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Albania
Technical Observation
October 1996 Local Elections

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IFES IN ALBANIA



IFES Technical Advisors Charles Lasham (left) and Andrew Scallan (right) meet with Albanian CEC Chairman Nestor Tereska.



Scallan and Lasham hold discussions with the Secretary of State for Local Government, Nijazi Kosovrasti (second from right), and the General Director for Local Government, Ferdinand Poni (farthest to the right).

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*International Foundation for Election Systems
Technical Observation Project
Republic of Albania
October, 1996*

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Executive Summary

The International Foundation for Election Systems (IFES) completed a local government technical election observation and assessment in the Republic of Albania between October 7 and November 1, 1996. Two IFES representatives, Charles Lasham, Chief Electoral Officer for the City of Liverpool and Andrew Scallan, Head of Statutory and Agency Services and Deputy Electoral Registration Officer for the City of Manchester, took part in the short on-site mission. Lasham was in Albania from October 7 to October 22 and Scallan from October 18 to November 1.

Less than a month prior to the October 20 local elections, IFES was asked by USAID and the U.S. Embassy in Tirana to send a two-person team to Albania in order to assess the Albanian Election Commission's capabilities as it administers the October 20 elections and the October 27 run-offs (if necessary). The team focused on assessing commission administration capabilities, coordination and responsiveness to election day and runoff practices. Each of these election administrators, contracted by IFES, provided an assessment of election procedures and, within the very limited time frame available, provided relevant experience to address the questions of the CEC.

The IFES team reviewed the recently amended Local Government Law, determined the preparedness of the Central Election Commission (CEC), the Secretary of State's Department and the various local organs involved in the electoral process from the prefecture level to Polling Place Commissions. The team had meetings with the Chairman, Deputy Chairman, Secretary and other members of the CEC, the Secretary of State for Local Government and his staff, representatives of NGOs and others involved in the process. The October 20 elections were observed by IFES. Although primarily based in Tirana, the team did visit Fuse-Kruje, Kruje, Durres, Vlore, Elbasan and Librahzd.

In the IFES report of March 1996, authored by DeGregorio and Ross, the following reference is made to the process of change in the Republic since 1991.

Albania has been going through a steady but evolving process of making the transition from one of the most Communist and repressive governments of the world to a nation that can be recognized as a true democracy with a satisfactory human rights record. While it is clear that true progress has been made, Albania is a country that continues to need appropriate technical assistance to help it achieve that goal, as well as close monitoring to determine if real progress is being made. It should be noted that as a poor country, Albania has made relatively good progress in recent years. Changes in economic conditions have been accompanied by a significant shift

in population from the countryside to the more urban districts.¹

Electoral Process

In April 1996, IFES was informed by USAID and the US Embassy in Tirana that an IFES Technical Assistance Project envisioned since the return of the Pre-Election Assessment Team in March, could not proceed due to a decision on the part of the Government of Albania. It was the Government's perception that IFES' technical expertise was not needed or, as some believed, was unwanted due to a perception that IFES was an observer organization. Despite this unfortunate decision, IFES continued to stay in contact with USAID in hope of fulfilling the important role of technical advisor in the local elections scheduled for October. IFES' continued persistence in assisting the Albanian CEC was based on the overwhelmingly negative response by the international community to the administration of the May parliamentary elections.

The National Assembly elections which took place on May 26, 1996 were generally considered to be flawed. Various agencies issued critical reports on the election process, reflecting problems with the registration of voters, inconsistencies within the polling places, allegations of ballot stuffing and a general lack of transparency throughout the process. The fact that opposition parties withdrew from the election late on election day only further undermined the election. Certain measures were taken since May 1996 to overcome these difficulties and prevent further criticism of the electoral process during the local elections. This was, perhaps, a recognition of the fact that the international community would find it difficult to tolerate the repeat of failures which occurred during the National Assembly elections.

The Law on the Election of Local Power Organs enacted in 1991 has undergone radical, positive changes since May 1996. A few examples include:

- additional time has been allowed between the calling of an election and election day itself (Article 7);
- electors lists are required to be published in public places earlier (Articles 12 & 13);
- voting centers are defined earlier (Article 21);
- significant changes have been made to the establishment of the election commissions (Articles 24, 25 & 26);
- registration of candidates is required to be done earlier (Article 59).

¹ DeGregorio, Paul S. and Kimberley L. Ross. Albania: Pre-Election Technical Assessment. Washington, DC: International Foundation for Election Systems, 1996.
To purchase this publication, please send requests to IFES by fax at (202)452-0804 or by e-mail at pubs@ifes.org.

IFES Access

The IFES team was given every opportunity to examine the preparations for elections by the CEC and, in particular, within the Office of the Secretary of State for Local Government. Daily meetings were held between IFES and the General Director for Local Government. Access was granted to the election planning process, the drafting of proofs for the printing of ballots, the printing process within the government printing houses, the receipt and storage of ballots and other materials and the distribution of materials to prefects. All of these processes were conducted under tight security. It is an indication of the level of cooperation received that IFES was given open access to the General Director of Local Government, the Chairman, Deputy Chairman, Secretary and other individual members of the CEC. The processes described above were subject to and withstood rigorous examination by the IFES representatives.

The CEC met on a regular basis throughout the assessment period. Decisions of the CEC were challenged, resulting in changing the law only days before the election as a result of an inconsistency (Article 73 (b) refers to this). A more detailed analysis of the changes in the Local Election Laws is covered in Chapter 2 of this report.

Election Day

Election day, October 20, was determined to have been largely successful, receiving a free and fair rating from international observers. Nevertheless, observers did note infringements of the electoral law in varying, although primarily minor, degrees. This view was shared by the political parties and the *Society for Democratic Culture*. The run-off election of October 27 was also judged to have been free and fair by a reduced number of observers who participated. A real test of the effectiveness of the election process, the functioning of the CEC and Albania's move to a democratic culture will be in the response made to the complaints of infringements which were reported to the CEC. It is important that all complaints, emanating from all participants are fully and openly investigated. The process of investigating complaints was not exhausted upon the completion of this mission.

I. INTRODUCTION

A. Scope of Project

IFES undertook an assessment of the preparedness of the Albanian government to organize and implement meaningful local government elections on October 20. Technical election assistance was provided to the Central Election Commission and to the Secretary of State for Local Government on the election planning process, training of election commissions, voter and civic education, election day procedures, response complaints, and the adjudication of grievances. In addition, advice on legal reform, regulatory reform, campaign finance and ethics, candidate registration, ballot access, counting and tabulation procedures and reporting of election results was offered.

IFES also considered what additional steps need to be taken to improve Albanian electoral processes and to further the development of civic and voter education initiatives.

B. Country Background

Albania held its first multi-party elections since the 1920s in 1991. The elections were for 250 seats in the unicameral People's Assembly. Staff members of the Commission for Security and Cooperation in Europe (CSCE) observed the election and found the process to be orderly, despite some complaints of irregularities. Turnout was high at 98.9%, resulting in a victory for the former communist party, which had been renamed the Albanian Party of Labor (APL).

Although the conservatives did well in the February 1991 elections, President Ramiz Alia lost his seat. Prime Minister Fatos Nano, a moderate communist, fared well in the elections, providing him with the mandate to establish a new government. His cabinet consisted of new personalities calling for radical market reforms in the economy. Although Nano's radical economic program was approved in May 1991, a general strike paralyzed the country and its economy. Subsequently, Nano was ousted and a "government of national salvation" was created in which the communists were forced to share power with other parties in the executive branch. The new government, led by Prime Minister Ylli Bufi, consisted of a coalition of communists, the Albanian Democratic Party (ADP), the Republican Party, the Social Democratic Party and the Agrarian Party - it took office in June of 1991.

Following the collapse of the coalition government in December 1991 and the ADP's landslide victory in the spring 1992 general election, Alia resigned as President. On April 9, the People's Assembly elected ADP leader Sali Berisha as Albania's new head of state. Since its ascension to power, Berisha's government has made significant progress in stabilizing Albania's currency, restoring public order, and controlling inflation. It has, however, encountered problems with ethnic

relations and attracting foreign investment.

Berisha's government experienced a setback on November 6, 1994 when its proposed constitution was defeated in a referendum. Albanian citizens voted 54% against the constitution's adoption. In September 1995, the government passed a controversial Genocide Law prohibiting high-ranking communists from holding political office. According to the law, any person found to have collaborated with the *Sigurimi*, the former secret police, would not be allowed to work in the political, legal, or media fields until the year 2002. The constitutionality of the law was questioned by several political parties, yet the Albanian Constitutional Court ruled against requests for appeal.

In February 1996, the Albanian Parliament passed revisions to the 1992 election law. On May 26, 1996 parliamentary elections were held and resulted in an overwhelming victory for Berisha's Democratic Party. Unfortunately, this election was universally criticized by international observers (OSCE Parliamentary Assembly, National Democratic Institute for International Affairs and the International Republican Institute among others) present during the electoral process. On election day itself, all but one of the opposition parties pulled out of the election.

Since these flawed elections, steps have been taken to improve the democratic process. Opposition parties obtained representation at the deputy chairman level on all election commissions. The amended Local Government Law makes the election process more transparent, contributing to the restoration of public and international confidence, provided the changes are properly implemented. The stigma of the May 1996 election continued to linger, with the October 20 elections seen as a test of the government's dedication to restoring credibility to the democratic process in Albania.

C. Local Government Structure

There are three levels of local government in Albania - districts, municipalities and communes. Albania is divided into 12 Prefectures, the Prefect being appointed by government. Within the Prefectures, there is a total of 37 districts, including Tirana which has the unique status of being a district and a municipality. Below this level, there are 64 municipalities and 310 communes. Communes and municipalities are referred to as zonal organs in the Law (use of this term will be made in this report).

II. THE LOCAL ELECTION PROCESS

A. Revised Local Election Law

The Law on the Election of Local Power Organs No. 7573 of June 16, 1992 has undergone

significant changes since the flawed May 26 1996 elections. The amendments were passed on September 12, 1996. At a two-day conference organized in August 1996 by the IRI, representatives of the government and political parties within Albania discussed a number of pertinent issues affecting the democratic process within the country. The agenda of the conference, "Working Conference on Improving Campaign Practices and Election Laws" included election administration matters: composition of election commissions, production of materials, registration of voters, voter identification; lustration laws; the role of the media; the conduct of political campaigns; voting day procedures; election observers and the role of the international community.

The Local Election Law's amendment was one result of this conference. These changes were significant and positive and if properly applied can do much to enhance the standing of Albania within the democratic community. The changes reflected most of the recommendations made by the international community in the reports published following the last series of parliamentary elections. Some examples of changes made included:

- the extension of the election timetable;
- better access to the voter lists;
- the revision of the composition of election commissions to include, in addition to the Chairman and Secretary, a Deputy Chairman appointed by the party which is not part of the government coalition and has the highest representation in the respective organ of local government; the regularization of access to State Radio and Television;
- the identification of a more transparent process for the handling of ballots and the declaration and publication of results.

One of the most significant changes from the perspective of the voter was the change in the method of voting. Separate ballots are now used for each office and the traditional method of voting, in which the voter crosses out the names of unwanted candidates, has been abandoned, and voters are now required to place a mark (- or x or +) next to the name of the candidate they favor.

Voting hours were changed to allow time for the Polling Place Commissions to prepare their work and sign ballots as provided for in the law. Between the hours of 7:00 A.M.- 8:00 A.M., the preparatory work must be completed in order for voting to commence at 8:00 A.M. and end at 9:00 P.M., although this may be extended beyond 9:00 P.M. should persons be in line waiting to vote.

At every stage in the process, the Chairman, Deputy Chairman, and the Secretary of the CEC sign all ballot papers and protocols. It was interesting to note that Article 73 (b) referring to the close of poll activity, excluded the Deputy Chairman from signing the lists following the counting of the voters who have taken part in the election. Following appeals to the Central Election Commission, an amendment to the Law was made whereupon the Deputy Chairman was included in this process.

