

Office for Democratic Institutions and Human Rights

# **REPUBLIC OF ALBANIA**

# PARLIAMENTARY ELECTIONS 23 June 2013

### **OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT**

## 11-14 March 2013



Warsaw 4 April 2013

#### TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS	3
A.	BACKGROUND AND POLITICAL CONTEXT	3
B.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM	4
C.	ELECTION ADMINISTRATION	5
D.	NEW ELECTION TECHNOLOGIES	6
E.	VOTER REGISTRATION	6
F.		
G.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE	8
H.	Media	8
I.	ELECTION OBSERVATION	10
IV.	CONCLUSIONS AND RECOMMENDATIONS	10
ANNEX: LIST OF MEETINGS11		

#### REPUBLIC OF ALBANIA PARLIAMENTARY ELECTIONS 23 June 2013

#### **OSCE/ODIHR** Needs Assessment Mission Report

#### I. INTRODUCTION

Following an invitation from the Permanent Mission of Albania to the OSCE to observe the 23 June parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to Tirana from 11 to 14 March 2013. The NAM included Nicola Schmidt, Deputy Head of the OSCE/ODIHR Election Department, Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Steven Martin, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, civil society, and the resident international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs and the OSCE Presence in Albania for their assistance and co-operation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

#### II. EXECUTIVE SUMMARY

The 23 June parliamentary elections will take place in the context of a political environment dominated by two political parties, the Democratic Party and the Socialist Party. Many OSCE/ODIHR NAM interlocutors characterized the political environment as tense, largely due to longstanding conflicts between the two parties, and expressed concern that this may negatively impact on the conduct of the elections.

The upcoming elections will be conducted under an amended legal framework, which was adopted by parliament with broad support on 19 July 2012. The amendments are extensive and address many previous OSCE/ODIHR recommendations.

The 140 members of parliament are elected for a four-year term. They are elected through a regional proportional system consisting of closed candidate lists in 12 multi-member districts, which correspond to existing administrative regions. The number of seats per district range from 4 to 32, based on the number of citizens in each district.

Elections are administered by a three-tiered election administration made up of the Central Election Commission (CEC), 89 Commissions of Electoral Administration Zones, and some 5,500 Voting Centre Commissions. Counting is conducted regionally in 89 Ballot Counting Centres.

CEC preparations for the upcoming elections are ongoing. While most deadlines have so far been met, several OSCE/ODIHR NAM interlocutors expressed concerns about the CEC's inability to decide on two important issues, seat distribution and the number of electoral administration zones, and stated that the lack of bipartisan consensus would likely lead to further politicization of the CEC. The issue related to seat distribution was referred to parliament, which decided to retain the same seat distribution as in the 2009 elections. The second issue related to a possible increase in the number of electoral administration zones and was appealed to the Electoral College, the adjudicating body for election-related appeals, which decided to increase the number from 66 to 89.

Two new election technologies will be introduced on a pilot basis for these elections: an electronic counting system that uses ballot-scanners in Fier District and an electronic voter verification system in Tirana District. The authorities consider the pilot projects as an important test before possible countrywide implementation. While OSCE/ODIHR NAM interlocutors were generally positive about the introduction of the two systems, concerns were noted regarding the short timeline for implementation, procedures for pre-election testing, training of election staff, and voter education.

Voter registration is passive and voter lists are based on information extracted from the National Civil Status Register. On 3 March, the latest extract was published with 3,285,964 voters. To assess the accuracy of voter list extracts, the CEC appointed two auditors who have separately reported a number of irregularities concerning duplications and voters lacking a full address. In general, however, OSCE/ODIHR NAM interlocutors acknowledged a continued improvement in the accuracy of the voter register.

Parliamentary elections can be contested by candidates nominated by registered political parties, coalitions of parties, or groups of voters. Candidate registration procedures are inclusive and a number of parties announced their intention to contest these elections. At least thirty per cent of each candidate list and one of the first three names on the list should belong to each gender. However, some OSCE/ODIHR NAM interlocutors raised concerns that parties could circumvent the gender requirement by paying a fine.

The official election campaign starts 30 days before election day. While OSCE/ODIHR NAM interlocutors did not raise issues with the ability to campaign freely, some concerns were expressed about possible pressure on voters and misuse of state resources.

