

1. The candidate of DP requested recounting of the votes.
2. The independent candidate requested recounting of the votes.
3. The independent candidate made a complain for the decision taken by the CEAZ for the ballot papers taken by the CEAZ in four voting centers to complete the number of ballot papers for the special Voting Center in the Prison of Bënçës.

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assistance was being expected there was a pause; in CQZ no.. 2, Municipality of Shkodër there was electricity cut for around 10 minutes.

### III. OTHER INSTITUTIONS ENGAGED IN THE ESTABLISHMENT OF THE ELECTORAL PROCESS

#### A. General Directory of Prisons

##### *List of voters in the Correctional Institutions of Penal Offenses (CIPO)*

The state of voter lists at CIPOs, is a concern addressed in the previous report of the Coalition of Domestic Observers, considering it as not a small problem.

The pronounced lack of transparency from responsible institutions, the violation of the legal framework and bad administration of this process are three elements that are evident in the review of this issue.

According to the statement of the Director General of Prisons, Mr. Artur Zoto made at its meeting on 16.06.2015 to the Central Election Commission (CEC) for June 21<sup>st</sup> elections, from 5,798 prisoners at CIPOs only 5,168 were eligible to vote. The rest were foreign nationals and minors, the group deprived of the right to vote.

Exclusion of people serving time in correctional institutions in voters list was raised officially as a problem from the report of the technical audit in CEC since May 28<sup>th</sup>, 2015. Not a small problem occasionally evidenced during periodical report of one of the audit.

On this issue the Chairperson of CEC, Ms. Leterije Luzi held a meeting on 04.06.2015 with the Minister of Justice, Mr. Nasip Naco, and the Director General of Prisons, Mr. Artur Zoto.

Earlier, on 28.05.2015, the Coalition of Domestic Observers addressed with an Official Letter to inform the Director General of Prisons about the situation of these lists. On 11.06.2015, the Ministry of Justice came to the Directorate of Prisons with a reminder by an Official Letter about the request in question.

Only on 19.06.2015, out of the limit time required by law, the General Directorate of Prisons communicated, by Official Letter number 5086/2 Prot., on the information required<sup>27</sup>.

Steps and measures taken that are described in this letter issued by GDP, as the institution responsible, suffer from ignorance of its administrative staff on about the legal framework, delays and overruns of legal deadlines, which are neither objectively justified.

Institutional performance of the process shown in this Official Letter we note the following issues (document citations are as follows):

a) *“The Official Letter no. Prot. 3359 dated 17.04.2015 General Directorate of Prisons has directed requests to all institutions subject to the preparation of voter lists in Correctional Institutions of Penal Offenses. (...)”*

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<sup>27</sup> In fact this Official Letter confusingly has been handed primarily to CEC, who in turn sent it by hand to the address of the Coalition of Domestic Observers on 25.06.2015.

The period in which law dictates on the preparation of the voters list, begins 30 days after the promulgation of the Election Date and goes until 40 days before the Election are held, i.e. from January 14<sup>th</sup> to May 11<sup>th</sup>, 2015.

According to this Official Letter, just 24 days before the end of this period, the Directorate of Prisons began the process of preparing the voters list for people who suffer deprivation of liberty. This delay brought its own problems that were seen in sequence.

b) *“By Official Letter no. 3358 dated 17.04.2015, we approached the Central Election Commission where we have sought guidance on how to deal with those inmates and detainees who are not resident in the electoral district where the CIPO institutions are located, who meet the legal requirements and are eligible take part in voting. (...)”*

Not only the process started in delay and there is ignorance of institutional legal framework but also the demand for information is delayed even more.

This was also corroborated by the Director General of Prisons, Mr. Zoto himself in the CEC session on 16.06.2015. Arguments given were that that Decision of the Council of Ministers to regulate the issue in question was early sent and because they were not aware.

c) *“By Official Letter No. 4996/1 dated 01.06.2015, the subordinate institutions were instructed in the implementation of provisions of the Electoral Code Article 57 “Court decisions after the compilation of the voter list”, Correctional Institutions of Penal Offenses, to appeal to district courts for the inclusion of persons deprived of their liberty registered in special voting centers, to the appropriate office of the civil registry. (...)”*

The solution was also awarded by the Central Election Commission, which is also reflected in the Official Letter based on Article 57 of the Electoral Code<sup>28</sup>.

