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International Foundation for Electoral Systems

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Republic of Albania

**A Technical Assessment of the Election
of the People's Assembly
March 9 - April 2, 1992**

by
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and
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IFES claims full responsibility for the content, analysis and opinions contained in this report.

EXECUTIVE SUMMARY

The Albanian General Election for the People's Assembly held on March 22, 1992, heralded the country's long overdue emergence into the European and world communities. As the last of the European communist countries to begin the process of liberalization, the election also marked a moment of special historic significance. The world watched as the last vestiges of one of Europe's most brutal and repressive regimes was overthrown without violence or chaos, but through the democratic process.

With a less than successful attempt at a free and fair multi-party election only one year earlier, and a history which justifiably warranted cautious enthusiasm for the prospects of this election, the mission of the team (consisting of Linda Edgeworth, Election Consultant, and Fabricio Soares, Project Manager) sent by the International Foundation for Electoral Systems (IFES) was to escort and oversee installation of election commodities donated by the U.S. Agency for International Development (USAID), and to provide technical assistance to the newly formed Central Election Commission.

Commodities and equipment including computers, printers, photocopiers, fax machines, typewriters, stamp pads and paper were provided to Albania through IFES and the U. S. Information Agency Regional Program Office in Vienna. The equipment and commodities provided by the U.S. proved critical for the proper administration of the election by the Central Electoral Commission and the Council of Ministers Secretariat as much of the other equipment intended for use during the election was not in place on election day.

IFES joined forces with the United Nations Development Program (UNDP) mission in Tirana to provide technical advice on distribution of election commodities and ballot security. Well before election day, IFES enjoyed good access to the Central Electoral Commission and was able to observe the most sensitive aspects of the electoral process.

On election day, IFES and UNDP fielded a joint team to observe elections near the northern border of Albania. Though some minor inconsistencies in the administration of the law were apparent, no organized attempt to defraud the process was encountered during the first round of voting. A second IFES-UNDP team travelled to the South of Albania to observe the second round of elections and also reported no significant irregularities.

The people of Albania are to be commended for the success in holding free, fair and peaceful elections to the People's Assembly in this difficult transitional environment.

I. INTRODUCTION

Overview of Recent Events

In May of 1991, independent trade unions staged a strike observed by one-third of the entire Albanian work force against the socialist government of Prime Minister Fatos Nano. By June, the Nano government was forced to step down. To placate the workers and other members of the opposition, Nano accepted demands for a multi-party government, including the Democratic Party at the cabinet level and the Republican Party and Omonia (the Greek-minority party) at the sub-cabinet level.

In early December of 1991, several opposition ministers of the Democratic party resigned as a protest against state control of the media and insufficient action on the part of the Prime Minister to bring high-ranking Labor Party (former Communist party) members believed to be guilty of atrocities to trial. On December 15, 1991 a "government of technocrats" was installed as a caretaker government pending new parliamentary elections.

During the debates on the draft electoral law, the economic situation in Albania deteriorated rapidly. Albania was being sustained almost entirely by foreign aid. Industrial and agricultural output was at a standstill. Political protest strikes had suspended activity in key areas such as electric power and agriculture. Nationwide unemployment was estimated at 70%.

In addition, the unprecedented violent crime rate and general lack of public order had caused widespread alarm among Albanians. Many believed that the state of unrest was being manipulated by anti-democratic members of the government and the state security forces to discourage democratic government in Albania.

It was the widespread belief among all but the most anti-democratic elements that political and economic difficulties in Albania could not be addressed before a political solution could be reached by means of a free, fair and credible election to parliament. It was believed that only a stable democratically elected government would attract the aid, investment and credits necessary for Albania's entry into the European community of nations.

Initial IFES Activities in Albania

In late January 1992, in order to determine ways to assist the government in its effort to administer free, fair and credible elections, IFES Program Officer, Christopher Siddall, travelled to Tirana to meet with leaders of political parties, diplomatic missions, the Albanian Government, the United Nations Development Program, and the United Nations High Commissioner for Refugees.

By the time the IFES representative arrived in Albania, the People's Assembly was in its final days. President Ramiz Alia had called the elections for March 1. However, it was immediately apparent that the elections would have to be postponed until appropriate technical election assistance, essential equipment and commodities could be identified and provided to the Government of Albania. Due to the desperate situation throughout Albania, it was vital that this assistance be made available quickly.

Many Albanians believed that any delay of the election would lead to further unrest throughout Albania and possibly to a violent solution by the security forces. Due to the inability of the Government of Albania to address the breakdown of public order and collapsed economy, a significant delay of the elections would have weighed heavily on the people of Albania. In addition, anti-democratic forces had sought to benefit from the chaos which they attributed to the advent of democracy.

The prospects for providing timely assistance were not good. IFES had not identified a funder for the project and a number of practical obstacles existed. Though importation of ballot paper and other essentials could be arranged, a printer and electric-power worker strike threatened to prevent printing of ballots. Also, concern had been expressed by the opposition forces that the process would be more open to manipulation if the ballots were printed in Albania.

In summary, the desperate economic and tense political situation in Albania presented a two-fold problem, one of resources and one of time:

1. The lack of technical and material resources such as paper, reliable electricity and printing facilities appeared to make in-country material preparations for the upcoming election arduous if not impossible.
2. The longer the elections were postponed, the more that popular discontent, economic deterioration and violent crime would become factors. These negative associations with the advent of democracy may have determined whether the election was to be held at all. Additionally, growing strife or a violent solution to these problems threatened to jeopardize planned foreign aid and investment in Albania, further increasing the misery of Albanians.

After meeting with key persons involved in the election process and receiving the official request for technical assistance, IFES identified the U.S. Agency for International Development (USAID) as a potential funder. Recognizing the urgency, USAID responded rapidly to the IFES proposal to provide on-site technical assistance to the Central Electoral Commission of Albania. The USAID Bureau for Europe identified funding to allow IFES to place a project manager and election expert in Albania for the three weeks before the elections

and to provide essential equipment and commodities to the Government of Albania.

Arrival of the IFES Team

From the outset, the team recognized that the challenges facing government officials and election administrators were formidable. The country is, by most accounts, the poorest in Europe. Shortages in basic commodities and the inevitable serious limitations in the communication and transportation systems were critically compounded by the unstructured state of the government itself.

To fully appreciate the significant accomplishment of the officials involved in the election process it is important to describe the general environment in which they worked. The entire government structure of Albania in the weeks and months immediately prior to the election, was in a state of limbo. The parliament had been dissolved, and a technocratic government was in place to maintain only the most fundamental functions of government. Their situation was comparable to being on a life support system that maintains the basic body functions yet the capacity for response is severely restricted.

To exacerbate the complexity of the context in which the elections took place, the country was in economic chaos, with an interim technocratic government working to achieve the difficult transformation from a centralized to a free market-based economy. The agencies of the bureaucracy were assuming new roles to which they were unaccustomed. And, until a new government was set in place, they were frozen in the middle of their transition unable to move forward in assuming their new responsibilities in the emerging economic and political reality.

With government in its weakened state and the feeble exercise of any degree of authority even by the police, the general populace clearly felt that the country was on the brink of anarchy. The increase in

crime and the general disregard for authority were circumstances which could not be ignored. The team believes that the apparent lack of respect for authority was due less to insubordination or defiance than to the general confusion as to who really had any authority. In addition, the fact that the future was so unpredictable added to the difficulties faced by individuals who were assuming positions of responsibility.

These conditions were extremely burdensome for the Central Election Commission, the Secretariat for Elections and the general administrative staff assigned responsibility for the conduct of the national elections for the People's Assembly.

It was in this context that the IFES team set about accomplishing its mission.

Strategy for the Mission

Upon its arrival in Albania, it became immediately apparent to the IFES team that a number of questions and concerns were being expressed by members of various other international delegations and members of the international press regarding the degree of transparency being afforded by the Central Election Commission (CEC) to the public in this election. In addition, there appeared to be some concerns regarding the administrative election procedures which were being put in place by the CEC, security and accountability measures being implemented, production of ballots, and distribution of materials. The IFES team sensed that some of these concerns had been heightened by the seeming reluctance of the Central Election Commission to provide adequate or timely responses to the questions and demands of other delegations working in the country. As relative late comers to the situation, the team was concerned that it would encounter the same difficulties as those experienced by other delegations already in-country. In attempting to assess the conditions and formulate a

strategy which would allow the team to break through the barriers that were causing a degree of suspicion and concern among other delegations, three conclusions were drawn which would form the foundation of the team's approach:

1. Other delegations were clearly perceived rightly or wrongly as politically biased.
2. With so many delegations, foreign observers and international journalists in-country for the election, the Commission was being pulled in too many directions at once when their own time was so limited.
3. It seemed possible that some of the lack of positive response and transparency on the part of the Commission might be attributable to simple miscommunication rather than a withholding of information or secret manipulations..

The IFES team's mission was to accompany election commodities being provided to the Republic of Albania through the Foundation, assist in their installation and distribution, and provide consultation and technical assistance to the Central Election Commission. In view of the team's preliminary assessment of the environment, an approach was adopted which encompassed the following strategies:

1. The team directed its attention exclusively to logistics, system implementation and administrative procedures designed by the Commission for the fair and accountable conduct of the election itself. A decision was made to seek a degree of isolation from all party activity or involvement, even with regard to conducting any interviews with party leaders. To a limited extent, an effort was also made to maintain some distance from other delegations whose missions appeared to be more closely linked to partisan political interests.

2. The team suggested to the Commission that coordinating and cooperative arrangements should be encouraged and developed with the UNDP and, to a lesser extent, with CSCE, whose mission seemed more in line with that of the IFES team, to meet with the Commission jointly in the interest of conserving time and resources and to prevent unfruitful duplication of effort.
3. The team made a conscious attempt to read accurately the Commission's responses to requests for information or for access to their inner workings. For example, when requests for copies of documents were denied, if the team held its objections in reserve, it became obvious that the Commission could not release them simply because they had no way to duplicate them easily.

The team believes that its adherence to these simple strategies proved beneficial. Throughout the course of its work, the team was accommodated by the Commission in every way and was provided full access to review all documents upon request, observe preparatory activities, visit secured areas, and personally interview individual Commissioners, members of the Secretariat, administrative staff members, and members of zone commissions.

The concerns publicly aired by other delegations about the lack of transparency on the part of government officials were not consistent with the encounters and circumstances experienced by the IFES team. The team made a concerted effort to share its findings with other international delegations and the U.S. Embassy in order to provide them information which would potentially serve their specific interests and answer their concerns.

Coordination with the United Nations Development Program (UNDP)

By joining forces with the UNDP, the two delegations were successful in determining where their lines of endeavor would cross and where

they would separate, and how to maximize their individual efforts and resources.

The foundation of this complementary relationship was an initiative by the IFES team to encourage and coordinate a joint meeting with the UN delegation simultaneously with representatives of the Central Election Commission and the Secretariat. Fortuitously, a representative of the Commission on Security and Cooperation in Europe (CSCE) was able to attend the meeting as well. This meeting was quite successful. It brought the delegations together on common ground and advanced the comfort level of the CEC and Secretariat in working with the various delegations jointly and uniformly on issues of mutual interest. The primary issue discussed at the meeting related to preparations for foreign observers. Many of the previously unanswered questions regarding logistics, procedures and accreditation were resolved at that time. More significantly, however the meeting set the tone for the level of cooperation which was possible between election officials and the delegations whose missions were to offer them advice, support and technical assistance.

There were other opportunities for the IFES team to coordinate efforts with the UN delegation as we pursued our individual objectives. The IFES team contributed to the preparation of U.N. international observer packets. The election consultant prepared an outline and calendar of key requirements in the election law for inclusion in the packets, and the project manager was able to arrange for the duplication of materials in sufficient quantity to cover the number of foreign observers expected.

The IFES team also offered assistance in arranging for the distribution and installation of UN materials and equipment in coordination with the plans being implemented for the IFES commodities.

As election day approached, arrangements were made with the UN delegation to form a joint team to observe polling place activity. Similar plans were made for the second round of elections. These arrangements allowed the IFES team to increase the scope of its own observations over a wider area of the country.

Most importantly, the cooperation between the two delegations provided a welcome opportunity to corroborate their individual perspectives and confirm each other's generally positive and favorable findings. This was particularly valuable in view of the atmosphere of tension, and the suspicion and distrust expressed in certain quarters about the level of competency, transparency and fairness with which the election would be conducted.

II. IMPORT OF COMMODITIES

When the IFES team made its initial contact with the Central Election Commission (CEC), it became apparent immediately that the Commission's technical capacity consisted of a few manual typewriters and one computer used for data processing which was connected to an electronic typewriter. Also at its disposal was a twenty-year-old photocopying machine which served other agencies and general administrative staff as well. The circumstances certainly bore out the validity of the recommendations made in various pre-election assessments calling for donations of material resources. It also was apparent that the special ad hoc Secretariat created by the Council of Ministers to provide administrative support to the election was in a similar state of need.

Due to the obvious deficiencies in the material commodities and equipment on hand, all clerical processes including technical functions were being realized at an agonizingly slow rate. For example, to obtain a copy of a piece of legislation required a delay of a day or two depending on its priority level. In addition, since a majority of the limited number of typewriters were manual, the quality of the product was sometimes affected. Formal government memoranda, correspondence and legal documents were frequently duplicated through the use of carbon paper and often contained typing errors or obvious attempts to correct them. The severe limitations in the quality and quantity of equipment on hand posed almost impossible challenges in the timely production and duplication of legal documents, instructions, election information, and other communiques, which are so critical in the administration of an election. The situation was aggravated by both the CEC's severe time constraints and having its priorities focussed on administrative responsibilities and regulatory issues. The CEC simply could not keep up with the tremendous additional demands for information. Moreover, requests for copies of documents and records were heaped upon them by

the international community, political parties and the international and domestic press. These circumstances contributed significantly to the creation of an atmosphere conducive to questioning the competence of election officials and the transparency surrounding the election.

In view of these conditions it was of paramount importance for the IFES delegation to ensure that the commodities being provided were imported, distributed and installed as quickly and efficiently as possible. In order for this phase of its mission to be accomplished in the shortest possible time and attain its maximum effectiveness, it was critically important to rapidly identify and solidify relationships with the key players within the government. Hence the team's preliminary activities centered around identifying the officials who would be in the best position to facilitate prompt import, distribution and installation of the commodities. Four individuals proved to be essential for the efficient import of the equipment and supplies donated by USAID through IFES. The first person was Frrok Djoka, Secretary of the Secretariat, the representative of the Council of Ministers assigned to oversee administrative preparations for the election process. Because of the way in which the Commission had organized itself and divided responsibilities among its various members, the Chairman and the Deputy Chairman, Messrs. Niko Nosi and Urim Bujari respectively, were only peripherally instrumental in facilitating this phase of the project. The second key player in this endeavor was Leon Kosta, the Secretary of the Central Election Commission, also the election consultant's primary contact with the Commission throughout the rest of the mission. Finally, the IFES team was able to solicit valuable assistance from the Chief of the Technical and Foreign Relations Section of Customs, Isuf Bogdani. The team was extremely fortunate to recruit the services of a legal advisor to Parliament, Perikli Polloshi (Zaharia), who not only possessed extensive technical expertise and excellent skills as an interpreter, but also had extremely good rapport with both the CEC and the Secretariat as well as staff of the various agencies of government. The combined efforts

of these individuals were crucial in the realization of the IFES team's immediate objectives. It was particularly helpful that the Secretary of the Secretariat provided a formal letter directing the customs authorities to allow the project manager total liberty under the law to conduct his business.

Logistics

The first phase of the formal import process involved the verification of the list of the supplies and equipment that were being shipped into Albania and confirmation that these commodities would be accepted by government officials. Several meetings were held with the Secretary of the Secretariat in this regard. (Refer to Appendix E for complete listing of equipment and commodities provided to the Central Election Commission).

Two critical commodities on the list became the focal point of controversy. For reasons discussed in more detail later in this report, the government had already decided to reject the ballots which were printed outside of the country. A further decision had also been made to reject the rubber stamps which were en route to Albania. Each of these control stamps was uniquely numbered. They were supposed to be distributed to polling sites to provide each voting center its own secret identification number with which to stamp its ballots and voting materials for security purposes. Government officials indicated that the stamps were rejected on the grounds that certain members of the government had not been previously informed as to their design and quantity.

During its first few days in Albania, the team had received contradictory advice as to whether the stamps were being accepted or not. At one point it appeared that the stamps would be accepted after all, so after being held up initially, the shipment of the stamps and the stamp pads was once again underway. The IFES team believes that the conflicting guidance with regard to the stamps was basically due

to a communication problem. Throughout the course of various discussions it eventually became evident that some Albanian officials misinterpreted the word "stamp" for the word "seal." Acceptance of the seals being imported for securing the ballots boxes had never been in question. While the stamps and pads were en route the confusion was resolved and the government made clear its final decision to reject the rubber stamps.

Upon receiving the government's final position on the stamps, the IFES team contacted the USIA Regional Program Office in Vienna (RPO Vienna) which was procuring and organizing the transportation of the commodities, requesting that the stamps be stopped in Zurich and that only the stamp pads be allowed to continue on to Rinas airport in Albania. Furthermore, the project manager requested that if the cargo could not be divided that the entire shipment be stopped in Zurich. The team felt that the arrival of the now officially rejected stamps in the country would have exacerbated a serious political dilemma in an already sensitive arena. RPO Vienna was able to stop the stamps in Zurich and continue the shipment of the stamp pads.

Upon final confirmation of the acceptance of all other commodities by the government, the team met with the Chief of the Technical and Foreign Relations sector of customs to define the procedure of entry and nationalization of the overland shipments. The meeting resulted in the Customs Officer providing a letter authorizing the officials at the Hani i Hotit border station on the Yugoslavia-Albania frontier north of Shkoder to allow the entrance of the truck bearing the shipment. This was the point of entry originally indicated by the shipping company responsible for the transport of commodities from Vienna. In addition to the letter, the Chief of Technical and Foreign Relations also offered to accompany the project manager to the airport to personally assist in seeing the airborne commodities through customs.