A range of media outlets operate throughout Albania with broadcast media serving as the primary sources of political information. Many OSCE/ODIHR NAM interlocutors characterized the media environment as polarized and aligned along political interests. Media coverage of the campaign is regulated under the Electoral Code, which stipulates requirements for news coverage, free airtime, and advertisements. Media coverage of parties is determined by their parliamentary representation.

The Electoral Code provides for international and citizen election observation, as well as observation by authorized representatives of political parties and candidates. Several citizen observer groups informed the OSCE/ODIHR NAM of their intention to observe the upcoming elections, either on their own or as part of a coalition of observers.

All OSCE/ODIHR NAM interlocutors expressed support for a large-scale OSCE/ODIHR election observation mission and most requested the OSCE/ODIHR to deploy the largest

possible number of observers to cover all stages of the electoral process, with a particular emphasis on observing the vote count and tabulation of results. While numerous OSCE/ODIHR recommendations have been addressed that strengthen the electoral framework, there remains a lack of confidence in the political parties to exercise the necessary political will to conduct democratic elections.

Based on the findings of this report the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the upcoming parliamentary elections. Among other issues, the mission would focus on the amended legal framework, the conduct of the election administration, the implementation of new election technologies, voter registration, media coverage, and the campaign.

In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the election process countrywide, as well as 400 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of results. Due to the likelihood of an extended count and tabulation process, short-term observers may be requested to stay some additional days after election day to follow the entire process.

#### III. FINDINGS

#### A. BACKGROUND AND POLITICAL CONTEXT

Albania is a parliamentary republic with legislative powers vested in the 140-member parliament (*Kuvendi i Shqipërisë*), and executive power exercised by the government, led by the prime minister. The political system is dominated by two parties, the Democratic Party (DP) led by Prime Minister Sali Berisha, and the Socialist Party (SP) led by Edi Rama. The current government is headed by the DP, with the participation of the Socialist Movement for Integration, Republican Party, and Party for Justice and Integration. The SP is the largest parliamentary party in opposition, alongside the Human Rights Union Party and one representative from the recently established New Democratic Spirit.<sup>1</sup> A number of additional parties, including the newly established Red and Black Alliance, have announced their intention to contest the upcoming elections. Negotiations among parties as to the possibility of forming various coalitions are ongoing.

Many OSCE/ODIHR NAM interlocutors characterized the political environment as tense, largely due to longstanding conflicts between the two major parties, and expressed concern that this may negatively impact on the conduct of the elections. In addition, various OSCE/ODIHR NAM interlocutors noted an increase in nationalist rhetoric from several political parties. These elections are widely viewed by national and international stakeholders as an important test in light of Albania's aspirations towards European Union accession.<sup>2</sup>

The OSCE/ODIHR has previously observed 10 elections in Albania.<sup>3</sup> The most recent OSCE/ODIHR election observation mission was deployed for the 8 May 2011 local elections.

<sup>&</sup>lt;sup>1</sup> Since the 2009 parliamentary elections, several members of parliament have changed their party affiliation, including some members who sit as independents.

<sup>&</sup>lt;sup>2</sup> See the European Commission Albania 2012 Progress Report:

http://ec.europa.eu/enlargement/pdf/key\_documents/2012/package/al\_rapport\_2012\_en.pdf.

<sup>&</sup>lt;sup>3</sup> All previous OSCE/ODIHR reports are available at: <u>www.osce.org/odihr/elections/albania</u>.

The mission concluded in its final report that "while the elections were competitive and transparent, they were highly polarized, with mistrust between political parties in government and opposition. As in previous elections, the two largest parties did not discharge their electoral duties in a responsible manner, negatively affecting the administration of the elections." In December 2011, the OSCE/ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) issued a Joint Opinion on the electoral law and practice.<sup>4</sup>

#### **B.** LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the Constitution and Electoral Code, as well as decisions and instructions of the Central Election Commission (CEC).<sup>5</sup> Since the last elections, the Electoral Code underwent substantial modification in an effort to address gaps and ambiguities identified in prior OSCE/ODIHR reports. The reform process was led by a parliamentary committee co-chaired by representatives of DP and SP and included consultations with election experts, including from the OSCE/ODIHR, as well as with political parties, the CEC, civil society, and the international community. The revised Electoral Code was adopted by parliament on 19 July 2012, with broad support and well ahead of the forthcoming elections.