This solution was made after the date May 11<sup>th</sup>, 2015, legally and technically impossible to intervene in the voters list.

However, based on provisions made in this article of the Electoral Code, it concluded that this solution has distorted the legal basis.

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<sup>28</sup>Electoral Code of the Republic of Albania (Law No. 10 019, date 29.12.2008, amended by law no. 74/2012), Article 57 “Court decisions after the compilation of the voter list” paragraph: “1. When a voter finds that his/her electoral components are inaccurate, or that he/she is not registered in the voter list of the polling unit of his/her domicile or in any of the voting lists of his/her domicile’s local government unit, he/she has the right to submit a request to the respective district court until 24 hours before the election date. This request, based on this point, shall be exempt from court tax payment.”

2. When the voter changes the domicile after the posting of the voter list, the voter list shall not be changed and the voter shall vote in the voting centre where his/her name appears on the approved voter list. If the voter submits a request to the court under the conditions set out in this point, the request shall be rejected.

3. District courts examine and decide on requests, according to point 1 of this article, on the last day before the Election Day, as well as on the Election Day, but no later than 6 hours before the closing of the polls. In case the court decision changes electoral components, the electoral component subject to change is clearly specified. When it specifies the voting centre or the voter is added to the list, the court decision shall specify the voting centre where the voter shall vote and the number of the identification document.

4. The name of the voter who comes to vote with a court decision shall be written by the VCC in a special register and the court decision shall be attached to it. The number of the identification document used for voting shall also be registered in this register. The same procedure shall apply when a decision is made in accordance with article 55, but it is not reflected in the voter list.”

Three cases that are referred to the Electoral Code as opportunities for “correction” of voters list by court decision after the legal deadlines are only when:

- voter finds that electoral component contains personal inaccuracies;
- notes that the voter is not registered in the list of voters of the voting center of personal residence;
- notes that the voter is not registered at all in any of the lists of the Local Government Unit where residing.

Problems in case of voters who suffer deprivation of liberty does not constitute any of the cases for which the Electoral Code allows voting by a court decision. Legal solution was used, by the institutions of Civil Registry and the Central Election Commission but the legal basis in this case is totally wrong.

d) As in previous Official Letters, delay is seen following and slow progress in the work of this institution for resolving the issue for which is an accomplice of the problem.

*“By the Official Letter no. 5385 dated 09.06.2015 the Central Election Commission is informed about the measures taken and some of the problems encountered at the opening of special voting centers in Correctional Institutions of Penal Offenses. (...)”*

Slowness in the work of the institution continues. Central Election Commission was informed only 10 days before Election Date regarding the special voting centers.

On the other hand, the Central Election Commission itself was set in motion and acted to delay on this issue on 20.06.2015 by the Decision number 719 by the other Decision number 723 dated 21.06.2015<sup>29</sup>.

Just hours before the start of voting, the Central Election Commission decided to build two new special voting centers near two CIPO institutions, in Peqin and Rrogozhinë.

Although aware that the special voting centers in CIPO institutions raised the number of ballots provided to voters registered on the list, they were insufficient due to the addition of new voters by a court decision, the CEC, even later received to review again this issue. CEC about 00.30 dated 21.06.2015 decided that 17 CEAZs covering these special voting centers, according to bear their discretion of VCCs provided the administration with the necessary quantities of ballots to be allocated in 17 VCs that were “added” with uninvolved voters<sup>30</sup> by court decision.

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<sup>29</sup>Central Election Commission, Decision no. 719, date 20.06.2016, “On approval of authorization for the establishment of two voting centers in Municipality Peqin and Rrogozhinë, for elections on Local Government Bodies of June 21<sup>st</sup>, 2015.”

Decision no. 723, date 21.06.2016, “On insurance of added ballots for some special voting centers”

<sup>30</sup>Central Election Commission, Decision no. 723, date 21.06.2016, “On insurance of added ballots for some special voting centers”. According to it are authorized CEAZs no. 64, 16, 22, 20, 44, 45, 77, 71, 11, 13, 31, 39, 29, 43, 83 and 88.



