

INTERIM REPORT
15 May –1 June 2015

4 June 2015

I. EXECUTIVE SUMMARY

- Local elections will be held on 21 June 2015 for mayors and councils. These are the first elections to be conducted for new local government units introduced by parliament in 2014 and will see 61 newly formed municipalities, replacing 373 municipalities and communes.
- Though the Electoral Code has some gaps and ambiguities with regard to local elections, it provides a sound legal basis for the conduct of democratic elections, if fully implemented and adhered to by stakeholders. The 2015 amendments provide for equal gender representation on candidate lists.
- Preparations for the elections are underway. The Central Election Commission (CEC) has been operating openly. Some OSCE/ODIHR EOM interlocutors raised concerns about its impartiality. The CEC has established 90 Commissions of the Electoral Administration Zones (CEAZs), which will form 5,299 Voting Centre Commissions. Some CEAZs have experienced impediments to their work.
- Some 3,370,206 voters are included in the final voter lists. Local prosecutor offices are investigating cases of increases in voter lists in two municipalities questioned by a CEC auditor.
- The CEC has registered 63 political parties, with 37 contesting as part of a Socialist Party led coalition, 15 contesting as part of a Democratic Party led coalition and 11 parties running alone. The inconsistent interpretation of candidate registration rules could hinder the right to stand for some parties.
- Campaigning, which began before the official 22 May start date, has been largely peaceful, but has focused on personal accusations, particularly by the main parties. Allegations have been received of pressure on state employees and misuse of state resources. Senior figures from the Alliance for European Albania have been handing out property legalization certificates during some campaign events.
- The media's affiliation with major political parties causes direct interference in editorial autonomy and self-censorship. The use of footage produced by political parties for campaign coverage in the news constitutes a serious concern among interlocutors. The Electoral Code provides electoral contestants with equitable television and radio news coverage.
- The CEC has received 22 complaints against CEAZ decisions, relating mostly to the registration of candidates. The Electoral College of the Court of Appeals of Tirana adjudicated 17 appeals against CEC decisions, and six CEC decisions appealed were upheld.

II. INTRODUCTION

Following an invitation from the Government of the Republic of Albania and based on the recommendations of a Needs Assessment Mission conducted from 15 to 17 April, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 15 May.¹ The EOM, led by Ambassador Audrey Glover, consists of a 16-member core team based in Tirana and 20 long-term observers (LTOs), who were deployed on 20 May throughout the country. Mission members are drawn from 21 OSCE participating States. The OSCE/ODIHR has requested participating States to second 250 short-term observers to observe voting, counting, and the tabulation of results.

III. BACKGROUND AND POLITICAL CONTEXT

The 21 June local elections will be the first to elect mayors and local councils in 61 new local government units (LGUs), which will replace 373 municipalities and communes following the 2014 administrative reform. These will also be the first elections since the European Council granted Albania EU candidate status in June 2014. The Council stressed that key priorities still need to be met, particularly in “administrative and judiciary reform, fight against corruption and organized crime, and fundamental rights.”

The national government is led by the Socialist Party (SP) with 65 seats, in coalition with the Socialist Movement for Integration (SMI) with 16 seats, and is supported by other parties. The parliamentary opposition is led by the Democratic Party (DP), which was elected with 50 seats, and is supported by the Republican Party, which has 3 seats.² Although all political parties agreed on the need to reduce the number of LGUs, the opposition and several non-parliamentary parties claimed the reform process was not inclusive and redistricting was made along partisan lines, not always taking into account the specifics of minority-populated areas. As a result, administrative reform was adopted by parliament without DP support.

The DP challenged the new municipal divisions in the Constitutional Court, which dismissed the appeal in December 2014.³ In January 2015, the Electoral College of the Court of Appeals of Tirana (Electoral College) cancelled a Central Election Commission (CEC) decision to grant requests by citizen groups, supported by the opposition to hold 130 local referenda to oppose the new LGUs.