The 2012 amendments are extensive and address many previous OSCE/ODIHR recommendations. These include an amended selection process for the election administration, including the CEC chairperson; the introduction of new election technologies; a revised process to compile voter lists; simplified provisions for candidate registration; new provisions on the electoral campaign; strengthened independence of the Electoral College; <sup>6</sup> and increased sanctions for election-related violations.<sup>7</sup> While OSCE/ODIHR NAM interlocutors generally welcomed the amendments and the reform process itself, concerns were expressed that the electoral process remains reliant on the political will of the two main parties to discharge their electoral duties in a responsible manner.

During the OSCE/ODIHR NAM, the Prime Minister announced his support for a proposal to lower the voting age from 18 to 16 years. OSCE/ODIHR NAM interlocutors raised concern that such a fundamental change requires broad consensus, which is currently lacking, and entails numerous activities to support its implementation. The OSCE/ODIHR NAM cautioned that it is not good practice to amend fundamental aspects of electoral law so shortly before an election.<sup>8</sup>

The 140 members of parliament are elected for a four-year term. They are elected through a regional proportional system consisting of closed candidate lists in 12 multi-member districts, which correspond to existing administrative regions. The number of seats per district ranges from 4 to 32 and each seat should represent an approximately equal number of citizens. To qualify for seat allocation, parties must surpass a 3 per cent threshold of votes cast in the respective district and coalitions must surpass a 5 per cent threshold.

<sup>&</sup>lt;sup>4</sup> OSCE/ODIHR and Venice Commission Joint Opinion on the Electoral Law and Electoral Practice of Albania, 19 December 2011, available at: <u>www.osce.org/odihr/86424</u>.

<sup>&</sup>lt;sup>5</sup> Other applicable legislation includes the Law on Political Parties and Law on Demonstrations, and provisions of the Code of Civil Procedures, Code of Administrative Procedures, and Criminal Code.

<sup>&</sup>lt;sup>6</sup> The Electoral College is composed of seven judges to adjudicate election-related appeals. Judges are appointed for each election. The previous right of political parties to each withdraw one judge has been removed.

<sup>&</sup>lt;sup>7</sup> In addition, the Criminal Code was amended in March 2012 to provide more severe sanctions for electionrelated violations.

<sup>&</sup>lt;sup>8</sup> Section II.2.b of the 2002 Venice Commission Code of Good Practice in Electoral Matters:, www.venice.coe.int/webforms/documents/CDL-AD%282002%29023rev-e.aspx.

9

The elections will be administered by a three-tiered election administration made up of the CEC, 89 Commissions of Electoral Administration Zones (CEAZs), and some 5,485 Voting Centre Commissions (VCCs). Counting is conducted regionally in 89 Ballot Counting Centres (BCCs), one for each Electoral Administration Zone (EAZ).

The CEC is a permanent body composed of seven members and is responsible for the overall conduct of the elections. Two members are proposed by the parliamentary majority party and two by the largest parliamentary opposition party. The other parliamentary majority parties and opposition parties each propose one member. In line with the 2012 amendments, the chairperson is elected by parliament following an open application process.<sup>9</sup> The chairperson is elected for a four-year term and the other members are elected for six-year terms. The parliament confirmed the current CEC on 18 October 2012. Three women are members of the CEC, including the chairperson. In addition, political parties competing in the elections and all parliamentary parties are entitled to nominate non-voting representatives to the CEC.

CEC preparations for the upcoming elections are ongoing, despite delays in approving CEC rules of procedure. While most deadlines have so far been met, many OSCE/ODIHR NAM interlocutors expressed concern about the CEC's inability to decide on two issues that required a qualified majority of votes and stated that the lack of bipartisan consensus would likely lead to further politicization of the CEC. The first related to seat distribution, which the CEC should determine on the basis of population data provided by the National Civil Status Register (NCSR). However, some CEC members doubted the accuracy of this data and no decision could be reached. The issue was subsequently referred to parliament, which decided to retain the same seat distribution as in the 2009 elections. While the SP appealed the parliament's decision to the Constitutional Court, it was not considered due to a stated lack of jurisdiction on the matter.

