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I. EXECUTIVE SUMMARY

- On 6 September 2010, the President of Albania announced that elections would be held on 8 May 2011 for the mayors of municipalities, the heads of communes, and the councils of the 384 local government units.
- These are the first local elections to be conducted since the 2008 constitutional amendments and the subsequent adoption of a new Electoral Code. The Code has several gaps and contains ambiguities with regards to local elections.
- The three opposition-nominated members of the Central Election Commission (CEC) stopped participating in CEC meetings in January 2011, but returned on 8 April.
- The Commissions of Electoral Administration Zones (CEAZs) were not established by the legal deadline, due to the failure of all eligible parties to submit their nominees. The majority parties nominated commission members shortly thereafter, but the opposition parties did not do so until the end of March. In the interim, the CEC appointed candidates from civil society organizations to the CEAZs.
- Efforts have been undertaken to eliminate duplicate registrations and records of deceased persons by verifying the accuracy of its data. The Preliminary Voter List (PVL) was posted for public scrutiny in October 2010, and political parties received electronic copies of the PVL.
- A total of 49 parties registered candidates, with 22 contesting the elections as part of a Democratic Party (DP) headed coalition, the Alliance for the Citizen, and 23 contesting as part of a Socialist Party (SP) led coalition, the Alliance for the Future.
- While the official 30-day campaign period started on 8 April, parties were already campaigning actively before then. Harsh personal attacks have continued to feature in the campaign. Both the DP and the SP are focusing on the race for mayor of Tirana.
- On 28 March, the CEC established the Media Monitoring Board, in charge of monitoring compliance with the media provisions of the Electoral Code. Only four of its seven members were initially appointed, due to the absence of the opposition-nominated CEC members.
- The CEC has thus far received 55 complaints against CEAZ decisions, pertaining mostly to denial of registration of candidatures.
- The OSCE/ODIHR Election Observation Mission (EOM) commenced its activities in Tirana on 28 March, with a 15-member core team. On 5 April, 24 long-term observers were deployed throughout the country. The OSCE/ODIHR EOM began monitoring five TV stations and four newspapers on 4 April.

II. INTRODUCTION

The President of Albania, Mr Bamir Topi, announced on 6 September 2010 that local government elections would be held on 8 May 2011. Following an invitation from the Permanent Mission of the Republic of Albania to the OSCE on 5 November 2010, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) sent a Needs Assessment Mission (NAM) to Albania from 17 to 21 January 2011.¹

Based on the recommendation of the OSCE/ODIHR NAM, an Election Observation Mission (EOM) was established on 28 March.² The OSCE/ODIHR EOM is headed by Mr Jonathan Stonestreet and consists of a 15-member core team based in Tirana and 24 long-term observers deployed in 11 locations throughout the country. The OSCE/ODIHR has requested participating States to second 400 short-term observers to observe voting, counting, and tabulation of results. The OSCE/ODIHR has observed nine electoral processes in Albania since 1997.³

III. BACKGROUND AND POLITICAL CONTEXT

The 8 May 2011 elections are the first local elections to be conducted since the constitutional amendments and subsequent adoption of a new Electoral Code in 2008. In 2009, the election coalition led by the DP won 70 out of 140 seats in parliament (the Assembly) and formed a government with the Socialist Movement for Integration (SMI), which won four seats. The results of the elections were disputed by the election coalition led by the SP, and its MPs boycotted parliament until March 2010.

Since the 2009 elections, the political environment has continued to be highly polarized, with harsh rhetoric and personal attacks, as well as demonstrations by the opposition. Tension increased following an SP-organized anti-government protest in Tirana on 21 January 2011, when violent clashes took place between protesters and security forces. Four persons were shot dead and numerous others were injured. The parliament initiated an investigation, while the General Prosecutor opened a separate investigation into the shootings. These investigations, which sparked much political controversy, have yet to be concluded.

