



## **ELECTION OBSERVATION MISSION Republic of Albania – Local Elections, 30 June 2019**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 30 June local elections were held with little regard for the interests of the electorate. The opposition decided not to participate, and the government determined to hold the elections without it. In the climate of a political standoff and polarisation, voters did not have a meaningful choice between political options. In 31 of the 61 municipalities mayoral candidates ran unopposed. There were credible allegations of citizens being pressured by both sides. Political confrontation led to legal uncertainty, and many decisions of the election administration were taken with the political objective of ensuring the conduct of elections. Voting was conducted in a generally peaceful and orderly manner and counting was assessed positively overall, although several procedures were not always followed correctly.

The legal framework remains largely unchanged from previous elections. It could provide a sound basis for the holding of democratic elections, but its proper implementation requires political will of electoral stakeholders. Some provisions of the law lack clarity and their interpretation and implementation by electoral stakeholders was at times perceived as biased. Many previous ODIHR recommendations remain unaddressed, including concerning the de-politicisation of election commissions, transparency of campaign finance and efficiency of election dispute resolution.

The Central Election Commission (CEC) regularly held open sessions and comprehensively regulated different aspects of the electoral process. The legally prescribed political balance within the election administration could not be achieved due to initial refusal by the main opposition parties to nominate their commissioners and the CEC's subsequent interpretation that only those parties that participate in elections can be represented in election administration. The politically unbalanced composition of election administration, opposition parties' call on voters to boycott the elections and conflicting interpretations of the validity of the president's decrees cancelling the 30 June elections undermined public confidence in the process.

The accuracy of the voter list was improved by the deletion of duplicate records and reduction of the number of entries with incomplete addresses. Some ODIHR EOM interlocutors questioned however the quality of the address data verification process. Voter lists initially were posted in Commissions of Election Administration Zones (CEAZs) and Voting Centre Commissions (VCCs), but were taken down in most municipalities governed by the opposition in mid June, thus limiting voters' possibility to verify their data.

The CEC was manifestly inclusive in its approach to candidate registration, which increased the number of contestants. Nevertheless, the CEC interpreted the law in an overly broad and, at times, inconsistent manner, detracting from legal certainty. In total, 97 mayoral candidates and 544 candidate lists for local councils were registered in 61 municipalities. Nevertheless, voters did not have a full choice from among political alternatives as major opposition parties abstained from the elections.

In accordance with the law, only those councillor candidate lists that met the requirement to include 50 per cent of each gender, alternating in every second position, were registered. The quota system has created an environment conducive to increased participation of women in political life, but few women hold leadership roles within political parties. Eleven women ran for mayor, five of them unopposed.

Two out of five CEC members and 37 per cent of CEAZ members were women. While a quarter of members of the VCCs observed on election day were women, in 40 per cent of observed VCCs there were no women commissioners.

With the exception of rallies of the Socialist party (SP) at which the Prime Minister was the central speaker, visibility of other campaign events was low. Although local issues were addressed at some small-scale events, the main focus was on questions about the non-participation of the main opposition parties and the date of the elections. The language used by political opponents at rallies, in social media and broadcast and print media was often recriminating and inflammatory. Citizens, especially those employed in public administration, came under direct and indirect pressure to demonstrate political preference.

In a commendable effort to enhance the transparency of campaign financing, the CEC adopted special instructions for the verification of campaign expenditures, as well as a standardized reporting template. Financial experts appointed by the CEC undertook periodic reviews of campaign expenditures and published their reports on the CEC website. Yet, the methodology of reporting used was not always consistent, and experts' analyses relied on political parties' will to cooperate.

Media are diverse but remain dependent on the political alignment and business interests of media owners. In the absence of effective self-regulation, journalists operate in precarious labour conditions and often resort to self-censorship. The ODIHR EOM media monitoring concluded that broadcast media concentrated on the ongoing political crisis, serving as a platform for heated exchanges between the Democratic Party (DP) and SP. The limited coverage of the campaign largely focused on the current Prime Minister who, in his capacity as the head of the SP, introduced the candidates in the regions, as well as the incumbent mayor of Tirana. The practice used by the main political parties and public officials of providing the media with only pre-recorded or live footage from official and campaign events, while restricting access of media to the events, limited voters' ability to obtain objective information.

Electoral disputes were generally resolved by the CEC and the Electoral College within the prescribed deadlines. Although delivered in open sessions, decisions of the CEC and Electoral College were not published in a timely manner, which had a negative effect on the right to a remedy and limited transparency of election dispute resolution.

The law guarantees the right to vote and to stand for election to all citizens regardless of ethnic background, race, religion or language. Several ODIHR EOM interlocutors reported that the Roma are especially vulnerable to population and voter registration problems due to the lack of permanent addresses. As some national minority parties decided to join the boycott of the elections, in some communities where national minorities might normally field candidates, no such choice was available to voters.

Election day was generally peaceful, with small protests and isolated cases of vandalism or violence noted in some areas. According to the CEC, voting could not take place in seven voting centres. Varied among the municipalities, the turnout reached 21.6 per cent nationally. Voting was positively assessed in 94 per cent of the voting centres observed by the ODIHR EOM. Group voting, including family voting, and proxy voting were noted in 12 per cent of observations. Almost two-thirds of the observed voting centres did not allow for independent access for voters with disabilities. The presence of partisan observers, predominantly from SP, was noted throughout all electoral stages, with non-partisan observers also present but in a significantly smaller number. Counting was assessed positively in all but 6 of the 51 ballot counting centres observed, although several procedures were not always followed correctly.

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## PRELIMINARY FINDINGS

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### BACKGROUND

In line with the Constitution, President Ilir Meta announced the 30 June local elections in November 2018. Citing concerns for public safety and his constitutional responsibility to protect pluralism, on 10 June the President revoked the decree. On 13 June, the parliament passed a resolution declaring the revocation invalid and on 19 June, it began a procedure, initiated by the Socialist Party (SP), to dismiss the President on grounds of having exceeded his mandate.<sup>1</sup> On 27 June, President Meta issued another decree setting 13 October as the date for local elections. The Central Election Commission (CEC) continued preparations for the 30 June elections.