The second issue related to the number of EAZs. The CEC considered several proposals on increasing the number of EAZs, primarily as a means to speed up the counting process. The CEC was unable to agree on the extent of the increase and passed a decision stating that consensus could not be reached. This decision was appealed to the Electoral College, which decided to endorse one of the proposals to increase the number of EAZs from 66 to 89.

CEAZs are appointed for each election and composed of seven members and a secretary. Three members are nominated by the majority parliamentary parties and three by the parliamentary opposition. Half of the CEAZ chairpersons are nominated by the parliamentary majority, and the other half by the parliamentary opposition. The deputy chairperson and the secretary belong to the main political party that is not chairing the respective CEAZ. For the upcoming elections, parties have already submitted their CEAZ nominations, which are subject to CEC verification. At least 30 per cent of nominated CEAZ members should be from the under-represented gender. In addressing a previous ODIHR recommendation, the CEC may appoint CEAZ members in cases when a party does not nominate their representatives.

Voting centres are administered by VCCs. They are composed of seven members and appointed by CEAZs according to a similar formula as for CEAZs. Political parties submit proposals for

The CEC deputy chairperson is selected from the CEC members based on a proposal by the largest parliamentary opposition party.

brt lay. Under the 2012 amendments, VCC members are

VCC members 30 days before election day. Under the 2012 amendments, VCC members are able to resign but can no longer be replaced at the discretion of their respective political parties. Any replacement of VCC members is to be done within three days of the vacancy and within two hours if less than 24 hours before the elections. If parties are unable to replace their own members within the deadline, the CEAZ can take its own measures to fill a vacancy. Counting Teams for the 89 BCCs are established ten days prior to the elections and consist of four members, two from the party of the ruling majority and two from the opposition.

#### **D. NEW ELECTION TECHNOLOGIES**

Two new election technologies will be introduced on a pilot basis for these elections: an electronic counting system (ECS) in Fier District and an electronic voter verification system (EVS) in Tirana District. The authorities and a number of other stakeholders consider the pilot projects as an important test before possible countrywide implementation of the two systems in future elections.

The ECS will use ballot scanners installed in BCCs to facilitate the counting and evaluation of ballot papers. The Electoral Code requires the CEC to publicly test the ECS no later than 90 days before election day to ensure the system's integrity and usability. If conditions to use the ECS are not met, then manual counting and tabulation procedures can be authorized. On election day, after counting the first two ballot boxes for each ballot scanner, manual recounts are undertaken to verify the accuracy of the ECS. Should differences between the electronic and manual count be greater than 0.5 per cent, provisions are in place to revert to manual counting.

The EVS is intended to verify and automatically register voters on election day. In voting centres, devices will be installed to read a voter's identification card or passport. In case the EVS does not work then regular voter identification can be authorized.

The contracts for both systems were awarded to the same company in March and testing of both systems is scheduled for April. The CEC is required to approve several normative acts on procedures and contingency planning for both systems. While OSCE/ODIHR NAM interlocutors were generally positive about the introduction of these two systems, some concerns were noted regarding the short timeline for implementation, procedures for pre-election testing, training of election staff, and voter education.

#### **E. VOTER REGISTRATION**

Citizens aged 18 years or older by election day are entitled to vote, with the exception of those found mentally incompetent by a final court decision. Voter registration is passive and voter lists are based on information extracted from the NCSR.<sup>10</sup> Citizens are required to register any changes in their status with local civil status offices. Once the election date is announced, an electoral component with relevant voter information is extracted from the NCSR for each voting centre. This extract should be published every 30 days with online versions available from the Ministry of Interior (MoI) and CEC. On 3 March, the latest extract was published and included 3,285,964 voters.<sup>11</sup> Updates and corrections to voter information are possible up to 40 days

<sup>&</sup>lt;sup>10</sup> No provisions exist for voting abroad. However, Albanians living abroad are able to vote at a voting centre in Albania based on their last registered address.

<sup>&</sup>lt;sup>11</sup> The MoI informed the OSCE/ODIHR NAM that 21,548 voters do not appear in the posted extracts, as local authorities have yet to divide voting centres with more than 1,000 voters (more than 700 voters in Tirana District) or to merge those with less than 200 voters as per the revised Electoral Code.