At the last minute, a change was made by the transportation company to have the truck enter Albania through the Qafa Thames border station. The project manager immediately informed the customs officials of the change and arranged to have the Chief of Technical and Foreign Relations advise the customs officials at the Qafa Thames entry point of the situation. They were requested to allow the truck which was already sealed for security purposes to enter the country and be opened and inspected in Tirana rather than at the border.

After resolving the issues which arose from the change of entry points, the IFES team addressed the problem of internal transportation and manpower to unload and store the commodities. To transport the shipment that came by air to Tirana, the team arranged for an automobile and a van to bring materials from the airport to their place of storage. An automobile and driver were hired for the rendezvous with the truck at the Qafa Thames border station. The most immediate source of reliable labor was the staff of the Parliament. The employment of this crew was arranged through a Parliamentary official responsible for administration.

Storage and Installation

The IFES team made an inspection of the proposed storage area which was arranged while the negotiations and customs arrangements were being solidified. Questions of security, location, space, room temperature and ventilation were considered. The storage room used for the IFES commodities was located in the lower level of the Palace of Congress where the CEC had its offices. As for security, the Palace was guarded by armed soldiers outside the building, and by special armed security officers inside. The IFES team felt that adequate security measures were taken to provide for the safety of the election commodities. The room and its contents were under the direct responsibility of a member of the administrative staff approved by the project manager. This individual was in possession of all the keys to the store room in which the commodities were kept.

The IFES team made an inventory check of all the commodities as they were being unloaded at the Palace of Congress. There were some differences between the shipping company's packing list and the list sent from RPO Vienna. Therefore, the packing list was used as the basis for the inventory verification. Upon inspection, the team noted that one electric typewriter, one box of typewriter accessories and one box of pens were missing from the shipment. These findings were communicated to the IFES headquarters in Washington, D.C. The inventory check was done in the presence of the administrative staff member responsible for the commodities so that he could be integrated into the receipt and distribution process. Once the commodities were unloaded and stored, the inventory was reconfirmed.

Immediately the IFES team set in motion the arrangements for a formal meeting with key officials to start the distribution and installation process. The very next morning, the IFES team met with the Secretary of the CEC, the Secretary of the Secretariat, the legal advisor to the former Parliament and other staff members of the administration to reach decisions as to exactly where equipment would be installed, and how commodities provided for use at voting centers would be integrated into the overall distribution process with ballots and other election materials prepared in Albania. With regard to the installation of equipment, factors considered included the actual needs of the CEC and the Secretariat as well as appropriate integration with equipment being provided by other international organizations. After careful deliberation a distribution plan was formulated which would facilitate the installation of equipment in an orderly and efficient manner. Albanian officials facilitated the process by providing an engineer to assist with the technical installation of equipment, with oversight by the IFES team. Upon installation the responsibility for each piece of equipment was delegated to a single individual who was always the principal user. The principal user was trained in the care and use of the designated equipment, and thereafter was responsible for training all other authorized users.

The IFES team did have some difficulty in instructing the users in how to resolve more complex problems involving the photocopiers and fax machines. This was principally due to the fact that the instruction manuals which accompanied the equipment were written in German. However, the IFES team identified a volunteer willing to translate relevant sections of the manuals.

Use of the computer provided through IFES also suffered a short delay until an adapter for the monitor was procured. Though the donation did not include software or diskettes, the Institute for Information and Applied Mathematics which provided technical support to the election process proved to have the appropriate software, which took some time to acquire and install. In addition, the IFES team was able to provide several diskettes from their own supply.

Regarding other commodities, part of the shipment of pens, as well as all the twine and seals were sent to the Prime Ministry for integration into the precinct supply kits which were being prepared by administrative staff. These supplies reached the voting centers through the Secretariat's normal distribution process. The rest of the pens remained stored for later use in second round and local elections.

Appropriateness of Commodities

In reviewing the full scope of the commodities which were donated through IFES, it was clear that the assessment of what was needed had been fairly accurate. They included pens, twine, metal clips for securing the ballot boxes, paint, stamp pads, a computer with laser printer, three photo copiers, two electronic typewriters, two fax machines, paper, and other accessories for the equipment provided. A few items deserve comment.

The paint was originally intended for use on the ballot boxes. The request for beige paint was made as a result of the fact that the existing ballot boxes were red in color, the color of the Party of Labor (the former communist party). This was felt to symbolically undermine the neutrality of the election process. After arrangements had been made for shipment of the paint of a neutral color that had been requested, it was learned that the majority of boxes, particularly in the rural areas, had been destroyed during the winter for fuel. This resulted in the construction of new ballot boxes for all the voting centers. The new ballot boxes were of a neutral color and did not require painting.

Since there was no opportunity for the paint to be used for its original purpose, consideration was given to how it might best be used in an appropriate manner consistent with the intent behind the donation. The option of returning the paint would be prohibitive in view of its weight and the cost that would be incurred in transporting it. In consultation with appropriate authorities, it was determined that the paint would be used in the remodelling of the Parliamentary hall after the election. Major refurbishing would be necessary to accommodate the dramatic reduction in the size of the legislative body. Under the new law the legislative body which had formerly mandated 250 members has now a minimum of only 140 members. In addition, according to authorities, the hall had not been repainted in many years and is in need of repair. It was agreed that this use of the paint would be an appropriate alternative consistent with the donor's intended purpose.

Regarding the twine and metal clips included in the donation, it was originally envisioned that they would be used to seal and secure the ballot boxes to prevent tampering. The CEC and the Secretariat endorsed these supplies and facilitated their integration into the polling site materials kits. Due to the design of the newly-built ballot boxes, however, these were not the most appropriate types of sealing materials. The ballot boxes had no padlock hardware, nor any

other place through which to loop the twine and apply the metal clip. Instead, the twine had to be wrapped around the box like a gift package and then secured with the metal seal. It should also be pointed out that plasticine was among the commodities provided by the UN. The plasticine is a clay type substance similar to a sealing wax which is applied and then stamped with a signet. This substance was equally effective in securing the twine to the ballot box to safeguard its integrity. In many polling sites this plasticine was used with the IFES twine in lieu securing it with the metal clips.

This example illustrates another issue which should be addressed in relation to the donation of materials. The IFES team discovered that the UN had also donated pens and stamp pads after IFES had already procured them. It points to the fact that if there is to be more than one organization donating equipment and supplies, there should be an effort to coordinate the assistance in a way which would prevent duplicating donations and reduce potential waste in the process. Placing personnel in-country well before an election is required for effective donor coordination. Due to the emergency nature of this project, extensive coordination was not feasible.

Final Disposition Following the Election

Since the Central Election Commission and the ad hoc Secretariat had only temporary status and would be dissolved when the elections were over, a final question to be addressed concerned the disposition and distribution of equipment after the election cycle came to a close. After extensive consultation with appropriate officials, it was determined that the equipment would be transferred to the new parliament. The availability of this equipment would allow the parliament to operate in a much more efficient manner. Upon securing the approval of all interested parties, the IFES team took measures to ensure the future installation of the equipment into parliament.

Arrangements were negotiated and the legal advisor of the former parliament was selected to oversee the transition.

Recommendations

1. The process of importing commodities would benefit from more advance time to analyze the environment, and resolve customs and logistics issues related to import. In this mission the IFES team had to resolve all the complex issues in just 3 days. This was a direct result of the previously described "emergency" basis on which this entire project took place. The IFES team recommends that in such an unstructured environment experiencing severe fluctuations in its administrative organization, at least one week to 10 days of advance time should be provided for on-site preparations for the arrival of commodities to be effectively executed. An increase in the advance planning time would also have allowed for a preliminary analysis of the structure of government and identification of the relevant entities and key players prior to the date shipments were due to arrive. In this project, the project manager was required to research and solidify relationships with the appropriate entities and at the same time deal with critical logistics issues requiring his full attention as well as other major problems needing immediate resolution.
2. Organizations donating computer hardware to developing nations should automatically consider supplying appropriate software. This would allow for a more immediate, efficient and productive utilization of the equipment supplied. In addition, the inclusion of accompanying literature in an appropriate language version should be assured.
3. It would be beneficial for donating agencies to make a formal attempt to coordinate their donations and consolidate

their import, distribution and installation through common channels whenever feasible. This approach could benefit donating agencies by helping to prevent duplications and waste and provide better assurance to recipient countries that the commodities being sent are suited to their actual needs.

4. It might be appropriate to uniformly consider an alternative type of ballot box seal at any time a request for this type of commodity is made. The IFES team would suggest that the self-adhesive, sticker-type tamper-proof seal might be a better choice because it would be usable on any type of ballot box no matter how it is designed. In the case of this election, it would have also been more consistent with other security provisions being implemented which required election officials to sign their names to various documents and materials. The sticker-type seal could have provided space for the signatures of the voting officials responsible for the security of the ballot box. These types of stickers could also have served a second purpose and been used for securing the packages of ballots during their transport to and from the voting stations.
5. Due to the difficulties in transportation and communication in Albania, extra time should be allotted to maximize the effective closing of projects.
6. The IFES team noted that there was a commodity which was sorely needed but which had not been provided by any donating agency. Election officials had no appropriate material to use for packaging or transport of ballots to and from the voting centers. It became apparent that individuals serving at the zonal distribution centers and at the voting centers themselves had to use their own initiative to find containers or paper to wrap their

ballots. In some cases they simply wound the ballots with string while some officials used paper bags or newsprint. None of these wrappings afforded the degree of security necessary to ensure the safety of the ballots. It would have been more beneficial if officials had been provided with sturdy uniform sized envelopes or packing boxes in which to transport their ballots. Envelopes with self-adhesive flaps such as TYVEK envelopes, would provide greater security for the ballots enclosed. Additionally, these envelopes could be preprinted to provide space in which to write the identity of the zone and voting center, the number of ballots enclosed, and the names of the individuals responsible for packing the contents. Having a preprinted envelope such as the type described could eliminate the need for other accountability forms which were handprinted and stuck to the outside of the packages being prepared. Uniform packaging would also make it easier for the archiving and storing of the materials after the election was over.

III. ADMINISTRATIVE AUTHORITY FOR THE CONDUCT OF ELECTIONS

There is no regular and on-going government agency specifically charged with the responsibility of conducting elections. Rather, the Law on Elections calls for the establishment of a three-tiered organization of election commissions, created anew for each major election cycle.

The three levels of the commissions are:

1. the Central Election Commission (CEC), the overall policy making body with ultimate responsibility for implementation of the election law, and direct supervisory control over election activity carried out by the zones throughout the country;
2. the Zonal Election Commissions (ZEC), responsible for creation and maintenance of voter registers, selection and oversight of polling stations, and actual logistic and administrative organization of the election at the regional level; and,
3. the Voting Center Commissions (VCC), responsible for election-day activity and counting of the ballots at the polls.

In addition to the commissions comprising this tri-level organizational structure, two other administrative organs were employed in carrying out this election at the national level. They were:

1. an ad hoc Secretariat, made up predominantly of government officials and Parliamentary staff appointed to provide material, staffing, and financial support, and implement

administrative functions necessary for the conduct of the election; and,

2. the Informatike Institute, brought into service to provide computer support, programmers and data entry staff for the compilation and summarizing of nationwide election returns, and application of the mathematical formula for the distribution of supplemental seats.

The Central Election Commission

At the top of the hierarchy is the Central Election Commission (CEC), a 17-member body headed by a Chairman, Deputy Chairman and Secretary. Appointments to the CEC are made by the President based on proposals of the various political parties.

It is interesting to note that by law, the appointments are required to be made no later than 35 days prior to the election being called. That deadline coincides with the mandate that required that an election be called within 35 days of the dissolution of Parliament. Obviously, this means that the proposals of parties must be made on the same day. One can only assume that existing parties with members seated in Parliament are adequately forewarned of the move toward dissolution and therefore are already fully prepared to provide their proposals by the deadline. New parties, or those whose candidates were not elected to seats, may be disadvantaged. However, the law provides that parties not represented on the Commission are entitled to have representatives as observers.

As is stressed throughout this report, the key element contributing to the overall credibility of this election was the full participation of all parties in every part of the process. The composition of the CEC appointed to administer the March 22 and 29, 1992, general election reflected this policy. While the party affiliations of every

member could not be confirmed, the team was able to verify that at least 8 parties were represented as appointed members of the Commission. If there was concern that the former ruling party would dominate the membership, the reality was that the most represented party appeared to be the main opposition Democratic Party with at least 3 members. The CEC also included "depoliticized" members.

The men and women serving on the Commission appeared to have come from a wide variety of backgrounds. By law, the Deputy or the Secretary must be a lawyer. But the Commission also included members who came from educational and professional backgrounds such as doctors, school teachers, economists, mathematicians, historians, physicists, and veterinarians. It appeared that few, if any, had ever had direct election administration experience, although the Secretary, who had been a legal advisor to the Parliament, had actually participated in the drafting of the election law. In view of their apparent general lack of specific election experience, the IFES team could not help but be impressed with the caliber of certain people serving on the Commission, and the degree of commitment they exhibited in carrying out their responsibilities.

Duties of the Central Election Commission

Under the law, the CEC is responsible for ensuring the strict and equal implementation of the election law throughout the whole country, and is also responsible for determining the methodology by which election activities are carried out at all levels. The CEC is charged with monitoring the activities of the election commissions in the zones and their compliance with the law, and reviews complaints as well as acts as the appellant body with regard to appeals brought against decisions or actions taken by the zonal commissions.

The CEC also registers independent candidates and political parties (or coalitions of parties) including their symbols. In addition, the

CEC exercises control over the registration of the lists of candidates in each zone.

In addition to their legal mandates, the Commission had organized itself in a manner which further identified various administrative responsibilities and assigned responsibility for those tasks to individual members. These appeared to fall into 7 general categories including:

1. logistics and distribution;
2. dissemination of voter and election information and instructions;
3. financial administration;
4. proofreading of ballots and verification of protocol information;
5. security measures;
6. candidate and party registration issues; and,
7. certification of foreign and domestic observers.

The Ad Hoc Secretariat

The ad hoc Secretariat was an 8-member team representing the Council of Ministers, specially appointed to provide the administrative base for the conduct of the election.

Upon its arrival, the IFES team became aware that there was some controversy and concern regarding the ultimate source and extent of the Secretariat's authority. The Secretariat was composed primarily of government officials and administrators. The team had been led to believe that the sympathies of the majority lay with the former administration. This prompted some observers with whom the team spoke to question the Secretariat's neutrality in carrying out its responsibilities. The late addition of Article 92 in the election law provides the legal basis authorizing the creation of this special task group, although the wording of the Article is somewhat general.

It states, "The Council of Ministers is charged with providing the material and financial basis and adopting the organizational measures for the implementation of this law."

Reservations expressed to the team from various sources stemmed from the fact that there appeared to be some question as to whether the Secretariat or the Central Election Commission really had the controlling authority either on how the election would be carried out or on policy decisions affecting the process. This doubt was exacerbated by events which occurred immediately prior to the arrival of the IFES team and which brought the question of authority to the forefront. The Central Election Commission had authorized acceptance and use of ballots provided with funds from USAID which were printed in Austria. Just prior to the team's arrival, we were advised that the ballots had subsequently been rejected at the direction of the Secretariat, and that a decision had been made to print the ballots in Albania despite security concerns and greater material costs.

The ballot issue is discussed in more detail later in this report. However, while the decision proved to be supportable, the circumstance fostered a degree of suspicion as to which body carried more clout. However, as time passed the interaction between the two authorities became clearer.

The Secretariat was the administrative arm which actually pushed the buttons to set the wheels of the various administrative ministries in motion to support the election process. It was the Secretariat that supervised the work at the government print shop where the ballots were printed, while CEC members oversaw the accuracy and proofreading of the finished product. The Secretariat provided the actual manpower for the packaging of ballots and materials prior to their distribution to the zones. The Secretariat made the arrangements with public safety officials for the security of ballots while being stored, and in transit.

It was the Secretariat that assisted IFES in securing swift receipt of and entry of commodities and materials through Customs, and the Secretary of the Secretariat was very involved in determining exactly where equipment provided by USAID through IFES was to be installed. It was also through the Secretariat that appropriate engineers were on hand to assist with the installation.

The Decision Making Process

The IFES team was not able to clarify exactly how joint decisions were made between the CEC and the Secretariat, or on what basis actions of the Secretariat may have been carried out at the request or actual direction of the CEC. However, as the election drew nearer, it became clear that the decisions being made were well thought out, and well focused. In addition, there seemed to be a good communication link among the two agencies. Details were being addressed effectively, and, given the restrictive schedule, shortage of commodities, and unreliable communications apparatus, the work was being accomplished in a competent manner.

Aside from the concern over the question as to which agency was wielding the real power, especially since the Secretariat was seen as an extension of the former government and the Chairman of the CEC was thought to be aligned with the Socialist Party, there was an additional concern expressed that the activities of the CEC would support policies favorable to the former ruling regime. It should be noted, however, that even the Commission's leadership was balanced. The Deputy Chairman was affiliated with the Democratic Party and the Secretary was not a member of any party.

Nevertheless, in view of the country's recent history, with this kind of apprehension potentially tainting the confidence of the public and international community, the team was prompted to be particularly alert to any evidence of impropriety, manipulation, or subversive activity. Of particular concern was the manner in which the

Commission made policy and took procedural decisions. Article 34 of the Law on Elections dictates that the decisions of commissions are to be adopted by a majority of votes. The team observed that during meetings with individual members or small groups of Commissioners, when a suggestion was made which prompted additional thought, members with whom they were speaking would indicate that the suggestion would be considered and decided "at a meeting". Rarely was a decision made on the spot.