## C. ELECTION SILENCE AND MEDIA

### Breaking of election silence period

The election campaign officially ended on Friday, June 19<sup>th</sup> as the day before the election and Election Date, until the close of voting, at 19:00 constitutes electoral silence period<sup>31</sup>.

However, the period of electoral silence was not only violated on Saturday June 20<sup>th</sup>, the day before Election Date but also on the Election Date.

Electoral subjects Socialist Party (SP), the Socialist Movement for Integration (SMI) and the Democratic Party (DP) have broken the silence on Election Date.

On some press conferences<sup>32</sup> given by the official headquarters of these parties MPs Olta Xhaçka and Jorida Tabaku, and leaders of the Youth Movement of SP and SMI, respectively Maria Myridinas and Erisa Xhixho have made calls to citizens to vote<sup>33</sup>.

Despite the message communicated verbally did not contain electoral propaganda, the background of all conferences are conducted, without its contents of electoral slogans from respective political parties, thus constituting a violation of the election silence as clearly electoral slogans of political parties constitute the electoral message and is part of the campaign.

The same phenomenon was noted in the official website of the Municipality Kamëz, which unless considered violation of electoral silence, is categorized as open use of state administrative resources<sup>34</sup>, contrary to what the Electoral Code obliges.

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<sup>31</sup>Electoral Code of the Republic of Albania (Law No. 10 019, datë 29.12.2008, amended by law no.74/2012). Article 77 *"The period of the campaign and of electoral silence"*, paragraph 2 *"The day prior to the election date and the election date until the hour of the closing of the polls constitute the period of electoral silence. During the period of electoral silence no electoral campaign through media outlets, as well as rallies or other electoral activities, is allowed."* <http://www2.cec.org.al/sq-al/kodi-zgjedhor>.

<sup>32</sup>SP has given five press conferences, SMI two press conferences and DP one conference.

<sup>33</sup><http://shqiptarja.com/Zgjedhjet%20Vendore%202015/2760/deputetet-apel-p-r-pjesmarrje-n--votim-gra-e-vajza-votoni-masivisht---300461.html>.

<sup>34</sup> The candidate of the National Alliance for Work and Dignity (APPD) for the Municipality Kamëz, Xhelal Mziu, also Chairperson of the municipality currently has broken the silence also on June 20<sup>th</sup>, 2015 through a story on the official website of the Municipality for the launch of a project water supply and sanitation.

Bearing in mind that the paragraph 2. Article 84 of the Electoral Code considers the activities that follow the electoral purposes in any activity which "... aims at promoting institutional achievements, investment, inaugurations or progress in construction of public works", the notice was performed on the day of election silence, which clearly constitutes a violation of it. Moreover, in one of the pictures that accompany the news is reflected the table giving details of the project, after the table in question it is an electoral banner of candidate Mziu who actually occupies most of the photo (Municipality Kamëz. *Start of project implementation for major water utility*. Notice posted on June 20<sup>th</sup>, 2015 on the official website of Municipality Kamëz. <http://www.kamza.gov.al>).

Besides violating the electoral silence, this case represents a use of public resources (official website Municipality Kamëz) for candidate Mziu election campaign, while the official newspaper of the Municipality is used openly throughout the period of the campaign in favour of the candidate..

## The Media

The media have paid special attention to the last day of the election campaign, the Election Date and the counting process, where some of them have also targeted in the tabulation of results in real time to the public.

CDO assesses the role of the media during these last steps of the electoral process in informing the public, having in particular attention to any signal for incidents or problems that can accompany the process and considers that it has an irreplaceable role in enhancing transparency and public information.

On Election Date, there have been attempts to ban signals for journalists to perform their duties, e.g. Vora Municipality, the team of journalists of Ora News were threatened not to videotape from people outside the voting centre according to journalist Denisa Pasholli of this television.