Page: 7

before the elections. After this deadline, civil status offices compile voter lists for each voting centre, which are forwarded to CEAZs for posting at voting centres. Subsequent requests to correct voter lists can be made only through the respective district court up to 24 hours before election day. Voter lists are made available upon request and free of charge to electoral subjects (political parties, coalitions and candidates proposed by a group of voters).

The General Directorate of Civil Status, under the MoI, is tasked with supervising all action taken by the NCSR and may propose to the CEC disciplinary measures against local officials who violate regulations for compiling the information. The CEC is also mandated to supervise voter list compilation, including reviewing the number of voters per voting centre, and may impose sanctions on heads of relevant institutions for violations and failure to provide information.

To assess the accuracy of NCSR voter list extracts, the CEC appointed two auditors (one nominated by the DP and one by the SP) who produced separate reports. Both indicate a number of irregularities concerning duplications and voters lacking a full address.<sup>12</sup> However, as they employ different methodologies, figures on these two issues differ significantly with the SP-nominated auditor noting more irregularities on both issues. The MoI informed the OSCE/ODIHR NAM of its continuing efforts to work with local government units to provide voters with a full address, as well as to notify voters on the location of their voting centre. In general, OSCE/ODIHR NAM interlocutors acknowledged a continued improvement in the accuracy of the voter register.

#### **F. CANDIDATE REGISTRATION**

Any citizen with the right to vote, can stand in parliamentary elections, except those serving a prison sentence. Candidates can be nominated by political parties or by a group of voters.<sup>13</sup> Candidates are permitted to run in only one district, as the right of political party chairpersons to run in every district was removed in the 2012 amendments. Additionally, the Electoral Code now lists categories of government officials who must resign from their position prior to standing as a candidate.

In order to participate in the elections, political parties must register with the CEC as electoral subjects by 15 April.<sup>14</sup> Once registered, two or more electoral subjects can register as an electoral coalition by 24 April. Parties, coalitions, and groups of voters must submit their candidate lists to the CEC by 6 May. Candidate lists must be supported by 5,000 voter signatures for parties and 7,000 for coalitions. Candidates proposed by a group of voters are required to submit signatures from at least one per cent of the total number of registered voters in a district, but not more than 3,000 signatures.<sup>15</sup> This requirement is waived for parliamentary parties, coalitions that have at least as many seats as the number of parties, and incumbent members of parliament proposed by voters. Voters can support more than one party or candidate.

<sup>&</sup>lt;sup>12</sup> Voters are identified through a 10-digit number (first three digits indicate the municipality, the next four indicate the voting centre, and the last three indicate the address code). When the last three digits are unknown they are indicated with either 888 or 999.

<sup>&</sup>lt;sup>13</sup> The group proposing a candidate must include at least nine voters from the respective electoral zone.

<sup>&</sup>lt;sup>14</sup> Same deadline applies to register a nominating committee of a candidate proposed by a group of voters.

<sup>&</sup>lt;sup>15</sup> The 2012 amendments reduced the number of required support signatures, removed the need for incumbent candidates proposed by voters to submit signatures of support, clarified the procedure to verify signatures, and permitted voters to sign in support of more than one candidate.

At least 30 per cent of each candidate list and one of the first three names on the list shall belong to each gender. The 2012 amendments increased the sanctions for non-compliance, which allows the CEC to impose a fine of 1 million Albanian Lek (ALL) in every district where a violation is identified.<sup>16</sup> Some OSCE/ODIHR NAM interlocutors raised concerns that parties could circumvent the gender requirement through paying a fine. Should a candidate from the under-represented gender not assume their mandate, the CEC is authorized to allocate the mandate to the next candidate on the list from the same gender.

#### G. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The official electoral campaign starts 30 days before and ends 24 hours before election day. While OSCE/ODIHR NAM interlocutors did not raise issues with the ability to campaign freely, some concerns were expressed about pressure on voters, in particular on government employees, as well as possible misuse of state resources. Campaigning in public institutions is prohibited and the 2012 amendments introduced limits on the changes to staffing in public institutions during the campaign.

