

INTERIM REPORT No. 2
12 - 25 April 2011
29 April

I. EXECUTIVE SUMMARY

- The Central Election Commission (CEC) has made progress on the adoption of regulations related to the preparation of the elections. Nevertheless, four legal deadlines of the electoral process were not met in this reporting period. The CEC has generally voted unanimously on decisions related to administrative and technical preparations of the elections but has voted on partisan lines on matters disputed by the Democratic Party (DP) and Socialist Party (SP).
- Most Commissions of Electoral Administration Zones (CEAZs) appear to be working efficiently and collegially with no major problems. In almost all municipalities there are voting centres with more than the legal limit of 1,000 registered voters. Some voting centre locations have been the subject of disputes due to their location in private premises.
- There are minor discrepancies in the total numbers of voters in the Final Voter Lists used by the CEC and the numbers announced by the Ministry of Interior. Local authorities did not always apply uniform procedures for the submission of the Final Voter Lists to the CEAZs.
- Campaign activities have intensified in most areas of the country. There has been a strong emphasis on local issues, especially by the DP, while the SP has also focused criticism on the record of the Government, and especially of the Prime Minister.
- Despite appeals for calm from senior officials, the tense political environment of recent months has been reflected in several violent incidents related to campaigning.
- There have been a large number of allegations of pressure on state employees and students. The OSCE/ODIHR EOM has assessed three cases of pressure on teachers to attend DP campaign events as credible but has thus far not been able to substantiate other claims.
- The monitored media are providing extensive coverage of the election campaign. On 13 April, the CEC appointed the three remaining members of the Media Monitoring Board (MMB). The MMB has issued two weekly media monitoring reports, but it exceeded its mandate by issuing warnings to media regarding paid advertising.
- The CEC issued a decision requiring media to broadcast tapes made by political parties if the media outlets cannot provide their own news coverage of campaign events. The decision appears to depart from the Electoral Code by giving parties the power to specify the allocation of news coverage between party and candidate activities on private media.
- In its preliminary media monitoring findings, the OSCE/ODIHR EOM noted that the media are focused on DP and SP, with limited news coverage of all other political parties. The public broadcaster is fulfilling its obligation to provide political parties with free airtime, but has provided more coverage of DP activities in news broadcasts.
- The Electoral College has reviewed 25 appeals in the reporting period, most pertaining to candidate registration. The Electoral College has respected the procedural rights of the parties during the hearings but has not yet transcribed its decisions.

II. ELECTION ADMINISTRATION

During the reporting period, the CEC continued to meet on a daily basis, with all meetings open to observers and media. The CEC has generally voted unanimously on decisions related to administrative and technical preparations of the elections, as well as on a decision on the composition of counting teams, which involved an interpretation of the Electoral Code. At the same time, the CEC has primarily voted on partisan lines (four majority-proposed members against three opposition-proposed members) on matters disputed by the DP and SP, especially on decisions related to media, voting centres and ballot issues. Representatives of political parties to the CEC, especially DP and SP, have extensively used their right to speak during CEC meetings.

As relates to the decision on the composition of counting teams, article 96 of the Electoral Code gives the right to propose the fourth member of counting teams to parties of the parliamentary opposition that have won at least two seats in the preceding parliamentary elections, not including the parties that proposed the CEAZ chairperson and deputy chairperson. This provision does not foresee the current situation, in which no opposition party other than SP won two seats in the 2009 parliamentary elections. In order to overcome this gap in the legislation, the CEC decided that the fourth member of counting teams will be proposed by SP.

The CEC has made some progress on the adoption of regulations related to the preparation of the elections, including on printing of ballot papers and on defining counting procedures. The printing of the ballots began on 19 April, the day after the Electoral College granted an SP appeal on the contents of the ballot papers for the Tirana mayor and council elections. After a heated discussion, the CEC approved the final ballot paper models for Tirana, reflecting the Electoral College ruling, and adopted a decision on additional security measures during the printing. Following the Electoral College ruling, the CEC also started the approval process of the ballot papers for the remaining municipalities and communes. To address the fact that the Electoral Code provisions on the allocation of state funds for electoral subjects did not fully apply to local elections, the CEC issued a decision on the matter on 16 April.