Following the 21 January events there have been several high-level international visits to call for calm and responsibility in the run-up to the 8 May elections. The President has called on all parties to behave responsibly and to act in accordance with the law. Both majority and opposition leaders have stated that their priority is for the elections to be conducted in accordance with OSCE commitments and other international obligations. The SP has expressed concerns that this will not be the case and made several proposals for “guarantees” of the process, including use of ID-card scanners, access to updates to the preliminary voter list, recounts of ballots on demand of two CEC members, and post-election audits of election materials. The DP has expressed full confidence in the election process.

A key OSCE/ODIHR recommendation from the 2009 parliamentary elections concerned the responsibility of parties to discharge their electoral duties in a responsible manner. Under the auspices of the international community, a roundtable discussion among parliamentary parties was held at the end of March on a “goodwill agreement” based on this recommendation. The

¹ The OSCE/ODIHR NAM report is available at: www.osce.org/odihr/75455.

² The EOM website is www.osce.org/odihr/elections/76217.

³ The reports of previous OSCE/ODIHR observation missions to Albania are available at: www.osce.org/odihr/elections/albania.

majority parties signed the agreement, while the opposition parties did not sign it arguing that their proposals were not accepted.

IV. LEGAL FRAMEWORK

The legal framework regulating the 2011 local elections consists primarily of the Constitution (amended in April 2008) and the Electoral Code (adopted in December 2008). The provisions of the Electoral Code are supported and implemented by decisions and instructions of the CEC. Other applicable legislation includes the Law on Demonstrations, the Law on Local Government, and pertinent provisions of the Code of Civil Procedures, of the Code of Administrative Procedures and of the Criminal Code. The Law on Political Parties was significantly amended in February 2011, especially regarding funding of political parties.

The legal framework has been previously assessed as providing a thorough foundation for the conduct of democratic elections, if implemented with the intention to uphold the letter and spirit of the law.⁴ The new Electoral Code in 2008 addressed several recommendations previously offered by the OSCE/ODIHR; however, some recommendations still remain unaddressed, including those from the OSCE/ODIHR Final Report on the 2009 parliamentary elections. The government informed the OSCE/ODIHR EOM of its intention to follow up on recommendations after the conclusion of the local elections.

The Electoral Code contains several gaps and ambiguities with regards to local government elections. For instance, it is not clear if there is a minimum threshold for representation in the local councils; the provisions on campaign financing from public funds do not fully apply to local elections; and there is no provision for registration of candidates for Tirana municipality, as the law does not specify a competent election administration body.

V. ELECTORAL SYSTEM

The mayors of municipalities, the heads of communes and the councils of the 384 local government units (LGUs) are elected in direct elections. The constituency for the local elections is the territory of the municipality or commune and, in Tirana, also the 11 boroughs into which the city is divided. Councilors are elected under a proportional system, while mayors and heads are elected in a first-past-the-post system. The number of councilors to be elected in each LGU is determined according to its population, ranging from 13 members in the smallest communes to 45 members in cities up to 200,000 inhabitants. The Tirana council will have 55 seats.

The Electoral Code establishes a three per cent and a five per cent threshold for parties and coalitions respectively to be eligible to participate in the allocation of mandates in a constituency for parliamentary elections, but it is unclear as to whether the same thresholds also apply to local elections. In the absence of a clear provision, the CEC Chairperson informed the OSCE/ODIHR EOM that the CEC will use the same thresholds as specified for parliamentary elections.

VI. ELECTION ADMINISTRATION

The local elections are administered by a three-tiered election administration body consisting of a CEC, 66 CEAZs and 4,932 Voting Center Commissions (VCCs).

⁴ See OSCE/ODIHR Final Report on the 2009 parliamentary elections in the Republic of Albania, available at: www.osce.org/odihr/elections/albania/38598. Also, the Joint Opinion of the OSCE/ODIHR and the Venice Commission of the Council of Europe on the Electoral Code, available at: www.osce.org/odihr/elections/albania/36587.

The CEC is a seven-member body elected by the Assembly. The Chairperson is nominated by the largest majority party; three members are nominated by the majority parties and three members (including the Deputy Chairperson) by the opposition parties. In a similar pattern, CEAZs and VCCs are composed of seven members selected and appointed by the higher level of the election administration from party proposals. The chairperson positions in CEAZs and VCCs are equally divided between the largest majority party and the largest opposition party.