In some instances, suggestions deferred to "a meeting" came to fruition. For example, there had been some criticism that the protocol forms shown as examples to the international community appeared on two separate pieces of paper. The concern was that using separate sheets could provide an opportunity for original data on the second sheet to be replaced with false data after the protocol left the voting center, especially since the poll workers' signatures were only on one page. The team discussed this concern with one of the Commission members who made note of it and said it would be brought up in a meeting. When the actual protocols were printed, they were produced on a single sheet as suggested.

In another instance, the team participated in a discussion with some members of the Commission about the disposition of unused ballots left over after the closing of the polls. The team had heard allegations that in the past there was a question as to whether extra ballots might have been marked and used to alter the outcome of the election. There is always concern that left over ballots provide an opportunity for manipulation. Quite frequently, provision is made in democratic election procedures that unused ballots are counted, accounted for on the protocol, and then destroyed at the polling place in full view of the poll workers and observers. This option was suggested and received with positive interest as a means to alleviate any perception that false ballots could be used to distort the outcome. In this case, the team was notified the next day that, while the suggestion had merit, a decision had been made that it was too late to change the

instructions already sent out to the zonal commissions.

It was difficult for the team to determine how these decision "meetings" were scheduled, and who would actually be present to participate in the decision-making process. There was insufficient opportunity to determine if these meetings involved the entire membership and a full majority vote as the Article 34 of the law implies.

However, the team is confident that decisions appear to have been made through a process of consensus involving a cross section of party representation. The validity of the decisions made by the Commission was borne out by the overall success of the administration of the election itself.

Zonal Commissions

The 100 Zonal Election Commissions (ZEC) carry much of the burden in administering the election throughout the country. The number of members on a ZEC varies depending on the number of parties that field candidates within the zone for a specific election. Headed by a Chairman, Deputy Chairman and Secretary, the balance of the ZEC consists of representatives of those electoral subjects that have successfully nominated candidates for that zone plus a non-party member nominated by the pluralist executive committee (municipal authorities) if the number of parties competing in the zone is even. The members of the ZECs are appointed by the Central Election Commission on the proposal of the local executive committee and after consultation with the political parties.

Again, the IFES team observed that even the selection of Chairmen for the Zonal Commissions was not heavily weighted on the side of Socialist Party members, as some observers anticipated. In fact, over half of the Chairmen were members of the Democratic Party, and still others represented additional opposition parties. Such

diversification in the leadership of the Zonal Commissions is further evidence of the commitment to equity and fairness in the election.

Duties of the Zonal Election Commissions

The ZEC is responsible for oversight of election activities within the boundaries of its zone, and exercises control over the establishment of voting centers and activities carried out by polling place workers. Recruitment and training of election workers also falls under their jurisdiction. They are also responsible for ensuring that the political parties are equally represented on polling station commissions. As overseers of polling site activity and monitors of local compliance with election law, the Zonal Commissions are also the first line of appeal when decisions made by poll workers at the voting sites are challenged.

Another one of its major responsibilities is to oversee the preparation and compilation of the voter registries, and the issuance of voter certificates to voters who will be away from their normal voting sites on election day. The ZEC is charged with the responsibility for the registration and verification of candidate nominating petitions, and the registration of party observers who will be present on behalf of the candidates at polling sites on election day.

In addition to these preparatory functions, the Zonal Commissions must receive and account for all ballots, election materials and supplies provided by the Central Election Commission, and prepare them for distribution and transport to all the voting sites on its territory. After the polls are closed and ballots are initially counted at the polling station, the ZEC prepares the summaries of consolidated results for the zone which are reported to the CEC, and is required to ensure the safekeeping of voted ballots, documents and returned

materials supporting the final results of the vote reported from the voting centers.

Voting Center Commissions (VCC)

The actual conduct of election day activity at the polling sites is carried out by the Voting Center Commissions (VCC). Each voting center is managed by a commission made up of a Chairman and a Secretary as well as representatives of the parties fielding candidates in the zone in which the voting center is located. In a manner similar to that prescribed for Zonal Commissions, based on a proposal of the pluralist executive committee after consultation with the political parties, the members of a VCC are determined by the Zonal Commissions.

During its stay, the IFES team focused on Zone 82 in Tirana to observe the entire election process in a zone to the voting center level, including preparation, voting, counting and reporting of returns. One point of particular interest was the manner in which the ZEC determined the membership of its VCC. In this particular instance, the ZEC had prepared a chart identifying its voting centers, and the composition of each VCC. The Chairman of the Zonal Commission had indicated that his Commission's objective was to appoint the Chairmen of the voting centers in a manner that gave each party fielding a candidate an equal number of Chairmen. However, noting the chart posted to the wall, it was clear that some parties had fewer Chairmen assigned than others. It was explained that the final decisions were made by a consensus vote of the Zonal Commissioners based on the skills and abilities of the persons proposed by the executive committees. In some instances, the final choice was made on the group's vote for the person most qualified to chair a commission, rather than just on the basis of party affiliation alone. While the intention to see that all parties shared leadership roles equally was not precisely applied, the end result did provide an acceptable balance, and determinations were made in a fair and reasonable manner.

Duties of Voting Center Commissions

The role played by the VCCs is the same as in most democracies. They are responsible for ensuring that the election law is applied at the polling station on election day, and that the voting activities are conducted in an orderly fashion. They are responsible for full accountability for all ballots and materials received for election day polling activity and ensuring that the number of voted ballots accurately reflect the number of eligible voters appearing to vote. They maintain the registry of voters casting ballots, and must verify both the identity and eligibility of each prospective voter. At the close of the polls, the VCCs also carry out the counting of ballots, and recording of the final results in their precinct. Their documents also include notations regarding any complaints, difficulties, or requests made by voters or candidates throughout the voting day and counting process, as well as decisions made by the VEC in response to those enquiries. Finally, they are responsible for the transport of all voted ballots, documents, unused ballots and materials and summaries of the voting center's results back to the zone for secured storage.

Decentralization and Temporary Status of the Commissions

Two critical issues deserve comment. The first relates to the obvious decentralization of administrative responsibilities for the conduct of the election. At the time of the IFES team's visit, criticism had been expressed that such extensive decentralization was problematic because there could be no assurance that the Central Election Commission could sufficiently fulfill its mandate to properly oversee the conduct of the election under the strict and equal implementation of the law. In addition, the concern was that political parties or election observers would not be able to adequately monitor critical functions.

The IFES team appreciates that such concerns reflected a justifiable caution in view of the country's history and tense political environment, and in view of events which clouded the conduct of elections just one year ago. In addition, Albania's lack of reliable communications adds to the concern. However, the team would suggest that decentralization is not, in and of itself, detrimental to the conduct of free and fair elections. Further, it is unlikely that a centralized system could have been organized with sufficient sophistication, manpower and efficiency to meet the massive task at hand in the severely restrictive time lines required for this election.

The second issue which deserves discussion relates to the temporary status of the Central Election Commission. Experienced election administrators would probably agree that a key ingredient for the efficient, uniform and accountable conduct of elections is continuity. An efficient election system evolves. With each election, lessons are learned leading to improvements and a streamlining of the system. Whether they relate to administrative technicalities, legal controversies, or logistics issues, nothing teaches like experience. Under the current law, Albania is not affording itself the benefit of such experience. The commissions serving in this last election created a solid base on which to build. Unfortunately, for future elections new commissions may be forced to reinvent the wheel, time and time again. In view of the severe time restrictions allowed under the law and with no institutional memory firmly established on which to draw, new commissions will find themselves with many of the same administrative difficulties, policy questions, and negative perceptions and allegations to deal with every time an election is called.

Recommendations:

1. The IFES team believes that the creation of a permanent, civil service election office within the government is worthy of consideration. There could be many viable scenarios including a small full-time permanent depoliticized staff augmented by the current temporary political appointments during peak election cycles, or a staff of political appointees serving for rotating terms, or a combination. In any case, the development of professional election administrators would provide the continuity and expertise needed to maintain an efficient, consistent and accountable election system on an on-going basis.

There is tremendous potential for a permanent election agency to overcome some of the difficult challenges which can not be adequately resolved in the 35-day time period prior to an election and which promulgated many of the allegations challenging the integrity and efficiency of the system. For example, concerns about potential irregularities were raised because the Commission could not provide a definitive projection of the number of voters, or lists of polling sites or zonal maps. Several of these issues are discussed in more detail in other sections of this report, but briefly, an on-going agency could be responsible for:

- a. formalizing, updating and maintaining administrative policy decisions through supplemental regulations or procedure manuals;
- b. formal delineation of zonal, district and precinct boundaries;

- c. assisting in the creation and maintenance of a master voter registry with periodically scheduled updates, to minimize the additions and corrections needed prior to an election;
 - d. registration of parties;
 - e. on-going dissemination of voter information; and,
 - f. development of formalized training programs and preparation of training materials for election workers.
2. Of key importance is the dictate of law which stipulates that the election commissions are "independent bodies and answer for their activity only before the law." In view of the late addition to the law of Article 92 and the creation of the ad hoc Secretariat in addition to the CEC, it might be appropriate to formally define the chain of command between the two bodies. In a critical situation regarding a key question of policy, there should be clear guidance as to where the ultimate authority lies. The cooperation between these two agencies in the conduct of the March 22, 1992 general election proved productive in the final analysis, however, such a clarification of each agency's authority could alleviate potentially damaging suspicions, allegations and delays, and provide a solid basis for the interfacing of the two agencies in future elections.

IV. THE LAW ON ELECTIONS FOR THE PEOPLE'S ASSEMBLY

(See Appendix A for complete law)

The Law on Elections clearly and decisively promotes sound democratic principles and provides appropriate general guidelines for the policies and procedures underpinning the election process. Clearly, the principles it embodies were carefully and conscientiously thought out. The legal advisors and parliamentary members who fostered this law are to be commended for their research, vision and clarity of thought. The law reflects the adaption of successful laws from other democracies. But equally important, it also includes interesting and innovative solutions to problems encountered by other countries as they develop democratic institutions, and adds unique provisions which respond directly to the sensitivities of the Albania's historic, political and social environment. What makes the effort even more remarkable is that this law was finalized and enacted in less than two weeks. It was signed into effect on February 4, 1992, less than 6 weeks prior to the first election to which it would apply.

It is notable that the drafters were able to anticipate and address such a wide variety of issues and possibilities so thoroughly and in such a practical manner. The law sets well delineated guidelines covering:

1. the rights and qualifications of voters and candidates;
2. procedures for the election of a unicameral national legislature from single member districts, based on a combined majority/proportional representation system;
3. the creation of and the functional roles of three-tiered administrative authorities for the conduct of the election;

4. procedures for the registration of candidates;
5. campaign activity including party and candidate rights to media access and campaign funding;
6. preparation of voter registries;
7. delineation of zones, and selection and staffing of polling sites;
8. detailed procedures for election-day activity at the polls;
9. detailed rules for the casting of votes and counting or invalidation of voted ballots, and the reporting of the results;
10. extensive participation of political parties in various administrative and policy-making phases of the process;
11. appeal procedures;
12. corrupt election practices and penalties imposed on individuals engaging in such practices;
13. authorization and participation by both foreign and domestic observers before, during and after the election; and,
14. the precise calendar of events specifying the deadlines by which various election activities must be accomplished.

Democratic Character of the Law

Several key features validate the democratic character of the law. who has not been convicted of a crime or declared mentally incompetent by a court, and also guarantees that each person's vote is secret. It provides for the automatic registration of citizens based on their civil records on file with municipal authorities and from which their national ID cards were issued, with no additional effort required on the part of the voter unless the voter moves or will be away from his regular polling area on election day.

Provisions are incorporated to ensure easy access to the polls by the broadest spectrum of voters. First, the law requires that elections be held on a day which is not a regular work day, making a visit to the polls more convenient. It is concise in establishing objectives which are to be met in the selection of voting centers based on reasonable numbers of voters, and size and location of communities and villages. The law also accommodates the administrative transfer of the names of military personnel from their regular registries to voter registers in the location where they are stationed. And, the law calls for the set up of voting centers in hospitals, sanitariums and similar institutions. It even provides for the establishment of voting centers at work sites where there are more than 50 voters employed, and when the work site is more than 3 km from the nearest voting center. Allowances are also included which authorize individuals who have difficulty in voting to receive assistance in casting their ballots.

Any citizen over the age of 21 may run for office as a representative of a party, or as an independent candidate. Reasonable and attainable petitioning requirements are established affording liberal access to the ballot. In a general way the election law provides for a limitation on any single individual's power by prohibiting deputies of the assembly from holding any other elected or appointed local or national office.

Majority/Proportional Representation

It is in this area that the Law on Elections of the People's Assembly exhibits a unique and innovative approach to determining the manner in which seats in the Assembly will be awarded. The system provides for a two-round majority system which is then augmented to achieve proportional representation based on the total number of votes received by each party in the first round. The country is divided into 100 zones, the territories of which are determined to the degree possible on approximately equal populations. A candidate is elected by direct vote in each of the 100 zones. However, the law calls for a legislature made up of at least 140 members. The first 100 seats are determined by direct vote. At least 40 additional seats are distributed to achieve proportional representation and redress any inequities in achieving that end which result from the simple majority system. The total number of compensatory seats can exceed the lower limit of 40 to the extent necessary to achieve overall proportional representation. However, mathematically, it would require an extreme skew in the distribution of votes and seats in the zones to result in a dramatic excess over 140. In the case of the March 22, 1992 election involving over 500 candidates, the final number of compensatory seats required to meet proportionality fell within the minimum 40 provided for in the law, resulting in a legislature of exactly 140 members. (See Appendix B for Election Results).

In the first phase, candidates in each zone directly oppose one another during the general election. If the top candidate of the zone receives at least 50% of the votes cast, he or she is elected and certified to a seat in the legislature. If no candidate receives 50% or more of the vote, the top two candidates face each other in a run-off election one week later, to determine the zone's winner by direct election.

The second phase of the system assigns the additional 40 or more seats to party candidates identified on supplemental candidate lists

supplied by any party who has successfully nominated candidates in at least 33 zones distributed in at least 9 of the country's 27 administrative districts. Parties failing to achieve these criteria are not entitled to submit supplemental lists and do not benefit from the subsequent adjustment implemented to achieve proportional representation. From the supplemental candidate lists of the parties who have qualified, additional seats are awarded to parties based on their proportional share of their total nationwide votes earned in the first round.

This interesting approach provides opportunities for smaller parties to strengthen their representation. At an extreme, it allows smaller parties to gain seats even if they do not win a single seat in the direct vote rounds. Assume that a party has qualified to submit a supplemental list of candidates, but fails to win a clear victory in any zone under the direct majority system. If that party achieves greater than the required threshold of 4% of the total votes cast nationwide, they would be eligible to hold a proportion of the total number of seats in the final legislative body, equal to the share of the initial vote their party's candidates received cumulatively nationwide in the first round. They would gain these seats through the mathematical distribution of the compensatory seats. Individuals selected to hold the seats are designated from among the names provided by the party on their supplemental candidate list, in order of their appearance on the list.

As a short side note, it is important to understand that the second round can have an influence on the eventual total number of seats making up the parliament even though the proportions are based on first-round results. For example, if there was a circumstance where an extraordinary number of run-off elections was required, a strong party sweep in the second round by a single party could alter or significantly increase the number of compensatory seats election officials anticipate based on the known vote percentages of the votes garnered by each party in the first round. But again, it would take

an extreme circumstance to result in a legislature significantly larger than 140 members.

It should also be noted that when final results and distributions of supplemental seats are awarded, the overall percentage of seats held by a party may appear to be higher or lower than their actual share of the first round vote. That is because the shares of votes earned by parties failing to achieve the 4% threshold are not projected into the distribution of proportional seats. When the final number of legislative seats is known and the distribution of supplemental seats is accomplished, the proportion of seats actually held by the parties falling below the threshold will be smaller than their apparent share after the first-round results. The size of the legislature may have increased with the compensatory seats, however their number of seats will not have increased, leaving them with a smaller share of the larger body which has resulted.

Campaigns

A serious attempt is also made in the election law to provide an equitable guideline regarding campaigning and access to the media. Under the law, any citizen or political party has the freedom to campaign through rallies, meetings, radio, television, press or other media. Local government officials are mandated to provide equal propaganda opportunities to every party. Access to radio and television time is proportionately provided based on the number of candidates fielded by the party. However, on the last day before the election, all parties are allowed air time to broadcast their political messages.

Further, the law calls for state contributions of funding for campaigns based on uniform criteria which takes into account a proportionate contribution based on the number of candidates fielded by a party, and the number of votes the party won in a previous national election. Under the first standard, new parties are

provided equal access to funding. The second standard, of course, provides an advantage to stronger, existing parties, which may not be unreasonable in view of the fact that they are subsidized directly proportionately to their proven viability among measurable popular constituencies. The law further requires that once funded, a party which fails to receive at least 3% of the votes cast in the zones in which it has fielded candidates, is obliged to repay the amount it received from the state.

The campaign statutes provide some restrictions which attempt to ensure equity among parties and candidates, discourage unethical campaign practices, and prohibit campaigning in depoliticized institutions, local government offices, and military installations.

Although the thrust of the IFES team's focus was on the technicalities of the actual administration of the election itself rather than the partisan political aspects, it was interesting to note that the Political Party Law also seeks to curb undue influence from outside sources. For example, the law allows for parties to accept funding from foreign political parties or international unions of parties as long as it does not exceed the amount awarded to the party by the Albanian government. It is not clear how such contributions are monitored or how non-monetary resources or contributions of commodities provided to parties from outside sources might be treated under the law. Further the Party Law prohibits political contributions from foreign governments.

In addressing the various concerns related to campaigning, the Law on Elections includes prohibitions on:

1. the vandalizing of a candidate's or party's campaign materials;
2. campaigning by anyone who is not an Albanian citizen;

3. disruption or interruption of a legal campaign rally or meeting;
4. propaganda which slanders or defames a candidate or party;
5. campaigning, or distribution of campaign materials in any state or local government office or military institution, or by military personnel while on duty;
6. publication of any public-opinion survey within the 8 days prior to the election;
7. the display or distribution of any campaign material in voting centers;
8. the use of any building or facility owned by a political party or depoliticized state institution as a voting center;
9. entry of any armed individual, including military personnel, into the voting stations; and,
10. the appearance of a military unit at the polling station, or the appearance of any military person in uniform unless the individual is on duty and at the polling center for the purpose of voting.