Protesting against an alleged lack of political will from the government to look for consensus on important reforms, the opposition boycotted parliament from July to December 2014 when mediation by the European Parliament saw the boycott lifted. Nevertheless, the political environment remains polarised between the SP and DP and there are fears that the pervasive political distrust between the parties could negatively impact the conduct of the elections.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Mayors and local councils are directly elected for four-year terms. Mayors are elected in first-past-the-post contests and councillors from a closed list proportional system. The constituencies for local

¹ Previous OSCE/ODIHR reports on Albania are available at: <http://www.osce.org/odihr/elections/albania>.

² The Party for Justice, Integration and Unity, having been the second largest opposition party in the parliament, joined the SP-led coalition for these elections.

³ The Constitutional Court considered the DP arguments unfounded and politically motivated. It found no procedural violations during the adoption of the law, and dismissed arguments regarding unconstitutional merging of the communes or potential inequality of voter representation.

elections are the territories of the municipalities. A total of 1,595 councillors and 61 mayors are to be elected nationwide.

Local elections are regulated by a comprehensive legal framework, primarily consisting of the Constitution, the Electoral Code, and CEC regulations.⁴ The Electoral Code was significantly amended in 2012, after an inclusive process supported by the major parties. These changes addressed a number of previous OSCE/ODIHR recommendations.⁵ Amendments to the Code made in April 2015 reflect the new administrative division and increased the gender quota for councillors to 50 per cent, with the gender alternating every second name. The DP did not support the amendments relating to the new administrative division, but endorsed the gender quota provisions.

Some OSCE/ODIHR recommendations remain unaddressed, including measures to enhance the impartiality of election commissions, transparency of campaign finance, and effective electoral dispute resolution. The Electoral Code contains some gaps and procedural inconsistencies, including the definition of an electoral subject, unclear support signatures collection and verification requirements for candidate registration, candidate withdrawals for mayors, inconsistent deadlines for the adjudication of complaints and appeals, and insufficient campaign regulations.⁶

V. ELECTION ADMINISTRATION

The local elections are administered by a three-tiered election administration, comprising the CEC, 90 Commissions of the Electoral Administration Zones (CEAZs), and 5,299 Voting Centre Commissions (VCCs). Counting is conducted by Counting Teams (CTs) in 90 Ballot Counting Centres (BCCs) established in 90 Electoral Administration Zones (EAZs).

The CEC is a permanent body responsible for the overall conduct of the elections. It has seven members, all appointed by the parliament. Three members are proposed by the parliamentary majority and three by the parliamentary opposition. The CEC chairperson is appointed by the parliament through an open application process which occurred in 2012.

The CEC has been operating openly, with public sessions regularly attended by observers, media, and party representatives.⁷ In most cases, sessions included substantial and extensive discussions, at times heated, among CEC members and party representatives. Some OSCE/ODIHR EOM interlocutors raised concerns that the CEC has taken decisions along political lines. Interlocutors also stated that the election administration remains vulnerable to political pressure and does not yet enjoy full confidence. CEC decisions are not always published on its website within the deadline.⁸

The CEAZs, which were formed on 13 April, consist of seven members, nominated by the parliamentary majority and opposition. The OSCE/ODIHR EOM has visited 72 CEAZs which appear to be working with a varying degree of professionalism in a politicized environment. In several cases,

⁴ Other relevant legislation includes the Law on Local Government, the Law on Political Parties, the Law on Demonstrations, and provisions of the Code of Administrative Procedures and Criminal Code.

⁵ These included an amended selection process for election administration members, including the CEC chairperson, a revised process for voter list compilation, a simplified process for candidate registration, and more equitable access to media and public campaign funds.

⁶ The CEC did not adopt necessary instructions for verification of candidacy documents as required by Article 73.6 of the Electoral Code and referred to a 2013 CEC instruction which considers the particular legal framework for parliamentary elections and does not incorporate relevant changes in the law.

⁷ On 8 April, the CEC adopted internal Rules of Procedures, with a view to improving collegiality among CEC members and providing for more consistent decision-making.