The three opposition-nominated members stopped participating in CEC meetings in January, due to disagreements with the majority members on the approval of the CEC internal rules of procedures. Due to the legal requirement to adopt certain decisions by qualified majority (at least five CEC members), the CEC has not been able to adopt instructions for the conduct of elections, including on state funding of electoral subjects and campaign regulations. Until new regulations are enacted, the instructions issued in 2009 remain in force. On 8 April, the three opposition-nominated members resumed their attendance of the CEC meetings, although the rules of procedure issue has not yet been addressed.

The CEAZs should have been established by 7 February, but none of the eligible parties submitted their nominees by the deadline. Although the majority parties nominated commission members shortly thereafter, the opposition parties did not do so, leaving half the CEAZs without a quorum. The Electoral Code does not specify remedies in this case. The CEC appointed one additional member from civil society organizations to the 33 CEAZs which had only three members, so that they could form a quorum.

Although the Electoral Code does not foresee the appointment of CEAZ members in this manner, the CEC Chairperson stated that this measure was necessary to ensure that key steps of the election process, such as the registration of candidates by CEAZs, could take place. By the end of March, the opposition parties submitted their proposals for CEAZ members. The CEC appointed them, accepting the resignation of the interim members from civil society organizations. Until now, CEC has replaced 60 CEAZ members upon the request of the nominating parties.⁵

Counting will take place in 66 Ballot Counting Centers (BCCs), one per each Electoral Administration Zone. All parties have requested that the OSCE/ODIHR EOM provide maximum coverage of counting procedures, which are expected to last well past the legal deadline of 5 pm on the day after election day. The CEC did not identify the BCC locations by the 8 April deadline.

VII. VOTER REGISTRATION

Albania has a passive system for registration of voters, with voter lists extracted from the database of the National Civil Status Register (NCSR), maintained by the Ministry of Interior. The NCSR database is based on information from the Civil Status Offices, which are part of the local administration. The Ministry of Interior has undertaken efforts to eliminate duplicate registrations and records of deceased persons by verifying the accuracy of its data. In October and November 2010, 39,000 potential duplicate records were found in the Civil Register, corresponding to some 19,000 citizens. After checks were conducted by the Civil Status Offices, the number of potential duplicate records decreased to 1,600.

⁵ Article 32.d of the Electoral Code provides that a CEAZ member is to be dismissed from duty by the CEC when the electoral subject which proposed them requests their substitution.

The PVL was posted for public scrutiny in October 2010, and political parties received electronic copies of the PVL. Subsequently, the SP expressed concerns that voters were being illegally added to the civil registers in certain LGUs, including DP and SMI-controlled boroughs of Tirana, in order to change the political balance of power in these locations. The SP demanded that regular updates of the PVL, reflecting ongoing changes in the registration status of the voters, be made available to them. This was rejected by the Ministry of Interior, which said that the Electoral Code only provides for parties to receive the PVL and the Final Voter List (FVL).

The Ministry of Interior provided public information on 9 April that the FVL for the 2011 local elections contains 3,164,859 voters, some 23,200 less than in the PVL. Voters may check their individual data on the Ministry of Interior and CEC websites, and parties have the right to receive a copy of the entire voter list.

VIII. PARTY AND CANDIDATE REGISTRATION

Local government elections may be contested by candidates nominated by political parties, coalitions of political parties, or by independent candidates nominated by groups of voters (electoral subjects). Political parties and initiating committees of groups of voters may propose candidates for local elections if they register with the CEC at least 60 days before election day.⁶ Two or more parties may form a coalition if they register as such no later than 45 days prior to election day.

A total of 56 political parties were registered for these elections. Of those, 49 have registered candidates, with 22 contesting the elections as part of a DP-headed coalition called Alliance for the Citizen, and 23 competing as part of a SP-led coalition called Alliance for the Future. The CEC refused the registration of two parties for incomplete registration documents.