It is interesting that several articles focus on the rights and restrictions directly related to military personnel. Perhaps to ease the concern of undue influence from authorities over men in uniform, or to dilute potential for a mobilized involvement of the military in political affairs, the new law includes a significant modification. During the 1991 election, voting centers were located on military installations, and most military personnel voted on base. Under the new law servicemen are integrated into the regular civilian registries and vote at neighborhood voting centers.

The Right to Appeal Decisions of Commissions

The law affords reasonable appeal provisions should any voter or candidate be negatively affected by a ruling made against them by an election commission at any level. The appeal process accommodates administrative remedies at progressively higher levels of the commissions up through the CEC, and ultimately provides for a legal resolution in the court system should administrative remedies fail to adequately resolve the issue. And, the law attempts to establish an expeditious time frame in which each level of appeal has to be accomplished in order that a resolution may be achieved in time to ensure that the complainant is not disenfranchised. The following table illustrates the time frame for appeals.

TIME TABLE FOR APPEALS

VOTER REGISTRIES:

- 2 Days Each citizen may request a correction of errors or omissions on the voter registry to the official entity responsible for compiling the registry in his local area. The official must make a decision WITHIN TWO DAYS of the request.
- 3 Days The official's decision may be APPEALED to the District Court WITHIN 3 DAYS of the decision. In the presence of the citizen making the appeal and the official whose decision is challenged, the court announces its decision immediately and the court's decision is final.

DECISIONS OF ZONAL COMMISSIONS:

- 3 Days Decisions made by Zonal Election Commissions may be appealed to the Central Election Commission WITHIN 3 DAYS of the announcement of a decision. (Article 49)
- 3 Days The Central Election Commission must announce its finding WITHIN 3 DAYS of the appeal. (Article 49)
- 3 Days Decisions of the Central Election Commission may be appealed to Supreme court WITHIN 3 DAYS of the Central Election Commissions decision. (Article 50)
- 3 Days Supreme Court must render a final decision WITHIN THREE DAYS of the appeal. (Article 50)
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With regard to the appeal process, it is appropriate to comment on circumstances which drew suspicion and allegations of unfairness, but which when reviewed objectively authenticate the effectiveness of the appeal process.

In the 1991 election, an organization was formed by Greek-Albanians in the southern towns of Gjirokaster and Sarande called "Omonia". Although the organization was not officially a political party, in the 1991 election non-party organizations were allowed to field candidates. An administrative decision was apparently made at the time, however, that they could only nominate candidates in those geographic areas where their organization was formed, making it impossible for voters in other parts of the country who may have aligned themselves in that direction from voting for other candidate's who might also have been nominated by "Omonia".

In the Political Parties Law adopted in the summer of 1991, a prohibition was set against parties formed on a religious, ethnic or regional basis. Questions were raised as to whether or not this language was a direct attempt to systematically exclude this ethnic group from participating in the nomination aspect of the election process.

The Union for Human Rights Party, apparently supported by "Omonia" and led by ethnic Greek-Albanian leaders, was officially formed in February of 1992. By early March, the party had nominated 36

candidates, just over the number of nominees required to be eligible for compensatory seats in the legislature. The certification of candidates is handled at the zonal level and requires the verification of the candidate's petition and its incumbent supporter signatures by the Zonal Election Commission. In mid-March the CEC announced that 11 of the party's candidates had been rejected by the zones due to irregularities or insufficiencies in their petitions. The rejection of so many petitions belonging to this party caused criticism and distrust in view of other events affecting Greek-Albanians and their organized participation in the political arena.

The decisions of the zones were challenged by the party and the candidates and appeals were brought to the CEC. In each case the CEC upheld zone decisions. Still dissatisfied with the outcome, the party sought remedy with the High Court as is allowed by law. Of the 11 challenges brought before the court by the Union for Human Rights, the court upheld the CEC's decision on 7 cases, and overturned the CEC on 4. The 4 successful candidates were then added to the ballots for their zones. The court's favorable rulings in the 4 cases were not enough to re-qualify the party for a share of the compensatory seats. Nor did the actions of the court address the larger question regarding the philosophic appropriateness or potential ramifications of the new party law prohibiting formation of parties based on ethnic, religious or regional platforms. However, the process demonstrated that the rejection of the petitions was apparently not based on trivial issues and was not a purposeful attempt to exclude this group. Rather, their

decisions had been founded on rational grounds sufficient to warrant the zone's decisions being upheld by the High Court in the majority of cases. More importantly, it was a test that proved the viability and credibility of the appeal process afforded in the law.

The Election Calendar

If there is a single feature of the Law on Elections which is significantly problematic, it is the time table established for the conduct of the election. It is obvious that the drafters of the law attempted to create a logical timetable within the given parameters which required this election to be held within a 35-day time period. However, the law underestimates the time necessary to accomplish the various tasks required in the conduct of a national election. It was certainly evident in the March 22, 1992 election that many of the deadlines simply could not be met. The IFES team believes that the unrealistic time table was the largest single factor contributing to some of the deficiencies which could have potentially jeopardized the integrity of the election. The fact that the officials, administrators and poll workers were able to carry out the election with the degree of success they achieved in spite of these debilitating factors is a testament to their intelligence, competence, and commitment. As the following table illustrates, the timing of key events is simply too restrictive.

ELECTION TIME TABLE

According to LAW ON ELECTIONS FOR THE PEOPLE'S ASSEMBLY OF THE REPUBLIC OF ALBANIA

22 MARCH 1992 GENERAL ELECTION

<u>DEADLINE</u>	<u>REQUIREMENT/FUNCTION</u>	<u>ARTICLE</u>
22 MARCH	ELECTION DAY: Polls 7:00 - 18:00 (Extended until all voters present have voted.)	64
	Counting of ballots begins when polls have been closed.	26
24 Hours Prior	Campaign period ends.	51
	Final revision of registries to correct rolls for voters who have moved, are registered twice, died, etc.	
2 Days Prior	All Electoral Subjects are allowed to broadcast brief synopsis of their program.	53
7 Days Prior	Electoral Subjects may replace a registered candidate who has died or withdrawn.	18
8 Days Prior	Electoral Subjects nominating joint candidates in zone must notify Zone Commission of ratio for distribution of joint votes to be counted nationwide.	10
15 Days Prior	Zone Commissions make candidates' names and their electoral subjects public.	16
20 Days Prior	Members of the Council of Ministers, Chairmen, Deputy Chairmen and Secretaries of executive committees must be released from their jobs in zones where they perform duties.	19
	Candidates for People's Assembly must be registered by Zone Election Commissions.	13

DEADLINE	REQUIREMENT/FUNCTION	ARTICLE
20 Days Prior	Electoral Subjects fielding candidates in 33 zones in 9 districts may submit lists of up to 100 candidates for supplementary seats.	15
20 Days Prior	Voting Center Commissions approved by Zone Commissions based on proposal of temporary pluralist executive committee after consultation with parties.	39
25 Days Prior	Voter Registries must be made public.	21
	Lists of military voters are compiled and published by nearest pluralist executive committee to their temporary duty station.	22
	Zone Election Commissions approved by the Central Election Commission.	37
30 Days Prior	Voting Centers must be announced. as set up by temporary pluralist executive committees.	32
35 Days Prior	Number of Zones according to districts approved by President based on proposal of the Council of Ministers.	29
	Members of Central Election Commission must be approved by President based on party proposals.	35

There are several examples which may serve to illustrate the difficulties imposed by the tight deadlines. First, the law requires that the membership of the CEC must be determined at least 35 days prior to the election, based on the proposals of the political parties. By that same deadline, the delineation of zones must be approved by the President based on the proposal of the Council of Ministers. Because of the mandate requiring that the election be held within 35 days, it means that those major decisions were required to be made on the same day as the proclamation calling for the election, giving no time to parties or the Council of Ministers to adequately prepare their proposals.

From the day of the proclamation when the clock starts ticking, executive committees of the local jurisdictions have only 5 days to select and announce the locations of the voting centers. Under Article 32 the voting centers are to be announced at least 30 days prior to the election. With over 5200 voting centers involved, it seems unrealistic that the task can be accomplished in only 5 days. In addition, under Article 38 the zonal commissions are responsible for overseeing the establishment of the voting centers, yet, the appointments of the zonal commissioners are not finalized until 5 days later, or 25 days prior to the election.

Twenty-five days prior to the election is also the day by which the executive committees are required to have completed the compilation of the voter registries and have them available for publication. This means that the voter registries are also to be completed before the zone commissions are even appointed, and yet the law provides that the zone commissions are charged with overseeing the preparation of the lists. And, of course, because it is a manual system involving the identification and listing of over 2 million voters, 10 days seems prohibitive.

Within 5 days of the deadline for their appointment, the zone commissions are required to approve the voting center commissions based on proposals of the executive committees after consultation with the political parties. In other words, the legal deadline established in the Law on Elections requires the zone commissions to appoint all the poll workers for the election in just 5 days. In itself that means they have 5 days to recruit over 26,000 poll workers who must be equally representative of the political parties fielding candidates in each zone. Interestingly, under Article 13, the deadline for this activity falls on the same day by which party candidates must be registered by the zone. The registration of a petition for a candidate requires the verification of 400 signatures on the petition. Time must be allowed for the verification process especially in view of the number of petitions which may be received in any given zone. Since the candidate registration deadline falls on the same day as the appointment of voting station workers, it might be difficult for zone commissions to know exactly which parties will need representation on VCC's in their zone if the verification process takes more time to complete. This factor alone makes it impossible to meet the deadline for the appointment of voting center commission members.

Sometimes, even where a deadline is an absolute necessity, none is established, leaving certain activities open ended. For example, in Article 18, if a candidate withdraws or dies after being registered, the party may register a new candidate up to 7 days before the election. The law also provides, in the event that the withdrawal or death should occur within the 7-day period, for a replacement candidate to be presented from the party's supplemental candidate list. However, the law does not establish a final deadline for changes to be made that would allow adequate time for the change of candidate to be printed on the final ballot. If the printing of ballots is to be completed in time for the election, it is critical that there is an administrative cut-off for modifications for ballot printing.

In the weeks and days just prior to the election, many of the concerns and allegations raised regarding the seeming lack of transparency being afforded by the CEC stemmed from the fact that information such as the number of registered voters, numbers and locations of voting centers, and names of zone commission chairmen were not public. Some international and domestic observers, as well as members of the international press suggested that the information was being withheld intentionally, while others raised questions about the preparedness of the government, and the competence of the Commissions in carrying out the election. The IFES team believes that an objective review of the time frame allowed for this election, compounded by the familiar shortages of commodities and a less than reliable communication system throughout the country illustrates the real handicap under which administrators were working. In view of these constraints, their efforts in pulling off this election were heroic.

General Issues

The Law on Elections for the People's Assembly is worthy of commendation as a sound legal document on which to build toward democratization. It is clear that the guidelines the law presents are generally consistent with European and international standards and they furnish adequate assurances to provide a basis for free and fair elections. In its review of the law and its applications, the IFES team did note that certain points may need additional clarification. It is possible that some of the questions are a result of weaknesses in the English translation. However, certain areas of the law appear to lack specificity which might result in controversies or conflicts in future elections. There also appear to be sections which conflict with one another. And, there are articles that may be in conflict with articles of other laws which have also been recently enacted. The IFES team points to a few examples to illustrate the kinds of issues that deserve further legal review.

An example can be found in Article 14 which prescribes the required contents of a candidate petition and the authority of a zone commission in determining its sufficiency. The section provides that when a petition is found to contain irregularities, the subject is given two days to make the necessary corrections. The law then states, "In the event this is not done, the election commission makes the appropriate decision." The wording is vague and implies that the commission has some discretion in making its determination. When questioned about the latitude given the zone commissions in these instances, the CEC indicated that if the petition is not corrected, it must be rejected. If that is the intent, then the wording of the law should reflect it clearly to eliminate potential controversies over interpretation or inconsistent applications of the law which could result.

With regard to the method by which decisions of the various commissions are made, the law addresses the issue in two different ways. Article 24 which establishes the three levels of election commissions states, "The decisions of these commissions are adopted by the majority of votes." Simply stated the law would suggest that the majority of votes is based on the full membership of the commission making the decision. However, Article 44 leaves that premise in question. In that article, the law provides that commission meetings are considered valid when more than half of the members are present, and that "decisions at these meetings are made by a majority vote." The two approaches to the decision-making issue leave to interpretation what constitutes a "meeting." Under the latter article cited, the term "majority" in practical terms means something quite different than in the first citation. When one considers the significance of party participation in the decision-making process which provided the most important element in ensuring that the March 22 election was free and fair, the diminished concept of "majority" could potentially jeopardize the benefits of the party participation policy.

Perhaps there is a misunderstanding among observers, but some expressed a belief that under the military reorganization law enacted late in 1991, members of the military may not be members of a political party, and that no officers of the military may be candidates. However, in the Law on Elections for the People's Assembly, the question of their participation as candidates is related in a different manner. In Article 19, compulsory and active service military men cannot be nominated as candidates for deputies of the Assembly, "in the zones where their military detachments and units are installed." This wording suggests that, indeed, they could be candidates from other zones. If a disparity does exist between the two laws it is overcome by Article 93 which resolves conflicts in the law by abrogating any other provision which is incompatible. However, it would be advisable for the new lawmakers to clarify intent and eliminate conflicting passages, especially when they deal with such significant issues as ballot access.

The representation of all parties throughout the process offered valuable credibility to the equity with which this election was carried out. However, it is interesting to note that, as stated, the sections of the law which dictate this policy leave some loopholes that could alter its effectiveness in future elections. Of greatest significance is the section which deals with the composition of the Central Election Commission itself. Article 35 places responsibility for the appointment of members of the CEC with the President, "based on the proposal of the political parties." However, the article does not clearly mandate the President's obligation to accept, modify or reject the proposal. There is no clear mandate with regard to the number or balance of parties which must be represented on the Commission. While the balance was equitably and reasonably accommodated in the creation of the CEC for this election, such equity and assurance is not necessarily guaranteed by the law in its current form. There can be no certainty in predicting that future presidents will always be as predisposed to achieving a fair and diverse representation of parties when making their CEC appointments.

The articles dealing with appointments to zone and voting center commissions are more explicit in that they require "a representative of electoral subjects that have nominated candidates in that zone." Even this language could be strengthened with an amendment which requires composition that includes, "a representative of each electoral subject that has nominated a candidate in that zone." Other versions which set specific parameters for reasonable levels of party representation could still be mandated even if lawmakers find it necessary to set a maximum number of members for each level of commission. This is worthy of consideration in order to offset potential logistic problems which might occur if at some point the number of parties is so great that efficient functioning of the various commissions might be impeded by too large a membership. The law could establish a formula setting an acceptable mix of party representation across a zone, for example, even if each individual VCC did not have a member from every party. In any case, the major issue at hand should be clarification that ensures continuation of the wide participation of parties which proved so beneficial during the March 22, 1992 election.

Recommendations:

1. Serious consideration should be given to the development of an election calendar which more accurately reflects the real time necessary to adequately prepare for the election. A law which cannot be implemented does not serve the public interest, and puts administrators in a vulnerable position with regard to how their competence and uniform compliance with the law is perceived. Thirty-five days is simply too restrictive in view of the vastness and complexity of the task. Whether it is the new constitution which will set the deadline by which an election must be held after Parliament is dissolved, or whether the election law itself should set the deadline, it is very important that practical

realities be taken into account. While it is critical that the country not be left without a governing body for too long a time, the IFES team suggests that an extension not to exceed 60 days might be more realistic. The interim deadlines established for various election activities should be adjusted accordingly.

2. Lawmakers should give consideration to the establishment of some level of a permanent election administration agency to manage certain on-going support functions which are required for all elections, such as maintenance of voter registries, continuing voter education, formalization of zone boundaries, preparation and maintenance of policy and instruction manuals, etc. Such a move would ensure that a new wheel does not have to be invented every time an election occurs. In addition, the election system would benefit from the continuity afforded by institutional memory and improved efficiency borne out of experience. Development of a permanent infrastructure would also ease some of the logistic problems and irregularities which could have negatively affected the last election.
3. In view of the practical experience gained in the conduct of the March 22 election, it is recommended that the law be reevaluated in terms of clarifying legislative intent where the language of the law is vague or subject to interpretation. Amendments should be considered which would remove loopholes where opportunities for misuse could diminish the effectiveness of the law. The law should also be reviewed to ensure that consistency is maintained among various articles dealing with similar issues, as well as compared with other laws on the books to ensure that they are not incompatible.

V. ELECTION PREPARATION

Preparation of the Voter Registry

Fundamental to the viability of a democratic election is the accuracy and completeness of the registry of voters eligible to participate in the election. However, in any democracy, no matter how sophisticated the system or experienced the election administrators, creation and maintenance of accurate voting lists continually confounds election officials around the world. With the severe limitations which hampered election officials in Albania, officials managed to do a generally creditable job in accomplishing this massive task.

In Albania there is no mandatory requirement that voters take affirmative action to become registered if they want to participate in the election. Rather, the registration of voters is an internal administrative responsibility carried out by the executive committees (municipal authorities) throughout the country with responsibility for oversight being vested in the Zone Election Commissions. Citizens are registered to vote automatically based on the civil records maintained by the local authority. Every Albanian citizen is required to apply for a national ID card when he or she reaches the age of 16. In addition, most families must apply to the authorities for assignment to their places of residence. From these and other civic records maintained on permanent file, local authorities have extensive information about the citizens residing in their jurisdictions.