Another significant change was noted in Article 87 as a result of the opposition's boycott of the May 1996 parliamentary elections late on election day. The Law now states that the boycotting of duty by a member of an election commission at any level on election day is punishable with a prison term of 1-3 years. This is the most severe penalty for any election offense known to the authors.

B. Election to Districts, Municipalities and Communes

Each district contains at least one municipality. Those areas of the district not within municipalities are composed of communes. The elected body of the district consists of council members who are "elected on the basis of a proportional system in the zones with multi-named lists" (Article 1, Law No. 7573, "On the Election of Local Power Organs"). The Chairman and Deputy Chairman of the district are elected by council members from within its membership.

All residents of Albania either live within a municipality or a commune. The council members of these electoral divisions are elected in a similar fashion to district council members.

The number of councilors to be elected for Communes (C), Municipalities (M) and Districts (D) is described in Article 51 as follows:

- 11-13 councilors (C&M) for populations up to 10,000 inhabitants
- 13-15 councilors (C&M) for populations between 10,000-20,000 inhabitants
- 15-17 councilors (C&M) for populations between 20-50,000 inhabitants
- 17-21 councilors (C&M) for populations over 50,000 inhabitants
- 23-27 councilors (D) for populations up to 150,000 inhabitants
- 31-35 councilors (D) for populations over 150,000 inhabitants
- 45 councilors for the municipality of Tirana

C. Election of Mayors and Chairmen

The Mayors of municipalities and the Chairmen of communes are elected by the candidate securing the absolute majority of valid votes cast in the first round of elections. In the event none of the candidates secure the required majority, the top two candidates take part in a run-off election one week later (Article 81).

Should both candidates receive an equal number of votes in the second round, a lot is cast to decide the election. If a candidate withdraws from the second round, the next candidate with the highest percentage of votes in the first round is included on the ballot for the run-offs.

III. PREPARATIONS FOR THE ELECTIONS

A. Registration of Candidates and Campaigning

The Law in Articles 41 to 50 establishes provisions for the organization of election campaigning, access to the media and funding of political parties. Throughout the period of IFES' presence in Albania, no complaints were received from either parties or candidates concerning the way in which the CEC had performed its duties relating to access to the broadcasting media or the distribution of funds granted by the government for party campaigns.

Election Commissions for the appropriate organs were responsible for the registration of party and independent candidates. Again, no complaints were received concerning the functioning of this procedure.

B. Voter List

The responsibility for compiling voter lists lies with the commune or municipality (the zonal organ, according to Art. 8). Albanian nationals may register in the zone in which they reside, whether their residence is temporary or permanent (Art. 9). They may only be registered once (Art. 11). If a voter is registered at an address he/she is living at temporarily, the zonal organ is required to advise the appropriate organ responsible for the permanent address of the voter's registration in order to avoid double registration (Art. 11). Special rules are made for the registration of soldiers, those in hospitals, sanitoriums and other medical and convalescent institutions and in re-education and detainment camps (Arts 13 &14).

Voter lists are compiled for each polling station, providing the voter name, father's name and family name, birth date and a registration number. After their compilation, the lists are sent to the Prefect for confirmation. The Prefect is responsible for resolving any disagreements in relation to the lists. No later than 2 days after publication of the lists, a copy is sent to the Secretary of State for Local Government. The registers are on permanent deposit in the Office of the Civil Records. The Council of Ministers issues the necessary instructions on how the lists should be compiled as well as their protection and administration (Art. 10).

After consideration by the Prefect, the voter lists are published by the appropriate zonal organ no later than 17 days before the election (Art. 12). Changes may be made to the list by the appropriate organ up to 48 hours before election day if a discrepancy is found (i.e. the names of people who have died, are registered twice or outside Albania). Every voter has the right to make a written request for corrections to the register in order to correct mistakes (i.e. changes to their names, their father's names, surnames and the registration of people who have lost the right to be registered).

The request must be examined and determined within two days. There is a right of appeal against any decision to a first grade court. Within three days, at an open hearing, the court must determine the issue in front of the individual who registered the complaint and the representative of the zonal organ which declared the list. The ruling of the court is final (Arts. 16 & 17).

The voter lists are available for purchase on request, although no time span for delivery or price is specified (Art. 18). Different charges were made for a copy of the register in different zones based on the cost of production. Access to a copy of the voter list is a key element in any democracy and therefore the question of access needs to be addressed. The law should be adapted to fix a price for the lists and a maximum time for delivery.

From the examples witnessed during monitoring on both election days, it is clear that there is a considerable lack of uniformity in the preparation of the registers. Some were handwritten while others were prepared using typewriters or computers. On some, the full date of birth was included while on others only the year of birth. The quality of the register was heavily criticized preceding the election. There is a clear need to be able to produce sufficient copies of the register in order for the Commission to meet its requirement to provide a timely response to any requests for copies from political parties.

The Minister of Local Government is very conscious of the shortcomings of the registration process and is enthusiastic to consider alternatives, including the computerization of the lists.

C. Election Commissions

Article 23 of the Local Election Law was revised to provide three types of election commissions to organize and carry out the elections: the Central Election Commission (CEC), the various Zonal Election Commissions (ZECs) and the Polling Place Commissions (PPCs). Election commissions are independent bodies, performing state functions in an impartial manner. It is important to emphasize that the multi-party membership of all the commissions is pivotal to the management of elections in a free and transparent manner.

At each step in the process, the main members of each commission and, on some occasions all the members, are responsible for signing actions as approved. A description of the composition and duties of each election commission follows.

(i) Central Election Commission

Article 29 of Law 7573 states that the Central Election Commission shall be established by the President of the Republic on the recommendation of the political parties no later than 30 days prior

to the election. There shall be a Chairman, Deputy Chairman and a Secretary in addition to 14 other members.

The Chairman of the CEC is Nestor Tereska of the Democratic Party; Deputy Chairman Besnik Baraj is a member of the Socialist Party; and Secretary Fiqiri Kupe is a Democratic Party representative. Secretary Kupe is also the Director of Elections at the Ministry of Local Government. The other members are selected from the political parties in the following manner: Socialists (4), Democrats (4), Union of Social Democratic Party (1), SDP (1), Republic Party (1), Human Rights Union Party (1), Democratic Christian (1) and Agrarian Party (1). The CEC is supported by seven "technical" staff members who provide legal, clerical and administrative support.

The CEC performs the following duties (Art. 30):

- To observe the strict and equal implementation of the law;
- To exercise methodical observance and control over the activity of the election commissions of the districts, municipalities and communes;
- To review the complaints against illicit and irregular acts and activities of the electoral commissions;
- To exercise control on the compilation of the lists of the candidates for members of the local councils and candidates for chairman of communes and municipalities;
- To make rules for local and foreign observers to cover elections and to issue them with ID cards;
- If necessary after the election to check the electors lists to discover if a person has voted more than once;
- To announce the final outcome of the election;
- To approve the arrangements for electoral broadcasting (Art. 42);
- To organize voter education broadcasts on radio and television (Art. 43); and
- To issue special instructions on the implementation of the law (Art. 90).

Decisions of the CEC are valid when more than half the members are present and decisions are taken by a majority vote (Arts. 33 & 34). Meetings of the CEC are open to the public and observers are entitled to attend. Observers also have the right to speak and have any remarks recorded in the official report of the meeting (Art. 34).

In addition to the regular full meetings of the CEC, a number of sub-commissions were formed to look at specific tasks - media, propaganda (voter education), materials and legal issues.

During the election period, the CEC was supposed to meet on a daily basis. Meetings were scheduled for 6:00 P.M. each day but on occasion meetings were not held due to the unavailability of the

Chairman, Deputy Chairman or Secretary who were engaged in other election duties. Some members of the Commission had full-time employment, making it impossible for them to meet during the day. However, there were other members of the CEC who were unemployed and therefore had time to undertake useful work either within sub-commissions or individually for later consideration by a full meeting of the Commission. The sub-commissions met during the day, when necessary, and reported their findings in the evening meetings of the CEC.

There appeared to have been no planned agenda for meetings, as they were conducted based on problems raised at the moment. Any Central Election Commission needs to be clearly focused with all members understanding what is within their scope in order to have a clear workplan and established procedures for dealing with complaints and other problems raised.

The Law contains specific provisions for the meetings to be open. For these provisions to be effective, it is crucial that meetings take place at a time previously published and that an agenda is made available to both CEC members and anyone else who may wish to exercise their right to attend. During IFES' stay in Albania, meetings were convened on very short notice and occasionally members of the CEC were unaware that meetings had begun.

One of the recommendations of reports studying the democratic process in Albania has been the establishment of a Permanent Central Election Commission (PCEC). It is encouraging to note that by Presidential decree it was announced that a Permanent CEC is to be established. Effective legislation needs to be put in place to make the PCEC function properly. It will also be necessary to review the division of responsibilities between the PCEC and the Ministry (see Recommendations).

This is one aspect in which IFES can be of future assistance, providing drafting advice, making use of information held within its Washington and European-based Resource Centers and drawing on experiences from its five on-site field offices in Central and East Europe and the Newly Independent States (NIS).

In framing the arrangements for the operation of the new Permanent Central Election Commission, the Government of Albania should be guided by the internationally accepted standards for the administration of the electoral process (see *Free and Fair Elections: International Law and Practice*, Guy S. Goodwin-Gill, Interparliamentary Union).

The PCEC should conform to the following principles:

- **impartiality**- its main purpose should be to establish a level playing field to enable parties and candidates to compete, giving voters sufficient information to enable them to vote in a

reasonably informed manner, in counting votes and declaring results without prejudice;

- **independence** - the PCEC should be structured in such a way that it is not under the influence, nor does it appear to be under the influence, of any faction which has an interest in the outcome of the election; and
- **competence** - the PCEC should be able to carry out its duties and be sufficiently resourced in professional and financial terms.

(ii) Zonal Election Commissions

Article 24 states that in every election zone (commune, municipality and district) there shall be established a Zonal Election Commission consisting of a Chairman, Deputy Chairman and Secretary and one representative from every subject or electoral grouping who has candidates within that zone. Should the number on the Commission be even, an additional non-party person is appointed by the Prefect. A total of 4,217 people served as members of the ZECs for the first round of voting and 590 for the run-offs.

In addition to ensuring that the law is implemented properly within the zone, each Commission oversees preparations for the elections and on election day itself. District Commissions oversee Municipality and Commune Commissions, who in turn oversee the work of the Polling Place Commissions. The ZECs organize voting for the run-offs as appropriate.

(iii) Polling Station Commissions (PSC)

PSCs are established in accordance with Article 26 of the Law. Each has a structure similar to ZECs, with duties as established in Article 27, including: peaceful and lawful operation of the commission; exact implementation of voting procedures; registering voters on election day with proper credentials; counting the ballots; preparing protocols and providing the same to ZECs and maintaining a report on complaints.

For the first round, there were 4,669 polling stations where a total of 53,351 Commission members served. For the run-offs, there were 1,425 polling stations in use and 7,125 Commission members.

D. Office of the Secretary of State for Local Government

The IFES team worked closely with the staff of the Office of Secretary of State for Local Government. They proved to be a highly motivated and dedicated team working toward the high standards set by Secretary Kosovrasti and his General Director for Local Government, Mr. Poni.

Their meticulous attention to detail in the election planning process was admirable.

The election team of the Secretary's Office designed ballot templates for the production of camera-ready artwork for the printers, produced flow-charts for the division of work and responsibility, and produced schedules for the training, distribution and collection of materials. Much to their credit, the election team was able to anticipate a number of problems encountered in the days immediately prior to each election and were able to assist with solutions in coordination with the CEC.

The IFES team was given every cooperation and access to every facility. They were allowed to see all processes, including the highly secure printing of ballots at the military printing house. The team attended a meeting with Prefects, a seminar given to Municipality and Commune Commissions in Vlora and a meeting of the Secretary of State with the Tirana Municipality Commission to solve an anticipated distribution problem within the capital.

