**REPUBLIC OF ALBANIA**

**CENTRAL ELECTION COMMISSION**

**DECISION**

**FOR THE VERIFICATION OF THE DECLARATIONS IN THE SELF-DECLARATION FORM OF THE CANDIDATES FROM THE MULTINAME LISTS FOR MUNICIPALITY COUNCILS IN ACCORDANCE TO LAW NR.138/2015 "FOR THE GUARANTEE OF INTEGRITY OF PERSONS WHO ARE ELECTED, NOMINATED OR WHO PRACTISE PUBLIC FUNCTIONS".**

The Central Election Commission, in its meeting on 07.02.2017, 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 the following:

**OBJECT:** For the verification of the declarations in the self-declaration form of the candidates from the multiname lists for Municipality Councils in accordance to law nr.138/2015 "For the guarantee of integrity of persons who are elected, nominated or who practise public functions".

**LEGAL BASIS:** Article 23, item 1, letter "a", law nr. 10019, date 29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 11, of law nr.138/2015, "For the guarantee of integrity of persons who are elected, nominated or who practise public functions"; Chapter V, Parliament Decree nr.17/2016 "For the definition of detailed rules on the implementation of bans predicted in law nr.138/2015, "For the guarantee of integrity of persons who are elected, nominated or who practise public functions".

The Central Election Commission, after examining the submitted documentation and hearing the discussions of those present,

**NOTES**

Some City Hall Councils have notified the CEC for the creation of vacancies as a reson of resignation or loss of mandate from some councelors.

In reference to article 11 of law nr.138/2015, “For the guarantee of integrity of persons who are elected, nominated or who practise public functions”, self-declaration and verification of the data conditions in accordance to this law, is carried out for each candidate of the multiname list for the preceding elections, for the Municipality Council, which is entitled to take the mandate of the adviser for the vacancy.

Candidates for advisers defined according to the multiname lists of the relevant subjects, have filled and submitted to the CEC the self-declaration forms as it is the competent body for administration, verification, implementation of the bans for the election and appointment in public functions, where the function of the Municipality Council is also involved.

From the verification of the self-declaration forms, it results that there has not been any information declared about the ban predictions in law nr.138/2015, for both candidates of the Municipality Council.

In application to the law nr.138/2015 “For the guarantee of integrity of persons who are elected, nominated or who practise public functions” and Chapter V, item 2, letter “b” and item 3, letter “c”, parliament verdict nr.17/2016 “For the definition of detailed rules on the implementation of bans predicted in law nr.138/2015”, the CEC has requested information from the Civil State Office and Judicial State Office, for the candidates as member of the municipality, who have submitted the self-declaration forms at the CEC, and also have published these forms at the official website on the internet.

In response to the requisition, the Judicial State Office has delivered to the CEC the judicial state certificate for the two candidates as members of the Municipality Councils, according to whom, they result unsentenced from the Albanian courts.

In reference to article 49 of law nr.139/2015, “For the local self-governance”, the Municipality Council has the competence to grant a mandate to the member of the Municipality Council.

The CEC, in reference to item 2, last paragraph, Chapter V of parliament verdict 17/2016, states that for the two candidates as advisers, the information of whom is not comprised of the condition to not elect candidates in the function of the councelor, the procedures to grant a mandate from the respective municipality councils and also the continuance of the further procedures for verification must continue.

**FOR THESE REASONS:**

The CEC, in reference to article 23, item 1, letter “a”, law nr.10019, date 29.12.2008 “Electoral Code of the Republic of Albania”, as amended; article 11, law nr.138/2015, “For the guarantee of integrity of persons who are elected, nominated or who practise public functions”; Chapter V, parliament verdict nr.17/2016 “For the definition of detailed rules on the implementation of bans predicted in law nr.138/2015”, “For the guarantee of integrity of persons who are elected, nominated or who practise public functions”.

**DECIDED:**

To notify the municipality councils to continue with the procedures of granting mandates to candidates of the multiname lists, for the completion of the vacancies in municipality councils, according to the conjuction attached to this decision.

This decision shall enter immediately into effect.

 **Denar BIBA- Chairman**

 **Hysen OSMANAJ- Deputy Chairman**

 **Bledar SKËNDERI- Member**

 **Edlira JORGAQI- Member**

 **Gëzim VELESHNJA- Member**

 **Klement ZGURI- Member**

 **Vera SHTJEFNI- Member**