

### REPUBLICA OF ALBANIA

**CENTRAL ELECTION COMMISSION**

### D E C I S I O N

FOR THE ASSIGNMENT OF THE SECRETARY APPOINTED UPON THE CEC’S INITIATIVE FOR THE CEAZ no.42, FOR THE ELECTIONS FOR THE MAYOR OF KAVAJA, DATE 07.05.2017

The Central Election Commission in its meeting on 05.04.2017, with the participation of:

Denar BIBA- Chairman

Hysen OSMANAJ- Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Gëzim VELESHNJA- Member

Klement ZGURI- Member

Vera SHTJEFNI- Member

examined the issue with:

**OBJEKT:** For the assignment of the secretary appointed upon the CEC’s initiative for the CEAZ no.42, for the elections for the mayor of Kavaja, date 07.05.2017.

**LEGAL BASIS:** Article 23, item 1, letter “a”, of Law No. 10019, date 29.12.2008 “Electoral Code of the Republic of Albania”, as amended.

The Central Election Commission, after examining the documents submitted and the deposited proposals,

### NOTICES

The President of the Republic, by Decree no. 10098, dated 24.03.2017, has set the date May 7, 2017, for the elections for Mayor of Kavaja.

In cases of partial elections, the CEAZ is established no later than 10 days from the date the President decrees setting the election date, pursuant to the provisions of Article 29, item 6, of the Electoral Code, as amended.

The Central Election Commission, with decision no. 130, dated 05.04.2017; it has appointed the members of the CEAZ No. 42, proposed by the Socialist Party and the Socialist Movement for Integration.

The Democratic Party and the Republican Party have not yet submitted any nomination for members of CEAZ no. 42, not even in the deadline set by the CEC, decision no. 94, dated 27.03.2017, or in its excess.

The CEC Instruction no. 2, dated 25.02.2009 "" On the organization and functioning of the Commission of Electoral Administration Zone ", as amended, Section 9, states:

paragraph 1: "If the political parties of the parliamentary majority and the parliamentary opposition that have the right to propose candidates for the CEAZ, including parties that come in a row with the number of seats in the Assembly, within the respective grouping, do not exercise this right by the deadline defined in the Electoral Code and decisions of the CEC, the Central Election Commission states the vacancy and appoints the member or the CEAZ secretary. "

point 4: "the vacancy is completed when the CEAZ has completed the required number of members for decision-making, and also has in duty its secretary."

In appliance to the procedure defined in the above-cited provision:

- it is not possible that the right to propose members of CEAZ no. 42 to be passed to other political parties within the parliamentary grouping of the political parties of the opposition;

- is not possible that the vacancies in the CEAZ no. 42 to be filled by the Democratic Party, as the main parliamentary opposition party, at a time when this party, by not exercising its right to propose the CEAZ members and secretary-no. 42, has caused the vacancy;

CEC, pursuant to the provisions of Article 9, item 1 and item 4, of the Instruction no. 2, dated 25.02.2009 "On the organization and functioning of the CEAZ’s", as amended, has the legal obligation to appoint the CEAZ Secretary of no.42 to fill the vacancy stated in CEAZ no. 42, which has the necessary number of members for decision making, but there is no secretary in duty.

The Central Election Commission, in the framework of the parliamentary elections dated 18.06.2017, in appliance to the provisions of Instruction no. 4, dated 19.02.2013 "On the selection procedures and training of nationals than may be appointed mainly by the CEC, for the filling of the vacancy in the CEAZ and VCC," has published in the dates 12,13.14 March 2017 in newspapers of great national circulation "Panorama", "Dita", "Shqiptarja.com", the official website of the CEC, a request for expression of interest from citizens who are willing to exercise the function of the member or the secretary of the CEAZ.

In this announcement, the deadline for application to the CEC or the Regional Electoral Offices, the date 18/03/2017 was determined.

In response to the request from the CEC, a great number of citizens have submitted to the CEC or the Regional Electoral Offices, a request accompanied by the legal documentation.

In terms of the provisions of article 2, item 25, an electoral district is the municipality for the elections to local government bodies, and the secretary of the CEAZ no. 42 should be residing in Kavaja Municipality to meet the requirement set out in article 31 letter "c" of the Electoral Code.

In the analysis of the contents of the nominative list of citizens who can be appointed mainly CEAZ members and secretaries, approved by the CEC decision no. 114, dated 04/03/2017, appears only a citizen residing in Kavaja Municipality, who has no education degree in law. Failure to fulfil the legal requirement, in terms of education required for the position of secretary of the CEAZ, disables this nomination approved by the CEC for appointments upon the CEC’s initiative, to be appointed secretary of the CEAZ no. 42.

Procedural deadlines for the process for the partial elections for Mayor of Kavaja, approved by the CEC decision no. 94, dated 27.03.2017, disable the CEC to carry out the procedure for declaring a request for expressions of interest from nationals to be appointed secretary of the CEAZ no. 42, Kavaja Municipality.

At a time when none of the citizens of the list approved by the CEC decision to appoint mainly CEAZ members or secretaries, does not meet the criteria required to be residents in the Kavaja Municipality and the education in law, CEC reviewed the requests of citizens administered in response to the public notice of the dates 12, 13, March 14, 2017, but due to the appearance in excess of the limit specified, were not considered and made part of the link 1 of the decision no. 114, dated 03.04.2017.

After the review and verification of these requests and documentation submitted, it showed that there were administered to the CEC requests of three citizens residing in Kavaja Municipality, which meet the criteria set out in Article 30 and 31 of the Electoral Code, therefore may practice the duty of the member or the secretary of the CEAZ no. 42. Of these three candidates, only two of them had a degree in law, then met the requirement prescribed in Article 31, letter "c" of the Electoral Code.

### FOR THESE REASONS

The Central Election Commission, based on Article 23, item, Article 29, item 1, 4 and 5, Article 30, Article 31 of the Electoral Code, as amended, Instruction no. 3, dated 19.02.2013 "On the organization and functioning of the CEAZ", as amended, Instruction no. 4, dated 19.02.2013 "On the selection procedures and training of nationals who can be appointed mainly by the CEC, for filling the vacancy created in the CEAZ and VCC"

### D E C I D ED

1. To appoint Ms. Jorida Hekuran Vrapi in the duty of the secretary of the CEAZ no.42 for the elections for the Mayor of Kavaja Municipality.
2. This decision shall enter immediately into power.

**Denar BIBA- Chairman**

Hysen OSMANAJ- Deputy Chairman

**Bledar SKËNDERI- Member**

Edlira JORGAQI- Member

Gëzim VELESHNJA- Member

Klement ZGURI- Member

Vera SHTJEFNI- Member