Local officials create the voter registries based on the citizen records maintained in their offices. Because housing and employment options have historically been controlled by the state, transiency is somewhat limited, and most people remain in the same community and in the same residence for very long periods of time. Under these circumstances, creation of the voter registries is not only feasible, but also proved to be generally comprehensive and thorough. However, there were certain logistic limitations that hampered the process.

First, as was discussed in more detail earlier in this report, the time frame for the creation of the registers is far too restrictive. Secondly, the process is completed manually. And finally, preparation of the lists is somewhat hindered by the less than scientific manner in which zone and voting center boundaries are delineated. The law requires that a separate voter registry be set up for each voting center. The delays incumbent in the selection of over 5200 voting center locations impacted the timeliness of the creation and public posting of specific lists.

Two concerns became apparent in the days preceding the election. The first related to the question of how voters would know whether or not they were accurately registered and where they were to vote since preliminary voter lists were not completed in many areas by the deadline established in the law. The second issue of concern was that the CEC was not able to provide reliable voter figures for use by parties and observers in their pre-election assessments, campaigns and post-election follow up. Without a reliable breakdown of the voters by zone and by voting center, concerns were raised by many observers about how accountability could be ensured regarding the distribution and control of ballots, and the eventual reporting of credible election results. Many observers regarded the unavailability of a definitive listing of the numbers and distribution of voters as a crucial pitfall which jeopardized the integrity of the election.

In spite of these reservations, the preparation of the voter lists was accomplished reasonably well. The IFES team observed posted voter lists in many precinct locations in advance of the election, but the timeliness of the posting was inconsistent. It is also very likely that in some areas lists were never posted in advance of the election at all. However, based on the specific voting centers visited by the team on election day, the voter lists appear to have been comprehensive and complete and served voting officials quite well.

On each registration list voters were listed in numerical order, but not necessarily in alphabetical order because the lists are created manually. It should also be pointed out that some jurisdictions were well enough organized that prior to the election each voter in the jurisdiction was issued a small document which told them, not only the location of their voting center, but also their number in the numerical listing on the voter register. By taking this slip with them to the polls, it was easier for the officials to find their names on the list. In view of the time frame in which the officials had to work, this measure was an extraordinary accomplishment.

The law makes every attempt to create procedures for voters who have moved, or who will be away from their normal location on election day to be transferred to the list of their new or temporary location so that they can vote. Changes in the official registries can be made up until 24 hours before election day. Voters initiate such changes by going to the municipal executive committee to request that his or her registration be corrected or updated to reflect their change of address or change of name. When a municipal executive committee acts on such a request, under Article 20 of the law it is its responsibility to advise the voter's former jurisdiction to ensure that the voter's name is removed from that site's register and that the voter is not registered twice.

The transfer of a voter from one registry to another by the deadline established by law is accomplished by a complicated administrative transaction. In these instances the voter is actually added to the register at his new location so that when he appears on election day, he may be allowed to vote in the normal manner upon the presentation of his ID card. If the correction is not officially completed 24 hours or more before the election, the voter may not vote. It is important to make this distinction because there seemed to be some misunderstanding regarding the use of "certificates" for this process. There seemed to be a widespread belief that any voter who needed a change made in his registration just prior to an election was issued

a "certificate" which allowed him to go to his new polling place and cast his vote on election day. In actuality the issuance of "certificates" was narrowly focused on a very limited number of voters. Only individuals serving as members of an election commission or as official election observers whose responsibilities would take them away from their own voting center on election day were eligible to receive a "certificate" which would allow them to vote at a different voting center. In the cases of these specified individuals a "certificate" was issued at the request of the subject nominating them to an official election post. Their status was indicated by a mark next to their name on their regular official register but their name was not removed from the list. Upon presentation of their "certificate" and ID at their temporary voting site, their names were added to a supplemental register for that voting center. All other individuals had to follow the normal change of registration procedures. The use of "certificates" was very restricted.

Other exceptions to the normal registration procedures were utilized for military personnel serving at duty stations away from their normal residence communities, and for persons residing in various institutions where voting centers were established. The registration of these individuals was administratively accomplished through the cooperation of executive committees of the local jurisdiction and the commands of military units and detachments and institutional directors. The local authorities of the temporary jurisdictions are responsible for notifying officials of the voters' former residences of the change. Once the former jurisdictions have been duly notified that voters have been assigned to a registry in the location of their duty stations, their names were removed from their former registries. Members of the military were issued a military certificate that validated their assignment to their temporary voting center.

Albanians living overseas were allowed to request that their names be added to the registry in the voting center where they formerly resided if they were going to be in the country on election day. Once their

names are officially added to the list, their international passport serves as their identification in lieu of a resident ID card, and their passport is stamped when they are issued a ballot to indicate that they have already voted.

The voting status of overseas Albanians did stimulate some controversy. There was an impression that "certificates" could be issued widely to overseas voters resulting in votes cast by potentially ineligible voters who were not properly registered. Fears surfaced among some observers and parties that vast numbers of overseas voters would be brought across the borders specifically to vote and affect the outcome of the election. However, the addition of overseas residents to the voter registries required official registration through normal channels at least 24 hours before the election. Under the law, these voters were not eligible to receive temporary "certificates" as some observers had feared. If their names did not appear on the official registers and if they failed to request registration by the 24 hour cutoff, they were not permitted to vote. Especially in the southern area of the country where the greatest number of problems had been anticipated, there were a number of reports of people being turned away for these reasons. While they were denied a ballot in the first round, they were able to request registration for second round elections occurring in their areas.

If there was a specific complaint involving registration procedures, it came from voters whose names did not appear on the official lists, and more specifically from voters who attempted to have their record corrected but were unsuccessful. It appeared that some voters did not understand the procedures. Another circumstance that seemed to occur more frequently than it should have, was that voters needing reregistration found that on the day before the election when they attempted to transact an official change, local officials and zone commissioners were not available. In Albania offices normally close by 3:00 p.m. Voters arriving at the offices of election officials after that time found that there was no one to assist them. In

addition, because of the last minute preparation of voting centers and tasks related to the distribution of voting materials to the polling sites, election officials were busy with other responsibilities. In other instances, IFES team members found that zone commissions had not received any certificates with their other voting materials. It will be critically important that these administrative problems be overcome in the future.

While some difficulties were experienced in the preparation of the voter registries, there was no question that officials made a concerted effort to do the most thorough job possible. In its public announcements, the CEC acknowledged that approximately 2,000 voters across the country fell victim to such difficulties which prevented them from voting. Spread over the 100 zones, that would amount to about 20 voters in each zone who were affected by registration errors and omissions. It is difficult to comment on the accuracy of the CEC's estimate. Even with the obvious flaws, however, the registration effort made by election officials did reflect their sincere commitment to the exercise. The IFES team believes that the final results of their work also reflected a degree of accuracy which would meet generally acceptable standards, especially in view of the logistics and time restrictions involved.

The Ballots

As noted earlier in this report, controversy surrounded the preprinted international ballots which had originally been subject of a request for international aid. With so little time for preparation before the March election, and in view of the severe shortages of paper in Albania at the time, it was feared that the country was not adequately prepared to ensure production of ballots in time. In response to the request, the U. S. Agency for International Development (USAID) promised to provide the ballots for the upcoming elections. In order to guarantee timely delivery, and because the deadline had not been established for the registration of candidates, the ballots were

generic, and did not contain the names of candidates. However, the design of these blank, generic ballots was consistent with the types of ballots that had been prepared and used for the 1991 election.

Subsequent to USAID's fulfillment of the request, the Parliament was dissolved and the Central Election Commission and ad hoc Secretariat were set in place. Unfortunately, other unanticipated circumstances inadvertently created a controversy over the international ballots. The United Nations, responding to a similar request for assistance, had sent an elections expert to Albania to provide technical assistance to the interim government and the CEC in making preliminary preparations for the administration of the elections. During the course of those advisory meetings, discussions arose about Albania's traditional use of blank ballots and the benefit of having candidates' names preprinted on the ballots. In addition, by this time the newly delegated authorities were able to secure an agreement with Italy to provide the needed paper which contributed to the impression that the ballots could indeed be printed in the country.

There had been a good deal of suspicion expressed when government officials refused to accept the international ballots based on a decision made by the ad hoc Secretariat representing the Council of Ministers. It is ironic that the subsequent misgivings came from both the government and the opposition. Government officials questioned the acceptability of the arrangements with USAID, while opposition forces appeared to view the rejection of the international ballots as grounds to question the government's commitment to hold the election on time.

In light of these concerns, the IFES team took the initiative to view the printing of the ballots at the Government of Albania printing house during an unannounced visit. IFES was allowed unencumbered access to the secured facility. The paper being used for the ballots was imported from Italy specifically for this purpose. In addition to providing space for the identification of the zone and voting

center from which each ballot would be issued, the ballots included the names of all certified candidates for the zone listed in alphabetical order and their party affiliations.

The ballots were also designed to include several security features:

1. The ballots were printed with a gray-green screen over the entire face of the ballot which served as a background for the text. The ink was similar to the gray-green print used on currency, and served to make reproduction difficult.
2. In the upper left-hand corner of the ballot was a symbol which appeared similar to those found on puzzles which when viewed through a certain colored lens, reveal a secret message, word or picture. (The team was not able to determine if, indeed, a secret symbol could be deciphered in this manner.)
3. Each ballot also provided space in which the Voting Center Commissions were to stamp their uniquely numbered seals at the time the ballot was issued to a voter from their site.
4. The ballot also provided space for three members of the Voting Center Commission to affix their signatures on each ballot they issued.

One of the chief concerns had been whether or not the Central Election Commission would be able to print all the ballots in time for the election. As of March 18, all ballots had been printed with the exception of those for 4 zones. The ballots of two other zones were being held at the print shop awaiting word as to whether they would have to be reprinted to accommodate withdrawal and replacements of candidates, as allowed by law.

Training of Zone and Voting Center Commissions

Based on extensive discussions with members of the CEC and Secretariat and direct observations of their activities, the IFES team was satisfied that the procedures being implemented. In addition, the policies being enforced were sound. If implemented properly, the procedures certainly had the potential to satisfactorily meet commonly accepted standards for administering a fair and credible election. One of the major concerns of the IFES team, however, was whether or not there would be adequate training to ensure that zone commissions and voting center commissions could carry out election plans as they had been designed. The time constraints alone severely limited training opportunities. Within the 35-day period before the election, the CEC was compelled to formulate procedural decisions at every juncture, leaving very little time to prepare written and formalized instructions. In addition, given the transportation and communication limitations, distributing the information to all the zones and voting centers was extremely difficult.

Throughout the team's stay, the CEC did manage to prepare a number of formal instruction documents covering a variety of subjects. They were presented in a format suggestive of a legal document or proclamation rather than an instruction manual. And much of this material was distributed in the final week before the election.

One of the principal obstacles to formalized training was the fact that the CEC lacked adequate equipment for reproducing instruction materials early enough in the preparation phase of the election. The copying machines provided through IFES were the first actually installed and available specifically for the CEC's use. The result was that even during training workshops, there were no materials or samples of forms available for review of the workers being trained. This was particularly notable during two training sessions which the IFES team attended. The first was a seminar organized by the Conference on Security and Cooperation in Europe (CSCE) in cooperation

with the CEC, about one week before the election. At one point, zone commissioners and other participants were instructed on the use of the protocol which would be used by voting centers for maintaining their ballot accountability and reporting the results of the vote. However, there were no samples of the protocols available for distribution to the participants. Rather, the procedures were described orally.

The IFES team also observed a training session organized by Zone 82 for its voting center commissioners. The team had targeted this zone for direct observation follow-up throughout the process from beginning to end. Here again, there were no training materials available for distribution to the participants themselves.

The team noted that at this particular session, a complete roll call was taken to make sure that representatives of each voting center were in attendance. Of the 43 centers in the zone, only one was not present. At the beginning of the session a speech was made by one of the zone commissioners reminding those present that the fate of this election rested in their hands. The Commissioner stressed that the credibility, integrity and accuracy of the election was up to the voting center commissioners. It was their job to ensure that the election was fair and that it was in their hands that the country was placing its trust. With that message setting the tone for the meeting, each phase of the process was discussed. The primary tool was a copy of the law itself since many of the procedural questions are addressed clearly in the language of the law. Major sections dealing with the procedures for processing voters at the polls were read and discussed. Throughout the session the floor was open for questions, and it was clear that there were many. Notably, it appeared that the zone commissioners themselves were not entirely confident about some of the issues.

In spite of the limited opportunities and the shortage of commodities and materials which could have contributed to the training process significantly, it was evident that the procedures were generally

carried out in a satisfactory manner. In its observations of election day activity, the IFES team noted two particular factors that appeared to have filled the gap where formalized training may have fallen short. At several of the voting centers observed by the team, the commission had a small booklet on the election law. It was clear that these books had been well read. In several instances, the team noted that the booklets seemed to be well marked with notations, and that the law was used as a reference throughout the voting day.

The other factor was the clarity of the instructions which were included in the materials themselves. Of particular note was the fact that the protocol form was written in a manner that made reporting requirements very clear. At virtually every voting site visited by the IFES election consultant on election day, poll workers were asked if they had any difficulties understanding their responsibilities particularly with regard to completing the protocol. In every instance, commissioners commented that the forms were very clear and that they had no difficulty understanding what was required.

It deserves comment that the lack of opportunity for formal and institutionalized training which would have been permitted had there been more time, may have resulted in some lack of uniformity in the manner in which procedural or policy questions were resolved from one zone to another. This may have been particularly true in the decisions made by voting center commissions regarding invalid ballots or ballots improperly or unclearly marked by the voters. If there were resulting technical shortcomings, however, it is important to note that they were eased by the fact that all decisions were made with the joint participation of all political parties involved, and in full view of both domestic and international observers. Within each voting center, decisions had to be agreed to by a majority vote of its membership. Each member of the commission had to sign his or her name to the report of results. Such involvement by the parties of the contending candidates went far to ensure the fairness if not the systematic administration of the election, and the equitable and

accountable manner in which the voting center commissions carried out their responsibilities.

The effectiveness, accuracy and efficiency with which the voting center commissions carried out their work is a testament to their intelligence, dedication and commitment in seeing that the election was carried out properly. However, training of officials on the zonal level before the local elections is strongly recommended.

Secret Stamps for Voting Centers

The IFES team was the only delegation provided full access to observe every step of the process regarding the assignment of a secret uniquely numbered stamp to each voting station. Only three of the Commissioners had access to the actual list which identified the randomly selected sequence of numbers which would be assigned to each zone. The team was present at the late-night session for the actual packaging of each voting center's stamp in a secret envelope which was closed to prevent tampering.

There had been concern expressed that the stamps would be those used in a former election, since the Commission had refused to accept the stamps coming through IFES. The team inspected the stamps, and can testify that they were new, and that the care which went into the design of the security system for which the stamps were to be used was extensive and adequately implemented to provide the security intended.

There was a degree of misunderstanding with regard to the manner in which each numbered stamp would be accounted for. The team had originally understood that the actual number of the stamp assigned to a voting center was specifically identified on the secret list maintained by the three Commissioner's responsible for this phase of the process. In actuality, the accountability was not that refined. Rather, the three-member team had randomly selected a range of numbers which were secretly assigned to a zone. Each zone's range of numbers

was packed in a separate box from which a single stamp was blindly removed for sealing in an envelope for each voting center within the zone. The Commission would ultimately be able to track a number to verify that a certain voting center's stamp was in the correct range.

In addition, it should be noted that the three-member team had personally called each zone to confirm the number of voting centers for which stamps would be needed. Because selection of the voting centers was decentralized and ongoing up through the day before the election, the exact number of sites was not exactly known. Each zone received a specific number of extra stamps to accommodate additional voting centers which might be put in place. The number of extra stamps was based on the total number of voting sites anticipated in the zone so that larger zones received more extra stamps than smaller zones. The distribution of extra stamps did raise some concern. However, each zone had to account for each stamp issued from its quarters, and return any stamps left unused, still in their sealed envelopes.

Packaging and Storage of Ballots and Materials

The team observed the method for packing and accounting for the number of ballots actually issued to a zone for distribution. Each package of ballots was counted by two individuals, who had to sign their names to the package attesting to the number of ballots inside. The same procedure was followed for the packaging of election supplies, such as pens, stamp pads, etc. Because the system of creating the voter registers was decentralized and lists continued to be changed up to 24 hours before the election, the actual number of voters was never really known before election day. However, estimates were provided to the Central Election Commission for each zone.

Before distribution, the packages containing ballots and seals were stored in a secured area requiring three keys for access. The padlocks were also secured with sealing wax in the keyhole and

imprinted with a signet. In the case of the list of stamp distribution, no one had access to the area in which the list was sealed except the three-member team responsible for their security, and none of them could gain access to the area unless the other two members were also present.

Distribution

The IFES team also had the opportunity to observe the procedure by which zones retrieved their ballots. In the cases for which the team was present, two to three members of the zonal commission were present. The persons turning over the ballots and commodities were required to sign delivery documents as were the persons receiving the materials, attesting to their transfer. Each of the loads observed being taken away to the zones was accompanied by 3 or 4 armed policemen. While the numbers of witnesses and security people involved may have varied depending on the size and distance of the zone, the basic intent appeared to be sound.

One of the areas where there could have been potential problems was at the zonal level where the packages of ballots were opened and broken down to smaller quantities to be repackaged for actual delivery to individual voting centers. The Central Election Commission's instructions were for each zone to repackage ballots following the same procedures implemented at the CEC level. Each individual counting out and packaging ballots for a voting center had to sign the package attesting to the number of ballots enclosed. Individuals at the voting center had to sign for the ballots received, recounting to verify the accuracy of the count. The number of ballots received had to be accounted for in the protocol completed after the close of the polls on election day.

From a cynical viewpoint, it was at this level that there could have been a potential for manipulation. Since each zone selected its own voting sites, repackaged the ballots for distribution, and was given

one or more extra seals, there would have been an opportunity for a zone to create a "bogus" voting center from which ballots could be falsely "voted" and reported. However, because at each step individual signatures of several individuals attesting to the activity would have been involved, it was unlikely that such a manoeuver would have been left undiscovered. At least, if a challenge were raised, there would have been the opportunity to determine the likely source of the fraudulent activity.