In the wake of the duration of the campaign, during its last day on June 19<sup>th</sup>, the media have continued to broadcast readymade material provided by the electoral headquarters of the electoral subjects without passing them on filters and by failing to decide the subject logo to provide, despite Decision no. CEC 503, dated June 3<sup>rd</sup>, 2013, still in force, which obliges them to put these logo<sup>35</sup>.

Media in the country have respected the electoral silence, according to the Final Report of Media Monitoring Board (MMB), in addition to television, “TV Skampa” in Elbasan, which has been the sole operator of the media penalized with a fine for violation of electoral silence during this campaign<sup>36</sup>.

In fact, a significant part of the media have broadcast images of the film press conference in which representatives of electoral subjects SP, DP and SMI have called for the vote to the respective electoral slogans in the background (ref. Breaking election silence on above).

Media has its own share of responsibility for the appearance of these video footage that could have potentially affected the orientation and the choice of voters.

While the observation made on the reports prepared by the MMB, it can be said that uncertainty was evident in the methodology used for monitoring<sup>37</sup> performed as well as the criteria used to judge the balance between the political forces of the time.

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<sup>35</sup>Central Election Commission. Decision No. 503, datë 03.06.2013, paragraph: “a. Information on the activity of the election campaign, prepared and broadcasted on news bulletins based on material made available by the electoral subjects, should be clearly identified; b. The logo of the political party or electoral coalition, must be visible, not less than the logo of the transmitting audio-visual operator and stay on screen no less than a third of the time of transmission of the material, advertising or election spot.” <http://www.cec.org.al/sq-al/Decisionet2013>.

<sup>36</sup>Central Election Commission, Media Monitoring Board. Report of Monitoring Board 22.05.2015-19.06.2015. <http://www.cec.org.al/sq-al/Zgjedhjet/Raportet-e-Bordit-t%C3%AB-Monitorimit-t%C3%AB-Mediae>.

<sup>37</sup> According to paragraph 3 of Article 81 of the Electoral Code, “The broadcasting of the activities of the central or local public institutions is calculated as part of the airtime of the electoral subject that the head of the institution adheres to when this activity is for electoral purposes”.

In the MMB reports it is noted that the time made available by different media for the Prime Minister and the government is calculated in each case separately from the time of the Alliance for European Albania (ASHE), although all members of the Cabinet are from the coalition.

If the reports clarified the estimated timing separately for the government it is an activity that has not had electoral overtones, and those that have had such are included in ASHE's time, or if the MMB did not check

In its final report, where the only measure proposed was a fine approved by the CEC, it is not clarified the criteria used to judge how it should have been imbalances in airtime for MMB to rule that the media has broken the balance and, therefore, the proposed administrative measure to a fine for the respective media.

Based on the reported number of minutes in the report covering the period from May 22<sup>nd</sup> to June 21<sup>st</sup><sup>38</sup>, there are imbalances between the two main Coalition in almost all the media, and also imbalance between the available airtime for SMI and other Parliamentary parties having up to 20% of the seats<sup>39</sup>, while the Electoral Code provides for these parties to be given equal timing.

## D. WOMEN PARTICIPATION AND MINORITIES

### Participation of women

For the first time in these elections the Central Election Commission decided that the percentage of voting will be communicated to women along with the percentage of voters in total at the end of voting<sup>40</sup>.

Based on data from voting centres reported from them<sup>41</sup>, women's participation in elections has been around 44% while total voting percentage is about 48%<sup>42</sup>.

Women's participation in elections is therefore lower than the share of men, regardless of the difference is not very large. However, in the spirit of legal and policy changes generally aimed at a growing involvement of women in decision-making, the figure shows that there is still work to be done in this regard.

The electoral campaign for local elections in 2015 showed an improvement in relation to the participation of women in electoral rallies, while the changes in the Electoral Code regarding gender quotas for municipal councils are a crucial step forward in increasing gender equality.

However, it is important to note that where the legal framework is lacking, as in the case of candidates for mayor, gender equality is very low.

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the contents of the minutes aired and considered as an activity of the Government or the Prime Minister any activity where the latter have been present, if they were accompanied by candidates.

<sup>38</sup>Central Election Commission, Media Monitoring Board. *Report of Monitoring Board 22.05.2015-19.06.2015*. <http://www.cec.org.al/sq-al/Zgjedhjet/Raportet-e-Bordit-t%C3%AB-Monitorimit-t%C3%AB-Mediave>.