The political environment ahead of the elections was polarised and antagonistic.<sup>2</sup> In February, after the parliament voted down their initiative on the vetting of politicians, the opposition Democratic Party (DP) and Socialist Movement for Integration (SMI) withdrew from the parliament. The DP and SMI, along with several smaller parties, announced that they would not participate in elections until the resignation of Prime Minister Edi Rama (SP) and the formation of a transitional government that would organize early parliamentary elections. Regular opposition protests, led by the DP, were marred by violence and vandalism directed at state institutions, later including the election administration. The Prime Minister rejected the opposition's demands and, warning against establishing a precedent that would threaten what he described as the "democratic co-existence" of elected governments and their parliamentary opposition, called for the elections to be held as scheduled.<sup>3</sup>

Many domestic stakeholders and the country's international partners called for respect of the right of peaceful assembly and for dialogue to resolve the political crisis. In response to the European Commission's 29 May recommendation to open European Union accession negotiations with Albania, on 18 June the European Council postponed the decision until no later than October 2019.

### LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for elections includes the 1998 Constitution (last amended in 2016), the 2008 Electoral Code (last amended in 2015), other framework legislation, supplemented by CEC regulations and the decisions of the Electoral College of the Court of Appeals in Tirana (Electoral College). An electoral reform process initiated after the 2017 parliamentary elections was forestalled by a lack of political agreement. Several long-standing ODIHR recommendations remain unaddressed, including those concerning the de-politicisation of election commissions, transparency of campaign finance and efficiency of election dispute resolution.

The legal framework for elections, largely unchanged since the last elections, could generally provide a sound basis for democratic elections. Nevertheless, the lack of clarity in some provisions has allowed for perception of bias in their implementation by the CEC. Electoral stakeholders did not always demonstrate political will to properly implement legal provisions, including when nominating members of the election commissions and during the registration of candidates.

The 10 June and 27 June presidential decrees and particularly the divergent responses it elicited from institutional and political stakeholders, altogether contributed to legal and political uncertainty. This

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<sup>1</sup> Dated 17 June, the [request](#) charged among other things that the President had violated the principle of periodicity of elections and the citizens' right to elect.

<sup>2</sup> Previous [ODIHR reports](#) have drawn attention to a longstanding lack of trust between the DP and SP.

<sup>3</sup> See the Prime Minister's ['Seventh Letter'](#) from 1 June.

was further compounded by the absence of a functioning Constitutional Court and High Court, the former being the only body mandated to decide on the constitutionality of presidential decrees.

Mayors and councils are directly elected for four-year terms. Mayors are elected in first-past-the-post contests and councillors are elected from closed lists under a proportional system. The territories of municipalities represent the constituencies for local elections. To qualify for seat allocation, parties must surpass a three per cent threshold of votes cast in the respective municipality (five per cent for coalitions). There is no minimum voter turnout requirement. Overall, 61 mayors and 1,595 councillors were to be elected nationwide.

## ELECTION ADMINISTRATION

Election administration is composed of three tiers: the CEC, 90 Commissions of Electoral Administration Zones (CEAZs) and 5,417 Voting Centre Commissions (VCCs). Counting is conducted by Counting Teams in 90 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ). The law provides equitable opportunities for parliamentary parties to be represented at all levels of election administration. Refusal of the opposition parties to nominate their members to the CEC and CEAZs, combined with the subsequent interpretation of the law by the CEC that only those contesting the elections can nominate members, left the election administration politically unbalanced. Consequently, many ODIHR EOM interlocutors raised concerns over the impartiality of all levels of commissions.

The CEC is a permanent body appointed by parliament. By law, it is composed of seven members, with the parliamentary majority and parliamentary opposition nominating three members each, and a chairperson elected by parliament through a process of open applications.<sup>4</sup> The current CEC consists of five members, including the chairperson formally not affiliated with a party, three members nominated by the SP and one by the Republican Party (RP).<sup>5</sup> The DP has not filled its quota for two CEC members since October 2018.

The CEC regularly held open sessions that were live-streamed and attended by observers and media and comprehensively regulated different aspects of the electoral process. At the same time, while deciding on candidate registration and composition of lower-level election administration, the CEC implemented the law in a manner that exhibited bias.<sup>6</sup> Some CEC decisions, including those on candidate registration denials and complaints, were published with a significant delay, thus undermining transparency.

By law, the CEAZs are appointed by the CEC for each election and are composed of seven members and a non-voting secretary. The nomination formula is similar to that for the CEC, with the parliamentary majority and opposition nominating three members each in all CEAZs, and the seventh member in half of the CEAZs each.<sup>7</sup> While the SP nominated commissioners to all CEAZs, the DP and

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<sup>4</sup> Two members are proposed by the largest parliamentary majority party and two by the largest opposition party. In addition, the next largest parliamentary majority and opposition parties propose one member each.

<sup>5</sup> The current CEC deputy chairperson is the former chairperson: as a consequence of a 2017 political agreement, he was nominated to the CEC on the RP quota.

<sup>6</sup> For example, while declining an opposition request to replace CEAZ members, the CEC gave a prescriptive effect to this decision and instructed the CEAZs to also reject the DP and SMI nominees to the VCCs and counting teams (See also *Candidate Registration*). Paragraph 68 of the Explanatory Report to the [Venice Commission 2002 Code of Good Practice in Electoral Matters](#) states that “Only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results”.

<sup>7</sup> Three members should have been nominated by the SP, two by the DP and one by the SMI. The DP and SP could also nominate the seventh member in 45 CEAZs each. In half of the CEAZs, the chairperson is nominated by the SP, and in the other half, by the DP. The deputy chairperson and secretary belong to the main political party not chairing the respective CEAZ.