E. Role of the Prefect in the Local Election Process

Prefects play a small but important role in the election process in Albania. The Local Government Office arranged for the Prefects to collect materials from Tirana under tight security. Once back in the Prefecture, they arranged for the ZECs to collect materials from them for distribution to the PSCs.

In addition, training sessions were usually held within the offices of the Prefecture, thus emphasizing the serious nature of the local election process.

After the election, the Prefect is responsible for the safe retention of all the electoral materials returned after the election for a period of not less than one year (Art. 82).

F. Delivery of Ballots and Other Election Materials

As indicated above, the Local Government Office had a clear idea of how the distribution of materials would be undertaken throughout the various structures down to the PSCs. Schedules were produced and, initially, it was planned that distribution to Prefects would occur on October 17 & 18, following the printing and delivery of ballots and protocols to the Office for Local Government. However, the distribution commenced a day earlier, with the areas farthest from Tirana collecting the materials first, on October 16, with the completion of work on October 17.

The ZECs collected materials from the Prefects and the PSCs from their respective Zonal Commissions. All materials arrived by Saturday, October 19 and remained in the polling stations or other secure places overnight under police guard. These facilities were opened at 7:00 A.M. by

the Chairman and other members of the Commission in order to make the necessary preparations for the opening of the polling place at 8:00 A.M. The ballots for the run-off elections of October 27 were delivered beginning October 24 in a similar fashion.

IV. THE VOTING PROCESS

A. Immediately Prior to the Poll

The Polling Station Commission is required to be present for duty at 7:00 A.M. on election day and is required to check and seal the ballot box with the seal of the polling station. The Chairman of the Commission seals all the ballots in the presence of the Commission and records the number of ballots received. After the sealing, the Chairman, Deputy Chairman and Secretary are required to sign each ballot paper prior to the opening of the poll in the presence of the members of the Commission.

The IFES team had doubts about whether one hour would be sufficient time to carry out this laborious but necessary process, especially considering that there were three different ballots in each polling station. The team expressed the view to the Chairman of the Commission that, should the work not be fully completed, then voting should commence as scheduled at 8:00 A.M. and the remainder of the stamping and signing could be undertaken at quiet times throughout election day. IFES, however, was advised that one hour was sufficient time to complete this work. On election day itself, however, observers found that in the majority of cases the signing was not completed on time. Polling Station Commission Chairmen were advised that they must open at 8:00 A.M. This was confirmed by one of the CEC members who appeared on television on the eve of the elections reiterating this position. The problem was solved by signing a sufficient amount to allow the polling station to be opened on time and the remainder were signed as the day progressed. This was further confirmed by television news on election night which showed voting taking place and ballots being signed immediately before the issuing of papers.

There is significant risk involved in signing and sealing all ballots at the beginning of the day instead of signing them immediately prior to their issuing to voters. Once signed and sealed, the ballots can be put into the ballot box at any time by any member of the Commission who may be acting unlawfully in the absence of Commission members from other parties. The authors of this report are not suggesting that this did occur but the present system does present the opportunity for this to occur. Multi-party commissions should prevent such abuses but, nevertheless, certifying the ballots immediately prior to the issuing can only further ensure ballot security.

B. Opening of the Poll

Polling stations generally opened on time for both elections. Observers reported a few exceptions to this but they were rare and few were inconvenienced by this. In general, the announcement by the CEC that voting was required to begin at 8:00 A.M. was adhered to by the local polling stations.

C. The Process of Voting

Upon entering the polling station, the voter produced identification (either an internal passport, military papers, a passport, or a certificate containing a photograph to the Chairman of the Commission). The voter's name was then found on the voter list, the ID number was written next to the name and the voter was required to sign the list next to the entry. The voter ID card was then stamped with the seal.

Once the ballot was issued (containing the signatures and seal as described above), the voter proceeded to the booth where the vote was cast in secret. The ballot papers were then deposited in the appropriate box which was marked to make identification clear. For the run-off election, there was only one ballot box.

Some Commission Chairmen asked voters if they were clear about the new voting process (marking the ballot with +, x or - rather than deleting the names of those they did not want to vote for) and provided clarification if necessary. This was a welcome practice and should be encouraged in order to avoid high numbers of invalid ballots during the counting of votes.

Community or family voting has a strong tradition in Albania. The head of the household often either takes the IDs of all his family members to the polling station and votes on their behalf or alternatively goes into the polling booth with them. This is contrary to Art. 68 of the Law which specifies exactly who may assist a voter. To external observers this practice was a cause for concern but it was very apparent that when questioned about it, all members of the PSC accepted the practice as did the Society for Democratic Culture (a local observer NGO).

It was apparent that while every Commission had access to a copy of the Law and had been issued with supplementary material from the CEC, some Commissions had received training based solely on the Law while others had been supplied with additional documents. One way in which IFES can further assist democracy in Albania is to assist with the drawing up of a training manual for the Commissions at each level.

V. COMPLETION OF VOTING

A. Close of Poll Activity and Counting of Votes

At 9:00 P.M., when the voting is completed, the Chairman declares the end of the voting and counts from the voter list the number of people who are recorded as having voted. The list is then sealed in an envelope and the envelope is signed by the Chairman, Deputy Chairman and Secretary. Once this process is completed, the unused ballots are counted.

Each ballot box is then separately opened and a Commission member, chosen by lot, takes out the ballots and hands them to the Chairman who declares whether the ballot is valid or not and the candidate or party for whom the vote has been given. Spoiled ballots are identified and agreed upon by the Commission. Spoiled ballots are those which have more than one sign, wrongly filled or are damaged or torn (Arts. 70 & 71). If Commission members fail to agree, a report of the disagreement is recorded.

The ballots are separated by party or candidate and a pile is created for each. All Commission members were given the opportunity to verify every stage of the process verification.

The number of invalid ballots recorded by observers of the election was between 6% - 15%, a significant proportion of people who made the effort to place their vote. IFES requested that the CEC supply official figures for the number of invalid ballots. This information has not been forthcoming despite repeated requests by the authors to the CEC.

B. Completion and Issue of Protocol

At the end of the voting and counting processes, the Chairman of the Polling Station Commission is required to fill out three protocols, one for each of the three elections which were being held. The reports are to include the following:

1. The name of the zone and the number of the polling station
2. The time at which the polling station opened and closed
3. The number of voter in the voter lists
4. The number of voter in the supplementary list
5. The number of voter marked as having voted
6. The number of ballots received
7. The number of ballots considered to be out of use before and during the voting process
8. The number of unused ballots
9. The number of ballots found in the ballot box

10. The number of irregular ballots
11. The number of regular ballots
12. The number of invalid irregular ballots
13. The number of ballots for each candidate or party
14. The number of copies of the final report
15. Any remarks made by Commission members or observers and the decisions of the Commission on them, if appropriate

The report must be signed by the Chairman, Deputy Chairman and Secretary and should be sealed. Every member of the Commission should sign it, in addition, and may take a copy of it.

The Commission is then required to make the results of the polling station public by posting a copy at the polling station and sending two copies of the results to the various ZECs.

The entire process was repeated in the run-off election the following week.

C. Compilation of Results

It is the responsibility of the various zonal organs to declare the results which they compile from the protocols from the polling stations. The zonal organs are required to compile a protocol which gives cumulative figures and deliver it to the CEC. They are to be delivered to the CEC by the Chairman, Vice Chairman and Secretary. The CEC is required to announce the final results nationally in a special bulletin within five days after they receive the documents from the election commissions.

To enable the fulfillment of duties, the CEC was aided by the Director of the Institute of Informatics and Applied Mathematics who installed 17 personal computers at the CEC and had 18 operators with support staff available to tabulate the results over several days working a 24-hour shift. There was a good system of verification in place to ensure the correct input of data. The Director was able to produce statistics and "pie charts," plotting the voting results for respective parties on an hourly basis as the results delivered to the CEC were processed. Because the protocols took several days to come into the CEC, results were being given out by the parties in advance of the official figures. The requirements of the Law concerning delivery inevitably meant that the publication of final results would be delayed.

A number of complaints were made to the CEC concerning the manner in which the protocols had been completed. The Socialist Party was especially concerned about a number of irregularities and the way in which their complaints were being considered by the CEC, prompting SP members of the CEC to write to the President complaining about the way in which the results were declared and the way in which complaints were being handled. At the time of the writing of this report, the Vice

Chairman of the CEC had refused to sign the final communique of the CEC announcing the results. The right of appeal lies with the Constitutional Court based on the decisions of the CEC. During the period of this mission, the first appeals were to be heard but none had been decided.

A number of observers felt that further verification of the results would have been for the CEC to publish the results from each polling station. The view of the CEC on this matter was that it could only compile the results as required by law and, in any event, the figures for each polling station were available locally. A similar view was expressed by the Minister of Local Government.

VI. ACCEPTANCE OF RESULTS

All political parties accepted that these elections had been an improvement in the electoral process over those of May 26. Opposition parties expressed reservations about the effect of the results as they placed the ruling party in very strong positions within all organs of power. However, all parties have accepted the final results of the local elections.

VII. OBSERVERS

A. Domestic Observers

The mobilization of domestic observers was organized by the *Society for Democratic Culture* (SDC). Its Executive Director, Miranda Gace, was critical of the CEC decision to set an age limit on resident Albanians wishing to observe the election process. This limit was set at 25 years, thus making it difficult for the SDC to gain accreditation for a large number of its supporters, particularly in Tirana. To make matters worse, the age limit set for international observers was set at 22 years. The logic of this decision by the CEC was difficult to comprehend and IFES saw no reason for the difference between the two sets of observers and believes that the limit should have been set at the age of voting, 18 years.

This decision of the CEC was challenged in the Courts as a denial of human rights. However, the Cassation Court held that the ruling of the CEC was in proper order.

On election day, over 1,500 domestic observers from the SDC planned to observe the election. The IFES team met with Miranda Gace following the elections in order to obtain a copy of the press release issued by the Society (see the appendix). Although the decision of the CEC to fix the age for domestic observers at 25 caused logistical problems for the SDC, it was able to mobilize 1,300 people on October 20 who monitored 770 polling stations. On October 27, the Society mobilized

400 people who monitored 400 stations. For the elections of May 26, there were 2000 monitors present.

B. International Observers

There was no formal coordination effort of observers. An international body of observers with a much larger contingency of domestic observers participated. Shortly before the election, the OSCE and ODIHR withdrew their proposed observer groups. The loss of such experienced international groups may be part of the reason for the lack of a coordinated observer effort. By far, the largest contingency of observers consisted of a group of 150 Italians, many of whom were fourth year law students. It was suggested that the age profile of this group led the CEC to agree to a different age requirement for domestic and international observers.

Meetings of monitoring groups did take place prior to both elections but a properly coordinated observer effort was lacking. On October 20, the IFES team visited a polling station which had received visits from five separate monitoring groups. In addition, it was clear that not all monitors fulfilled their duties in a manner which did not interfere with the work of the electoral commissions in carrying out primary tasks.

IFES could further assist the democratic process by ensuring that any future monitoring exercise is carefully coordinated, taking into consideration the number of monitors, the availability of appropriate transport, the political sensitivity of different areas and other relevant factors.

VIII. REVIEW OF PROCESS

A. Central Election Commission

The performance of the CEC has been reviewed above. The IFES team found the members to be approachable and knowledgeable within their subject area.

B. Secretary of State for Local Government

As has already been indicated, the IFES team was impressed with the work of the staff within the Office of the Secretary of State for Local Government. It is interesting to note that the budget for the local government elections was set at a higher figure than the May 1996 parliamentary elections. This increase was made to improve the technical and logistical arrangements and to generally improve the standards of the voting process. An analysis of the comparative budgets is set out below, based on a copy of the order which notified of the increase:

Budget Item	April 1996 (in millions of dollars)	September 1996 (in millions of dollars)
Documentation	16.1	18.88**
Voting Material	15.3	13.0
Administration & Transport	17.1	24.1**
Totals	48.5	55.9

* No increase in the materials line as more than half of the equipment from the May elections was re-used.