<sup>39</sup>Electoral Code of the Republic of Albania (Law No. 10 019, datë 29.12.2008, amended by law no.74/2012). Article 81, paragraph 1: "During the political airtime of news broadcasts, the Public Radio and Television must apply an equal time ratio to all parliamentary parties that in the last elections to the Assembly, obtained up to 20 per cent of the seats in the Assembly. The parties that obtained more than 20 per cent of the seats in the Assembly are entitled to airtime that is allocated equally among them. Each of these parties is entitled double the amount of air time of a party that has obtained up to 20 per cent of the seats in the Assembly". <http://www2.cec.org.al/sq-al/kodi-zgjedhor>.

<sup>40</sup>Central Election Commission. Decision No. 13, datë 27.01.2015, <http://www2.cec.org.al/sq-al/Legjislacioni/Aktet-e-KOZ-s%C3%AB/Decisionet/Decisionet-2015>

<sup>41</sup>Not all voting centres have respected Decision No. 13 that obliges them to send data to respective CEAZs for the number of voters.

<sup>42</sup>Central Election Commission. *Press Release* 25.06.2015. <http://www.cec.org.al/sq-al/Kreu/ID/378/Njoftim-per-shtyp-25062015>.

Only 16 women ran for the post of mayor in the country, from 158 candidates in total, i.e. only 10.1%, nine of which prevailed<sup>43</sup>.

Even women coverage in the media has been low, the MMB report for the period May 22<sup>nd</sup> to June 21<sup>st</sup> concluded that “the time distribution between males and females is 287 minutes more for men<sup>44</sup>”.

### Participation of minorities

With the new administrative-territorial reform, three of the 61 new municipalities, that of Pusteci, Finiq and the majority of Dropulli area are comprised of national minorities, the first mentioned belongs to Macedonian minority and two others to the Greek minority.

One concern raised by the CDO during the press releases of the day before the election was the lack of training of voting centres and CEAZs commissioners. This has been especially worrying for CEAZ no. 80, Municipality Dropull where, as a result of frequent changes none of the VC commissioners was trained.

Moreover, three members nominated by the Socialist Party in this CEAZs have been changed<sup>45</sup> by a decision of the CEC dated 20:00 hours. June 20<sup>th</sup>, just 11 hours before the start of voting<sup>46</sup>, following a request of the proposed entity.

Their change and lack of training for replacement members brought on Election Date two of the three released commissioners who were occasionally present in CEAZ in order to assist commissioners appointed the night before, while they were not empowered to be present there.

Another concern brought to the attention of the CDO observers during the counting process comes from one of the candidates of the Macedonian Alliance for European Integration Party (AMIE), who was running for local council of Municipality Korçë.

According to him it was disturbing that the absence of observers from their parties during the counting process, during which they had received indications that there had been devaluation of their votes and their calculations in favour of other electoral subjects.

According to the same information, unacknowledged forms of vote buying in Roma and Egyptian communities, and some of these facts were made known to the observers of the OSCE/ODIHR in this region.

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<sup>43</sup> Municipality of Gramsh – winner Ms. Luljeta Dollani; Municipality of Ura Vajgurorë – winner Ms. Juliana Memia; Municipality of Roskovec – winner Ms. Majlinda Buçi; Municipality of Libohovë – winner Ms. Luiza Mandi; Municipality of Patos – winner Ms. Rajmonda Balilaj; Municipality of Gjirokastrë – winner Ms. Zamira Rami; Municipality of Prrenjas – winner Ms. Miranda Rira; Municipality of Sarandë – winner Ms. Florjana Koka; Municipality of Shkodër – winner Ms. Voltana Ademi.

<sup>44</sup> Central Election Commission, Media Monitoring Board. *Report of Monitoring Board 22.05.2015-19.06.2015*. <http://www.cec.org.al/sq-al/Zgjedhjet/Raportet-e-Bordit-t%C3%AB-Monitorimit-t%C3%AB-Mediave>.