SMI, within the legal deadlines, submitted no nominations, prompting the CEC to appoint members on their own initiative and leaving all CEAZs without opposition appointees.<sup>8</sup> On 20 May, the DP and SMI submitted a request to replace the CEC-nominated CEAZ members.<sup>9</sup> In its interpretation of diverging provisions of the Electoral Code, the CEC decided that parliamentary parties that did not register to participate in the elections had forfeited their right to nominate commissioners on all levels of the election administration.<sup>10</sup>

In order to fill the resulting vacancies, the CEC, following an open call for applications, approved a list of potential VCC candidates. The CEAZs formed VCCs after the 11 June statutory deadline.<sup>11</sup> On 25 June, the CEC decided that the counting teams would be composed of two SP-nominated members and two CEAZ-nominated members, while the deadline for formation of the counting teams was on 20 June. On election day, there were four members of the VCC and counting teams in majority of cases observed. Two out of five CEC members and 37 per cent of CEAZ members were women. While women constituted 25 per cent of VCC members at voting centres observed on election day, including 19 per cent chairing the VCCs, in 40 per cent of observed VCCs there were no women commissioners.

The 10 June presidential decree was regarded as null and void by a majority of CEC members.<sup>12</sup> However, municipalities approached further election preparations along the political divide. Thus, in municipalities governed by the SP mayors, preparations for the elections continued. In many municipalities, opposition mayors demanded CEAZs to discontinue preparations and vacate municipal premises.<sup>13</sup> The CEC had to reallocate more than 200 voting centres as well as a number of CEAZs and BCCs. In combination with the opposition's calls on the electorate to boycott the elections, political bias of municipal authorities and an unbalanced composition of the election administration negatively affected the public confidence in the electoral process.

In a timely manner the CEC adopted guidance materials for administering the voting and counting procedures and organized training of the CEAZs and VCCs. Training materials were well developed and the ODIHR EOM assessed the training sessions overall positively, although, at times, low attendance was of concern. The CEC also developed and disseminated voter education materials, including on election day procedures and criminal liability for electoral violations. CEC video materials supplemented with sign language were broadcast on different nationwide TV channels.

## VOTER REGISTRATION

Albanian citizens aged 18 years or older on election day are eligible to vote.<sup>14</sup> Restrictions on voting rights of citizens found mentally incapacitated even by a court decision are contrary to international

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<sup>8</sup> As a result, the SP nominated four commissioners, including chairpersons, in 45 CEAZs, while the other 45 CEAZs had three SP-nominated members, one nominated by the CEC, and no chairpersons.

<sup>9</sup> According to the law, CEAZ members nominated by the CEC could be replaced by those proposed by political parties by 31 May.

<sup>10</sup> Different provisions of the Electoral Code on the composition of election administration refer to "political parties representing the parliamentary majority and parliamentary opposition", "political parties registered" and "electoral subjects". In its decision No. 657 from 23 May, the CEC linked the right of parliamentary parties to nominate commissioners to their registration as electoral subjects.

<sup>11</sup> By law, the VCCs are composed and appointed using a similar formula to CEAZs. The law does not explicitly prescribe how to fill vacant positions in VCCs, but stipulates that the CEAZs "take necessary measures" in order to enable VCCs to reach a simple majority quorum.

<sup>12</sup> The position of the CEC on invalidity of the presidential decree was expressed as a reasoning to its 13 June decision on rejecting a party withdrawal request. The Electoral College further upheld the position of the CEC.

<sup>13</sup> In several municipalities this was followed by attempts to remove election management bodies from their premises. In Kamez, Kavaja, Klos, Kukes, Mat, Shkoder, Tropoja and Vora this led to violent clashes, arsons and destruction of premises and election materials. Closer to the election day, many municipal administrations announced holding cultural events in the voting and counting premises on the eve of and on election day.

<sup>14</sup> The so-called Law on Decriminalization suspends voting rights of citizens serving a prison sentence for committing crimes listed in some 60 articles of the Criminal Code.

obligations.<sup>15</sup> Those serving a prison sentence for committing certain crimes are denied the right to vote. Non-citizens are ineligible to vote in local elections, irrespective of the length of their residency.<sup>16</sup> Voters over 100 years of age are automatically removed from the voter list and must confirm their records for re-inclusion.

The voter registration system is passive. Voter lists are based on the electronic National Civil Status Register (NCSR), which is maintained by the General Directorate of Civil Status (GDSC) of the Ministry of Interior (MoI) and includes all voters with an official residence in Albania.<sup>17</sup> The final voter list contained 3,536,016 entries, including a significant number of voters who are residing abroad, but maintain official residence in Albania.<sup>18</sup>

The Electoral Code provides sufficient mechanisms for voters to request corrections of their data. After elections were called, the GDSC published updated extracts from voter lists on a monthly basis, allowing voters to register any changes with local civil status offices. Although the law prescribes that each voter receives a written notification from municipal authorities on the location of their voting centre, the ODIHR EOM was informed that this obligation was neglected in some regions.<sup>19</sup> The data on time and place of voting were also made publicly available on voter lists posted in CEAZs and VCCs; however, in mid June voter lists were taken down on the orders of the local authorities in most municipalities governed by the opposition, depriving voters of the possibility to verify their data.

The GDSC reported that the quality of the voter list was improved by deleting duplicate records and reducing the number of entries with incomplete addresses from 284,065 in December 2018 to 727 on 21 May. While this could enhance the accuracy of the voter list, some ODIHR EOM interlocutors, including one CEC-appointed auditor of the voter lists, stated that given the volume of data, some addresses may have been reassigned without verification.

## CANDIDATE REGISTRATION

Any eligible voter resident in a municipality can stand for election, except those whose right to stand for office has been restricted by the 2015 Law on Decriminalisation.<sup>20</sup> The Constitution also lists categories of officials whose occupation is incompatible with the right to stand.<sup>21</sup>

In order to field candidates, political parties, coalitions and groups of voters must first register with the CEC as electoral subjects. Parties and groups of voters are required to submit supporting signatures of no less than one per cent of voters from the respective municipality, unless they have been represented in the parliament or municipal government for a period of at least six months.