Recommendations

1. The registration process could be greatly enhanced with the development of an on-going registry. It might be feasible to create a national master registry based on the registers used for this last election. By recruiting the services of the Institute of Information and Applied Mathematics (Informatike), on a permanent basis, for example, a data file could be created on computer disks for each zone. Once created, the information could be updated annually or on an alternative regular schedule lessening the massive effort presently required just before the election. The period just before the election could be devoted to corrections, updates and changes, and the printing out of formal lists for the voting centers. The result would not only be a comprehensive list, but would also enhance the timely posting of the preliminary lists for public information, provide more accurate and definitive estimates of the number of voters for administrative planning, and improve the perception of transparency for parties, candidates, international and domestic observers who could have better access to the information.
2. It is critically important that voters be more adequately informed regarding the procedures for having their registration record corrected, transferred or updated.

More coverage should be given to this process on radio and television and in the printed media. In addition, it would be beneficial to establish extended formal hours in the offices of Zone Commissions and executive committees to ensure that voters have access to appropriate officials to make needed changes in the 24-hour period before election day to fulfill the intent of the law.

3. The accountability implemented with regard to the distribution of a number range of stamp seals to each zones sufficed in providing a level of security for this election. However, in view of the fact that the exact number of voting centers remained unknown until election day, and that extra seals are also made available to each zone, greater accountability would have been ensured had the exact number of a seal assigned to each known voting center been recorded on the secret list. When the seal was randomly pulled from a box containing the range of numbers assigned to a zone, the three CEC members responsible for the confidential list could have secretly listed the actual number next to the voting center ID on the list prior to sealing the stamp in its special envelope. This measure would also have provided an additional level of security where voting center results were called into the zone. The number of the seal could be used as an ID giving assurance that the individual calling in the results by telephone was a bona fide and authorized representative of the voting center.
4. Training of election workers is always a critical aspect of election administration. Prior to the forthcoming local elections, it would be most beneficial if appropriate training materials could be produced and duplicated for use during for the conduct of formalized training of zone and voting center commissions. Materials should include illustrations and examples of the actual forms which will

be used, as well as instructions regarding procedures and technical issues, how legal questions are to be answered, and how problems are to be resolved. These training materials would provide the visual aides necessary to augment oral instructions, and would also provide a valuable resource for election workers as they carry out their responsibilities on election day.

5. IFES should make every effort in the run-up to the local elections to use its expertise to assist the Central Election Commission to produce poll-worker training materials and to design formal training seminars for zonal commissions workers who would then train VCC officials. In this way IFES would maximize impact and leverage funds through the "trainer of trainers" method. IFES would also leave behind a better trained civil service sector responsible for elections as well as targeted training materials which could be reused during future elections.

VI. PROCEDURES AT THE POLLS

Preparation Before Voting Begins

Prior to election day, the Voting Center Commissioners (VCC) prepare their polling place by setting up tables for their members, as well as tables for the party representatives and domestic observers who will be present throughout the voting day. Each polling site also has a curtained-off area or secret voting booths which allow the voters to mark their ballots in private, in addition, the names of the candidates and their parties appearing on the ballot are required to be posted outside the voting room.

Under the law, the polls open at 7:00 a.m. and close at 6:00 p.m. The actual voting hours are extended to accommodate voters who are present at the closing hour, until they each have had the opportunity to cast their ballot.

The VCC must take several preparatory steps prior to allowing the first voter to vote. In its observation activities on election day, it became apparent to the IFES team that the 7:00 A.M. opening time was frequently interpreted to mean that the Commission would begin its work at that time. That meant that the actual start of voting began sometime later when the Commission had accomplished its preparatory tasks. Voters who came early were required to wait quite some time before the first ballot was issued.

Prior to processing the first voter, one of the key tasks is to prepare the protocol by recording the actual number of ballots received for which they are accountable. They also examine the ballots to look for any which are misprinted, damaged or are otherwise unusable. These ballots are also counted and recorded on the protocol. To prepare them for issuance to voters throughout the day, the Voting Center Commissioners must affix their numbered stamp to each ballot and see that each ballot is signed by three of the

commissioners. At many sites the team noted that each ballot was signed by more than three commissioners, and in some instances they were signed by all the members. Just prior to the announcement that voting may begin, the ballot box is opened and displayed to those present to ensure that it is empty. It is then closed and sealed, and stamped with the voting center's uniquely numbered stamp. With these steps accomplished, the polls officially open so that voting may begin.

Voting Procedures

When a voter presents himself to vote, he must present his national identification card or international passport. The election officials locate the voter's name on the official list and record the voter's ID number next to his name. The voter is also required to sign his name to the registry. Only then is the voter issued a ballot.

In the event that a voter arrives at the polling site without the required identification, the Commission does not allow the person to vote. Any voters whose names do not appear on the list must be denied ballots as well, unless they have an authorized temporary "certificate" issued by an appropriate authority. These voters are listed on a supplemental register at the voting site. Decisions regarding voters with these kinds of problems are made by a majority of the VCC, and any challenges or complaints which result from their actions must be documented on the protocol forms for future reference. The notations provide the evidence in support of their decisions, and will ultimately be reviewed by the Zone Commission should the VCC's actions be appealed.

The method of voting requires the voter to draw a line through the names of all the candidates except the one whom the voter wishes to elect. It is the name that is left exposed which receives the voter's vote when the ballots are counted. The law makes it clear that it is the candidate's name which dictates how the ballot is counted.

Marking or failing to mark the party name does not affect the countability of the ballot as long as a single candidate's name is left unmarked. As long as the voter's intention regarding his favored candidate is clear, the ballot is acceptable.

Once the voter has marked the ballot, he folds it and returns to the open area to deposit it in the ballot box which stands in full public view throughout the day. Before the voter leaves the polling station, the commission makes sure that the voter's ID or international passport is stamped with the voting center's numbered stamp to identify the person as someone who has already voted. This procedure guards against a voter attempting to vote more than once.

It is interesting to note that the law provides for the issuance of a replacement ballot if the voter makes an error in marking his ballot, casts his vote outside the secrecy booth or otherwise in public view, or damages his ballot. In these instances, the original ballot is retrieved and marked "invalid" by the Commission. A notation is made on the protocol, and the ruined ballot is retained by the Commissioners for accounting purposes at the end of the day. The voter is issued a replacement ballot which he may vote in the normal way.

While voting continues, no one, not even the Voting Center Commissioners themselves, may enter the voting booth unless they are there to cast their own ballot. All others present are required to stay at least 3 meters away from the voting booth when it is in use. The only exception is afforded to a voter who needs assistance in understanding the instructions or in marking the ballot. That person is allowed to select someone to assist him. The Chairman authorizes the assistant selected to join the voter in the booth, and makes a notation about the assistance given next to the voter's name in the registry.

Throughout the day, the Commissioners are required to ensure that the voting process continues in an orderly way, in compliance with the law. The IFES team that visited polling stations throughout the day did not observe any violations. However, the Chairman of the VCC is authorized to bring the voting to a halt if there is a disturbance at the voting site or if violations of election procedures are noted. If necessary, the Chairman may solicit the assistance of the police to restore order. When the violations are corrected voting may resume. If such instances occur, the Chairman is required to notify the CEC immediately.

To provide the broadest opportunity for observation of as many polling sites as possible, the IFES team members separated on election day. The project manager joined forces with a member of the UN delegation to form a team and covered much of the area in the northeast part of the country surrounding Kukes. The election consultant traveled a shorter distance away focusing on more rural polling sites in the area of Librazhde from the capital city but allowing enough time to return to Tirana for observation in the capital as well. In all precincts directly observed by the members of the IFES team throughout the day, procedures appeared to be followed precisely. The processing of voters was handled in an extremely orderly manner. On the few occasions where questions arose in their presence, IFES team members noted that Voting Center Commissions seemed very comfortable with referring to their copies of the law. There appeared to be considerable cooperation among the Commission members as they reached consensus in their interpretation of the relevant sections. While there appeared to be minor inconsistencies from one zone to another on how various election officials interpreted procedural requirements, they were not of a sufficient magnitude to cause concern.

In subsequent discussions with other international observers there was a general consensus that polling day activity had been generally conducted in compliance with the law, proceeding in a very smooth and orderly fashion. Irregularities or departures from formalized

procedures were minimal, and not considered detrimental to the overall fairness of the election. There was general agreement that election day activity was remarkably well managed.

One circumstance which was noted by the IFES/UN team observing in the Kukes area during the first round deserves comment. In a few of the particularly remote rural sites visited in this area of the country, the joint team noted the presence of an armed man in or around some of the voting centers. This was a clear departure from the Article 65 of the Law on Elections which states: "Armed persons are prohibited from entering voting centers." The interesting fact was that these armed men were villagers from the area around the voting center and were not perceived as intimidating by the Voting Center Commissioners or the voters. In some instances, it did not appear that the voters even noticed them. When questioned about the presence of such individuals, the particular VCC's responded by indicating that the presence of the "riflemen" was an old custom, and that they were providing security for the voting center, and more specifically for the ballot box. Where armed men were utilized, they were apparently perceived as a positive factor providing an extra safeguard to the election process. The IFES/UN joint team was even given the impression at one location that the selection of the individual to serve in this capacity brought with it honor and prestige in the community. It is likely that the law was enacted to prevent any intimidation which could jeopardize the fairness and integrity of the election. In the context of the traditions accepted in these rural areas, it was evident that the adherence to local custom did not affect the process adversely. As they discover these kinds of regional departures from set procedures, lawmakers will have to find appropriate solutions which are sensitive to cultural considerations and find an acceptable way of conciliating apparent deviations.

Counting of Ballots/Reporting of Election Returns

A key feature of Albania's election procedures is that the counting of all ballots is completed at the voting center where they were cast. The counting is accomplished immediately after the polls have closed by the Voting Center Commission, and in full view of the authorized observers. This system has significant value in eliminating opportunities for manipulation.

After 6:00 p.m., and after the last voter has voted, the Commissioners prepare to count the ballots. Before beginning the actual ballot count, a number of preliminary steps are completed. Their first obligation is to make additional entries on the protocol to complete the ballot accountability portion. These entries record the number of voters who signed the voter registry, the counting and recording of the number of ballots left unused, the number of invalidated ballots, etc. This fundamental information provides the proper documentation to prove that all ballots issued to the voting site are accounted for, and that the number of voted ballots in the ballot box equals the number of eligible voters who voted throughout the day.

Once the protocol is prepared to this extent, the counting of ballots in the ballot box can begin. The IFES/UN team and the IFES election consultant both took the opportunity to observe the full process at separate voting centers. In the Tirana voting center observed by the election consultant, the Commissioners drew lots to determine which person would actually read the ballots. Once the name was drawn, the seal was broken on the ballot box, the box was opened and the first ballot was withdrawn. At the site observed by the IFES/UN team, the Chairman of the Commission took this responsibility. In both sites observed by IFES representatives, the reader held up a single ballot paper and loudly read the name of the candidate receiving the voter's vote. He then displayed the ballot he had just read to each member of the Commission, and to each official observer on hand for the count. Only after everyone had the opportunity to personally see the

ballot did the reader place it on the appropriate stack of ballots set aside for the specific candidate who garnered the vote.

As the reader came to a ballot which was not properly marked, he announced that he found the ballot was "invalid." That term was used for any ballot on which the voter had improperly marked his choice, or in which the intent of the voter was not obvious. While it may not have been the consistent procedure applied in all voting centers, a decision was made in the Tirana voting center which the IFES team member observed that any ballot determined by the reader to be "invalid" was added to a separate stack. The Commission chose to defer their final review and decisions concerning these ballots until the very end, at which time they would make their decisions to either count or reject them. At the site visited by the IFES/UN joint team, a ruling was made on a questionable ballot at the time it was drawn from the box. Only those for which there was no immediate consensus were deferred to the end for reevaluation.

Typically, the kinds of markings that caused the Commission to reject or invalidate a ballot were those that left more than one candidate name exposed, or that made the voters choice unclear. For example, some marked out every name on the ballot but only left a party name exposed. In these cases, the law made it clear that marking or failing to mark the party portion would not have any bearing on the counting of the ballot. If no candidate was selected at all, the ballot was rejected even if a party preference was indicated. In some instances, a voter would add a name to the ballot making the ballot invalid. Sometimes the lines drawn by voters were not clearly through the entire names of candidates or would be uneven, while at other times lines were drawn faintly and could not be seen easily. In all these circumstances the ballot was reviewed carefully by each member of the commission and a decision was made by consensus. In no instance observed by IFES team members did the Commission fail to come to a unanimous decision. Observers were also afforded the opportunity to see the ballot in question, and frequently voiced their opinions.

If observers made any complaints regarding the Commission's decision, a notation was made on the protocol record.

Finally, the stack of ballots cast for each candidate were counted and recorded on the protocol. In addition, the totals for each candidate were added together and then added to the total number of ballots ruled invalid. The cumulative total was compared to the number of voters to ensure that the accountability of ballots was completed. When discrepancies resulted, all items were counted again. In the cases of the polling places directly observed by IFES team members, the accountability and vote totals balanced perfectly.

Upon completion of the counting procedures and conciliation of the protocol, the voted ballots, unused, damaged and invalidated ballots were bundled and secured for transport to the Zone Election Commission headquarters. Every Commissioner was required to sign the protocol prepared in duplicate so that one copy could be retained in the zone and another forwarded to the CEC.

The entire process was a lengthy one, and in each of the cases observed by IFES team members it took nearly 7 hours for the counting of just over 800 ballots to be completed. However, the count was conducted in an orderly and formal manner. And, once again, final decisions on the counting of ballots required the agreement of the party representatives serving on the Commission. In all ways, the interests of the candidates were equally and fairly represented.

Recommendations

1. Additional consideration should be given to the formalizing of procedures for the transport and storage of voted and unused ballots, completed protocols and relevant voting materials after the close of the polls. There seemed to be some confusion as to which entity would be responsible for final security of these materials. Some officials reported

that these precinct materials would be stored by the Zone Election Commission; others believed the responsibility fell with the municipal executive committees; and most people believed that materials would ultimately be transported to and secured by the CEC. It would be advisable to develop a written procedure which clearly identifies the responsibilities in this regard, assigns control of this aspect of the election to specific officials, delineates which materials will be archived, and/or destroyed, and specifies the time-table for their final disposition. The formalized procedures should take into account the necessity and importance of eventual access to these critical materials in the event an election is challenged.

2. Consideration might be given to the disposition of unused ballots left over after the close of the polls on election day. There is always concern that left-over ballots provide an opportunity for real or perceived misuse to alter the outcome of the election. In an effort to alleviate this potential problem, procedures could be implemented calling for the destruction of the unused ballots at the polling center immediately following their being counted and recorded on the protocol in full view of the voting center commission and observers after the polls close. This provision would eliminate the possibility of their being misused at the polling center, in transit to the Zone Election Commission, or after voting center results are reported.

VII. CONSOLIDATION AND REPORTING OF RETURNS

Each Zone Commission was required to consolidate the final results of the votes reported by all the voting centers in their jurisdiction. Depending on the size and location of the zone, not all voting centers could report that same night. With each polling site needing so much time for completing the counting procedure there was an understandable delay in the reporting of area-wide results by some Zones. The Zones had similar protocol sheets as those used in the Voting Centers on which to record and summarize voting center returns. It should be noted that IFES team members did not see a calculator at any site or at any Zone headquarters. All calculations were done manually.

The Institute of Information and Applied Mathematics

Upon completion of their consolidation, Zone Commissioners telephoned the CEC to report the results. In order to process local results into a nationwide summary, the CEC had recruited the services of the Institute of Information and Applied Mathematics (Informatike). The resources of the data center personnel and equipment from this institute, supplemented with equipment donated by the UNDP, were employed in the summarization and documentation of nationwide returns. The Informatike was responsible for the data entry of local results using Lotus 123 and Database 4. Their services provided graphic representations of such information as the number of parties fielding candidates in each zone, and ages and professions of candidates nationwide. In addition, they developed an appropriate program which would automatically calculate proportionate shares of total votes cast, voter turnout, and estimated number of seats to be awarded to achieve proportional representation.

A phone bank was set up by the CEC to accept zone results which were called in. The figures reported by phone were written on a specially prepared data entry sheet from which workers would enter the raw data

into their computers. The returns generated from these call-in sheets were reported as preliminary results.

The completion of this final consolidation process involved two more phases which were not expected to be finalized until after the IFES team had left the country. The second phase was a verification of the called-in results based on the submission of original Zone summaries. Where errors or discrepancies were noted, the original copies of the Zone reports were used as the official record, and data was reentered into the computers. The final phase of this process called for the reverification of each Zone's consolidated protocol with the original individual protocols of each voting center in their jurisdiction. Once again, if discrepancies were noted, corrections were made from the original voting center protocols which were considered to be the ultimate, authoritative record of the actual results. Only after these verification procedures were finalized did the CEC publish the "official" results of the election based on the Informatike's work. The IFES team was the very first entity to receive a copy of the official results.

It is significant that throughout this lengthy summarization process the results remained generally consistent. There were no surprises as some observers had suggested might occur. Given the limitations of the equipment with which the operation was undertaken, this ambitious effort was well managed and proved beneficial to the credibility of the overall process.

Recommendations

1. One of the major handicaps causing delay in the reporting of election results is the unreliability of communications throughout the country in general. Most of the voting centers had no method of contacting their Zone headquarters. In addition, most Zones had no way of communicating with the CEC. If time had permitted, and even if commodities

could only have been arranged on loan, it would have been advantageous to investigate the possibility of setting up a system for radio communications for the period before and during the election. Such a linkage between the zones and the CEC would have been extremely valuable, not only in reporting returns on election night, but also in the pre-planning phases and dissemination of instructions prior to the election.