**These figures were each further increased by 33% because of the required run-offs.

The September 1996 budget represents an overall increase of over 14% on the figure for the parliamentary elections and is an indication of the commitment to the local elections. While there is always room for improvement in any organization, it is difficult to think of ways in which the Secretary of State and his staff could have carried out their work more efficiently.

The Secretary's staff planned their work well and were able to anticipate problems. They used the computer facilities available to them to the fullest extent, conducting their work in a truly professional manner. Their processes were subject to a review not only by IFES but also by the material's group within the Central Election Commission. That group, under the Chairmanship of Besnik Baraj, expressed satisfaction with what they saw following a site visit and an inspection approximately a week prior to the election.

The production and distribution of materials for which the Office of the Secretary of State was responsible was well planned and executed.

IX. RECOMMENDATIONS

The following recommendations are a synopsis of observations made by the IFES team while fulfilling their mission and are intended to provide further support toward the democratic development of Albania²:

² Each of these recommendations have been shared with USAID/Tirana and USAID/Washington immediately following the return of the IFES team.

1. Consideration should be given to programming which will examine, in coordination with the Albanian Ministry for Local Government and the Central Election Commission (CEC), alternative methods of compiling the voter register. Such a project should include consideration of computerization of the lists in full or in part and include the establishment of a permanent voter list. The law should be amended to allow for the production and dissemination of ample copies of voter lists and determine a maximum allowable time for delivery of these copies;
2. Consideration should be given to facilitate a discussion on the duties undertaken by the CEC and the Ministry in order to create an organizational structure which reflects the status of a permanent Central Election Commission.
3. Consideration should be given to assisting the Central Election Commission in the management of its administrative duties in order to ensure that the Commission's obligations are fulfilled. This would include, but not be limited to:
 - holding public meetings which are properly convened;
 - establishing a clear workplan; and
 - fixing procedures for dealing with complaints and other problems that arise.
4. Consideration be given to programming which would develop a training manual for use by commission members at every level. This manual should be developed in cooperation with the CEC and be complemented by a nationwide pollworker training structure which would include the dissemination and explanation of such a manual;
5. Consideration be given to programming which would provide adequate assistance toward a nationwide voter education plan including, but not limited to:
 - voter awareness and understanding of electoral legislation and practices;
 - voter participation tactics; and
 - Albanian youth outreach programming.
6. Consideration be given to assisting the Albanian CEC:
 - a) Compile a voter list on a national scale detailing voting in each polling station to further enhance the transparency of the electoral process;
 - b) Review the method of delivering results to the CEC in order to accelerate the official counting and reporting process which may include the use of appropriate scanning



APPENDICES

or counting equipment;

7. The international community should closely monitor the progress of appeals cases through the court system.
8. In order to ensure that voting commences as scheduled and the possibilities for election fraud are limited, Paragraph 4, Article 66 of the Election Law, referring to established procedures prior to opening the polling place, should be deleted and paragraph 5 be altered to read as follows:

"After the above mentioned activities are completed, the Chairman, Deputy Chairman and Secretary shall begin signing each ballot. The Chairman shall declare the beginning of voting at 8:00 A.M. and shall ensure that all ballots are signed as soon as possible."
9. A more carefully coordinated observer effort should be established for any future monitoring exercise that would take into consideration the number of monitors, the availability of appropriate transport, the political sensitivity of different areas and other relevant factors.

X. CONCLUSION

The Albanian local elections of October 20, 1996 and the subsequent run-offs on October 27 are generally considered to be a notable improvement from the May 1996 parliamentary elections which were viewed as flawed by the international community.

The IFES technical observation team was provided unlimited access to the Central Election Commission and the Office of the Secretary of State for Local Government and was, therefore, able to view pre-election preparations and activities on election day at polling stations. Through numerous meetings held with the Chairman, Deputy Chairman, and Secretary of the CEC and the staff of the Secretary of State, IFES observed a significant commitment to the proper administration of the elections.

Based on their observations, the IFES team made a series of recommendations which can improve the electoral process and its administration in Albania. The first and most critical step must be the establishment of a permanent Central Election Commission with established rules and procedures in order to better administer elections. Likewise, alternative methods for compiling voter lists should be explored with the possible computerization of the lists.

In conclusion, IFES views the elections held in October 1996 as a positive step in the democratic

International Foundation for Election Systems
Technical Observation Project
Republic of Albania
October, 1996

development of Albania and hopes that progress continues to be made in the enhancement of the electoral process.

Acknowledgements

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Mr. Nestor Tereska, Chairman of the Central Election Commission

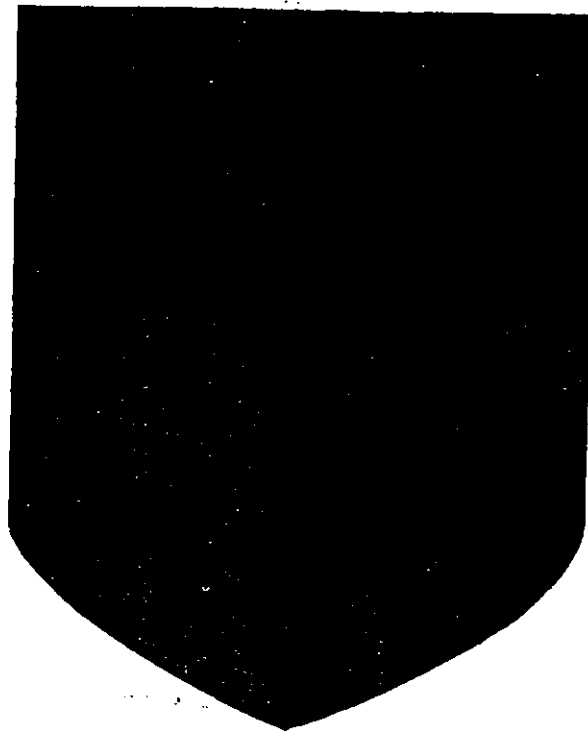
Mr. Nijazi Kosovrasti, Secretary of State for Local Government, for allowing unlimited access to the pre-election process. Particular thanks are due to Ferdinand Poni, Mary Myftari and Mr. Beci.

Much of the country background information was taken from the IFES report of March 1996 written by Paul DeGregorio and Kimberley Ross.

REPUBLIC OF ALBANIA

MINISTRY OF INTERIOR

**THE STATE SECRETARIAT
OF LOCAL GOVERNMENT**



**LAW
ON THE ELECTIONS
OF THE LOCAL
GOVERNMENT ORGANS**

**THIS PUBLICATION CAME OUT OF PRINT THANKS TO THE SPONSORSHIP OF
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**REPUBLIC OF ALBANIA
MINISTRY OF INTERIOR
THE STATE SECRETARIAT OF LOCAL GOVERNMENT**

LAW

ON THE ELECTIONS OF THE LOCAL GOVERNMENT ORGANS

In support of Article 16. of the law No 7491, dated 29.04.1991 "On the Main Constitutional Provisions", with the proposal of the Council of Ministers

THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

Chapter 1

GENERAL PROVISIONS

Article 1

The organs of the local power are elected by general, direct, secret and free ballot.

The elections of the local council takes place on the basis of the proportional system in the zones with multi-named lists. The chairman of the communes and the majors are elected by the majority system in zones with one named-lists.

Article 2

The Albanian citizens who as of the election day are 18 years old have the right to vote, with the exception of the persons, who have been deprived their ability to act by a court decision.

As a rule, the right of voting is exercised in the territory of the commune, municipality, or district where the voters live.

Article 3

"The citizens who enjoy the right to vote have the right to be elected members of the local councils or heads of the communes or municipalities.

The citizens who are arrested or are suffering their sentence periods are deprived of this right.

To be elected Major the request of the law No 8001, dated 22.09.1995 "On the genocide and crimes against humanity, committed in Albania during the communist regime on political, ideological, and religious motifs" as well as the Law No 8043, dated 30.11. 1995" On the Control of the Figures of the Officials and other persons linked with the protection of the Democratic State".

Article 4

Article 4 is abrogated.

Article 5

Members of the armed Forces, judges and prosecutors, in case they represent their candidacies to be elected in the local government, they should resign and leave their work place.

Article 6

The candidatures of the members of the local councils and chairmen of the communes and majors of municipalities are forwarded by the electoral subjects, namely the parties, party groupings and independent candidates.
A person can present himself as candidate only for one organ of the local power.

Article 7

The election day is set by the President, at least 45 days before the election day.

Chapter 2

**THE ORGANIZATION OF THE ELECTIONS FOR LOCAL COUNCILS
AND CHAIRMEN OF COMMUNES AND MAJORS OF MUNICIPALITIES.**

Voting Zones.

Article 8

One voting zone is receptively formed in each commune, municipality and district for the elections of the local power organs.

Election list

Article 9

The elections for the local power organs take place on the basis of the lectors' lists.

All the nationals, who enjoy the voting right and are permanent or temporary residents in the zone where elections take place, are registered in the electors' lists.

Article 10

The voters lists are compiled for each polling station. In the voters lists, the name, the father's name and family name, birthday and the registration number are given.

The voters lists are drafted under the responsibility of the Major or Head of the Commune and the secretary of the respective council. The voters lists, after they are signed by the above persons, are sent to the respective prefectures. The Prefect confirms them, and in case, solves the disagreements in connection to them. He is obliged that no later than 2 days after the publications of the voters lists to send to the State secretariat for the Local Government and the number of voters for each election zone.

The voters lists stay permanently in the Office of the Civil Records.

The Council of Ministers issues the necessary legal acts on the exact and timely compilation of the lists, as well as their protection and administrating.

Article 11.

One elector is registered only in one election list.

regarding the legislation of the electors with temporary residence, according to this law, the competent organ of this territory is obliged to inform the respective organ of their permanent residence, so that they be not registered twice.

Article 12.

The electors lists are posted in public places by the organ which has compiled, no later than 17 days before the election day.

Article 13.

For the electors who serve and live in military units, the electors' lists are worked out and declared not later than 17 days before election day by the organs defined in Article 10, in whose territories the military ward or unit is found, in cooperation with their commands.

Article 14

In the hospitals, sanitariums and other medical and convalescence institutions, in the re-education camps and centers of detains,, the list of electors are compiled by the directors of the institutions, camps of re-education and centers of detains on the basis of electors documents of identity.

The directors are obliged to inform the competent local power organ of the residence of these electors so that changes are made in the electors' lists where they were formerly registered.

Article 15

When an elector is appointed member of the election commission or observer in one voting center or zone, and, for this reason, he will leave the residence after the elections list is declared and before the election day, upon the written request of the electoral subjects, the election commission of the commune or municipality issues a certification for him to vote in the center where he will go and in the election list it is noted "has left".

This lector is registered in the supplementary elector list of the voting center of the area where he will go, after he shows the certification of the right to vote, together with the passport or any other document replacing it.

Article 16.

When a national has died, or he is registered twice, or he is not registered, or he does not enjoy the right of voting or he is outside the territory of the Republic of Albania, the organ that has declared the electors' list, upon its decision may make changes in this list, but not later than 48 hours before the election takes place.

Article 17

Every elector has the right to make written request, even by appearing in person regarding the correction of mistakes or shortcomings in the electors' lists such as the non-registration, the omission of names from the list, changes of their names, their father's names or surname, registration of the persons who have lost the right of voting, etc. The request is presented to the organ which has declared the list, and the latter is obliged to examine the request within two days and adopt a reasonable decision.

Appeal can be made against the decision in the first grade court, which has under its jurisdiction the relevant election zone. Within 3 days, in the presence of the complainer and of the representative of the organ that has declared the list, the court examines the appeal in open door court session and takes the respective decision. The decision of the court is categorical.

Every change made in the elections' lists is immediately declared.

Article 18

The electors' list are put at disposal of the electoral subjects by the organs that have declared them, on the basis of their request and against payment

VOTING CENTERS

Article 19

Voting and counting of ballots is made in the voting centers.