Parties and groups of voters were required to submit the names of all candidates to the CEAZs no later than 40 days prior to election day.⁷ In cases where electoral subjects were asked to correct mistakes on their documents, the last day for the CEAZs to decide on such lists was 7 April. A number of rejected independent candidates who complained about CEAZ decisions to the CEC were eventually registered; appeals are still ongoing. Final data on registration of candidates at CEAZ level was not available at CEC level at the time of this report.

IX. ELECTION CAMPAIGN

While the official 30-day campaign period started on 8 April, parties were already actively promoting themselves before then. Party leaders held rallies and meetings with voters and introduced local candidates. A television ad by the NGO *Zgjohu*, before the official campaign period, attacked the record of the SP leader, who is the incumbent candidate for mayor of Tirana. The SP has requested an investigation, alleging that the spot was financed by public funds.

Since 8 April, the intensity of campaign activities has increased. Campaign issues include infrastructure development, the quality of municipal services and tackling unemployment. Harsh personal attacks have continued to feature in the campaign, with accusations of corruption on both sides. There has been a heavy emphasis by both DP and SP on the race for mayor of Tirana.

⁶ Parties without representation in the Assembly or in the respective local council must provide a list of signatures of at least one per cent of voters registered in the constituency in order to nominate candidates. A group of voters must obtain a similar number of signatures, unless their candidate is already a mayor.

⁷ Article 67 of Electoral Code. According to the CEC, this meant no later than 28 March, an interpretation that was contested by some political parties.

Two non-fatal shootings at candidates took place on 1 April in Tirana and 2 April in Lezha. According to police, the shooting in Tirana was politically motivated, while the case in Lezha was unrelated to politics. On 4 April, the Head of the Construction Inspection Office of Tirana Municipality was shot and wounded. The previous day he had ordered the removal of political banners placed in unauthorized locations. The police investigation is still underway. The placing of campaign materials, such as flags and banners, has also led to altercations in a few instances.

X. MEDIA

The Electoral Code contains detailed provisions on the media coverage of political parties during the official campaign period. The Code provides obligations for free airtime, news coverage and paid advertisements, stipulates a campaign silence period, prohibits publication of opinion polls within five days of election day, and requires the public broadcaster to provide the CEC with 90 minutes of airtime for voter information.

In accordance with the Electoral Code, the CEC instructed the public broadcaster Albanian Radio-Television (RTSH) to allot 60 minutes of free airtime to large political parties (DP and SP), 30 minutes to small parliamentary parties and 10 minutes each to the 43 non-parliamentary parties which were registered before the start of the election campaign.⁸ On 7 April, the public broadcaster held a lottery to establish the order of appearance of political parties. Since 8 April, RTSH TV has been airing the free airtime slots during evening prime time.

According to the legal provisions, the coverage of the two large political parties in newscasts of all broadcast media should be equal, and must be double than that of small parties. News coverage of non-parliamentary parties is determined by the editors, but it should not exceed the airtime devoted to small parliamentary parties. Paid political advertising is allowed but it is limited in broadcast media.⁹ DP and SP have begun placing their paid advertisements on TV after the start of official campaign period.

On 28 March, the CEC established the Media Monitoring Board, the body in charge of monitoring the compliance with the media provisions of the Electoral Code. Only four of its members (designated by the CEC majority-nominated members) have been appointed at the time of this report. On 8 April, the Media Monitoring Board started to monitor 62 TV channels and 2 radio stations; it must provide daily reports to the CEC.

On 4 April, the OSCE/ODIHR EOM commenced its media monitoring of a cross-section of media outlets with standard quantitative and qualitative analysis of their election coverage.¹⁰

XI. COMPLAINTS AND APPEALS

The Electoral Code grants the right to file a complaint or an appeal to three groups: electoral subjects, individuals or political parties denied registration as electoral subjects, and those denied accreditation as election observers. Complaints on the conduct of the electoral process, on decisions of the CEAZs and on the failure of CEAZs to reach a decision are submitted to the

⁸ Large political parties are those with at least 20 per cent of parliamentary seats. Small parties are those with less than 20 per cent of seats in parliament.