⁸ Article 24.3 of the Electoral Code requires CEC decisions to be transcribed within 24 hours and published immediately on CEC's website. Since the elections were called, the CEC has passed some 570 decisions.

CEAZs reported impediments to their work.⁹ As of 1 June, 129 of the 630 CEAZ members (20 per cent) have been replaced, mostly due to requests of nominating parties.¹⁰ Women are under-represented in CEAZs, accounting for about one third of all members. The VCCs are also composed of seven members and are to be appointed by CEAZs no later than 1 June according to a similar formula as for the CEAZs.¹¹

The CEC produced voter education leaflets and posters in different minority languages, including in Aromanian, Greek, Macedonian, Romani, and Serbian. The CEC, with support of the OSCE Presence in Albania, is running a voter education programme for the Roma and Egyptian population in seven locations throughout country, including subjects such as voter registration, voting procedures, family voting, and vote-buying. The CEC has also produced voter education materials to promote participation of women, persons with disabilities, and first-time voters.

VI. VOTER REGISTRATION

The voter registration system is passive. Voter lists (VLs) are based on extracts from the electronic database of the National Civil Status Register, maintained by the Ministry of Interior's General Directorate of Civil Status (GDCS). All citizens aged 18 years or older are eligible to vote, except those found incompetent by a court decision. Voters over 100 years of age are removed from VLs as required by law and must confirm their records for re-inclusion.¹²

Starting on 14 January, the GDCS updated VLs monthly. Notifications about place of voting were to be delivered to voters by 16 March. The extracts from VLs for each voting centre (VC) were posted for public review by the heads of LGUs. According to the GDCS, 3,370,206 voters were included in the final voter lists (FVL). By 18 May, all CEAZs should have received two printed copies of the FVL for each VC and an aggregate electronic version of the FVL.¹³ Voters could request changes in their records at Civil Status Offices until 18 May, after which requests could only be filed at district courts.¹⁴

One of the two auditors appointed by the CEC questioned an increase in the number of registered voters, by 2,186 in Durres and 595 in Kavaje. Both cases are currently under investigation by the local prosecutor offices.

VII. CANDIDATE REGISTRATION

Any citizen with the right to vote can stand for elections, except those serving a prison sentence.¹⁵ Candidates can be nominated by political parties, coalitions of parties or by groups of voters.

⁹ These impediments include a lack of equipment, inadequate premises, and lack of funding. In some CEAZs members had to cover some costs themselves.

¹⁰ Despite long-standing OSCE/ODIHR recommendation, parties are entitled to recall their nominees from CEAZs at any time at their own discretion.

¹¹ The CEC sanctioned 31 mayors for the untimely establishment or confirmation of voting centres.

¹² As of 12 May, 310 out of the 1,288 registered voters above 100 years had confirmed their records.

¹³ Several LTO teams reported that some CEAZs did not receive an electronic version of the FVLs by the deadline. Two printed copies are produced by local civil status offices; one copy is posted at each VC, while another is used by the VCC on election day. The law is ambiguous as to who is ultimately responsible for providing electronic versions of the FVLs to the CEAZs.

¹⁴ Should a voter change their address after 18 May, they must still vote at the address registered on the FVL.

¹⁵ Although not regulated in the law, the issue of candidates with a potential criminal background was frequently raised in the campaign.

The CEC registered 63 parties, with 37 contesting as part of the SP led Alliance for European Albania, 15 contesting as part of the DP led People's Alliance for Work and Dignity, and 11 parties running alone. As of 1 June, 36,250 candidates were running for municipal councils and 162 for mayors, including 16 women. Complaint procedures on candidate registration continued through the first week of the official campaign period, undermining the equal opportunity to campaign.