Article 20

In villages, a voting center is set up for 100-800 electors.

In cities, a voting center is set up for 800-1000 electors.

For cities which have less than 800 electors a special voting center is set up. For groups of more than 400 electors a separate center is set up, whereas in the nearest voting center of the zone of the commune or municipality.

When a dwelling center is more than 3 km far from the closest voting center is set up, if at least 50 electors are present.

Article 21

The polling stations are defined not later than 30 days before the election day. They are created with the decision of the organs which publish the voters lists, in compliance with the procedural rules that are followed after the publications of the voters lists.

Article 22

Voting centers are set up in hospitals, sanitariums, maternity homes and other similar institutions, in re-education camps and centers of detains if in each of them there are more than 15 electors.

In medical institutions with many wards, a special voting center per each ward may be set if in each of them there are more than 15 electors.

Article 23

For the organizing and carrying out of the elections the following bodies function:

- a)The central electoral commission.
- b)The election commissions of the communes, municipalities and districts.
- c)The commissions of the polling stations.

The election commissions are independent bodies which in their activities abide only by the law. The activity exercised by the members of the commissions is state activity and not political.

During the exercising of their activity the members of the commissions enjoy immunity. The political parties, in compliance with the rules set by this law, have the right to ask for the replacement of their representatives in the election commissions, but they do not enjoy the right to order their removal from the commissions.

The secretaries of the election commissions of the districts should be lawyers.

Article 24

In every election zone,(commune, municipality, district) the zone election commission is set up, consisting of the chairman, the deputy chairman, secretary and one representative from every subject or electoral grouping that has put candidates in this zone, as well as non party member, when the number of the members of the commission is even. The secretary and the non party person are

appointed by the Prefect. The Chairman and the Deputy Chairman of the district Election Commission are appointed by the Central Election Commission.

The Chairman is a representative of the government. The Deputy Chairman is appointed from the party, which among the political parties which are not part of the governmental coalition, has the highest representation in the respective organ of the local government. In case this party does not does not present its candidate for deputy chairman, then this seat is give to the following opposition party.

The proposal for the members of the district election commissions are sent to the central Election Commission not later than 30 days before the election day. The central Election Commission approves the composition of the district election commissions not later than 28 days before the election day.

The Chairmen and the deputy Chairmen of the election commissions of the communes or municipalities are appointed from the chairmanship of the respective district election commissions, according to the rule defined in the second paragraph of this article. The proposals for the embers of these commissions are made not later than 25 days before the election day. Their approval and publications is done not later than 23 days before the election day from the district election commissions.

Article 25

The zone election commission carries out these duties.

- a) It takes care for the exact and equal implementation of the law during the carrying out of the elections in all the territory of the zone;
- b) It exercises control on the activity of the commissions of the polling stations during the elections; the district election commission controls the activity of the elections commissions of the respective communes and municipalities.
- c) overlooks the creation according to the law of the polling stations;

- ç) registers and announces the candidates and the name lists of the electoral subjects, as well as the independent candidates for the respective local government.
- d) as needed it asks the organs that have published the voters list to make the necessary adjustment of the mistakes and shortcomings observed in them.
- dh) in compliance with the rules set by the Central Electoral Commission, the election commissions of the communes or municipalities issues authorizations for observers of the electoral subjects in the polling stations, while the district election commissions issues authorizations for observers of the electoral subjects in the commissions of the communes or municipalities.
- e) counts the ballot on the basis of the reports of the pooling stations and announces the end of completion of the elections in the zone. On the basis of these conclusions, the election commissions of the commune or municipality issues the proof of the elections to the newly elected chairman, as well as to the advisers of the communes or municipalities. The district election commission issues the proof of election to the district advisers:
- ē) reviews complaints against illegal or irregular acts and activities of the commission of the polling stations, the district election commission reviews the complaints against the acts and decisions of the commissions of the communes or municipalities:
- f) organizes the voting in the run-offs, when it is necessary
- g) the election commission of the commune or municipality hands over to the Central Election Commission and the district election commission the acts of the elections that are mentioned in this law, the district election commission hands over its election acts to the Central Election Commission.
- gj) the election commissions of the communes or municipalities issue certificate of the right to vote in cases defined by this law.

Article 26

In every polling station the commission of the polling station is set up which consists of the chairman, the deputy chairman, secretary and one representative for each subject or electoral grouping which has presented candidates in the commune or municipality, as well as one non-party person, when the number of the members of the commission is even. The secretary and the non-party person are appointed from the prefect, while the chairman and the deputy chairman are appointed from the chairmanship of the election commission of the commune or municipality, according to the rules set for the commissions of the communes and municipalities. The proposals for the members of the commissions of the polling stations are sent to the election commissions of the commune or municipality announces the composition of the commission of the polling station not later than 10 days before the election day.

Article 27

The commission of the polling station carries out these duties:

- a) guarantees the free and peaceful carrying out of the elections in the polling station in compliance with the regulations foreseen in this law;
- b) takes care of the exact implementation of the voting procedures;
- c) registers voters who show up to vote with a certificate of a right vote and those who show up with a court decision;
- d) counts the cast ballots for each candidate or name list.
- dh) prepares and hands over to the election commission of the commune or municipality the voting report defined in this law.
- e) keeps reports for complaints or requests of the members of the election commissions, reviews them and takes the respective decision;

Article 28

The instructions of the chairman of the voting center commission at the time of the elections are compulsory for all the citizens being in the voting center. These instructions can be canceled only by decision of the commission of the voting center.

Article 29

The Central Election Commission is made up by the chairman, deputy chairman, secretary and 14 members.

The make up of the Central Election is decided upon by the president of the Republic, on the proposal of political parties, no later than 30 days ahead of the elections.

The political parties which have no members in the Central Election Commission as well as the associations for covering the elections enjoy the right to send observers, to it since the day of the beginning of the electoral campaign up to its end.

Article 30

The Central Election Commission performs the following tasks:

- a) Observes the strict and equal implementation of the law during the election period in the entire territory of the Republic of Albania.
- b) Exercises methodical observance and controls the activity of the election commissions of the districts, municipalities and communes.
- c) Reviews the complaints against illicit and irregular acts and activities of the election commissions.
- c) Exercises control on the compilation of the lists of the candidates for members of the local councils and candidates for chairman of communes and municipalities.

d) sets the rules for the local and foreign observers to cover elections and provides them with the identity card.

dh) When necessary, it checks the electors' lists at the end of the elections and when it finds out that a citizen has voted more than once, it submits the case to the competent organ.

e) It announces the final outcome of the elections on national scale.

Article 31.

The members of the election commissions can be relieved of their duties, by the organ which approved the composition of the commission, at the request of the members of the commission or on the proposal of the electoral subjects they represent.

Article 32.

The members of the local power executive organs, military as well as the candidates for members to the local power organs can not be members of the election commissions.

Article 33

The meetings of election commissions are considered valid when more than half of their members are present. The decisions of aforesaid commissions are taken by majority vote.

Article 34.

The election commission hold their meetings in public. These meetings may also be attended within the relevant jurisdiction by observers authorized by the election

commissions. These observers have the right to make remarks. At their request the remarks are included in the official report of the commissions' meeting.

Article 35.

The political parties have the right to submit a list of persons entitled to substitute their representatives, who are members of the election commissions of the communes, municipalities and districts and one of the voting centers. When the latter are not fit to perform their duties, they are substituted by the organ that has approved the composition of the commissions.

Article 36

The persons taking part in the central Election Commission or election commissions of communes, municipalities or districts leave their jobs, continuing to be paid from the day of their appointment, whereas those of the voting centers commissions have the right to give up work 3 days ahead of voting and two days after voting and continuing to be paid.

The remuneration of aforesaid person is done by the state budget to the amount defined by the Central Election Commission.

The amount of remuneration for the members of the Central Election Commission is fixed by the President of the Republic.

Article 37

According to the Penal Code all the persons who are members of the election campaign while exercising their duty are considered "persons charged with state duty"

Persons who commit one of the penal offenses defined in the dispositions of the Penal Code towards any of the members of the election commissions, during the

time they exercise their duties, an act which is included in the chapter of crimes against the authority of the state, are sentenced with deprivation of freedom. in the degree foreseen by these dispositions.

The persons who participate in the election commissions, bear legal responsibility for the implementation of the dispositions of this law.

Article 38

The members of the election commissions and observers, while performing their duties, are prohibited to carry distinctive marks or symbols of the party or of the grouping that belong to as well as to performs or take part in propaganda activity for the elections.

Complaints against the decisions of the election commissions.

Article 39

The decisions of the election commissions of communes, municipalities and districts may be appealed to the Central Election Commission within 3 days after their announcement.

The Central Election Commission examines the complaints in three days time issues the respective decision

Article 40

The decisions of the Central Election Commissions can be appealed to the Constitutional Court within 3 days after their announcement.

The Constitutional Court examines the complaints and within 3 days. it issues a final decision.

Election Campaign

Article 41

The election campaign to the local power organs begins with the announcement of the election day and ends 24 hours ahead of the election day.

Article 42

During the election campaign every electoral subject as well as the citizens, have the right to freely make propaganda through rallies, meetings, radio, TV, press and other media.

Any kind of propaganda running against law, juridical order or that smears the candidate's personal dignity is prohibited..

The publication of the election public opinion survey is prohibited during 8 days preceding the election day.

The electoral campaign in the State Radio television is done in special programs. The parties which in the last elections for the district councils have won over 0.5% of the votes are given a time at their disposal of 4 hours, half of which belong to the parties of the governmental coalition the other half of the opposition parties. This time is split between them in proportion with the percentage of votes won in these elections, but no less than 15 minutes for one subject. All the other political parties, which participate in the elections, are given at their disposal a time of 10 minutes each.

The platform and the program of electoral broadcasting, which will be put at the disposal of the political parties for the electoral campaign, is approved from the Central Election Commission.

Any supplement that the State Radio television can put at the disposal for electoral debates or for the electoral campaign of the parties, is split according to the proportions defined in the previous paragraph.

To observe the rigorous implementation of the timing, the Central Election Commission sets up with its members a sub-commission with representatives of the position, which informs the Central Election Commission everyday on the implementation of the above set regulations. In case that these regulations are not respected, then the central Election Commission takes all the necessary measures for their guaranteeing.

Article 43

The Central Election Commission organizes broadcast on Albania Radio Television aimed at the electoral education of population, avoiding the party-attitude.

Article 44

The candidates as well as the electoral subjects have the right to use various propaganda materials as slogans, announcements, brochures, etc., in which the name of the electoral subject, which has prepared such materials is prohibited until the end of the campaign.

Local power organs provide equal propaganda opportunities for every electoral subject.

Article 45

Election campaign is prohibited in military units and detachments and depoliticized institutions. The headquarters of military units and detachments must permit the use of the mass media at leisure time, as well as the participation in

the election campaign within the territory of the election zone, outside the military unit or detachment.

Article 46

The conduct of the election campaign by persons who are not Albanian citizens, is prohibited.

Slandering and offending the candidate and electoral subject is prohibited.

Article 47

The disruption and interruption of legal electoral meetings and rallies is prohibited.

Article 48

Local power organs as well as every other state organ have no right to distribute electoral propaganda materials and to take part in the propaganda being conducted.

Article 49

The Council of Ministers decides the funds from the budget for the electoral campaign of the political parties.

The sum accredited from the state budget for the political parties, which participate in the local elections, is given to these parties in compliance with the percentage of the votes won in the elections for the district councils. The political parties, which on national scale will not reach the 2% of the votes in the district councils, will not profit from this rule.

The Council of Ministers decides a sum of money in the form of prepayment to parties which in the last local elections have won over 1% of the votes in the district councils. After the elections are over, when the political parties which have profited such sums do not meet the conditions of the above paragraph, then they are obliged to hand back the sums they have profited in the form of prepayment or the superfluous part of these money.