Campaign financing for political parties consists of public and private funding and is regulated by the Electoral Code. The 2012 amendments extended public funding of electoral campaigns to all parties that received more than 0.5 per cent of the national vote in the last elections, based on the number of votes received.<sup>17</sup> This funding should be distributed in advance to political parties registered as electoral subjects no later than five days after registration. Upon certifying the final results, the CEC reconciles each party's entitlement based on the number of votes received in the elections.

All electoral subjects are required to record private contributions in a CEC-designed register, indicating contribution amounts and donor identities. In addition, donors are required to sign a statement of personal liability certifying that their donation was made in conformity with legal requirements. No individual donation can exceed ALL 1 million or the equivalent value for in-kind contributions. All contributions exceeding ALL 100,000 should be made through a designated bank account of the electoral subject. Total campaign expenses of each political party should not exceed 10 times the amount it received from public funds. For a candidate proposed by voters the limit is 50 per cent of the highest amount that an electoral subject has obtained from public funds.

Upon the declaration of final election results, the CEC appoints certified auditors to prepare a report on campaign income and expenditure for each electoral subject. The CEC is required to publish these reports, including donor information of those who contributed more than ALL 100,000 within 30 days of receipt. The CEC may impose sanctions on electoral subjects who fail to submit information for the purpose of the audit report.

#### H. MEDIA

A range of media outlets operate throughout Albania with TV and radio serving as the primary sources of political information. Three TV stations have national coverage, the public broadcaster Albanian Radio and Television (RTSH) and two private broadcasters, *TV Klan* and

<sup>&</sup>lt;sup>16</sup> Equivalent to approximately EUR 7,145 (1 EUR = 140 ALL).

<sup>&</sup>lt;sup>17</sup> This amount totals 95 per cent of allotted funds. The remaining 5 per cent is for political parties registered as electoral subjects, which did not receive 0.5 per cent of valid votes in the last elections.

*Top Channel.* Additionally, there are some 70 local and some 100 cable TV stations operating across the country, with the majority limited to urban areas. Three radio stations broadcast nationally with many more operating at the local level. Additionally there are a number of newspapers and magazines, but they have limited distribution and circulation. Many OSCE/ODIHR NAM interlocutors characterized the media environment as polarized and politically aligned.

Media coverage of the campaign is regulated under the Electoral Code. Regulations are generally comprehensive and stipulate requirements for public and private media on news coverage, free airtime, and paid advertisements. Media-related provisions apply to all broadcast media only during the official campaign period.

Public TV and radio are required to provide registered political parties free airtime for campaigning based upon their parliamentary representation. Parties with over 20 per cent of representation in parliament (DP and SP) each receive 30 minutes of daily airtime. The remaining parliamentary parties are allotted 15 minutes and non-parliamentary parties participating in the elections are entitled to 10 minutes. Free airtime and advertisements must clearly identify the sponsoring party. In general, advertisements of public institutions are prohibited during the campaign.

Additionally, all broadcasters are obliged to cover the campaign through news and informative programmes. Parties with over 20 percent of representation in parliament should receive double the amount of coverage of smaller parliamentary parties. Any coverage of non-parliamentary parties is at the discretion of the editors, but should not exceed the airtime of parliamentary parties. Any airing of election-related activities of public institutions will be counted towards the airtime of the party associated with the head of the institution.

Paid political advertisements are permitted on private broadcaster media for all registered electoral subjects. Each subject is allowed up to 90 minutes of paid political advertising on each TV and radio station during the campaign. The cost of political advertisements should be equal for all subjects and fees should be published on the CEC website.

To monitor broadcast media's campaign coverage, the CEC will establish a seven-member Media Monitoring Board (MMB) 40 days prior to the start of the campaign. The 2012 amendments modified the selection process of MMB members. Each board member will be appointed by one CEC member based on a list of candidates proposed by non-profit media organizations.

The MMB presents monitoring reports to the CEC on a daily basis. If required, the report may include proposals for administrative sanctions in case of reported violations. The CEC reviews the reports and takes a formal decision every time administrative sanctions are proposed. Additionally, the CEC considers complaints submitted by electoral subjects concerning media coverage. While the MMB monitors the amount of time allocated to the electoral contestants by broadcast media, it does not analyze the tone of this coverage. To facilitate its monitoring, the MMB is supported with the technical capacities of the National Council for Radio and Television.<sup>18</sup>

<sup>&</sup>lt;sup>18</sup> The National Council for Radio and Television is an independent authority responsible for governing and monitoring all radio and television activity within Albania. See: <u>www.kkrt.gov.al</u>.