<sup>45</sup> Released members from this CEAZ were inhabitants of Municipality Gjirokastrë and not of Municipality Dropull and for this reason they were relieved.

<sup>46</sup> Central Election Commission. Decision No. 718, date 20.06.2015, <http://www2.cec.org.al/sq-al/Legjislacioni/Aktet-e-KQZ-s%C3%AB/Decisionet/Decisionet-2015>.

## E. THE RIGHT TO INFORMATION AND OBSERVERS

The right of independent observers to follow the electoral process is provided for in Article 7 of the Electoral Code.

Based on this law and in the spirit of the right to information and the transparency of the activity of public institutions, observers have the right “to freely observe all aspects of the preparation and conduct of elections at all stages of the electoral process<sup>47</sup>”.

Local Government elections of June 21<sup>st</sup>2015 was followed by a low number of observers, less than half the number of observers who attended the 2013 General Elections.

Even during this period covered in this report, have continued problems in the clearance of decisions<sup>48</sup> taken by the official website of CEC as well as launch of preliminary materials of sessions in the official website of the internet.

These preliminary materials continued to be given at the beginning of the meeting of the CEC just to political forces and representatives of the OSCE observers, no less impacting on the effectiveness of monitoring<sup>49</sup> from other observers, in particular the CDO as the only local observer monitoring continuously CEC sessions.

This monitoring is exacerbated as a result of failure to notify on time or at all in some cases for the development of the CEC sessions during this period.

While connected to observe the process on the second level of administration in 90 EAZ, reportedly they are no general encounters of obstacles during the preparation phase of the process or during the day of voting in the relevant CEAZs except in two cases<sup>50</sup>.

The work of these CEAZs was followed sporadically especially the last three weeks by some local observers as well as the OSCE / ODIHR.

However, again in this election it appeared a problem already known by CDO that happens in many electoral processes. During the delivery of electoral materials by VCs

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<sup>47</sup>Electoral Code of the Republic of Albania (Law No. 10 019, date 29.12.2008, amended by law no. 74/2012). Article 7, paragraph 1.a. <http://www2.cec.org.al/sq-al/kodi-zgjedhor>.

<sup>48</sup>From May 19<sup>th</sup> to June 24<sup>th</sup>, the CEC has taken 51 decisions (decisions from no. 690 - no. 740). Four of these decisions, particularly those by no. 728, no. 736, no. 737 and no. 738 are not yet laid on the official website of the CEC up to the date of publication of this report (June 29<sup>th</sup>).

Also there are not on the website decisions of dates June 25<sup>th</sup> and 26<sup>th</sup>, despite being out of the official deadline of 24 hours within which a decision must be transcribed and published on the website, according to paragraph 5 of Article 23 of the Electoral Code.

<sup>49</sup> For more refer to the Third Monitoring Report of CDO on Elections for Local Government Bodies of June 21<sup>st</sup>, 2015, Section E: “*The right on information and observers*”, pg. 36. <http://zgjedhje.al/uploads/File/2014-2015/KVV-RaportiNdermjeteMonitorimi-III-ZgjedhjeLokale2015-19Qershor2015.pdf>.

<sup>50</sup> In CEAZ No. 2, Municipality Shkodër, Election Date, CEAZ members have taken out all observers by the claim that they are tired and the presence of observers prevents them from working. Observers were not allowed to return to CEAZs until about 17:00. While the CEAZ no. 70, Municipality Devoll, CEAZ members have been resistant to sharing information with CDO observers.

from CEAZs, observers are taken out of the CEAZ location or not allowed to enter them<sup>51</sup>.

In some cases, not only local but also international observers were out, while in other cases, only international observers were allowed to observe.

This concern has not provided any solution from the CEC after the communication made by the CDO to its superiors.

This practice from CEAZs members or police officers charged with protection of BCC<sup>52</sup> is totally contrary to paragraph 1 of Article 7 of the Electoral Code, which clearly states that the right of observers lies in all aspects of the electoral process, without exceptions.

Meanwhile it continues to be a problem establishing EAZ Commission at a distance of residence for observers during the counting process.