Article 50

The candidates for members to the local councils and chairmen of communes or municipalities, when giving up work during election campaign, are guaranteed their work places and receive full wage.

Article 51

The number of the members of the councils of the communes, municipalities and districts is set as following:

-11-13 councilors for communes and municipalities with a population up to 10 thousand inhabitants.

13-15 councilors for communes or municipalities with 10-20 thousand inhabitants.

17-21 councilors for the communes or municipalities with over 50 thousand inhabitants.

23-27 councilors for districts with over 150 thousand inhabitants.

For the municipality of Tirana 45 advisers.

The number of the advisors for each commune, municipality, or district is decided in compliance with the above mentioned criteria from the State Secretariat of the Local Government.

Article 52

The request for the registration of candidates to the local councils, chairmen of communes and municipalities is forwarded to the relevant election commission, not later than 20 days ahead of the election day.

Article 53

The registration of the independent candidates for chairmen of communes and municipality or members of the council of commune, municipality or district is made on the basis of the following documents:

1. A written request by the respective electoral subject for the registration of the candidate, containing name, paternity, family name, birthday of the candidate, his residence (2 copies)
2. The statement of the candidate accepting his candidature(2 copies)
3. Statement of the candidate on the well being of his family.
4. For the majors of the municipalities, the copy of the decision of the State Commission of the verification of the Figure of the Official.

Article 54

The registration of the candidates for members to the Councils of communes, municipalities and districts is made on the basis of the following documents.

1. List of candidates put up by electoral subjects, signed by their leading officials, this list must also contain other data foreseen in the letter a of the article 53 of this law.
2. The statement of the candidate who accepts his candidature.
3. The statement of the candidate on the well-being of his family.

The joint list of some electoral subjects should be signed together by their leading officials.

Article 55

The registration of the independent candidates for chairmen of communes and municipality or member of the council of commune, municipality or district is made on the basis of the following documents.

- a) The request of the candidate (2 copies) with the information contained in the item a of the article 54.
- b) Statement of the candidate on the well being of his family.
- c) List with the electors signatures. who support the independent candidates. This list should contain 150 electors, writing down the name, paternity, family name, series number of the identity card and signature of everyone. These electors must reside in the zone where the candidate is forwarded and their list must be verified by the relevant election commission.

The elector has no right to sign in more than a list. The lists are deposited with the respective election commission and can be checked with regular authorization given by it.

The letter c of Article 53 is implemented even for the registration of the independent candidates for major.

Article 56

When the election commission of the commune, municipality and district observes irregularities in the documents for the registration of the candidates, it reports to the electoral subjects or independent candidates to correct them within 2 days after their detection. Otherwise, the election commission of the commune, municipality and district issues the respective decision.

Article 57

A person may present his candidature only in a single zone.

Article 58

The electoral subjects may put forward only one list of the candidates for the commune councils, municipalities and districts and only one candidate for the chairman of the commune and municipality.

Article 59

The electoral commissions of the communes, municipalities and districts, when the terms of this law are fulfilled, are obliged to register the candidates presented by the list for the membership in the local councils and for commune and municipality chairmanship and also to announce them not later than 17 days before election day, noting as well the subject which has presented him or the independent candidate. They deliver a verification copy to all the presented candidates.

The election commissions of the communes, municipalities send to the central Election Commission a copy of the announcement of the candidacies, within two days from the day of their announcement.

Article 60

For every presented candidate, the electoral commission of the commune, municipality or the district maintain a registration process-verbal as requested.

Article 61

The electoral subjects enjoy the right to replace the candidates they have proposed and to make changes in the lists of candidates they have handed over, till 17 days before the elections. After this deadline is passed, no changes are

allowed. In case one of the candidates for chairmanship of the commune or major in this zone are held no later than 9 weeks after the election day. The date of the holding of these elections is set by the President of the Republic.

Article 62

THE BALLOT CARDS

Voting is held according to the ballot papers which are decided from the Council of Ministers. The ballot papers are of the same form, size, color, and composition of paper. The election commissions of the zones are given a number of ballot paper that is 15% higher than the number of the voters listed in their respective lists at the day of their publications.

Article 63

For the elections of the respective organs of the communes or municipalities two ballots are used, one for the chairman of the commune or municipality. In the ballot for the chairman of the commune or municipality it is written: the sign of the subject, the name, father's name and the family name for every candidate, the name of the subject they belong to. for the independent candidate it is written "independent candidate"

In the ballot for the council of the commune or municipality the sign and the name of the electoral subject that have presented the name lists for the respective councils is given. Following these are the names of the independent candidates for advisors of the commune or municipality according to their alphabetical order with the sign "independent candidate"

The ballot of the district council bears the sign and the name of the electoral subject, which has presented the name lists for the district council and, following

these, the names of the independent candidates for district advisers with the name "independent candidate"

In all ballots the order is set according to the alphabetical order of the electoral subject.

At the left side of the ballot, at the beginning of each line with the above given data, there is a division in which the voters can make the respective sign for the candidate or the electoral subject, for which he votes. In this division, the voter may use the mathematical sign adding (+), that of multiplication (*) or the deduction(-).

Article 64

Article 64 is abrogated.

CHAPTER III

The Voting

Article 65

The voting for the election of the local power bodies takes place in the sites chosen by the executive organs of the local power. No propagandistic material is allowed in them.

The use of the political party buildings and of the de-politicized state institutions as polling stations, is prohibited.

Article 66

The voting for the elections of the organs of the local government is held on a rest day for all the country.

The voting begins at 08.00 and ends at 21.00. In case that before the 21.00 there are still people that are waiting to vote, the voting continues till all those present are finished.

On the voting day the commission of the polling station begins its work at 07.00.. by checking the ballot box. After this the box is closed and sealed with the seal of the polling station, which is safeguarded.

The chairman of the commission of the polling station, in the presence of the commission, seals all the ballots, the number of which is written down in the final report that is signed by all the members of the commissions that are present.

After the sealing, the chairman, the deputy chairman and the secretary, in the presence of the members of the commission, sign the ballots.

After the above mentioned activities are carried out in the order described, the chairman of the polling station declares the beginning of the voting.

Article 67

The electors vote as they turn out.

The commission of the polling station is obliged to verify the identity of the voters who participate in the voting. To verify their identity, it has the right to ask the voters to show, according to the cases, their identity paper, the international passport, the military papers or a photo certificate.

The militaries are not allowed to come to the voting center in rank or with arms. Only those military on duty are allowed to come in uniform.

After the verification of the identity card with the electors list, the commission writes down the number of the identity card, the elect signs, takes the ballot and casts it. After the voting, the seal is put on the last page of the identity card.

In cases when the ballot is irregular, it is put aside, signed as invalid and the chairman replaces it with another.

Article 68

In every voting center it is obligatory to set up the secret booth with one or more special divisions to accelerate the process of the voting. It is forbidden to have ballots in the separate divisions of the secret room.

The table of the commission of the voting center is placed in a way that the members of the commission and the observers representing the electoral subjects can move around it freely. The voting boxes are put in a conspicuous place for all the people present.

The presence of another person and even of a member of the commission of the voting center is prohibited in the separate divisions of the secret room, excluding the cases when the voter can not perform by himself the necessary voting procedure and asks for help from a person chosen by him. The chosen person can accompany only one voter. In these cases permission is taken from the chairman of the voting center commission and this is noted down on the electors' list.

Filling the ballot outside the separate division of the secret room is prohibited. Otherwise voting is considered invalid and the ballot is torn up by the commission without throwing it in the voting box, giving the elector another possibility to vote again. Process-verbal is taken about the torn ballot.

When electors are at the divisions of the secret room no other person is allowed to be closer than 3 meters from the division.

In case it is necessary to establish order in the polling station and ensure the calm and free voting, the chairmanship of the commission of the polling station, with unanimous decision, may ask the help of the police organs which in this case are obliged to carry out only these actions and measures that are asked for. In case that the unanimity of the chairmanship is not reached and the commission values that the help of the police organs is necessary, then the decision is taken with the majority vote of the present members of the commission.

Armed persons are not allowed to enter the voting center.

The electoral subjects have the right to send their own observers to every voting center. They should be provided with an authorization by the election commission of the commune, municipality or the district.

Article 69.

During the control and the counting of the ballot, according to article 66 of this law, the commission of the polling station, when it sees among the ballots that it has received there are ballots, which do not fit to the requests of form, size, color, content of paper and contents, makes them invalid, signing on each of them the words "out of use"

This rule is implemented even for the ballots that are torn out, damaged, or which during the voting process are damaged or torn out, as well as for the ballot that have been filled out wrongly.

These ballots are kept by the commission and their number is registered in the final report.

The ballots found in the ballot box after the voting is over, when they do not meet the requests of the form, size, color, content of paper, the contents are called irregular. Their number is signed in the final report and these ballots are kept separately.

Article 70

The regular ballots found inside the ballot box are valid and are counted as votes for the candidate or subjects that participate in the elections for the respective organs of the local government, only if the voter in the ballot paper has put the sign only for one of the candidate or electoral subject presented in the respective ballot paper.

In any other case the regular ballot papers are called invalid regular ballots. The ballot papers are called as such even in case when the voters, regardless of the

fact that has put the sign for one of the candidates or subjects, he has made other supplementary sign in it.

Article 71

All the ballots wrongly filled in or torn up, damaged or used are preserved for the final inventory.

Article 72

When there are violations of the laws which hamper the voting process, the commission of the voting center may decide for the suspension of the voting, until the violations are eliminated. This decision is immediately made known to the relevant commissions of the elections.

CHAPTER 4

**THE COUNTING OF THE BALLOTS AND THE DRAWING OUT OF THE
ELECTION RESULTS.**

The Counting of the ballots

Article 73

Immediately after the voting is finished, the chairman of the voting center, in the presence of the commissions and the authorized observers:

- a) declares the end of voting.
- b) counts the electors who have taken part in the voting according to their lists, which must be signed from the chairman and the secretary of the commission and from every representation of the electoral subject, who wishes to do this.

The lists are put in an envelope which is sealed by the same seal of the voting center. The chairman and the secretary of the commission and the willing representatives of the subjects put their signatures on the envelope. The envelope is delivered to the commission of the elections of the commune or municipality from which the relevant certificate is taken.

c) puts aside all the ballots that are unused, counts them and acts as shown in the second paragraph of the letter b.

These actions must be carried out as mentioned above, by writing them down in the final process-verbal.

Article 74

After the conclusion of the above actions:

a) The voting box is opened and a person from the commission members, chosen by lot, takes out and opens the ballot one by one and hands it over to the chairman, who speaking loudly, declared whether the ballot is valid or not, and to whom candidate or to which subject the ballot belongs, he shows the ballot to the other members of the commission as well as to the observers present. Only after the results are registered and the ballot is placed in the appropriate place, another ballot is taken out.

b) The counting of the ballots found in the ballot box is made, the ballots considered as irregular are counted, the ballots that are considered as invalid regular ballots are counted and at the end the ballot papers that are considered as valid regular ballots for each of the candidates or the subjects are counted.

c) The concurrence of the process verbal figures is verified, by repeating the counting when necessary.

These actions are performed as set out above, by taking down notes in the process-verbal.

Article 75

The evaluation of the ballot is made by the commission of the polling station. The contestable ballots firsts are reviewed and then evaluated. Any disagreement by any of the members of the commission is written in the report and these ballots are kept aside.

Article 76.

At the end of the voting, counting and evaluation of the ballots, the chairmanship of the commission of the polling station obligatory files out three reports, one for the advisor of the commune or municipality., one for the chairman of the commune or the major and one for the district council.

The reports will include:

1. The name of the zone and the number of the polling station.
2. The time of the opening and closure of voting.
3. The number of voters in the voters' list.
4. The number of the voters in the supplementary list.
5. The number of voters according to the remarks in the voters' lists.
6. The number of the ballots received.
7. The number of the ballots considered as out of use before and during the voting process.
8. The number of the unused ballots.
9. The number of the ballots found in the ballot box.
10. The number of the irregular ballots.
11. The number of regular ballots.
12. The number of the invalid regular ballots.
13. The number of the valid regular ballots. for each of the candidates or subjects.
14. The number of the copies in which the final report is held.