Four legally prescribed deadlines of the electoral process were not met in this reporting period. The CEC finished the selection of the venues of Ballot Counting Centres (BCC) on 19 April, instead of 8 April.¹ The selection of the parties which are entitled to nominate the third and fourth member of the BCC teams concluded on 18 April, and not by the deadline of 8 April. Most of the 66 CEAZs did not receive proposals for Voting Centre Commission (VCC) members from political subjects by the 13 April deadline and therefore could not appoint the VCC members by the 20 April deadline.

Most CEAZs appear to be working efficiently and collegially with no major problems, in spite of the continuous replacement of CEAZ members at the request of the nominating parties. By 25 April, 80 members of the 528 CEAZ members (including secretaries) had been replaced.² Several CEAZs have reported a lack of funding or logistical support. Training of CEAZ members on voting and counting procedures was expected to begin on 26 April, some two weeks behind the initial schedule.

By law, voting centres (VC) should have between 150 and 1,000 registered voters. In almost all municipalities there are VCs which have more than 1,000 voters, in some cases up to 2,000 voters.³ In addition, the locations of VCs in Tirana Boroughs 4 and 9 were the subject of political

1 As prescribed by article 94.1 of the Electoral Code.

2 Of those replaced, 10 were nominated by SMI, 18 by DP, 19 by SP, and 28 by HRUP. Other parties changed 5 members.

3 For example, three VCs in Vlore municipality have over 2,000 voters on their lists.

disputes, as the mayors were accused of changing VC locations for political reasons. In Kamez (Tirana Region), the SP requested that the CEC change the location of 22 VCs from private premises to public ones on the grounds that some premises were not suitable for voting and/or were owned by DP supporters.⁴ On 25 April, the CEC decided to investigate the matter.

The CEC has prepared a two-step voter education campaign. The first phase of the campaign started on 11 April in several national TV channels, mainly in the public television *TVSH*, with spots encouraging participation of young voters and against family voting. The CEC has also placed advertisements in print media with similar messages. In a second phase, the CEC plans to launch a campaign on voting procedures. According to the CEC, voter education materials are also produced in Greek and Macedonian languages. One CEC get-out-the-vote spot included questions on political issues and was criticised by the SP, which claimed that the spot was similar to a political advertisement of Mr Lulzim Basha, candidate for the mayor of Tirana for the DP-led coalition.

Both DP and SP have expressed concerns to the OSCE/ODIHR EOM regarding possible irregularities in the voting process on election day or obstruction of the work of VCCs, especially in Tirana.

III. VOTER REGISTRATION

Most CEAZs received the Final Voter Lists (FVL) by the legal deadline of 8 April. Civil Status Offices (CSO) and mayors and heads of communes did not always apply uniform procedures for the printing, signing and submission of the FVL to the CEAZs. Although the Ministry of Interior (MoI) instructed the CSOs to print the FVL and its copies on 5 April, some CSOs printed it earlier. This led to minor discrepancies in the total numbers of voters in the FVL used by the CEC and the numbers announced by the MoI on 9 April (based on the National Civil Status Register Database), with a difference of 1,287 voters. At a CEC session on 17 April, the CEC legal department stated that the CEC uses the FVL received from CEAZs, which are signed by mayors and heads of communes and stressed that the data is correct and reliable.

At the time of this report, five political parties had requested and received an electronic copy of the FVL, according to the MoI. The FVL were generally displayed within the deadline at the VCs, but in some cases the CEAZs displayed the FVL in places that were not accessible to voters.⁵

Discrepancies were observed by the OSCE/ODIHR EOM in the different FVL copies for two VCs in Temal commune (Shkoder Region). In this case, the MoI opened an investigation and concluded that the discrepancies were due to a number of voters being wrongly added to the FVL by the CSO, under pressure from the head of the commune. The MoI ordered the correction of the lists. In some other cases, mayors have signed the FVL of communes with no CSO, instead of the head of the relevant commune as required by law.