⁹ The limit is 90 minutes for the large political parties, 45 minutes for small parties and 10 minutes for non-parliamentary parties per broadcast media outlet.

¹⁰ The sample includes five TV channels (*RTSH, Top Channel, TV Klan, Vizion Plus* and *News 24*), daily between 18:00 to 24:00 hours, and four daily newspapers (*Shqip, Gazeta Shqiptare, Panorama* and *55*).

CEC. CEC decisions, and failure to reach a decision, can be appealed to the Electoral College of the Court of Appeals of Tirana, whose decisions are final.

The CEC has thus far received 55 complaints against CEAZ decisions, pertaining mostly to denial of registration of candidatures. One fourth of the complaints submitted were dismissed on procedural grounds, since they were filed after the legal deadline. In two of the remaining cases, the CEC applied different standards for a parliamentary and a non-parliamentary party. In both cases, the parties claimed that they missed the candidate registration deadline due to CEAZ members not being present in their offices. The CEC deemed both claims not proven, dismissing the case of the non-parliamentary party but instructing the CEAZ to accept the documents in the second case, where the appellant was the SP. In the latter case, CEC decided that even though the deadline was breached, the right of the voters to choose had to be protected.

Two appeals have been examined by the Electoral College, both pertaining to the registration of initiating committees of groups of voters. The Electoral College dismissed one appeal and accepted the second. Although the Electoral Code requires that the Electoral College transcribe the decisions within three days, this deadline was not met in either case. Therefore, the reasoning of the Electoral College was not available at the time of this report.

The SP filed two appeals to the Electoral College regarding the content of the ballot papers for the Tirana council and mayoral elections. For the mayoral race, SP requested that acronyms of all parties within its coalition appear on the ballot under the coalition name, similar to the DP-led coalition. For the council race, the SP requested changing the order of the electoral subjects on the ballot.¹¹

The DP also appealed the CEC decision on the ballot paper of Tirana Council election to the Electoral College, requesting that all parties within its coalition, including those that have not registered candidates, appear on the ballot.

XII. PARTICIPATION OF WOMEN

The role of women in Albanian public life remains limited. Twenty-three out of the 140 deputies in the Assembly are women (16.4 per cent). The Electoral Code contains provisions to ensure the participation of both women and men in the CEC and in the CEAZs. There is no gender requirement for VCCs. Two out of seven members of the CEC are women. The Code requires that, nationwide, each gender account for at least 30 per cent of nominated CEAZ members from the largest majority party and the largest opposition party. The Electoral Code also stipulates that in local elections one in every three names on each candidate list for local councils should belong to each gender. However, failure to respect the quota does not prevent registration of the list but results in a fine of only 30,000 ALL (approximately 215 Euro).¹²

XIII. DOMESTIC OBSERVERS

Non-party domestic election observers are accredited by the CEC and party observers by the CEAZs. The CEC has accredited 145 observers of the Coalition of Domestic Observers composed of three organizations (Society for Democratic Culture, KRIIK Albania and Kombinat Center for Women and Children) and 125 observers of the Albanian Life Quality Union.

¹¹ Electoral subjects are listed on the ballot in alphabetical order. The SP-led Alliance for the Future is *Aleanca për të Ardhmen*, while the DP-led Alliance for the Citizen is *Aleanca për Qytetarin*. The SP claims that the article “të” should not be taken into account.

¹² The final number of women candidates was not available at the time of writing.

Political parties nominating candidates in a constituency may appoint observers for the respective CEAZ, VCCs and counting tables in the BCC. For parties in a coalition, observers may be appointed only by the coalition.

XIV. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM commenced its activities in Tirana on 28 March, with a 15-member core team. The OSCE/ODIHR EOM has met with the Prime Minister, the Minister of Foreign Affairs, the CEC, the mayor of Tirana, and representatives of a broad range of political parties, candidates, media, domestic observers and the international community. Twelve teams of long-term observers were deployed to eleven locations throughout the country on 5 April. The OSCE/ODIHR EOM has been welcomed by all parties and other stakeholders.