#### I. ELECTION OBSERVATION

The Electoral Code allows for international and citizen election observation, as well as for observation by authorized representatives of political parties and candidates. Electoral subjects have the right to appoint observers to the CEAZs, to VCCs and to each counting table at a BCC. If parties form a coalition, the right to appoint observers rests with the coalition rather than the parties. Several citizen observer groups informed the OSCE/ODIHR NAM of their intention to observe the upcoming elections, either on their own or through a coalition. Several have already begun observing the pre-election period, including the work of the CEC. In addition, some of these groups participated in the electoral reform process by submitting various proposals and comments.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

All OSCE/ODIHR NAM interlocutors expressed support for a large-scale OSCE/ODIHR election observation mission. Many also emphasized the necessity to deploy such a mission given the polarization and distrust among political parties and the tense political atmosphere. Most interlocutors requested the OSCE/ODIHR to deploy the largest possible number of observers to cover all stages of the electoral process, with a particular emphasis on observing the vote count and tabulation of results. While numerous recommendations have been addressed that strengthen the electoral framework, there remains a lack of confidence in the political parties to exercise the necessary political will to conduct democratic elections.

Based on the findings of this report the OSCE/ODIHR NAM recommends the deployment of an election observation mission for the upcoming parliamentary elections. Among other issues, the mission would focus on the amended legal framework, the conduct of the election administration, the implementation of new election technologies, voter registration, media coverage, and the campaign.

In addition to a core team of experts, the OSCE/ODIHR will request the secondment by OSCE participating States of 30 long-term observers to follow the election process countrywide, as well as 400 short-term observers to observe election day procedures, including voting, counting of votes and tabulation of results. Due to the likelihood of an extended count and tabulation process, short-term observers may be requested to stay some additional days after election day to follow the entire process.

#### **ANNEX: LIST OF MEETINGS**

#### **Government Officials**

H.E. Sali Berisha, Prime Minister and Chairperson of the Democratic PartyH.E. Edmond Panariti, Minister of Foreign AffairsH.E. Flamur Noka, Minister of InteriorFerdinand Poni, Deputy Minister of Interior

#### **Election Administration**

Lefterije Lleshi Chairperson of the Central Election Commission Denar Biba, Deputy Chairperson of the Central Election Commission

#### Electoral College

Valbon Çekrezi, Member Petrit Çeno, Member Andi Civici, Member Gjinovefa Gaba, Member Edlira Petri, Member Kliton Spahiu, Member Ilir Toska, Member Fuat Vjerdha, Member

#### Public Broadcaster Albanian Radio and Television

Martin Leka, Deputy General Director

#### National Council for Radio and Television

Endira Bushati, Chairperson

#### **Political Parties**

Ilir Rusmali, Member of Parliament, Democratic Party (DP) Thanas Poci, Deputy Chairperson of the Human Rights Union Party (HRUP) Aleksander Biberaj, Vice Chairperson of the New Democratic Spirit (NDS) Adri Nurellari, Political Secretary of the Party for Justice, Integration and Unity (PJIU) Fatmir Mediu, Chairperson of the Republican Party (RP) Ilir Meta, Chairperson of the Socialist Movement for Integration (SMI) Edi Rama, Chairperson of the Socialist Party (SP) Damian Gjiknuri, Member of Parliament, Socialist Party (SP)

#### **Civil Society**

Lutfi Dervishi, Media analyst Zilie Feci, Albanian Life Quality Union Elvina Jusufaj, Albanian Council for Foreign Relations Kristaq Kume, Albanian Institute for Election System Development Remzi Lani, Albanian Media Institute Vjollca Meçaj, Coalition for Free and Fair Elections Gerta Meta, Coalition of Domestic Observers Rajmonda Prifti, Millennium Women Network Albert Rakipi, Albanian Institute for International Studies Sinan Tafaj, National Council of People with Disabilities

#### **International Community**

Ambassador Eugen Wollfarth, Head of the OSCE Presence in Albania Marco Leidekker, Head of Office for the Council of Europe Clive Rumbold, First Secretary, European Union Delegation to Albania Representatives of Embassies, International Organizations and the International Community