Electoral subjects had to submit names of candidates to their respective CEAZs by 4 May.¹⁶ Except for parties or candidates represented in the parliament or local government, all other contestants are required to submit supporting signatures of at least one per cent of the voters from their respective municipality.¹⁷ On 7 April, the CEC in its decision No 88 ruled that electoral contestants represented only in communes must collect supporting signatures, arguing that communes are no longer recognized in the Electoral Code as a result of the reform of LGUs.¹⁸ Following this approach, the CEC rejected the SDP candidate list for the municipality of Durres due to an absence of supporting signatures. On 15 May, this rejection was cancelled on appeal by the Electoral College, which ruled that contestants possessing mandates at any level need not collect signatures.

The registration of three other SDP candidates currently holding seats in communes, but who nevertheless submitted signatures as per CEC decision No 88, was challenged by the SP and SMI based on allegedly fraudulent signatures.¹⁹ In two cases registration was denied due to a lack of or late submission of mandate certificates, despite this not being specified by the CEC decision No 88.²⁰ In another instance, the CEC registered the candidate as the certificate was submitted to the CEAZ prior to the legal deadline. However, the Electoral College overturned this decision due to a stamp missing in the certificate provided. Some OSCE/ODIHR EOM interlocutors expressed concern that the inconsistent interpretation and implementation of candidate registration rules hindered their right to stand for elections.

The CEAZ accepted the withdrawal of a candidate for mayor in Kurbin and subsequently registered another candidate from the same party. The CEC cancelled registration of the second candidate due to the late submission of documentation. This left only one candidate to run in the municipality. The Electoral College later dismissed the CEC decision in order to provide for competitive elections and required the CEC to reconsider the case on its merits by 30 May. On 1 June, the CEC dismissed the CEAZ's decision to accept the withdrawal of the candidate leaving him running the elections.²¹

VIII. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

While the official 30-day campaign period started on 22 May, parties began campaigning before this date, with national party leaders holding rallies to introduce local candidates and billboards and posters appearing around the country.²²

Since 22 May, the intensity of campaign activities has increased, and remained peaceful except for a few isolated incidents. While the largest parties continued to use traditional methods of campaigning,

¹⁶ The CEC registers candidates and candidate lists in ten municipalities which comprise more than one EAZ.

¹⁷ Parties and independent candidates must provide at least 50 signatures. For parties, but not independent candidates, the law sets 3,000 signatures as a maximum number needed for registration. The parties and incumbent mayors had to prove their presence in parliament, council or government with a mandate certificate.

¹⁸ On 18 April, the SDP challenged the CEC decision No 88, but the Electoral College of Court of Appeals of Tirana dismissed the case on procedural grounds without comment on the substance of the decision.

¹⁹ The CEC sent the signatures to the Ministry of Interior for investigation who referred them to the Prosecutor.

²⁰ The SDP unsuccessfully challenged the CEC decision on rejection of their candidate in Prrerjas.

²¹ The law does not regulate the withdrawal of mayoral candidates.

²² The Electoral Code includes a number of provisions, particularly regarding equitable media coverage, that begin at the official start of the campaign, with a view to creating a level playing field for contestants.

including rallies and door-to-door visits, lower-key campaigning in the form of smaller campaign forums where candidates and citizens interact directly have also taken place. Debates between mayoral candidates have taken place in a number of municipalities, including Shkoder and Berat, generating significant attention in the media and among the public.

Most candidates for mayor are from the SP, SMI, and DP, with a number of candidates from smaller parties and independent candidates also running. Even though these are local elections, campaigning is dominated by key national party leaders. The focus of the campaign has largely centred around national issues, such as boosting economic growth, improving health and education, creating employment opportunities for youth, and reducing taxes for small businesses. The SP has particularly focused on the need to fight corruption, while the DP has particularly focused on removing people with criminal records from the government at all levels. Campaigning, especially by the large parties, has focused on personal accusations and attempts to discredit other contestants.