2. Criticism had been directed toward the CEC because no information had been available about the program used by Informatike. Some feared that results could be altered after local ballot counting by manipulation of the computer program. There was concern expressed that because of inadequate disclosure and the high level of security and secrecy surrounding the Institute personnel working on the election, there was no way for outsiders to tell if the program was accurate, or if it might be used to alter final results. In order to relieve these concerns it might be advisable to have the program tested and certified by a neutral entity such as a private programming expert or international organization prior to the election. Such testing and certification is quite standard as a means to provide a greater level of confidence among contending parties, the press, observers and the public.

VIII. GENERAL RECOMMENDATION

The Election for the People's Assembly held on March 22, 1992 has provided a solid foundation on which Albania may continue to build an election system which is efficient, accountable, free and fair. It would be extremely valuable for the government to ensure that the lessons learned during this election are not lost to future election administrators. Especially since the Central Election Commission and the Secretariat are temporary bodies, it is critical that the administrative procedures implemented during this election be formally documented in a written manual. The value of building an institutional memory and a basis for continuity cannot be overestimated in the administration of elections.

A comprehensive written review and analysis of the preparatory steps and logistic arrangements that had been made for the election would contribute greatly to the efforts of future election administrators. Particular focus should be given to the legal and technical problems which arose, and the manner in which they were resolved. The policies which were established should be described in detail and made part of the permanent record. Copies of all press releases issued and instruction documents disseminated should also be retained in the handbook. Finally, the formal record should include an extensive discussion of recommendations for improving the system in the future.

The effort should be undertaken while the issues are still fresh in everyone's mind. Perhaps key members of the Central Election Commission and the Secretariat should be retained beyond their normal term to accomplish this very important task. If necessary it might be possible to recruit appropriate staff from the University of Tirana to lend their assistance in completing this important assignment. It will be through the maintenance of this type of comprehensive record that the government will be able to continue to build on the democratic process which has benefited from this solid beginning. Training of officials in the process and production of poll-worker

training manuals will serve to institutionalize this first experience with democratic elections.

IX. CONCLUSION

In view of the short time in which this election was carried out, obviously there were technical shortcomings, and equally important, there was inadequate time for training of election officials at all levels. The IFES team believes, however, that the basic system was valid, and that there was a genuine effort made to carry out this election with credibility.

The team also believes that the real key to this election's fairness, even in the face of technical deficiencies which may have occurred, lies in the fact that at every level, there was ample participation by members and observers representing the full spectrum of political parties vying for election. Nearly 26,000 people participated in carrying out this election. At every level, at each stage of activity, each action required the actual signature of a cross section of party representatives attesting to the action taken, and acknowledging the authenticity and consensus of any individual commission's findings. At every juncture, each party had access to participation in the process.

The most persuasive argument for the effectiveness of every party's participation is that there were really relatively few complaints from the parties or candidates about how this election was being carried out. Despite allegations regarding the lack of transparency attributed to various parties there is little likelihood that the parties were left in the dark about various aspects of the process. With their representatives fulfilling specific duties and responsibilities at every level and participating in many of the decisions affecting the actual outcome of the election, the parties had generous access to information about the preparation, planning and actual conduct of this election from the inside.

It is the extensive participation by the parties themselves in the actual implementation of this election which prompts the IFES team to

believe that any technical shortcomings caused by inadequate time, facilities, training, communications and commodities were adequately counterbalanced to ensure that the election was valid, and that it was free and fair. This profound achievement is a tribute to the commitment, competence and courage of the thousands of people who contributed to the election's success, and to the people of Albania who have forged a new beginning through the democratic process.

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Customs General Management
Edmund Hadginasto, Protocol Officer, Parliament
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The Honorable Adam Ryerson, United States Ambassador to Albania
Chris Hill, Deputy Chief of Mission, United States Embassy/Tirana
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Appendix A

LAW ON ELECTIONS FOR THE PEOPLE'S ASSEMBLY
OF THE REPUBLIC OF ALBANIA

On the basis of the Articles 16 and 17 of Law No.7491 dated 29 April 1991, "On the Main Constitutional Provisions", the People's Assembly of the Republic of Albania resolves:

CHAPTER 1

General Provisions

Article 1

Elections for People's Assembly deputies will take place in the territory of the Republic of Albania on the basis of general, direct, free, and secret vote.

Article 2

All Albanian citizens who have reached the age of 18 as of the date of the elections have the right to vote.

All who have reached the age of 21 as of the date of the elections, are Albanian citizens, and live permanently in the Republic of Albania have the right to be elected as deputies in the People's Assembly.

Article 3

Citizens whose right to vote has been taken away from them by court decision because they have committed a crime, persons who are judged to be mentally incompetent by a court will not be allowed to vote.

Article 4

Each voter has the right to cast only one vote.

A voter's vote is equal to that of every other voter.

Article 5

A deputy in the People's Assembly cannot simultaneously serve as an elected or nominated member of the organs of the local government, the state administration as well as in the judicial organs.

CHAPTER 11

Article 6

The People's Assembly consists of no less than 140 deputies, 100 of which are elected directly from the single district list, while supplemental seats are nominated by electoral subjects' lists and installed proportionally on the basis of the national-wide results of the first balloting.

Article 7

A candidate is declared a deputy in the People's Assembly according to a single district list if he wins more than half of the valid votes in an electoral zone.

Article 8

If in the first balloting none of the candidates nominated gets more than 50 per cent of the valid votes, then a week later the second round of elections is held in the respective zone.

The two candidates who win the greatest number of votes in the first round, will run in the second round.

If an electoral subject withdraws its candidate in the second round of balloting, he is substituted by the candidate who wins the greatest number of votes from the remaining candidates in the first round.

Candidates in the second round of balloting are announced by the electoral commission of the zone.

Article 9

In the second round of balloting, the candidate that obtains the largest number of votes, is elected deputy in the People's Assembly. If the candidates obtain an equal number of votes, then the deputy is selected through the lot.

Article 10

At least eight days before the elections, electoral subjects that have nominated joint candidates in an electoral zone must send the zone election commission a ratio on the distribution of their joint votes to be counted nation - wide .

Article 11

Supplemental seats are allocated as follows:

a) the percentage of the general vote obtained in the first round of elections on the basis of the single-member list nation-wide by candidates of each subject;

b) each subject obtains a number of seats from its multi-member list in such a way that the total number of seats in the People's Assembly is equal to the number of seats it is entitled to on the basis of the percentage of votes it has obtained and that the number of deputies be the lowest possible. This is determined according to the formula in Appendix-1.

The winners from the multi-member list are determined according to their order on the list.

Only those subjects that obtain no less than 4 percent of the nation-wide vote are eligible for supplemental seats.

CHAPTER III

Electoral Subjects

Article 12

Any Albanian citizen that has the right to be elected on the basis of this law, can run for a People's Assembly deputy

as a representative of any party, group of parties, or as an independent candidate.

Any candidate cannot run in more than one single-member zone.

Any candidate in a single-member district can simultaneously run as a candidate on the list of his respective subject. A candidate who wins in a electoral zone is a deputy of that zone and his name is deleted from the nation-wide list of his electoral subject.

Article 13

A candidate for deputy in the People's Assembly is registered by the election commission of the zone no later than 20 days before election day. To effect the registration, the following documents are submitted:

a) a written application from the respective electoral subject, in which the registration of the candidate nominated for deputy is requested. The application must contain the name, father's name, last name, birthday and residence of the candidate (2 copies).

b) the statement of the candidate accepting the placing of his name as a candidate in the specific election zone (2 copies).

c) a list signed by no less than 400 voters in the respective zone, which support the candidate in that zone.

Article 14

The specified list with the voters' signatures must contain the title, symbol or signature of the electoral subject nominating the candidate or indicate if the candidate is independent.

The list must contain the name, father's name, last name, address, the number of the identification card and the signature of the voter, who must live in the zone where the candidate is nominated and be certified by the zone election commission.

A voter does not have the right to sign more than one list. The lists are deposited with the Central Electoral Commission and can be inspected with its appropriate

authorization.

When the election commission of the zone determines irregularities in the application and documents submitted for the registration of candidates, it requests that electoral subjects make the necessary corrections within two days. In the event this is not done, the election commission makes the appropriate decision.

Article 15

Electoral subjects that have fielded candidates in no less than 33 electoral zones and in 9 districts of the country have the right to submit lists with up to 100 candidates for supplemental seats according to proportion.

The list with the signature and stamp of the respective electoral subject is submitted to the Central Elections Commission no later than 20 days before election day.

Article 16

The election commissions of the zones, when the conditions of this law are fulfilled, are obliged to register all the candidates for deputy in the People's Assembly and to make their names public no later than 15 days before election day, giving the name of the subject which nominated the candidate.

They send a copy of certification of all the candidates of electoral subjects.

Article 17

For each candidate for deputy, the election commission of the zone keeps an official registration record according to an established form. A copy of this official record is sent to the Central Elections Commission along with the statement of the candidate accepting the placing of his name as a candidate in the respective zone.

Article 18

When the name of a candidate for deputy in the People's Assembly is withdrawn by his sponsors, when a candidate withdraws on his own or dies after he has been registered by the election commission, of the zone the respective subject can register another candidate, but no later than 7 days before election day. If this occurs during the 7-day period before the elections, then the electoral subject presents another candidate from the party list of candidates.

Article 19

In case:

- a) members of the Council of Ministers.
- b) directors of executive committees in districts, regions and cities (the chairman, deputy-chairman and the secretary) in the zones where they perform their duties, run as a candidate for deputy in these zones, they must be released from their jobs 20 days before election day.

The following cannot be nominated as candidates for deputies:

- a) Directors of the organs of public order and the national information service in districts, regions and cities.
- b) Compulsory and active service militarymen in the zones where their military detachments and units are installed.

CHAPTER IV

Lists of Voters

Article 20

The elections for People's Assembly deputies take place on the basis of lists of voters.

All citizens who have the right to vote. When the organ empowered by this law to draw up the list of voters, registers voters as temporary residents in its territory, it is required to inform the respective organ of the district of voters' permanent residence with the aim that they do not register in two places

of residence.

Each citizen is registered on only one voter list.

Article 21

The lists of voters are drawn up for each voting center.

In the lists of voters are included: name, father's name, and last name of the voter his date of birth and the registration number.

In the towns, city quarter and villages, the lists of voters are compiled by the temporary pluralist executive committees.

The lists of voters are signed by the chairman and secretary of the temporary pluralist executive committee.

The lists of voters are announced by the organ which has compiled them no later than 25 days before the election day.

Article 22

The lists of voters who serve and live in military units and detachments are compiled and announced, no later than 25 days before election day, by the nearest temporary pluralist executive committee in cooperation with the commands of military units and detachments.

All other military are registered on the lists of voters in their residence compiled by the temporary pluralist executive committees.

Article 23

The Albanian citizens who live permanently outside the country, which intend to stay in the territory of the Republic of Albania until election day, are registered on the lists of voters in their former residence provided that they demand this. For the above mentioned citizens, the exercise of their right to vote is marked in their international passport.

Article 24

In hospitals, sanatoriums and other health and rehabilitation institutions, in re-education camps and in custody compiled by their directors based on the voters' identification document. These directors are required to inform the competent organ of the local government in the residence of these voters, so that corrections can be made in the lists of voters on which they were originally registered.

Article 25

When a voter is nominated as a member of an election commission or an observer in a zone or voting center and because of this he has to go away from his residence after the list of voters is published and before election day, the competent organ, at the written request of the electoral subject issues him a certificate to vote in the new voting center and writes the word "moved" on the list of voters. This voter is registered on the supplemental list of voters in the new voting center by presenting the voting certificate together with his identification card or any other document which replaces it.

Article 26

The organ which announced the lists of voters, by decision, can make changes in these lists but no later than 24 hours before election day, when a citizen has died, is registered twice, is not registered, does not have a right to vote or is outside the territory of the Republic of Albania.

Article 27

Each citizen has the right to request the correction of errors and omissions in the voters' lists such as lack of registration, removal from the list, changes in the first name, father's name or last name, registration of persons who have lost the right to vote, etc. The request is made to the organ which announced the lists, which is obliged to review it within two days and issue the appropriate decision.

The decision can be appealed in the district court which within three days, in the presence of the person making the complaint and a representative of the organ which announced the lists, reviews the complaint in open judicial session and issues the appropriate decision. The court decision is announced immediately and is final.

Any change made in the list of voters is announced immediately.

Article 28

The organs that have announced the lists of voters will make them available to electoral subjects upon request and payment of a fee.

CHAPTER V

Election Zones and Voting Centers

Article 29

100 election zones, with an almost equal number of residents, will be created for the People's Assembly elections. The zones must be compact and have geographic continuity, and the administrative and territorial divisions should be respected in setting up the zones.

The number of zones according to districts is determined on the basis of this law, according to the attached list (Appendix 2) while the borders of the Election Zones and their order are determined by the President of the Republic with the proposal of the Council of Ministers no later than 35 days before the election day.

Article 30

Voting and the counting of votes take place in voting centers, which are set up in every town, city quarter and village.

Article 31

In the villages, a voting center is set up for every 100 to 800 voters.

In towns and city quarters, a voting center is set up for every 800 voters.

A separate voting center is set up for towns or city quarters that have less than 800 voters. A separate voting center is set up in the remaining number of voters is larger than 400, while if the remaining number of voters is less, they will be joined with the nearest voting center.

When a work center is more than 3 km from the nearest voting center, a separate voting center is set up in the work center if there are at least 50 voters.

Article 32

The voting centers will be announced no later than 20 days before the election day.

In the towns, city quarters and villages, voting centers are set up by decision of the temporary pluralist executive committees.

Article 33

In hospitals, sanatoriums, maternity wards, rest homes, and other similar institutions, in re-education camps and in custody voting centers are set up if there are more than 15 voters.

In health institutions that have many clinics, voting centers are set up in each clinic if there are more than 15 voters in each one.

CHAPTER VI

Election Commissions

Article 34

The following election commissions are established for

directing the People's Assembly elections:

- a) the Central Elections Commission;
- b) the election Commissions in the zones;
- c) the commissions of the voting centers;

Representatives of electoral subjects as well as non-party individuals serve as members of election commissions.

Election commissions are independent bodies and answer for their activity only before the law.

The deputy-chairman or the secretary of the Central Elections Commission as well as the deputy chairmen or secretaries of election commissions in the zones must be jurists.

The decisions of these commissions are adopted by the majority of votes.

Article 35

The Central Elections Commissions is composed of a chairman, a deputy chairman, a secretary and 14 members.

The composition of the Central Commission is decided by the President of the Republic based on the proposal of political parties no later than 35 days before the election day.

The political parties that have no members in the Central Elections Commission, are entitled the right to have their observers.

Article 36

In particular, the Central Elections Commission carries out the following duties:

- a) it sees to the strict and equal implementation of this law during the election period in the entire territory of the Republic of Albania;
- b) it determines the methodology and inspects the activity of election commissions in the zones;
- c) it reviews complaints against irregular and illegal acts and activities of election commissions in the zones.
- d) it registers and announces the participation in the elections of parties, groups of them and independent candidates and registers their symbols. After registration, no party or group

of parties has the right to use the symbols of another party or group of parties.

e) it exercises control over the registration of lists of candidates in zones for deputies in the People's Assembly;

f) it sets the rules for the participation in the elections of foreign and domestic observers and provides them with identification documents;

g) when necessary after the elections, it examines the lists of voters and when it discovers that a citizen has voted more than once it refers the case to the appropriate organ;

h) it announces the results of the elections and registers the People's Assembly deputies;

i) on the basis of the nation-wide party list, it issues the certificate of election to the elected deputy.

Article 37

In each election zone, an election commission for the zone is set up, composed of a chairman, a deputy chairman, a secretary, and a representative of electoral subjects that have nominated candidates in that zone, as well as a non-party person nominated by the temporary pluralist executive committee when the number of the commission is even.

The election commission for the zone is determined by the Central Elections Commission, with the proposal of the temporary pluralist executive committees and after consultations with political parties no later than 25 day before election day.

Article 38

The election commission of the zone has the following duties:

a) it sees to the strict and equal implementation of this law during the election period in the entire territory of the zone;

b) it exercises control over the activity of the commissions of the voting centers during the election period;

c) it oversees the establishment of voting centers in accordance with the law;

d) it oversees the preparatory activity to compile and announce the lists of voters as well as issues voter

certificates;

e) it supplies voting center commissions with ballot boxes, envelopes, ballots, official records, and other materials necessary for the conduct of elections. It controls safekeeping, distributing and transporting these materials.

f) it registers and announces candidates nominated for deputies in accordance with this law;

g) it registers the representatives of the candidates for deputies from different parties, groups of parties, or independent candidates and supplies them with appropriate certificates;

h) it counts votes on the basis of the reports from the voting centers and announces the results of the elections in the zone;

i) it reviews complaints against irregular and illegal acts and activities of voting center commissions;

j) it issues certifications of election to deputies who are elected;

k) it sends according to this law the Central Election Commission.

Article 39

For each voting center a voting center commission is set up, composed of a chairman, a secretary and a representative of electoral subjects fielding candidates in that zone.

The voting center Commission is approved no later than 20 days before election day by the commission of election zone upon the proposal of the temporary pluralist executive Committee after consultations with political parties.

Article 40

The voting center commission carries out the following duties;

a) it ensures the free and peaceful conduct of elections in voting centers in accordance with this law;

b) it ensures order during the elections;

c) it counts the votes cast for each candidate for

deputy;

d) it prepares and sends the official record of the voting to the election commission of the zone;

e) it records in the official record all the complaints and requests of the voters or candidates, examines them and issues the appropriate decision;

f) it sends the election documents determined by this law to the election commission of the zone.

Article 41

During the elections, the instructions of the chairman of the voting center commission are binding for all citizens in the voting center. These instructions can be annulled only by a decision of the voting center commission.

Article 42

The members of the election commission can be relieved of their duties on these commissions, by the organ which approved the composition of the commission, at the request of the members or upon the proposal of electoral subjects they represent.