This is because in the case of the CDO observers who had undertaken to observe only sporadic way the procedures, behaviour and manner of operating of the EAZ Commissions in the process of counting made this observation not easy, as often consisted only in reporting what was declared by any member of CEAZs, not by direct observation and providing visual contact with the procedures, drafting acts, documenting of decisions taken, etc.

Central Election Commission successfully put into operation, the system of reporting preliminary results, which became the basis of information for all media and officially informing the public on these preliminary results, despite some technical errors were observed, which came mainly as a result of inaccurate information on data entry through the counting of votes.

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<sup>51</sup> As in : CEAZs No. 3 and No. 4, Municipality Shkodër; CEAZ No. 26, Municipality Vorë; CEAZ No. 27, Municipality Kamëz; CEAZs No. 29, No. 32, No. 36 and No. 38, Municipality Tiranë; CEAZ No. 42, Municipality Kavajë and CEAZ No. 43, Municipality Rrogozhinë.

<sup>52</sup> Police charged with maintaining the BCC proved resistant to the demands of observers by claims that they had orders from CEAZ not to allow anyone to enter. Despite the fact that they are obliged to implement the orders of the CEAZ, in the moment when an observer presents accreditation, it has a legal obligation to call CEAZ's members and to recognize with facts of different issues and not to keep a rigid passive role, as often it happens, informing the observer they have orders and becoming a barrier to the communication between the observers and members of the Electoral Commissions.

## F. FILING REQUESTS AND APPEALS

The Election Code on the tenth part, from article 124 to 144, specifically regulates the right of appeal in the electoral process.

During the observation period referred in this report, election subjects are invested with filing complaints in all three levels of appeal to the Electoral Code provided: Electoral College (EC), the Central Election Commission (CEC) and the Commission of Electoral Administration Zone Commissions (CEAZ).

### The Electoral College

The only appeal of which the Electoral College has taken the decision in this period is that one presented by the Democratic Party (DP). The subject claimed that the CEC did not express on its request in connection with the voters list in the Municipality Durrës.

Democratic Party with its letter dated 16.06.2015 No. 6133 Prot., required the Central Election Commission as follows:

*“Take all necessary measures by ordering the Directory of Civil Registry, to produce and distribute in respective CEAZs the electoral lists in which should not figure citizens data, records of whom the District Court of and Prosecutors Office of District Court Kavajë has seized.”*

On 10.06.2015, the Democratic Party claimed that the Central Election Commission had not taken a decision on its request, then it addressed to the Electoral College. The object of the request was:

- “1. Contradiction to non-decision by the Central Election Commission related to filed request number 6133, date 16.06.2015, from the Democratic Party of Albania.*
- 2. Obliging the Central Election Commission to take decision related to file request number 6133, date 16.06.2015, of the Democratic Party of Albania.”*

Electoral College Decision no. 21, dated 19.06.2015, granted the request of the Democratic Party. This institution decided to *“the obligation of the Central Election Commission expressed by the decision within the next day, dated 20.06.2015, on the request No. 6133 Prot., dated 16.06.2015, from Democratic Party of Albania”*.

Central Election Commission at its session dated 20.06.2015, by Decision no. 710, rejected the request of the Democratic Party to which it was asked to take the decision, arguing that: *“there is no provision in the Electoral Code or other laws to determine the power to order GDCR to make changes, excluding from the voters list, selective voters”*.

### Central Election Commission

With the end of the counting process and the announcement of Tabulates of Results from CEAZs (or CEC), the election process enters the stage of filing requests and appeals to the Central Election Commission.

On 26.06.2015, the Central Election Commission held three sessions of meetings, in which the agenda contained 8 appeals to the decisions of some CEAZs.



After casting the draw to select the Commissioners as Rapporteurs and hearing their reports, it was decided unanimously to review two complaints on 28.06.2015.

For six other appeals it was decided unanimously to return them for completion of documentation from the applicant within 24 hours<sup>53</sup>.

### Commissions of Electoral Administration Zones

The right to appeal to the Commissions of Electoral Administration Zones is exercised over this period in some cases.

Due to the lack of full transparency by CEAZs, observers have managed to have only verbal information from their members<sup>54</sup>.

