

**REPUBLIC OF ALBANIA**

**CENTRAL ELECTION COMMISSION**

**D E C I S I O N**

**FOR VERIFICATION OF THE DECLARATION IN THE CANDIDATES' SELF-DECLARATION FORM FROM MULTI-NAME LISTS FOR MUNICIPAL COUNCILS PURSUANT TO THE LAW NO. 138/2015 "TO ENSURE THE INTEGRITY OF PERSONS ELECTED, APPOINTED OR EXERCISING PUBLIC FUNCTIONS"**

The Central Election Commission in its meeting dated 06.01.2017, 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,

**OBJECT:** For verification of the declaration in the candidates' self-declaration form from milti-name lists for municipal councils pursuant to the Law no. 138/2015 ‘To ensure the integrity of the persons elected, appointed or exercising public functions”.

**LEGAL BASIS:** Article 23, item 1, letter a of the Law no. 10019 dated 29.12.2008 "The Electoral Code of the Republic of Albania ', as amended; Article 11 of the Law 138/2015, "To ensure the integrity of the persons elected, appointed or exercising public functions "; Chapter V of Assembly Decision no. 17/2016 "For the determination of detailed rules on the application of the prohibitions pursuant to the law no. 138/2015, "To ensure the integrity of the persons elected, appointed or exercising public functions".

The CEC after examining the submitted documentation and hearing the discussions of the participants

**NOTES**

Some town councils have informed CEC for creation of vacancies due to resignations or loss of mandate by some counselors.

Referring to Article 11 of the Law 138/2015, "To ensure the integrity of the persons elected, appointed or exercising public functions", self-declaration and verification of data requirements in accordance with this Law, performed for each candidate of the multi-name lists for the previous elections, for the municipality council, which is entitled to obtain municipal councilors mandate for the vacant place.

Candidates for councilors determined based on the multi-name lists of relevant subjects have filled in and deposited to the CEC the self-declaration forms, as the body responsible for the management, verification, enforcement of prohibitions on the election and appointment to the public function including the municipal councilor function.

By verification of the self-declaration forms, the three candidates for municipal councils turns out that is not declared any of the data that has to do with the prohibition provisions in the law No. 138/2015.

Pursuant to the law No. 138/2015 "On ensuring the integrity of the persons elected, appointed or exercising public functions" and Chapter V, item 2, letter b and item 3, letter c, of the Assembly's decision no. 17/2016 "For the determination of detailed rules on the application of the prohibitions prevised in the law No. 138/2015", the CEC has requested information from the registrar's office and the judicial status office for the candidates for member of the municipality council, that had submitted the self-declaration forms to the CEC, as well as has published self-declaration forms on the official website.

In response to the official letter, the the judicial status office sent to the CEC, the legal status verification for 3 (three) candidates for municipal councils members, according to them resulting clear (unpunished) from Albanian courts.

Referring to Article 49 of the Law 139/2015 "On local self-governance" the municipal council has the power to give the mandate to the municipal council member.

The CEC, referred to item 2, last paragraph of Chapter V of Assembly Decision No 17/2016 finds that the three candidates for municipal councilor whose data do not constitute a condition for the selection of candidates in the councelor function must continue the procedures to give the mandate by the respective municipal councils and the continuation of further procedures for verification.

**FOR THOSE REASONS:**

The Central Election Commission, based on Article 23, item 1, letter a of the Law no. 10019 dated 29.12.2008 "The Electoral Code of the Republic of Albania ', as amended; Article 11 of the Law 138/2015, "To ensure the integrity of the persons elected, appointed or exercising public functions"; Chapter V of Assembly Decision no. 17/2016 "For the determination of detailed rules on the application of the prohibitions foreseen in the law no. 138/2015, "To ensure the integrity of the persons elected, appointed or exercising public functions".

**DECIDE:**

To announce the municipal councils to continue the procedures for giving the mandate the candidates of the multi-name lists to fill vacancies in the municipal councils, accordingly annexes attached to this decision.

This decision enter into force immediately.

 **Denar BIBA- Chairman**

 **Hysen OSMANAJ- Deputy Chairman**

 **Bledar SKËNDERI- Member**

 **Edlira JORGAQI- Member**

 **Gëzim VELESHNJA- Member**

 **Klement ZGURI- Member**

 **Vera SHTJEFNI- Member**