The OSCE/ODIHR EOM has received numerous allegations of pressure on public employees, including requirements to attend campaign events and threats of dismissal from employment if they did not vote for a particular candidate.²³ Misuse of state resources related also to public buildings that have reportedly been used for campaign events and to teachers who are allegedly being used to promote certain candidates.²⁴ Senior figures from the Alliance for European Albania have been handing out property legalization certificates during campaign events seen by some as exerting pressure on voters.²⁵

Political parties may finance their electoral campaign with contributions from public funds, private donations, and loans. Independent candidates are not entitled to public funding. Parliament allocated a total of ALL 190 million (some EUR 1.34 million²⁶) of public funds for the funding of political parties in 2015, and on 3 February, the CEC approved the distribution of these funds.²⁷ All parties and independent candidates are required to disclose the amount of private financing they receive and campaign expenses they incur; however, the law does not provide for periodic campaign finance reporting. One independent candidate for Mayor of Tirana published details of financial and in-kind donations received on his official website, and called on other candidates to do the same.

IX. MEDIA

The media environment is characterized by a high number of media outlets operating in a limited advertising market. The OSCE/ODIHR EOM interlocutors expressed their concerns that media owners finance their outlets from their other companies in order to promote their business interests with the major political parties. Media affiliation with political parties results in direct interference in editorial autonomy, self-censorship, and a lack of independent news sources. Furthermore, the influence of

²³ For example, the OSCE/ODIHR EOM was informed by the DP mayoral candidate that the mayor of Elbasan has allegedly been calling school directors and teachers to his office and threatened they would lose their jobs if they did not vote for him. On 25 May, the OSCE/ODIHR EOM was informed that municipal officials were instructed to attend a rally addressed by the chair of the SMI during his visit to Kukes.

²⁴ For example, the OSCE/ODIHR EOM was informed by the incumbent mayor that the SMI candidate for mayor was pressuring teachers to promote candidates of the Alliance for European Albania.

²⁵ For example on 24 May, pictures of Mr. Ilir Meta, Speaker of Parliament and chair of the SMI, handing out legalization certificates in Vore were broadcast on television. Footage of Mr. Erion Valiaj, Alliance for European Albania's candidate for mayor of Tirana, handing out certificates was broadcast on 23 and 26 May.

²⁶ EUR 1 is approximately ALL 140 (Albanian Lek).

²⁷ The Law on Political Parties divides 70 per cent of annual public political party funding among parliamentary parties in proportion to their seats in parliament; 20 per cent equally among parties that received more than 10,000 votes in the previous parliamentary elections; and 10 per cent proportionally among parties that received more than 1 per cent of votes.

political parties on topics featured by the media leaves limited space for less politicized matters of public importance.²⁸

The public service broadcaster, Albanian Radio and Television (*RTSH*), is widely considered to support the political party in power and has not gained editorial independence. It has an estimated audience share below 10 per cent.

There is no interference with Internet freedom which has an estimated penetration of 60 per cent.²⁹ It increasingly contributes to pluralism, given its greater editorial autonomy and space for alternative views.

The legal framework for the media largely provides for freedom of expression. However, interlocutors expressed concern that implementation is undermined by the politicization of the broadcast media regulator, Audiovisual Media Authority (AMA), and governing bodies of the *RTSH*. The Electoral Code includes detailed provisions on equitable television and radio news coverage of electoral contestants, allotted according to their representation in parliament. In addition, it provides contestants with free airtime and the right to purchase airtime.³⁰ Coverage of public institutions promoting their achievements is counted for the party that the head of the institution represents, in line with previous OSCE/ODIHR recommendations.

On 22 May, the Media Monitoring Board (MMB) began submitting daily quantitative monitoring reports to the CEC on the implementation of legal provisions.³¹ It informed the OSCE/ODIHR EOM that it lacks staff and facilities to properly monitor the high number of broadcasters operating, particularly in the regions. While the Electoral Code does not require the tone of coverage to be monitored, MMB members consider this a shortcoming. On 1 June, the CEC discussed the MMBs first weekly report³² and its proposal to fine seven television stations for giving more time to the SP. The CEC decided not to impose fines at this stage and urged the stations to correct the imbalance.