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<sup>15</sup> See Articles 12 and 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD). See also, paragraph 9.4 of the 2013 CRPD Committee's Communication No. 4/2011 (*Zsolt Bujdosó and others v. Hungary*) which stated that: "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

<sup>16</sup> The UN Human Rights Committee in its [General Comment 25](#) to the ICCPR confirms the existence of an emerging trend to grant voting rights to permanent residents in local elections. The Venice Commission 2002 Code of Good Practice in Electoral Practices states: "It would be advisable for foreigners to be allowed to vote in local elections after a certain period of residence".

<sup>17</sup> Local civil status offices compile the voter lists in which voters are included according to their place of residence.

<sup>18</sup> According to the 2011 census, the population of Albania totals 2,831,741.

<sup>19</sup> In a number of EAZs voters claimed that they did not receive these notifications. Moreover, the deputy mayor of Shkoder informed the ODIHR EOM that it was the CEAZ's responsibility to distribute voter notifications, while in EAZ No. 30 (Tirana) notifications were distributed with the help of SP volunteers.

<sup>20</sup> This includes citizens convicted for certain crimes or deported, even in the absence of a final court decision, from an EU Member State, Australia, Canada, and the United States, as well as those under an international warrant.

<sup>21</sup> This includes the president, high state officials, judges, prosecutors, military, national security and police staff, diplomats and members of election commissions.



The CEC took a manifestly inclusive approach to candidate registration. While this increased the number of contestants, the CEC interpreted the law in an overly broad and, at times, inconsistent manner, detracting from legal certainty. The CEC registered Democratic Conviction (DC) as an electoral subject on 27 April, although the latter was registered as a political party only on 25 April, with a court decision becoming final on 10 May.<sup>22</sup> Further, the CEC did not require the newly registered DC to collect supporting signatures, ignoring the six-month period requirement.<sup>23</sup> Responding to complaints against rejections of candidates by the CEAZs, the CEC reinstated 11 candidates.<sup>24</sup>

The Electoral Code provides for a 50 per cent gender quota for municipal council candidate lists, with genders alternating in every other position. Several ODIHR EOM interlocutors credited the quota system with having created an environment conducive to increasing the participation of women in political life, but noted that few women hold leadership roles within political parties. Noncompliance with this requirement resulted in rejection of one candidate list. Other grounds included missing deadlines for submission of documents, failure to meet the residency requirement and non-eligibility. The CEC published decisions on rejections and reinstatements of candidacies with significant delays, negatively affecting the transparency of the candidate registration process.

The Electoral Code prohibits changes to candidate lists after their final approval and does not regulate the withdrawal of candidates. The CEC rejected several withdrawal requests submitted by DC mayoral candidates, thus leaving their names on the ballot.<sup>25</sup>

In total, 97 candidates, including 11 women and 6 independent candidates, ran for mayor. In mayoral races, the SP-led coalition put forward candidates in all 61 municipalities and stood unopposed in 31. Two coalitions, nine individual parties and eleven independent candidates ran on 544 candidate lists for municipal councils, totalling over 9,850 candidates. Nevertheless, abstention of major opposition parties from the electoral process limited the choice of political alternatives available to voters. Outgoing mayors in 26 municipalities were members of opposition parties that opted not to participate in the elections.

## CAMPAIGN ENVIRONMENT

The campaign, which started officially on 31 May, was largely invisible. Apart from voter education billboards provided to municipal authorities by the CEC, the ODIHR EOM observed few posters or other signs of imminent elections.<sup>26</sup> Contestants campaigned predominantly in social media, through door-to-door visits and small-scale meetings with voters. Women candidates from the SP and DC faced one another in the Durres mayoral race, and ran unopposed for the SP-led coalition in five

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<sup>22</sup> In 2013 and 2015, the CEC rejected the registrations of Civil Party of Albania and Shkoder 2015 Party that did not provide final court decisions on their registrations as political parties.

<sup>23</sup> The Electoral Code does not specify how the period of six-months tenure in parliament, council or mayor post should be calculated. The CEC registered DC candidates on the basis of certificates issued by parliament that defined the six-month period backwards from the anticipated expiry of their mandates in 2021.

<sup>24</sup> Some of these decisions were made with the opposing vote of the CEC Chair. Due to significant delays in publishing these decisions, the ODIHR EOM was not in a position to assess the legal grounds for reinstatements.

<sup>25</sup> Representatives of the DC informed the ODIHR EOM that some of their candidates withdrew because of the DP pressure (in Kamza, Kavaja and Lezha) and one because of the SP pressure (in Skrapar). In addition, one of the candidates claimed that his signature on registration documents was falsified.

<sup>26</sup> The voter education poster publicized the opening hours of polls, but not the date of the elections. The ODIHR EOM noted visual materials posted outside and on SP regional offices, as well as within the requisite five metres, throughout the country. The DC opened a few campaign offices in some cities, with campaign materials displayed on their exterior in several locations, and distributed leaflets.

municipalities. There was little face-to-face debate between the contestants.<sup>27</sup> The only large campaign rallies featured the Prime Minister as the main speaker.<sup>28</sup> Many candidates described to the ODIHR EOM the challenge of motivating voters to turn out to vote.

The limited campaigning was overshadowed by national-level developments that deepened long-standing political divisions. The wider political discourse was dominated by questions about the non-participation of the main opposition parties and the date of the elections. Through broadcast, print and social media, public assemblies and meetings with representatives of political parties, citizens were exposed to a choice of views about the elections that were in many areas non-competitive. The language in which political opponents expressed their views was frequently recriminating and inflammatory.<sup>29</sup>

In the highly polarised environment, prospective voters faced pressure to demonstrate their political preference. The ODIHR EOM received numerous allegations that, despite prohibitions introduced in May, public administration employees were under direct and indirect pressure to engage in political activity during and after working hours.<sup>30</sup> The ODIHR EOM observed municipal officials, health services and education staff at large SP-led rallies that were held, in many cities, immediately after working hours. The ODIHR EOM also noted widespread perception among interlocutors and the public that employment in the public sector is dependent on political affiliation.<sup>31</sup> Municipal employees were among those protestors observed by the ODIHR EOM physically obstructing election administration in municipalities where the DP, the Party for Justice, Integration and Unity (PJIU) and SMI mayors had notified the CEC of their intent to implement the 10 June presidential decree.<sup>32</sup> These included incidents in Devoll, Diber, Kamez, Kavaja, Kukes, Mat, Pogradec, Prrenjas, Shkoder,

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<sup>27</sup> The exception was in Durres, where on 22 June at a debate organized by local NGOs, the mayoral candidates discussed community development issues before an audience of 200 people.