Approximately 40 per cent of the voters in the FVL nationwide have no specific residence code, mainly emigrants or citizens without registered addresses.⁶ This number varies throughout the

⁴ The Electoral Code gives mayors the responsibility to decide on the VC locations under certain conditions. As a general rule, VCs must be located in public buildings and the location cannot be changed from the previous election. Private buildings can be used as VCs if no suitable public buildings are found in the polling unit (precinct), upon authorization of the CEC.

⁵ As observed in VC 0664 (Kukes District) and several other VCs in Tirana boroughs (CEAZs 47, 48, 51, 52, 53 and 54).

⁶ All voters on the voter lists must have a residence code. If the specific residence is unknown, a general code such as “888”, “999”, or “000” appears.

country but is highest in the cities of Vlore (54 per cent) and Durres (51 per cent). The issue persists from previous elections.

IV. CANDIDATE REGISTRATION

The final data on registration of candidates for council elections countrywide was not available from the CEC within the period of this report. This was due to the late submission of multi-name candidate lists to the CEC by some CEAZs and the lengthy process of adjudication of appeals on candidate registration, which lasted until 22 April. The CEC informed the OSCE/ODIHR EOM that there are 874 mayoral candidates, only 14 of whom are women. Following the appeals process, a total of 53 parties will have candidates in these elections.

V. ELECTION CAMPAIGN

Campaign activities have intensified in most areas of the country during the reporting period. There has been extensive campaigning by party leaders throughout the country. Local events, including meetings with small groups of voters and door-to-door campaigning, have also been widely undertaken. However, some municipalities and communes have visibly less activity. The leading parties in the two electoral blocs, the DP and the Socialist Movement for Integration (SMI) from the Alliance for the Citizen coalition, and the SP from the Alliance for the Future coalition, have been especially visible, establishing an extensive network of local campaign offices. Some other parties in the two coalitions, as well as the Human Rights Union Party (HRUP), which is standing alone, have also been active. There has been a strong emphasis on local issues, especially by the DP, while the SP has also focused criticism on the record of the national government, and especially of the Prime Minister.

Several government officials, notably the President and the Prime Minister, have made appeals for a peaceful and lawful conduct of the campaign. Nevertheless, the tense political environment of recent months has been reflected in violent incidents in several places. Borough 7 in Tirana has been the scene of a number of incidents. On 18 April, an explosive device was detonated outside the apartment of the SP mayoral candidate for the borough, causing minor damage. On 21 April, an individual disrupted an SP campaign event in a café, allegedly threatening some of the participants.⁷ Two of these persons had previously informed the OSCE/ODIHR EOM that they were threatened while campaigning in the area.

On 19 April, there was an attempt to set fire to an SP campaign office in Berat. The non-fatal stabbing of an SP supporter on 12 April before an SP campaign event in Borough 5 in Tirana was assessed by the police as being politically motivated.

Provisions in the Electoral Code and a CEC instruction regulating the responsibility of mayors or heads of communes to designate places for posting of campaign materials have been inconsistently implemented, and in many places not at all.⁸ A number of violent incidents during the reporting period arose regarding disputes over the placing of flags or posters. On 18 April, in Sukth (Durres region), an SP supporter was severely beaten while attempting to put up party flags before an SP rally. Shots were also fired and a DP activist was arrested for threats, hooliganism and breach of public order. The OSCE/ODIHR EOM noted in Sukth an overwhelming prevalence of campaign materials for the DP and the Party for Justice, Integration and Unity, a member of the DP-led coalition.

⁷ On 22 April, an individual was arrested in connection with the incident. He was released on 25 April.

⁸ CEC Instruction No. 14 “On Criteria for the Selection of Places to Post Political Posters in an Election Campaign”.

In an incident in Mat district (Diber region), a DP supporter was badly beaten with a pistol by an SP activist. In one of a series of incidents in Kamez (Tirana region), on 17 April a violent dispute between SP and DP supporters before an SP rally resulted in one DP supporter being injured.