15. Various motivated remarks of the members of the commission and the specific observers and the decision taken on them.

The data of points from "3" to "14" are given in words and figures.

The report is signed by the chairman, the deputy chairman and the secretary of the polling station and should bear the respective seal.

Every member of the commission of the polling station is obliged to sign the final report. He has the right to put down in the report all the remarks and next to each of his signatures mark the words "with remarks". In case one of the members of the commission refuses to sign the report, then lack of his signature does not make it invalid. This rule is valid even for the zone election commission.

Every member of the commission that has signed the report has the right to get a copy of it. Immediately after the results of the voting are calculated, the commission of the polling station makes them public by placing the results in a visible place out of the polling station.

Article 77

The commission of the polling station sends to the election commission of the commune and municipality 2 copies of the process-verbal with the voting results for councils of communes or municipalities and 2 copies of the process-verbal for the chairman of the commune and major together with ballot papers seals and electors' list.

The commission of the polling station sends 2 copies of the final report of the elections of the district commission together with the ballots for the district commission to the respective election commission of the commune or municipality. These documents are handed over to the election commission of the district by the election commission of the commune or municipality.

Article 78

The election commissions of the commune and municipality issue the result of the voting on the basis of the data given in the final report of the polling station and announce them in a form of a final report on the final election result for the council of the commune or municipality and a final report on the final results of the elections for the council of the commune or municipality, which should include:

1. The name of the zone and the number of the polling stations.
2. The number of the voters according to the voters lists.
3. The number of the voters in the supplementary lists.
4. The number of voters according to the remarks in the lists.
5. The number of the ballots received from the commissions of the polling stations.
6. The number of the ballots which came out of use before and during the voting process.
7. The number of unused ballots.
8. The number of ballots found in the ballot -box.
9. The number of irregular ballots.
10. The number of regular ballots.
11. The number of the invalid regular ballots.
12. The number of the valid regular ballots for each of the candidates or subjects.
13. The number of copies, in which the final report has been drafted.
14. The various motivated remarks of members and specific observers and the decision taken on them
15. The name, the father's name and the family name of the candidate that wins in the election for chairman of the commune or major, when the run off will have to be held the name, the father's name and the family name for the first two candidates, for the election of the council of the commune or municipality, the names of the candidates of the name lists of the respective electoral subjects which, according to the order in these lists, win a seat in the council, as well as

the independent candidates that have won seats in the council of the commune or municipality.

The data given in numbers from 2 to 13 should be given in figures and words.

Immediately after the issuing of the election results, the election commission of the commune or municipality publishes them in an visible place out of the environment of these commission.

Article 79

The District Election Commission issues the results of the elections for the district councils based on the data given in the final reports of the polling stations and publishes it in a form of a final report, which should include:

1. The name of the zone and the number of the polling stations.
2. The number of the voters in the voters lists.
3. The number of the voters in the supplementary lists.
4. The number of the voters according to the remarks in the lists.
5. The number of ballots received from the commission of the polling stations.
6. The number of the ballots made invalid during the usage before and during the voting process.
7. The number of the unused ballots.
8. The number of ballots found in the ballot-box.
9. The number of the irregular ballots.
10. The number of regular ballots.
11. The number of invalid regular ballots.
12. The number of regular valid ballots for each of the subjects or independent candidate that participate in the elections for the district council.
13. The number of copies in which the final report is held.
14. The various motivated remarks of the members of the commission and specific observers and the decision taken on them.

15. The names of the candidates of the name lists of the respective electoral subjects, which according to their order in these lists, win the seats in the district council, as well as the names of the independent candidates who have won seats in this council.

The data from point 2 to 13 are given in figures and words.

Immediately after the issuance of the voting results, the district election commission publishes them in a visible place outside the environment of the is commission.

Article 80

The seats which belong to every electoral subject are decide in proportion with the number of the valid ballots that each subject has won. Their distribution is done as follows:

- a) The sum of the valid ballots of all the electoral subjects and independent candidates is found. The number of the valid ballots for every independent candidate is divided with this sum and the fraction that comes out of this is multiplied with the number of the seats for the advisors in the respective council. In cases when from the above calculations a number bigger than or equal to 1 comes out, then the respective independent candidate is given e a seat in the council.
- b) Then the number of the valid ballots for each electoral subject and for each of the independent candidates that do not get any seats from the calculations of letter a are divided with the general sum of these ballots. The fractions that come out of this are multiplied with the final result that comes from the difference between the number of seats in the respective council with the seats that are distributed to the independent candidates according to letter a.
- c) Every list of the subjects receives that many seats in the councils as there are full numbers that belong to it from the results of the calculations according to the letter b. The seats that remain are distributed to electoral subjects and

independent candidates according to the order of the quantity of numbers after the decimal comma. In case that two or more of them have these numbers after the decimal comma equal with each other, then the seat of the advisor is given to them on the bias of the lot.

ç) The seats won from the lists of the subjects are given to their candidates on the basis of their order in the respective lists.

Article 81

The seat of the chairman of the commune or municipality is won by the candidate winning the absolute majority of the valid votes in the first round of elections.

In the event that none of the candidates do not gain such a majority, another voting round is held a week later between the candidates having won the first two places. When more than two candidates win an equal number of votes for these two places two of them are chosen by lot.

If an election subject withdraws its candidate from the second round of elections, the one having the highest percentage of votes among the other candidates taking part in the first round of elections is elected as substitute candidate.

The proclaiming of candidates for the second round is done by the relevant election commission.

The candidate taking the highest number of votes in the second round is declared elected. In the event votes are equally divided between the candidates, the lot is cast for the election of candidate.

Article 82

The election commissions of the zones send to the central Election Commission (the election commission of the commune or municipality within two days from the closure of the voting, while the district election commission within 3 days from the closure of the voting) a copy of each final report of the election results in the

communes, municipality and district. Their handing over is made by the chairman, deputy chairman, and the secretary of the election commission of the zone, together with anyone from the representatives of the electoral subjects of this commission who wishes to the ballots, seals, ballot boxes, and the voters lists are send to the respective prefectures. The ballots are kept in the prefecture for a period not shorter than one year.

The Central Election Commission announces the final results in the national scale within 5 days after they receive the documents from the election commission, which are then published in a special bulletin.

CHAPTER V

THE END OF THE MANDATE OF THE COUNCILOR AND THE CHAIRMAN OF THE COMMUNE OR MUNICIPALITY

Article 83

The mandate of the councilor and the chairman of the commune or municipality ends before mandate schedule on the cases foreseen by law.

Article 84

In cases of untimely end of the mandate of the advisor, the commission of the mandates of the local council announces as elected the candidate that comes next in line in the list that the respective electoral subject has published.

When in the list of the electoral subject there is no other candidate that can be elected in such a way, then the seat of this advisor passes over to the electoral subject that has won the largest number of ballots in the elections for the respective council. In cases when there is an even number of votes, the lot is cast.

In case when the independent candidate ends its mandate untimely, then his seat in the zone council is taken from the candidate in the name list of the electoral subject that has won the largest number on the votes in the elections for the respective council. In cases of equal votes, the lot is cast.

When the mandate of the chairman of the commune or municipality ends untimely, then the untimely partial elections are held in the respective commune or municipality in compliance without the respective legal dispositions.

CHAPTER VI

PENAL AND ADMINISTRATIVE DISPOSITIONS

Article 85

Everyone who in his interest or in that of a third person, offers money, jobs, other favors in whatever form, in order to insure the signatures for the presentation of the candidate, for voting for or against, or for non participation in voting is sentenced from 6 months up to 3 years imprisonment.

These sentences are also passed on electors who in order to carry out the above acts receives money or jobs or any other favor in whatever form.

The same sentences are also passed on those who threatened or blackmailed the elector into the committing the above acts.

Article 86

Everyone who in his interest or in that of a third person, with the aim to influence on the elections distributes money, consumer goods, or other gifts in whatever

form during the election campaign and on voting day is sentenced from one until to three years of imprisonment.

Article 87

The violation of the rules contained in this law is penalized with a fee from 10.000 to 50000 with the exception of the cases when the committed acts represents a penal act.

The boycott of the duty on the part of the member of the election commission of all level on the election day is punished with prison terms of 1 to 3 years.

Article 88

In cases of violation of the dispositions regarding the preservations and the regular administration of the voting card, elector's list, voting boxes and the voting process-verbal, the amount of penalty is increased from 50.000 to 100.000 leks, except cases when the violation presents a penal act.

Article 89

The decisions of penalty punishment are taken by the election commissions of the communes, the municipalities, districts or by the Central Election Committee
The decision the penalty punishment which taken a categorical form, are executive titles.

CHAPTER VII

PROVISIONAL AND FINAL DISPOSITIONS.

Article 90

The central Election Committee issues special instructions on the implementation of this law.

Article 91

Foreign observers, within the sense of these laws are considered:

Parliamentary representatives of member countries of CSCE, Parliamentary Assembly of the Council of Europe, European parliament, and other organizations relevant to the question of the human rights.

representatives of Foreign political parties and movements as well as individuals invited by parties and party groupings.

representatives authorized by the country's and foreign organisms specialized in the field of elections.

Article 92

The foreign observers, journalists, and representatives of mass media are provided with special authorization by the election central committee.

The observers who have received authorization by the central Election Commission have the right to move freely in the territory of the republic of Albania and observe all the activities, carried out both during the election campaign and on the voting day. They being unbiased have the right to collect information and to make public opinions.

Article 93

The Council of Ministers is responsible for the provision of the material and financial means as well as for the adoption of the organizational measures concerning the implementation of this law.

Article 94

The decree number 4243, dated 13.03.1967 "On the elections of the People's Council and people's courts" as well as every other dispositions which contradicts this law is rescinded.

Law No 7593 dated 29.07.1992 "On a reformulation of Article 80 of law No 7573 dated 16.06.1992 "On the Elections of the Organs of the Local Governments" and the Law No 7798 dated 23.02.1994 "On a Supplement in the Law No 7573, dated 16.02. 1992 "On Elections for the Organs of the Local Governments" are abrogated.

The dispositions of Law No 8001 dated 22.09.1995 "On Genocide and Crimes against humanity committed in Albania during the Communist Regime in Albania for Political, Ideological, and religious motifs" as well as the law No 8043 dated 30.11.1995 "On the Control of the Figures of the Officials and other persons that are linked with the protection of the Democratic State" which speak of the elected in the organs of the local government, are abrogated as far as the candidates and the elected in the local councils, as well as the candidates and the elected as chairman of the communes are concerned.

Article 95

This law enters into force immediately.

Printing Corrections to the Law on Elections of the Local Government Organs

Article 3 ,Second Paragraph, the word "should be fulfilled" must be added.

Article 26

Correction to the last paragraph

The proposals for the members of the commissions of the polling stations are sent to the election commission of the commune or municipality not later than 15 days before the election day. The chairmanship of the election commission of the commune or municipality announces the composition of the commission of the polling station not later than 10 days before the election day.

Article 29

In the second paragraph the words "not later than 30 days ahead of the election" should be deleted.

Article 44

The candidates as well as the electoral subjects, have the right to use various propaganda materials, as slogans, announcements, brochures etc in which the name of the electoral subject which has prepared such materials should be written. The damage of these materials is prohibited up to the end of the campaign

Article 61

At the second paragraph the words "dies after the passing of this deadline then the elections for Head of Commune or municipality in this zone ..." should be omitted.

Article 84

Last line of the last paragraph the word without should be substituted with the word "with"

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PRELIMINARY STATEMENT

24 October 1996

SDC, as an active observer in the local government elections, covered 35% of the polling stations throughout Albania on the election day. This number is smaller than in all the other observations SDC has organized since March 22 1992, and this has come due to the age limit placed by the decision of Central Election Commission. We think that every motivation given to justify the age limit for local observers has to do with the lack of transparency of the Central Election Commission towards SDC.