<sup>28</sup> The Prime Minister campaigned for the SP-led alliance in municipalities governed by the SP and in those governed by opposition parties. In the last two weeks of the campaign, opposition supporters staged counter protests that did not lead to major incidents. On 20 June, however, the mayor of Shkoder attempted to prevent the SP rally and led a simultaneous protest that resulted in pyrotechnics thrown at the heavy police cordon separating the two events. The police used tear gas to disperse the protestors.

<sup>29</sup> For example, speaking to media during a DP-led protest on 2 June, former president Sali Berisha [described](#) the Prime Minister as “a political cadaver that has not yet been cremated”. Politicians routinely referred to each other using nicknames, which were often pejorative. The Prime Minister frequently referred to the DP head as “Pinocchio” and to the SMI head as “the fortune-teller”.

<sup>30</sup> As the campaign began, the commission responsible under the Law on Civil Servants for oversight of public administration issued recommendations on neutrality, impartiality and integrity in the performance of the duty during the electoral period.

<sup>31</sup> Most civil service staff are hired through short-term contracts and staff turnover in municipal administration is high when local government changes. In Elbasan (SP mayor) and Skrapar (SMI mayor), where the SP-coalition mayoral candidate ran unopposed, during campaign rallies the Prime Minister noted that those who had not been used as “cannonballs” of political parties and women would not lose their jobs in the new municipal administrations.

<sup>32</sup> The SP holds mayoral positions in 33 municipalities; The Macedonians’ Alliance for European Integration Party (MAEIP) and Greek Ethnic Minority for the Future Party (MEGA) hold one mayoral position each. Opposition parties hold mayoral positions in 26 municipalities, including DP mayors in 16 municipalities (Devoll, Dropull, Kamez, Kavaja, Klos, Kukes, Lezha, Mallakaster, Mat, Permet, Pogradec, Selenica, Shkoder, Tropoja, Vau i Dejes, Vora), SMI mayors in 8 (Berat, Bulqiza, Cerrik, Delvina, Gjirokaster, Kucova, Skrapar, Prrenjas), and PJIU mayors in Peqin and Rrogozhina.



Tropoja, Vau i Dejes and Vora.<sup>33</sup> Most of these assaults included the destruction of election materials as well as confrontations between municipal police and state police.<sup>34</sup>

The electoral silence period began on 29 June and contestants respected the restrictions on campaigning. At the same time, the DP repeatedly called on citizens to boycott the vote and to record and film any abuses or provocations. The SMI issued statements attacking the Prime Minister and the head of the Democratic Group in parliament, Rudina Hajdari, who is critical of the DP. Both the DP and SMI urged restraint from violence on election day.

With few contestants and many uncontested races, the essential choice presented to citizens in the divisive campaign environment was whether or not to participate. Throughout the campaign period, the ODIHR EOM heard concerns from prospective voters that turning out to vote or abstaining would potentially disclose their political preference and expose them to retribution in their communities.<sup>35</sup>

## CAMPAIGN FINANCE

According to the law, electoral campaigns may be financed from public and private funds, including loans. Donations from both citizens and legal entities, including in-kind, are capped at ALL 1 million (some EUR 8,200), and contributions above ALL 100,000 must be made through a designated bank account.<sup>36</sup> Total campaign expenditure may not exceed an equivalent of ALL 408 million and ALL 20.4 million for political parties and independent candidates respectively. Donations from anonymous sources are prohibited.

On 16 May, parliament allocated ALL 65 million for campaigning purposes by political parties. On 10 June, the CEC divided the sum among the contesting parties in proportion to their election results in the previous local elections: some ALL 41 million went to the SP, and the rest to 35 other contesting parties. Independent candidates are not entitled to public funding.

The CEC is the oversight body for matters of campaign finance. Positively, on 11 April, the CEC adopted an instruction on the verification of campaign expenditures, based upon which it later appointed financial experts tasked with issuing weekly reports on the use of campaign funds. These reports were published on the CEC website. Although some of these reports were voluminous, they mostly did not contain detailed analyses of campaign expenditures. Among others, a number of reports described the difficulties that auditors faced locating the offices of a number of parties, which effectively prevented the audits.

On 8 May, the CEC approved a standardized template and new guidelines for campaign finance reporting, which mayoral candidates and political parties were required to use to record, document and report on their campaign funds.<sup>37</sup> Electoral subjects are obliged to make public and submit final reports on their campaign finances and expenditures within 60 days from the announcement of official results. Within five days after the announcement of official election results, the CEC must appoint auditors to

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<sup>33</sup> Among others, a school was set on fire in Shkoder; Molotov cocktails were thrown at the public order police in Kavaja; protestors kicked in the door of the city museum and threw in smoke bombs in Tropoja. On 28 and 29 June, protestors burned the CEAZ premises in Bushat and Vau i Dejes. In Diber, police used tear gas to disperse protestors who were throwing pyrotechnics at police guarding an election administration facility.

<sup>34</sup> Women politicians associated with the DP were among the first politicians of all parties to call for an end to violence and vandalism in Shkoder and Tropoja. The civil service oversight commission instructed its monitoring teams to verify by 24 June whether persons involved in violent acts against election administration are civil servants and, if so, to initiate disciplinary proceedings. On 19 June, the Minister of Interior [announced](#) that, in light of their use in some municipalities to facilitate the blocking of election administration, he would reorganise the municipal police.

<sup>35</sup> In a [Facebook post](#) on 28 June, President Meta called upon citizens to respect and refrain from confronting those who would go to "these socialist polls" on 30 June, when socialists will "vote themselves and count themselves."