The OSCE/ODIHR EOM has received a large number of allegations in most regions of the country that pressure is applied to state employees, including teachers and healthcare workers, as well as students, either to participate in DP campaign events, or to desist from opposition activities. Such pressure allegedly includes threats of job loss or lower marks for students. The OSCE/ODIHR EOM has assessed three cases of pressure on teachers to attend DP campaign events in Kamez and Vlore as credible but has thus far not been able to substantiate other claims.

At the onset of the campaign, the Prime Minister issued an instruction requiring state officials to ensure that administrative resources, particularly vehicles, are not used for campaign purposes, in line with the Electoral Code.⁹ During the reporting period, the OSCE/ODIHR EOM has observed a limited number of instances in which government officials and incumbent mayoral candidates have used official events for campaign purposes. In addition, the OSCE/ODIHR EOM noted that the Council of Ministers website contained the record of campaign events and campaign speeches of the Prime Minister, and the official websites of several municipalities contained information on campaign events by incumbent mayoral candidates, including the SP Mayors of Tirana, Durres, Korce and Vlore and the SMI Mayor of Lezhe.

VI. MEDIA

The monitored media are providing extensive coverage of the election campaign within newscasts and special electoral programmes. This includes some 20 TV debates among party representatives and candidates, although in some cases candidates have withdrawn from scheduled debates.¹⁰ The activities of the CEC have received considerable news coverage.

On 13 April, the CEC appointed the three remaining members of the MMB.¹¹ The MMB had issued two weekly media monitoring reports at the time of writing. On 14 April, upon MMB proposal, the CEC ordered four private channels to suspend the airing of two SP campaign ads on the grounds that the sponsoring political party was not clearly identifiable.¹² The CEC decision was based on Article 84.4 of the Electoral Code. This article, however, does not appear to be applicable in this case as, while stating that only electoral subjects are entitled to broadcast political advertisements during the electoral period, it does not regulate if and how the spots should be identified. The CEC decision did not provide the reasoning for its conclusion.

In a subsequent press release, the CEC added that political subjects must be clearly defined as provided by Article 80.1.ç of the Electoral Code. This article, however, applies solely to the free airtime on public media, and not to the paid time on private media. Exceeding its mandate, the MMB sent warnings to the media outlets to suspend the two spots, even prior to the CEC taking a decision on the matter.

For the first time in Albanian elections, three private TV stations (Top Channel, Ora News and News 24) announced at the beginning of the campaign period that they would not broadcast pre-recorded campaign material prepared by political parties in their news programs but would instead rely entirely on their own materials. The DP has claimed that as a result these media have

⁹ “Measures to ban the use of public administration vehicles, funds and different materials for the campaign of electoral subjects for the local elections of May 8th, 2011”, issued on 8 April 2011.

¹⁰ One or both candidates did not attend the debates aired by TVSH on 13, 20 and 21 April, and the debates aired by Top Channel on 19 and 20 April.

¹¹ CEC Decision No. 395 as an addition to CEC Decision No. 185 on establishing the MMB.

¹² Vizion Plus, Top Channel, Ora News and News 24 (CEC Decision No. 425).

provided insufficient and biased coverage of their candidate for the mayor of Tirana, while the media claim that they have not received advance notification of his campaign events. On 23 April, the CEC issued a decision, based on a proposal by the MMB, instructing the media to broadcast tapes prepared by political parties in case the stations fail to provide their own coverage of political events.¹³

The CEC decision also gives political parties the power to determine the allocation of news coverage between party activities and candidate activities in broadcast media.¹⁴ In doing so it appears to depart from the Electoral Code, which specifies allocation of airtime for news coverage of political parties (rather than of candidates) during an election campaign.¹⁵ The decision also gives political parties influence over editorial decisions of private media.

A government information spot on visa-free travel aired prior to and during the campaign period has been the subject of discussion by the MMB and the CEC. The spot, which is funded by the MoI, features Mr Lulzim Basha, the former Minister of Interior and DP candidate for Tirana mayor, in a positive light. On 22 April, the CEC rejected the proposal of the three minority members of the MMB to consider the spot as a paid political ad on behalf of DP.