Regarding these complaints, the attitude of the Coalition of Domestic Observers will be announced in the Final Report.

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<sup>53</sup> Lists of filed appeals reviewed are:

- Filed appeal no. 24. Claimer Liberal Democrat Union Party. CEAZ no. 17. Rapporteur Hysen Osmanaj. Review on date 28.05.2015.
- Filed appeal no. 25. Claimer Legality League Party. CEAZ no. 17. Rapporteur Gëzim Veleshnja. Review on date 28.05.2015.
- Filed appeal no. 26. Claimer National Front Party. CEAZ no. 62. Rapporteur Gëzim Veleshnja. Returned for document completion.
- Filed appeal no. 27. Claimer National Front Party. CEAZ no. 54. Rapporteur Klement Zguri. Returned for document completion.
- Filed appeal no. 28. Claimer Democratic Alliance of Albania. CEAZ no. 26. Rapporteur Vera Shtjefni. Returned for document completion.
- Filed appeal no. 29. Claimer Democratic Alliance of Albania. Rapporteur Denar Biba. Returned for document completion.
- Filed appeal no. 30. Rapporteur Leterije Luzi. Returned for document completion.
- Filed appeal no. 31. Claimer Democratic Alliance of Albania. CEAZ no. 31. Rapporteur Hysen Osmanaj. Returned for document completion.

<sup>54</sup> According to information received from CEAZs members, these filed appeals have been forwarded:

*In CEAZ no. 77 Tepelenë, from independent candidate; CEAZ no. 52 Librazhd, by the Republican Party; CEAZ no. 52 Librazhd, from the New Negated Rights Party; CEAZ no. 17 Klos, two appeals from the Democratic Party; CEAZ no. 65 Poliçan, from the Democratic Party.*



### III. THE ACTION OF THE COALITION OF DOMESTIC OBSERVERS

The Coalition of Domestic Observers (CDO) is a voluntary gathering of 33 nongovernmental and non political organizations whose core activity is the protection of human rights and development of democracy in the country, especially monitoring of the electoral processes, activity which they have been conducting under the logo of CDO since 2005.

The strategy of action of the CDO is based on three pillars: independence, impartiality and objectivity.

Regarding the progress of the electoral process of June 21, 2015 the CDO has published: The Report for the Evaluation of the Pre-Electoral Situation (January 1, 2015); the First Monitoring Interim Report, covering the period from January 10 to March 26 2015 (on March 30, 2015); The Second Interim Monitoring Report covering the period from March 27 to May 21, 2015 (on June 4, 2015); the Third Interim Monitoring Report covering the period from May 22 to June 18, 2015 (on June 19, 2015) and this is the Fourth Interim Monitoring Report, covering the period from June 19 to June 26, 2015, where it's included the Voting and Vote Counting process, which is observed at the CEAZ level, how the CEAZs administered and behave throughout this two processes.

The Report also covers findings from the monitoring of the CEC and the Electoral College as well as offers a Preliminary Conclusion on the process at the present moment, when only the process of appeals and announcement of the results is still to be completed.

### IV. GLOSSARY

PAWD	Popular Alliance for Work and Dignity
AEA	Alliance for European Albania
MMB	Media Monitoring Board
GDP	General Directory of Prisons
GDCS	General Directorate of the Civil Status
NWDP	New Wave Democratic Party
VCG	Vote Counting Group
EIPV	Execution Institute of Penal Verdict
VCC	Voting Center Commission
CEC	Central Election Commission
CDO	Coalition of Domestic Observers
CEAZ	Commission of Electoral Administration Zone
SMI	Socialist Movement for Integration
LGU	Local Government Unit
PWD	People with Disabilities
PBDNJ	Partia Bashkimi për të Drejtat e Njeriut
DP	Democartie Party
JIUP	Justice, Integration and Unity Party
NDRP	New Disown Rights Party
RP	Republican Party
SP	Socialist Party
VC	Voting Center
SVC	Special Voting Center
CVP	Counting Votes Place
EAZ	Election Administration Zone
CSO	Civil Status Office

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*The content and the opinions expressed in this Report are the sole responsibility of CDO and can in no way be taken to reflect the views of the donors!*

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