<sup>36</sup> EUR 1 equals approximately ALL 122 (Albanian *Lek*).

<sup>37</sup> The CEC trained candidates for mayors on documenting the funds received and spent during the campaign.

review the contestants' final campaign finance reports. The CEC may impose fines on contestants for noncompliance with campaign finance rules, as well as for non-cooperation with CEC auditors. A range of gradual and dissuasive pecuniary sanctions is also envisaged for donors who violate campaign finance rules. Nevertheless, the CEC noted a lack of legal provisions empowering the CEC to conduct in-depth investigations of campaign financing, in particular *ex officio* or as regards transactions abroad.

## MEDIA

The diverse media environment is constrained by a limited advertising market. According to most ODIHR EOM interlocutors, the limited profitability of media outlets has resulted in media acting as lobbying platforms for their owners. In the absence of effective self-regulation and uncertain labour conditions, journalists remain vulnerable to pressure and often self-censorship. Television remains the leading source of political information. Concentration of media ownership was further consolidated through the process of digitalization, which resulted in one family controlling three of the five private nationwide television frequencies.

While the Constitution and media legislation provide for freedom of expression, defamation remains a criminal offense punishable with fines up to ALL 3,000,000.<sup>38</sup> Campaign coverage in broadcast media is regulated in detail by the Electoral Code, while print and online media are largely unregulated. The law also provides free time on the public broadcaster to "registered parties", which the CEC interpreted narrowly as those participating in the elections.<sup>39</sup> Broadcasters that accept campaign advertisements must offer the same prices to contestants, and submit pricelists to the CEC.<sup>40</sup> Only 7 out of the 54 private broadcasters submitted pricelists to the CEC and all of them informed the ODIHR EOM that no advertisement space was purchased. During the last three days of the campaign, five private broadcasters aired DC advertisements free-of-charge.<sup>41</sup> According to the pricelists, the value of the airtime provided by some media free of charge exceeded the limits set for individual in-kind campaign donations.

The Media Monitoring Board (MMB) oversees media outlets' compliance with the Electoral Code. Although this *ad hoc* body should have been established by the CEC 40 days before the start of the campaign, it was only formed on 28 May. Assisted by the broadcast media regulator Audiovisual Media Authority, the MMB started to monitor only 14 broadcasters on 1 June, a day after the start of the campaign. On 3 June the MMB unsuccessfully requested that the CEC authorize the recruitment of additional staff in order to increase its monitoring sample. While the Electoral Code requires broadcast media to allocate political parties that won over 20 per cent of seats in the last parliamentary elections with twice the amount of news coverage that other parliamentary parties receive, the MMB monitored only contesting parties. Due to its late formation, the MMB submitted its first two weekly reports only on 18 June.<sup>42</sup> In three weekly reports, the MMB has arbitrarily proposed that the CEC order all 14 monitored media outlets to compensate the Social Democratic Party and 2 outlets to compensate the DC with 30 minutes of news coverage. The CEC upheld this proposal on 22 June and ordered the media to provide this time. According to the latest MMB reports, the media did not comply with this order.

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<sup>38</sup> The ODIHR EOM is aware that in 2019 five criminal cases were initiated against the media.

<sup>39</sup> On 30 May, the CEC provided the SP with 60 minutes, Social Democratic Party with 30 minutes, all other non-parliamentary parties contesting the elections with 10 minutes and independent candidates with 5 minutes of free airtime on the public RTSH. The contestants displayed limited interest in these. ODIHR EOM monitoring indicates that only 37 out of the 102 free time slots allotted to contestants on RTSH-1 were used.

<sup>40</sup> The Electoral Code limits the total amount of paid airtime on each private broadcaster for the whole campaign to 90 minutes for parliamentary and 10 minutes for non-parliamentary parties and independent candidates.

<sup>41</sup> The media outlets informed the ODIHR EOM that free airtime was provided as the DC had not enough funds to pay for political advertisements. Some of these media did not submit pricelists to the CEC.

<sup>42</sup> Starting from 7 June, the MMB was providing the CEC with daily monitoring results.

Many ODIHR EOM interlocutors criticized the widespread practice of the main political parties and public officials providing media outlets with pre-recorded or live footage from official and campaign events that are closed to the media.<sup>43</sup> Although on 3 June, the MMB had called on the media to explicitly label all electoral campaign news coverage produced by political parties, such footage remained unidentified for the duration of the campaign, potentially misleading viewers about the nature of the content. Furthermore, some ODIHR EOM interlocutors stressed that both official and campaign activities of Prime Minister Rama were generally filmed and transmitted exclusively by the Facebook-based channel ERTV, which other broadcasters could only rebroadcast.<sup>44</sup> The practice of restricting media access to public events organised by state officials and political parties has limited voters' ability to obtain objective information during the campaign.

The ODIHR EOM's media monitoring indicates that the listless campaign was overshadowed by the ongoing political crisis, with news and numerous talk-shows in the monitored media focusing on mutual accusations by the DP and SP that became more heated after the President issued the 10 June decree.<sup>45</sup> This has narrowed the voters' information about the contestants, especially outside of the capital, limiting their opportunity to make an informed choice. A notable exception was the media coverage of the active campaign run by the SP-nominated incumbent mayor of Tirana, Erion Veliaj, and introductions of SP candidates by the head of the party. Women candidates and politicians received very limited coverage as media largely focused on the main parties' leadership.

The DP and SP were dominating the politically-relevant news coverage at all media outlets monitored, with the SP receiving between 29 and 34 per cent and the DP between 20 and 26 per cent of such coverage. Political polarization was reflected in the tone of such coverage. In particular, two most watched TV stations, Top Channel and TV *Klan*, covered the SP mainly in a positive and neutral tone, while the DP mainly in a neutral and negative tone. By contrast, News 24 covered the SP mainly in a negative and neutral tone while the DP mainly in neutral and positive tone. Similarly, the *Vizion Plus* covered the DP mainly in a positive and neutral manner, and the SP in a more balanced manner, with equal shares of positive and negative coverage. The public RTSH-1 was more neutral, compared to the private media, with the SP mainly covered in a neutral and positive manner, and the DP in mainly neutral tone.<sup>46</sup>

## COMPLAINTS AND APPEALS

The Electoral Code provides that any political party or candidate proposed by a group of voters can complain to the CEC against CEAZ decisions, which affect their legal interests, within three days from the announcement of the decision. Voters may appeal errors in voters' lists before the district court.