The public broadcaster *TVSH* is fulfilling its obligation to provide political parties with free airtime during evening prime time to present their platforms. In its preliminary media monitoring findings, the OSCE/ODIHR EOM noted that the media are focused on the two large political parties, DP and SP, while only 14 per cent of political news coverage is given to all other political parties.¹⁶

During the reporting period, *TVSH* devoted 41 per cent of its news coverage to DP, including campaign events of Prime Minister Sali Berisha as leader of the party, and 33 per cent to SP. An additional 11 per cent of its news coverage was given to the DP-led government. The rest of the time was given to other parties.

The private television channels *News 24*, *Top Channel* and *Vizion Plus* gave the DP and the SP similar amounts of time in their news coverage. However, while coverage of SP was mainly neutral or positive in tone, the tone of coverage of the government and DP was more negative on these channels. The private channel *TV Klan* allotted extensive, positive news coverage to government officials and DP.

Since 8 April, DP, SP and SMI have been placing paid political advertisements on television. Numerous private media did not comply with the rule to broadcast paid ads only during specified time periods.

VII. COMPLAINTS AND APPEALS

The registration of candidates has been the primary object of complaints and appeals during the reporting period. The CEC reviewed two complaints on refusal of candidate registration, both of which it dismissed on the grounds that the complaints were filed after the deadline. Of the 25 appeals of CEC decisions reviewed by the Electoral College, 19 pertained to candidate

¹³ CEC Decision No. 460.

¹⁴ Decision No. 460 states in part, “1. The electoral subjects shall determine the division of broadcasting time of the campaign coverage in national level and that of the candidates for Mayor/Municipality. This division should be sent to the radio and television operators TV operators are obliged to respect the campaign coverage under the separation determined by the electoral subject....”

¹⁵ Articles 81 and 84.

¹⁶ The monitoring period was 8 - 22 April, daily between 18:00 – 24:00 hours. The media coverage of all political parties except DP and SP in the five monitored TV channels is the following: *TVSH* (14 per cent), *TV Klan* (10 per cent), *Top Channel* (14 per cent), *News 24* (14 per cent) and *Vizion Plus* (14 per cent).

registration or refusal to register candidatures. Most of these were challenges by SP and HRUP to the registration of independent candidates or candidates from small parties.

The Electoral College dismissed all but three of the 19 appeals. It granted an appeal filed by DP against the multi-name list of the Albanian Affairs Party for the municipal council of Vlora (CEAZ 61), an appeal filed by a nominated mayoral candidate of the Christian Democratic Party in Kelmende commune (CEAZ 44) against the CEC decision denying him registration, and an appeal of a multi-name list nominated by a group of voters in Labinot-Mal commune (CEAZ 14).

The remaining appeals to the Electoral College concerned the content of the ballot paper for the Tirana council and mayoral elections (four appeals) and the locations of VCs in Tirana (two appeals). With regards to the ballot papers for the Tirana races, the Electoral College accepted the appeals filed by SP and decided that acronyms of all parties of the SP-led coalition should appear on the ballot paper for the mayoral race under the name of the coalition. It also accepted that the alphabetical order of the electoral subjects on the ballot paper for the council race should be changed and that *Aleanca për të Ardhmen* (Alliance for the Future) be listed before *Aleanca për Qytetarin* (Alliance for the Citizen). In addition, the Electoral College accepted the SP appeal against the CEC decision which modified technical aspects of the ballot papers countrywide. The Electoral College dismissed the DP-led coalition appeal requesting that all coalition parties, including those that have not submitted candidate lists, appear on the ballot paper for the Tirana council race. The two appeals on the location of VCs were dismissed.

The Electoral College respected the adversarial process and the procedural rights of the parties during the hearings. A thorough assessment of its decision-making process is not possible for the time being, however, as the Electoral College has not yet transcribed its decisions.¹⁷

VIII. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with state and local officials, political parties and candidates, the election administration, media representatives and civil society. On 15 April, the mission briefed representatives from the diplomatic community and international organizations accredited in Albania. Long-term observers continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers.

¹⁷ Article 158.6 of the Electoral Code provides that such transcripts are to be published no later than three days after the adoption of decisions.