In the preliminary information given in the voting progress, SDC has underlined positive considerations. These concern the technical elements of the voting procedure:

- calm political situation during the election campaign
- issuing of voters' list in time
- opening of polling stations at the determined hour
- election commissions' composition
- number of ballot boxes and secret booths
- number of report forms
- sealing and signing of ballots
- provision of voters with identification documents
- the spirit of collaboration and dialogue between the commission members despite their political belonging

From what we mentioned, it results that this procedure in the polling stations observed has gone normally.

In its monitoring, SDC has contacted many vice/chairs of commissions to gather their opinions on October 20 voting.

In general, their comments have been positive in the observed areas at city or village level.

In order to be realistic, we should say that there were areas where technical problems were noticed, e.g. in a voting center in Osmezez, Berat district, the voting didn't take place at all, or in Veterik and Remanicm, Berat district, due to the transport of the ballot boxes and the terrain, the voting started at a late hour, after 10:30 a.m. In the Mollas village of Erseke, many unvalid ballot were found. Another negative element noticed was the removal of the posters of different parties by their political opponents. Time after time, a tension between commission members were felt in different polling stations, but we think that all these problems do not influence the final results of the elections on the election day.

We think that the existence of some election areas that will be decided on a run-off is a positive index in favor of the opinion that the election process was correct.

Through the information that has gathered till now, SDC will try to give some figures that have to do with elements such as:

- The number of the registered citizens
- The number of the citizens who voted
- The number of unvalid ballots

SDC notices that, when there is a serious mobilization of the government, the political forces and the public opinion, the important events can pass without excessive acts and every one should accept their progress.

SDC National Staff



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**PRELIMINARY STATEMENT
NDI INTERNATIONAL OBSERVER DELEGATION TO
THE ALBANIAN LOCAL ELECTIONS
OCTOBER 22, 1996**

This is the preliminary post-election statement of the international observer delegation organized by the National Democratic Institute for International Affairs (NDI) for Albania's October 20, 1996 local elections. The 24-person delegation includes members of parliament, locally elected officials, election administrators, party officials and civic leaders from 9 countries in Europe, Asia and the Americas (Belize, Cambodia, Canada, Ireland, the Netherlands, Sweden, Paraguay, the United Kingdom and the United States). Following briefings in the capital, we divided into 14 teams and traveled to 13 districts throughout the country. Prior to the election, delegation members met with local election commissioners, candidates, party leaders and others, to be briefed on local issues and to observe election preparations. On October 20, members of our delegation visited 177 polling stations in 16 municipalities, 37 communes, and later monitored the counting, entirely or in part, in 24 polling stations. Part of our team will remain in Albania through next Sunday's runoff elections. We will issue a final report, including recommendations, after the runoff elections.

We did not come to supervise or to certify these elections. We are here to demonstrate our support for Albanian democracy, and are mindful of the great strides that Albania has made since its emergence just five years ago from a half-century of totalitarian rule. We present our comments solely in a spirit of friendship and support for Albania's democratic development.

At the national level and in local areas throughout Albania, we coordinated our work with observers deployed by the Council of Europe, the Italian Society for International Organizations,



the International Republican Institute, the diplomatic community and, in some places, with volunteers mobilized by the nonpartisan Albanian civic organization, the Society for Democratic Culture (SDC).

Notwithstanding the large number of observers present for these elections, two actions raise questions about the Albanian government's commitment to transparency in its political processes and its tolerance of criticism. First, the Albanian government restricted the size of a planned observer delegation from the Organization for Security and Cooperation in Europe (OSCE). The government's action followed a critical report by OSCE's Office of Democratic Initiatives and Human Rights (ODIHR) on the May 26 parliamentary elections. The government's restriction led OSCE to cancel two planned observer delegations to the local elections. Second, the government of Albania required domestic election observers to be at least 25 years of age. This restriction disallowed the participation of many university students, particularly many organized by the SDC.

We offer a two-part assessment of Sunday's elections, distinguishing between the voting process, and the process of counting ballots and tabulating the results.

We believe the voting process represented a significant improvement over May's elections. Conditions in the polling sites generally were sufficient to allow voters to cast their ballots freely. A number of specific improvements enacted into law since May's elections frequently were well implemented. Generally, the members of our delegation observed a spirit of cooperation among governing and opposition party members on polling place election commissions. We applaud this development.

Our assessment of the vote counting process is mixed. In some locations, such as in Erseke, Korca, Permet, Shkoder, Ballsh, Fier and Tirane, our observers saw a smooth and uncontroversial counting process at the polling stations. In other locations, including in Tropoje, Lushnja, Elbasan, Peshkopi and Berat, our observers witnessed irregularities in the counting process, including: disqualification of apparently valid opposition party ballots for Mayor, and refusal to

record in the protocol the objections of opposition commissioners; more ballots found in the box than voter signatures on the voter list; a chairman signing voter lists, in the absence of the vice-chairman, after the polls had closed; and threatening language and actions among governing and opposition commissioners during the counting.

There remains another step in the electoral process — tabulating the results and reporting them publicly polling station by polling station, as stipulated in the law. This process has not yet been completed. Based on the concerns noted above — and the fact that the polling station results from May's elections have not yet been published — we believe that early publication of results from the current election is essential to its transparency.

As noted earlier, NDI plans to present a full report, and to make specific recommendations for the refinement of future elections. At this time, we would like to express our satisfaction with those improvements that have been made in Albania's electoral processes since the parliamentary elections in May. It is our hope and expectation that the irregularities that were observed in some places on October 20 will not recur. We thank the Albanian people for the hospitality they have shown us over the past week and applaud their continuing commitment to the development of democracy.

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**INTERNATIONAL REPUBLICAN INSTITUTE
ALBANIA LOCAL ELECTION OBSERVATION MISSION
PRELIMINARY STATEMENT
OCTOBER 21, 1996**

SUMMARY

The International Republican Institute sponsored an election observation mission to Albania's local elections on October 20, 1996. Overall, IRI observers noted a marked improvement in the electoral process over the troubled process observed during the May 26, 1996 Parliamentary elections. The delegation did see a number of irregularities in the implementation of the election law and troubling incidents of intimidation. However, these irregularities do not appear to threaten the legitimacy of the election. IRI observers noted a marked decline in voter participation from the May 26 elections.

IRI's ELECTION OBSERVATION

The IRI delegation was led by former U.S. Deputy Secretary of Defense and Ambassador to NATO William Taft IV. Other members of the delegation were Bobby Burchfield, an election law expert and formerly General Counsel for President George Bush's 1992 reelection campaign; John Raidt, Legislative Director for U.S. Senator John McCain; Claire Sechler, IRI's Regional Director for Eastern and Central Europe; Peter Dickinson, IRI's Resident Program Officer in Tirana, Albania; John Anelli, IRI's Deputy Regional Director for Russia; Lindsay Lloyd, IRI's Resident Program Officer in Bratislava, Slovakia; Howard Opinsky, Director for Program Support at IRI; Jan Surotchak, Program Manager for the Foundation for a Civil Society in Bratislava, Slovakia; Eric Jowett, Program Officer for IRI and Lori Soderstrom, Assistant Program Officer for IRI in Washington. Paul McCarthy, Program Officer for Central and Eastern Europe at the National Endowment for Democracy also contributed to the delegation.

IRI has worked in Albania since March 1991, and has had a continuous in-country representative and office for three years. IRI previously observed the parliamentary elections in March, 1991 and March, 1992, the local government elections in July, 1992 as well as the parliamentary elections in May, 1996. Five members of the IRI delegation were also in Albania to observe the May 26 Parliamentary elections.

Teams were deployed throughout Albania, and visited 116 polling stations. Observers visited the following cities and their surrounding regions: Tirana, Shkodra, Elbasan, Berat, Gjirokastra, Fier, Peshkopi, Dibra, and Pogradec. Before deploying to their respective cities, delegates met with

national political party leaders, representatives from the Central Election Commission, relevant government officials and domestic monitors. Once in their respective cities, IRI met with local political party representatives and members of the commune and administrative district election commissions. At every level, the delegation was met with full cooperation.

PRE-ELECTION ENVIRONMENT

Following the May 26 Parliamentary elections, IRI made 31 recommendations for improvement of the Albanian electoral process, and in August of this year sponsored a conference involving leaders of all major political parties and officials from affected government ministries. As a result of agreements reached between the ruling and opposition factions at the August conference and the constructive dialogue following that conference, the government implemented a number of important electoral reforms. The most significant of these reforms -- emphasized not only by IRI but also by the opposition parties -- were changes in the structure and composition of the election commissions at all levels to assure more effective participation by the opposition parties; a requirement that election commissions at all levels immediately post the voting results and provide all commission members copies of all protocols; earlier posting of voter lists to allow each party adequate time to verify the accuracy of the list and register any complaints; improvements in the law on public meetings eliminating prior police approval for indoor meetings and eliminating restrictions on their content; and clarification of the rules governing police location and role during campaigns and on election day.

IRI also recommended improvements that were made in ballot simplification by printing separate ballots for each public office and by requiring voters to mark the candidates or parties they support, rather than crossing out the candidates and parties they do not support and a standardization of the forms of voter identification accepted at the voting stations.

ELECTION DAY

Based upon its observations, IRI notes that the electoral process showed much improvement over the process observed during the May 26, 1996 Parliamentary elections. Because multiparty election commissions were in place at all voting centers visited, IRI observers made a special effort to privately interview opposition party members of those commissions to identify problems and issues. Although sometimes noting minor irregularities, almost without exception the Socialist and other opposition party members of the commissions failed to report problems of a nature or extent that would threaten the legitimacy of the election. The greater participation of the minority parties in the preparation and administration of the election appears to have served its purpose of assuring more care and integrity in the process.

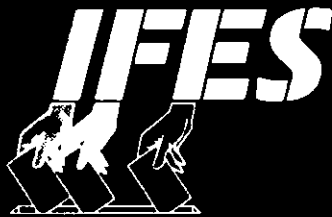
IRI also interviewed opposition party leaders both before and during the election, and investigated many of the problems reported during those interviews. The Socialist Party appeared to have taken full advantage of the more timely publication of the voter lists by attempting to verify the accuracy of those lists and reporting a troubling number of inaccuracies, such as inclusion of names of deceased persons and emigrants. By rigorously requiring submission of proper

identification, however, the voting commissions seem to have largely eliminated opportunities to vote in the place of improperly listed persons.

Against the background of these considerable improvements, IRI observers nonetheless witnessed and were told by credible sources of a number of incidents of harassment and intimidation of opposition leaders and opposition members of the local voting commissions. IRI observers followed-up the changes and in some cases found them to have merit. For example, in the village of Hajdaraj in the commune of Shushice in the Elbasan district, IRI observers received a report that the Socialist Party Chairman, who is also an elected alderman, had been arrested on October 18, 1996 for engaging in political activity. After interviewing the alderman himself, local election officials, opposition party officials, and local police, IRI confirmed that the alderman had been arrested both on October 18 and prior to the May 26, 1996 elections. In the Village of Peshkopi, the IRI observers saw the Vice Chairman of the polling station election commission harassed and physically threatened by a Democratic Party observer to the indifference of the commission chairman and secretary. In Tirana, observers witnessed apparent intimidation in the form of placement of physically imposing "observers" at the voting center, often close to the voting booth or ballot box. In Berat, IRI observers witnessed soldiers being instructed how to vote by the voting center chairman.

Although these and other isolated and apparently uncoordinated incidents appeared to have no direct effect on the voting results, IRI strongly condemns these and all similar incidents of harassment and intimidation because they threaten both free and active participation in the process and public confidence in the results. IRI recommends an immediate and thorough investigation of each of these and other reported incidents, preferably by a non-partisan commission and, if appropriate, referral to the prosecutorial authorities.

IRI will issue a comprehensive report at a later date with recommendations for further improvement in the election law and election practices based on these elections.



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