The CEC considers all complaints against CEAZ decisions and must reach a decision within two days. CEC decisions can be appealed before the Electoral College, within five days, by electoral subjects whose legal interests have been affected. Non-participating political parties do not have legal standing to bring a case before the Electoral College.

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<sup>43</sup> The majority of national and regional media outlets met with by the ODIHR EOM complained that they were not allowed to film official or campaign events that feature Mr. Rama.

<sup>44</sup> The Prime Minister's communication office informed the ODIHR EOM that such events are always open to the media, while purpose of the footage produced by the Prime Minister and party offices is only to assist the media, and it is the outlet's choice whether or not to use it.

<sup>45</sup> During the official campaign period, the ODIHR EOM monitored primetime coverage on five television stations (public RTSH-1 and private News 24, Top Channel, TV *Klan* and *Vizion Plus*) and followed two online sources (*Panorama* and syri.net).

<sup>46</sup> The RTSH informed the ODIHR EOM that coverage of the opposition parties and their protests was more visible on the recently founded 24-hour news channel RTSH-24.

The CEC adopts its decisions on complaints in open sessions, and must publish their reasoned text on its website within 24 hours. Parties are not notified of the CEC decision by written notice. Publication of some CEC decisions was delayed, which made some parties miss the five-day period for lodging an appeal to the Electoral College.<sup>47</sup> On 30 May and 6 June, the Electoral College ruled that the CEC is not obliged to communicate its decision to the parties, but rather the latter must send their representatives to the respective CEC meetings, or otherwise be informed of the transcribed decision from the CEC website. The procedure for notifying parties and publication of CEC decisions on complaints is thus not always efficient or conducive to an effective remedy, at odds with OSCE commitments.<sup>48</sup>

As the highest authority on electoral disputes, the Electoral College by law consists of eight judges, who are selected through a draw conducted by the High Council of Justice. As a result of the ongoing process of vetting of judges, the Electoral College presently has only six judges.<sup>49</sup> While this is sufficient to adjudicate in panels of five judges as required by law, several hearings had to be postponed because of an insufficient number of judges to form a quorum. Decisions of the Electoral College must be adopted within ten days; they are final, and must be drafted within three days of the decision. Although decisions are delivered in public sessions, they are only accessible on the website of the Electoral College to persons who hold a special password, which does not facilitate general public awareness about the rules of the electoral process and does not contribute to the transparency of electoral dispute resolution.

Both the CEC and the Electoral College abided by the legally prescribed timeframes for adjudicating electoral disputes. By 30 June, the CEC received 16 complaints against CEAZ decisions, mostly on candidate registration. Thirteen CEC decisions were appealed to the Electoral College, which overturned three and upheld nine CEC decisions.<sup>50</sup> The Electoral College's narrow interpretation of the legal standing of contesting parties to challenge registration of other contestants affects the right to appeal the legality of candidate registration.<sup>51</sup>

On 13 June, the CEC rejected the National Unity Party's withdrawal request, basing the decision, in part, on the reasoning that the 10 June presidential decree is invalid. On 24 June, the Electoral College rejected the appeal against this CEC decision and also found the 10 June presidential decree as invalid.<sup>52</sup>

On 29 June, the Prosecutor General's Office reported on 12 ongoing proceedings regarding election-related criminal offences, involving a total of 75 persons placed in detention or under arrest.<sup>53</sup> Charges include public calls for violence, the organization or participation in illegal manifestations, blocking

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<sup>47</sup> Red and Black Alliance, Demo-Christian Alliance Party and Albania National Conservator Party.

<sup>48</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity".

<sup>49</sup> The vetting of judges and prosecutors, which is part of the ongoing judicial reform, evaluates the integrity, assets and professionalism of all judges and prosecutors in Albania. The vetting has resulted in many dismissals and resignations, impacting the functioning of many courts and prosecutor offices, leaving, in particular, the Constitutional Court and the High Court of Justice without the quorum necessary to operate.

<sup>50</sup> The upheld decisions included non-participating political parties' eligibility to nominate members of election administration; political parties' standing in cases challenging other parties' registration to participate in elections; candidate registration; rejection of candidate withdrawal requests; and the location of voting centres.

<sup>51</sup> In its 9 May decision on the appeal against registration of the DC, the Electoral College found that the complainant Democratic Union Party as well as other contestants have no legitimate interest in challenging the legality of registration of other contesting parties, and therefore cannot appeal relevant CEC decisions. Section 3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "All candidates ... registered in the constituency concerned must be entitled to appeal".

<sup>52</sup> Two judges expressed concurring opinions that the Electoral College does not have the competence to review the status of the presidential decree.

<sup>53</sup> Three criminal proceedings were initiated in Shkoder, two in Diber, one in Elbasan, Fier, Kavaja, Mat, Pogradec, Tirana and Tropoja each. Most of the cases involved multiple suspects.

roads, destruction of property by explosives, as well as obstructing to election administration and destruction of electoral materials. Opposition parties consider some of these cases to be politically motivated. In addition, several ODIHR EOM interlocutors expressed concerns about overall lack of effectiveness of criminal investigations that contributes to widespread perception of impunity over the past electoral crimes, including for vote-buying and pressure on voters.

## **NATIONAL MINORITIES**

The law provides for full political, civil and social rights for national minorities and guarantees the right to vote and to stand for election to all citizens regardless of ethnic background, race, religion or language. Campaigning in national minority languages is permitted. Official acts of the election administration are issued only in Albanian; however, working level discussions during a CEAZ meeting have also been observed in the language of a national minority, without incident.