The use of campaign footage produced by political parties in the news constitutes a serious concern among the media community. The Electoral Code permits broadcasters to air this footage if it is marked as such, thereby giving political parties direct access to news content that could blur the strict separation between editorial content and political advertising. Furthermore, a 2013 CEC decision that media cannot reject recordings if they comply with technical requirements has been interpreted as an obligation for television stations to air recordings provided by parties.³³

On 17 May, the OSCE/ODIHR EOM began quantitative and qualitative monitoring of five television stations (the public *TVSH* and the commercial *ABC News*, *News 24*, *Top Channel*, and *TV Klan*) and three newspapers (*Gazeta Shqiptare*, *Panorama*, and *Shqip*).

X. COMPLAINTS AND APPEALS

Under the Electoral Code, only electoral subjects have the right to file complaints against election

²⁸ On 12 May, the OSCE Representative on Freedom of the Media called on “politicians and business owners ... [to] stop manipulating media and institutions such as AMA, and let journalists and professionals do their job professionally and independently for the benefit of the Albanian public.” See at www.osce.org/fom/156676.

²⁹ See <http://www.internetworldstats.com/stats4.htm>.

³⁰ Broadcasting of free airtime was delayed by six days and only started on 28 May.

³¹ Every CEC member appoints one MMB member among candidates proposed by media related NGOs.

³² The report was signed by four out of seven MMB members.

³³ The CEC informed the OSCE/ODIHR EOM that [CEC decision 503](#) does not constitute an obligation to air recordings produced by parties.

administration bodies. Voters may only appeal errors in VLs and citizen observer groups may only appeal decisions denying their accreditation. The CEC considers all complaints against CEAZ decisions and must reach a decision within two days.³⁴ CEC decisions or the failure to reach a decision can be challenged with the Electoral College, whose decisions are final.

To date, the CEC has received 22 complaints against CEAZ decisions, relating mostly to candidate registration. In a number of cases, the CEC avoided taking final decisions and referred cases back to CEAZs. In one case, the CEC contradicted its initial decision to overturn the registration of a candidate by the CEAZ, and then registered the candidate after a second appeal of the CEAZ's decision. In most cases observed, the CEC did not reach a final decision by the deadline.

The Electoral College consists of eight appeal court judges, selected prior to the 2013 parliamentary elections by drawing lots. The judges continue their regular duties in various parts of the country, which could have an impact on their ability to act in a timely manner. All cases are considered by five judges in open hearings; though, to date, decisions have not been published on the website of the Court of Appeals of Tirana.

To date, the Electoral College has adjudicated 17 complaints against CEC decisions or its failure to make a decision, mostly regarding candidate registration and upheld six CEC decisions thus far.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

Observers can be appointed by political parties, coalitions of parties, and independent candidates, provided they are registered as electoral subjects with the CEC. The right to appoint observers within a coalition rests solely with the coalition and not the parties within it. National and international NGOs, diplomatic missions, media, and international organizations are also entitled to observe the elections. As of 1 June, the CEC has accredited 78 observers.

XII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM opened in Tirana with a press conference on 15 May. The Head of Mission has met with the President, Prime Minister, Speaker of Parliament, the CEC, Ministry of Foreign Affairs, the Constitutional Court, Prosecutor General, and Electoral College among others. The OSCE/ODIHR EOM has also established regular contacts with the election administration at all levels, governmental institutions involved in the electoral process, as well as representatives of political parties, citizen observers, media, civil society, and the international community.³⁵ For election day observation, the OSCE/ODIHR EOM will join efforts with a delegation of the Council of Europe's Congress of Local and Regional Authorities.

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

³⁴ Article 143.3 of the Electoral Code obliges the CEC to take a decision within two days from the submission of a complaint, whereas article 131 sets a 48 hour deadline from the CEC's decision to accept the complaint.

³⁵ The OSCE/ODIHR EOM and the OSCE Presence in Albania operate separately under their specific mandates.