In general, no direct discrimination was observed against national minorities during the electoral process. As some national minority parties decided to join boycott of the elections, in some communities where national minorities might normally field candidates, no such choice was available to voters.<sup>54</sup>

The CEC informed the ODIHR EOM that voter education materials relating to the functioning of the election system and voting procedures were being produced in the languages of national minorities, which is in part required by the Law on Protection of National Minorities. The ODIHR EOM has not come across any such materials, and no interlocutors reported seeing them either in the regions.

The CEC, with international support, previously ran voter education training programmes aimed at the Roma and Egyptian communities. Nonetheless, several ODIHR EOM interlocutors reported that Roma in particular remain vulnerable to vote-buying practices, as well as population and voter registration problems due to the lack of a permanent address. The ODIHR EOM received reports of the distribution of goods to the Roma communities, which some ODIHR EOM interlocutors considered to be means to influence voting.

## **CITIZEN AND INTERNATIONAL OBSERVERS**

The Electoral Code provides for citizen and international observation at all levels of the election administration. Parliamentary parties and coalitions may appoint permanent representatives to the CEC, while other parties have the right to appoint representatives for the electoral period only. The right to appoint observers representing coalitions rests solely with the coalition, not their composite political parties. Contestants are entitled to appoint one observer to each relevant CEAZ, VCC and BCC.

The CEC registered 494 international observers as well as 630 citizen observers from six organizations. While no issues with accreditation of citizen observers were raised, some NGOs informed the ODIHR EOM that they would abstain from voter education and election observation activities to avoid the appearance of expressing a political preference.

## **ELECTION DAY**

Voting took place against a backdrop of announcements by most municipalities governed by the opposition that elections would not take place on 30 June. Some mayors sought to use their powers to

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<sup>54</sup> An ethnic Greek mayoral candidate for Himara, Mr. Dhionisios Alfred Beleri, was denied registration by the CEC based on a past conviction. Examining the appeal, on 30 May the Electoral College upheld the CEC decision and ruled that Mr. Beleri is ineligible to stand for elected office until 26 December 2021.

disallow the use of public buildings as voting centres. A few voting centres suffered arson fire damage before election day.<sup>55</sup> The CEC confirmed that voting did not take place in seven voting centres.

Election day was generally peaceful, despite isolated cases of tensions and clashes in a small number of communities. Turnout varied among municipalities, with the CEC announcing that it reached 21.6 per cent nationally. The presence of political party observers (in more than two-thirds of all observations) and citizen observers (one-fifth of observations) contributed to transparency. However, in three per cent of observations party observers or activists were seen interfering in the administration of the process.<sup>56</sup>

Opening was assessed negatively in 9 of the 73 observed voting centres with half of them opening with a delay, most less than 15 minutes. In 11 voting centres, ODIHR EOM observers noted that opening procedures were not followed, including not depositing the records of sealing in the ballot box.

Voting was generally orderly and was assessed positively in 94 per cent of the voting centres observed by the ODIHR EOM. In many cases, activists of political parties (mainly the SP and DP) kept track of voters who voted, challenging their right to cast their vote free of the fear of retribution.<sup>57</sup> Almost two-thirds of the observed voting centres did not allow for independent access for voters with disabilities.

In 23 per cent of the voting centres observed voters were turned away, mostly for valid reasons, in two-thirds of the cases being redirected to other voting centres. This was indicative of the impact of late changes to the locations of voting centres due to their blockage by opposition activists or ineffective notification of voters. Voters were not always checked for traces of ink in a fifth of the observed voting centres, and in some 10 per cent of the cases they were not always marked with ink before being handed a ballot, thus bypassing key safeguards against multiple voting. In 16 per cent of the voting centres observed, the same person tended to assist multiple voters who required assistance. Group voting, including family voting, was noted in 10 per cent of observations and proxy voting was observed in 2 per cent of observations.

Some voters feared that participation itself would reveal their political preference, especially where the SP candidates ran unopposed. In some 10 per cent of observed voting centres, voters did not always mark their ballots in secrecy.

Closing was assessed negatively in 7 of the 69 cases observed. Some three-quarters of all observed voting centres closed on time, and most of others within 15 minutes. In almost all cases observed, closing procedures were correctly followed and the VCCs transferred the materials to the BCCs without delay.

The transfer and receipt of materials was assessed positively in all but 2 of the 62 observed cases. In 16 instances the premises of the BCC were overcrowded and in 5 cases the delivered ballot boxes were declared irregular. Counting was assessed positively in all but 6 of the 51 BCCs observed, although several procedures were not always followed correctly. Namely, vote count was interrupted in 6 cases, ballots were not always unfolded and stamps exposed to the camera in 12 cases, and the front side of the ballot was not always exposed to the camera in 11 cases. With reference to the verification of election materials, the record of the closing of polls was not always found inside the ballot box in nine of observed cases. Copies of the table of results for voting centres were not given to party observers in 16 cases.

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<sup>55</sup> On 29 June, the leader of the opposition DP urged protesters to remain peaceful.

<sup>56</sup> The ODIHR EOM noted that in some cases citizen observers appeared to be associated with political parties.

<sup>57</sup> In line with the Paragraph 7.7 of the 1990 OSCE Copenhagen Document the OSCE participating States committed “that law and public policy work to permit [that] neither administrative action, violence nor intimidation ... prevents the voters from ... casting their vote free of fear of retribution”.



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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Tirana, 1 July 2019 – This Statement of Preliminary Findings and Conclusions is the result of election observation activities undertaken by an Election Observation Mission (EOM) established by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) following an invitation from the Government of the Republic of Albania. The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections and with national legislation.

Ambassador Audrey Glover is the Head of the ODIHR EOM, deployed since 22 May. The ODIHR EOM includes 14 experts in the capital and 18 long-term observers deployed throughout the country. On election day, 174 observers from 33 countries were deployed. Opening was observed in 73 and voting was observed in 743 voting centres across the country. Closing was observed in 71 voting centres. Counting was observed in 85 BCCs.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

The ODIHR EOM wishes to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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*The English version of this report is the only official document.  
Unofficial translation is available in the Albanian language.*