Article 43

Members of the temporary pluralist executive committees, military, workers in the organs of public order and the national information service as well as candidates for People's Assembly deputies cannot serve as members of election commissions.

Article 44

Election commissions' meetings are considered valid when more than half of the members are present. Decisions at these meetings are made by majority vote.

Election commissions' meetings are public. Observers may participate in these meetings; they may make remarks. With their request, remarks can be included in the official report of the commissions' meeting.

Article 45

Electoral subjects and independent candidates have the right to submit a list of names to substitute their representatives who are members of election commissions of voting zones and centers. When the latter are unfit to perform their duties, they are substituted in the following way:

a) in the case of voting center commissions, by decision of the election commission of the zone;

b) in the case of the zone election commissions, by decision of the Central Elections Commissions.

Article 46

Members of the Central election commission and those of the zones are released from their jobs since the day they are charged with this duty and are paid, whereas those of the voting centers commissions enjoy the right to be released from their duty with pay, three days before the voting and two days after the voting.

The above mentioned persons are compensated from the state budget, in the amount determined by the Central Election Commission.

For the members of the Central Elections Commission, the compensation is determined by the President of the Republic.

Article 47

With respect to the Penal Code, all members of the election commissions are considered " persons charged with official duties " while performing their assigned duties.

Article 48

While performing their assigned duties, members of the election commissions and observer cannot display any distinguishing sign or symbol of a party or group of parties to which they belong or make or take part in election propaganda activities.

CHAPTER VII

Complaints Against the Decisions of the Election Commissions

Article 49

The decisions of the election commissions of the zones may be appealed to the Central Elections Commission within 3 days of their announcement.

The Central Elections Commission examines the complaints, and within 3 days, issues the respective decision.

Article 50

The decisions of the Central Elections Commission can be appealed to the Supreme Court within 3 days of their announcement.

The Supreme Court examines the complaint and, within three days, issues a final decision, which it announces immediately.

The decisions of the Supreme Court on complaints regarding election results are announced to the Commission for People's Assembly Mandates.

CHAPTER VIII

The Election Campaign

Article 51

The election campaign begins with the announcement of the election day and ends 24 hours in advance of this date.

Article 52

During the election campaign, any electoral subject as well as citizens have the right to make propaganda through rallies, meetings, radio, television, press and other media.

Any kind of propaganda made in violation of laws, judicial order or that attack the candidates' personal dignity is prohibited.

The publication of election public opinion surveys is prohibited during 3 days preceding election day.

Article 53

The election campaign in Radio and television is conducted through special broadcasts devoted to it. In these broadcasts the space for different electoral subjects is determined in proportion to the number of candidates fielded nation-wide.

One day before the end of the election campaign all electoral subjects are allowed to broadcast a brief of their program and an appeal to the electorate.

The Central Elections Commission sponsors Albanian Radio and Television programs explaining the electoral process to the population, avoiding any partisan stance.

Article 54

Candidates as well as electoral subjects have the right to use various propagandistic materials as slogans, announcements, leaflets, etc., in which the name of the electoral subject that has prepared such materials appears. The damage of such materials is prohibited until the end of the campaign.

The local power organs must provide equal propaganda opportunities to every electoral subject.

Article 55

The election campaign is prohibited in military units and detachments as well as in de-politicized institutions. The commands of military units and detachments must permit members to exercise their right to use the media during their free time as well as to participate in the election campaign within the territory of the election zone, but outside military units or detachments.

Article 56

Election campaigning is prohibited by persons who are not Albanian citizens.

Article 57

Temporary pluralist executive committees as well as any other state organ do not have the right to distribute propagandistic electoral materials nor to take part in propaganda campaign .

Article 58

The state contributes to the election campaign of electoral subjects as follows :

a) 50 per cent of the set amount is allotted to electoral subjects in proportion to the candidates put up for deputies .

b) 50 per cent of the set amount is allocated among parties in proportion to the number of votes won in previous elections on national scale .

In case the electoral subject does not win over 3 per cent of votes of all the election zones he has fielded his candidature ,he is obliged to give back to the state the sum it has financed .

The Ministry of Finances is charged with the duty to issue the rules of financing ,using and controlling the offered funds .

Article 59

It is prohibited to slander and offend the candidate for deputy and electoral subject.

A newspaper or any other type of mass media that has published a material violating the rights of a candidate for a deputy in the People's Assembly or has in any way attacked his dignity, is obliged to publish free of charge a reply in the next issue or broadcast devoting the same place,space and time to

Elections to the 140-seat People's
Assembly of Albania
March 22 and 29, 1992

Democratic Party	92
Socialist Party	38
Social Democratic Party	7
Human Rights Union	2
Republican Party	1

the original material which gave rise to this reply.

Article 60

The disruption and interruption of legal electoral meetings and rallies is prohibited.

Article 61

Candidates for deputy in the People's Assembly keep their jobs when released from the job and receive their full pay during the election campaign.

The persons determined by Article 19 letters "a" and "b", first paragraph of this law, do not keep their jobs.

Article 62

Candidates for deputy cannot be charged with crime, arrested or held in detention, except when they commit an obviously serious crime.

CHAPTER IX

Voting

Article 63

The voting for People's Assembly deputies takes place in centers designated by the temporary pluralist executive committees in districts, regions, cities, city sectors, and villages. No propagandistic material is permitted in voting places.

Buildings owned by political parties or de-politicized state institutions cannot be used as voting centers.

Article 64

Elections for People's Assembly deputies take place on a day which is not a workday throughout the country.

The voting begins at 07.00 and ends at 18.00. If after 18.00 there are still voters waiting to vote, the voting centers will remain open until all those present have voted.

On election day, at 07.00, the chairman of the voting center commission, in the presence of more than half of the members, invites the voters to begin voting.

The voting begins with the inspection of the ballot boxes in the presence of the commission and observers. Then the ballot boxes are sealed and stamped with the stamp of the voting center, which is safeguarded.

The commission chairman stamps at the top left all ballots and their number is recorded in the official record, which is signed by all commission members present.

The stamping being over, the chairman and two representatives of different parties sign on the right side of ballot, the commission members being present.

Article 65

Voters cast their vote in the order of their appearance at the voting center.

Every voter must prove his identification by showing an identification card, a military card for the military in each case with regular picture, or an international passport for those who have come from abroad.

The military are not permitted to appear at the voting center in units or armed. Only army men on duty are permitted to appear in uniform.

After checking the identification document with the list of voters, the voter signs the electoral list. The number of the identification document being marked, the voter takes the ballot and votes. Having voted, the last page of identification document is stamped.

When it is determined that the ballot is not in order, the chairman replaces it, puts it aside, writes it down and signs it as invalid.

Article 66

The voting room can be divided into several separate

booths to speed the voting process. There should be no ballots in the separate booths of the voting room.

The commission desk is placed in such a way as to permit members of the commission and observers who represent the electoral subjects to move around it. The ballot boxes are put in a place that is visible to all those present.

No one, including members of the commissions of the voting centers, can enter the booth, except in cases when the voter is unable to follow the necessary voting procedure and request assistance from a person he himself selects. The selected person has the right to accompany only one voter to the booth. In such cases, the chairman of the commission of the voting center can give permission for it and this is indicated in the list of voters.

Voting in the open or outside the booth is prohibited. In such a case, the vote is considered invalid, is torn up by the commission and is not placed in the ballot box, giving the voter even one more chance to cast his vote.

When there are voters in booths, other persons are prohibited to get closer than 3 meters to the booth.

If it is necessary to restore order in the voting center, the chairman of the commission of the voting center may request the assistance of the police organs.

Armed persons are prohibited from entering voting centers.

Electoral subjects, with the authorization of the election commission of the zone, are permitted to send an observer in every voting center.

Article 67

Voters use prescribed types of ballots, a sample of which is attached to this law. Ballots are the same in format, size, color and paper content.

The ballot is divided into two parts. The left part contains the names of candidates in alphabetical order. The right part contains the titles of the respective electoral subjects, preceded by their symbols. For independent candidates, the ballot is marked "independent candidate".

Article 68

The ballot is valid for the candidate as well as for the subject when the voter leaves only the name of the candidate and the subject for which he is voting, by marking off with a line the names of all other candidates and subjects.

The ballot is valid both for the candidate and the subject even when the voter leaves only the name of the candidate for whom he votes, by marking off with a line the names of all other candidates, despite the fact he has or has not marked with a line the names of the subjects.

Article 69

All ballots filled out incorrectly, torn up, damaged, or used are kept for the final inspection.

Article 70

When there are serious violations of the voting process, the commission of the voting center can suspend voting until the violations are corrected. The Central Elections Committee is immediately notified of this decision.

Article 71

The names of the candidates for deputies in the zone and the lists of nation-wide candidates are posted outside the voting room or in any other conspicuous place.

CHAPTER X

The Results of the Elections

Article 72

Immediately after the polls close, the chairman of the voting center in the presence of the commission and authorized observers:

a) declares that the voting is concluded;

b) counts voters that have cast their vote according to the lists, which must be signed by the chairman and secretary of the commission and by any representative of the electoral subjects that may desire to do so.

The lists are placed in an envelope that is stamped with the same stamp of the voting center. The envelope itself is signed by the chairman and secretary of the commission and by the representatives of the electoral subjects that may desire to do so. The envelope is handed over to the election Commission in the zone where it takes the respective certification.

c) counts the unused ballots, which are handled in the same manner as indicated above in the second paragraph of section (b).

These actions must be completed according to the above mentioned order, and by indicating this in the final official record.

Article 73

Following the completion of the above mentioned activities:

a) the ballot box is opened and a member of the commission selected through the lot removes a ballot and gives it to the chairman, who in a loud voice declares whether the ballot is valid and to which candidate and subject it belongs. The ballot is shown to all members of the commission and observers. Only after the results have been recorded and the ballot placed at the specified place, can the next ballot be removed from the box.

b) the ballots used, and valid and invalid votes are counted;

c) the number of votes is compared with the number in the official record and if necessary they are recounted.

These actions are completed in the order described above and are marked in the official records.

Article 74

Ballots are invalid:

- a) when it is not clear to whom candidate the voter has cast the ballot.
- b) When they are not the prescribed format, size, colour, sort, paper content, stamped, and lack the signatures and stamp of the respective electoral zone;
- c) when the names of more than one candidate are left or the names of all candidates are marked off on the ballot;
- d) when the ballot has been damaged to such an extent that it is not clear what choice was made and who received the vote;
- f) when the ballot contains writings and signs that make it possible to identify the voter;

The vote is evaluated by the commission of the voting center. Questionable votes are examined initially and then valued. Any opposition on the part of the commission members is marked in the official record and these ballots are kept separately.

Article 75

After the votes are counted and examined, the respective official record is filled out.

The official record includes:

- a) the number of the voting center and election zone;
- b) the times when the voting started and finished;
- c) the number of voters in the list of voters;
- d) the number of voters in the supplemental list;
- e) the number of voters according to the information on the list of voters;
- f) the number of valid ballots.
- g) the number of votes for each candidate or electoral subject.
- h) the number of invalid ballots;
- i) the number of ballots invalidated before the voting;
- j) the number of unused ballots;

k) comments by commission members and special observers;

m) the number of copies of the official record.

The information in sections(c) to (j) is given in numerically and in writing.

The official record is signed on each page. ANY subsequent change is signed, adding the word 'correction'.

Any electoral subject has the right to obtain a copy of the official record.

Article 76

The voting center commission must:

1. send two copies of the official record to the election commission of the zone ; one of the copies is for the Central Elections Commission;
2. send a copy of the official record together with the ballots and envelopes mentioned above to the district temporary pluralist executive committee.

All these documents are delivered personally by the chairman and secretary of the voting center commission accompanied by any representative of the electoral subjects.

Article 77

The election commission of the zone issues the results of the voting on the basis of the official reports sent by the voting center commissions and announces the results in the form of an official report which must contain :

1. the number of voting centers
2. the voting centers that have submitted their official reports ;
3. the number of voters according to the list of voters;
4. the number of voters according to the information on the lists ;
5. the number of voters according to the ballots cast in the ballot box;
6. the number of valid votes respectively for each candidate and subject ;

7. invalid votes ;

8. the first name ,father's name and the last name of the winner ;

9. complaints,remarks and decisions made

The information in sections 1 through 7 is given numerically and in writing ;

Article 78

The election commission of the zone must send to the Central Elections Commissions a copy of its official report as well as reports it has received from the voting center commissions .

The election commission of the zone sends to the district temporary pluralist executive committees the envelopes,ballots and any other material it has received from the voting center commissions .

The above mentioned materials are delivered by the chairman and secretary of the election commission ,accompanied by any representative of electoral subjects that may desire to do so .

Article 79

The Central Elections Commission announces and publishes the results in the Official Gazette and in a special bulletin as soon as they are announced .

After the elections are concluded and possible disputes resolved , all the materials are sent to the Archives of the People's Assembly .

CHAPTER XI

The Termination of the Mandate of a People's Assembly Deputy

Article 80

The mandate of a People's Assembly deputy is terminated before schedule in the following cases :

a) when the deputy resigns ;

b) when the deputy is declared guilty on the indisputable decision of the court for a crime committed .

c) when the deputy refuses to take the oath of office prescribed by the rules of order of the People's Assembly ;

d) when the deputy dies .

Article 81

When a deputy's mandate is terminated before schedule, the Commission for the People's Assembly Mandates declares as elected the next candidate on the nation-wide list.

When the deputy ,whose mandate is terminates ,does not represent a subject included on the nation-wide list ,new elections must be held in that zone within 3 months .

When a deputy takes another duty which is incompatible with his mandate ,he is replaced by the next candidate on the respective nation-wide list .

If a deputy is chosen as minister ,he can be replaced only for the duration of his service as minister by the next candidate in the respective nation-wide list .

CHAPTER XII

Penal and Administrative Provisions

Article 82

Any one who for personal interest or for the interests of others offers money, jobs or other favours in any form in order to obtain signatures to support a candidate ,to vote against or for ,or to abstain from voting, is sentenced with deprivation of freedom from 6 months to 3 years .

These sentences also apply to the voter ,who in return for the above mentioned services accept money, a job or other favours .

Similar sentences are also handed down against those who threaten or force voters to perform the above mentioned services .

Article 83

Anyone who for a personal interest or for the interests of others distributes in any form during the election campaign and on election day ,money ,consumer goods or other gifts in order to effect the elections, is sentenced with deprivation of freedom from 1 to 13 years .

Article 84

Any one who violates the provisions of this law must pay a fine of 100 to 500 leks ,except in cases when the violation is penal offense .

Article 85

In cases of the violation of the provisions regarding the safekeeping and proper administration of ballots, lists of voters ,ballot boxes and official records of voting ,the fine increases 500 to 1000 leks ,except in cases when the violations are penal offenses .

Article 86

Persons performing duties on the basis of this law who do not implement provisions included in articles 84 and 85, must pay a fine of 1000 to 1500 leks ,except in cases when the violation is penal offense.

Article 87

Decisions regarding the payment of fines for administrative violations are handed down by the election commissions of zones or by the Central Elections Commission.

Final decisions regarding the payment of fines must be carried out and cannot be appealed.

CHAPTER XIII

Transitional and Final Provisions

Article 88

The Central Elections Commission gives special instructions for the implementation of this law.

Article 89

For the purposes of this law, the following are recognized as observers:

- parliamentary representatives of the CSCE member states, the Parliamentary Assembly of the Council of Europe, the European Parliament and of other organizations that deal with the issue of human rights;
- representatives of foreign political parties and movements and individuals invited by parties or groups of parties;
- representatives authorized by local and foreign organizations specialized in the field of elections.

Article 90

The observers in elections, reporters and representatives of the mass media accredited in our country should be provided with a special certificate by the Central Elections Commission.

The observers in elections have the right to move freely in the territory of the Republic of Albania and follow and observe the course of the activities carried out both during the election campaign and on the election day. They have the right to ask, gather information and give opinions publicly, being impartial.

Article 91

Albanian citizens that live permanently outside the country or have lived abroad for more than a year and when they

are in Albania and request to take part in voting they use the international passport they possess as proof of their identification. They have to issue a statement, declaring that they do not possess a valid identification card within the Republic of Albania.

Article 92

The Council of Ministers is charged with providing the material and financial basis and adopting the organizational measures for the implementation of this law.

Article 93

Law number 7423, of November 13, 1990, "On People's Assembly Elections", as well as any other provision incompatible with this law are abrogated.

Article 94

This law comes into force immediately.

TIRANA, February 4, 1992

The Law Number, 7556

Chairman of the Presidency
(KASTRIOT ISLAMI)

אשר יאמר

BALLOT PAPER

Zone No. _____

Chairman

[illegible]

THE DECISION OF ELECTION ZONES FOR THE ELECTIONS TO THE
PEOPLE'S ASSEMBLY

1.	Berati	5	(1 - 5)
2.	Dibra	4	(
3.	Durresi	5	
4.	Elbasani	7	
5.	Fieri	8	
6.	Gramshi	1	
7.	Gjirokastra	2	
8.	Kavaja	3	
9.	Kolonja	1	
10.	Korca	7	
11.	Kruja	3	
12.	Kukesi	3	
13.	Lezha	2	
14.	Librazhdi	2	
15.	Lushnja	4	
16.	Mati	2	
17.	Mirdita	2	
18.	Permeti	1	
19.	Pogradeci	2	
20.	Puka	2	
21.	Saranda	3	
22.	Skrapari	2	
23.	Shkodra	8	
24.	Tepelena	2	
25.	Tirana	12	
26.	Tropoja	1	
27.	Vlora	6	

Appendix B

METHOD OF CALCULATING THE VOTES OBTAINED BY ELECTORAL SUBJECTS

I. PRESENTATION OF THE RESULTS

Subject	Number of seats obtained finally on the basis of the single member list	Percentage of the votes obtained nation wide in the firstround	Corrected percentage
1	a_1	b_1	$A_1 = b_1 / (1 - y/100)$
2	a_2	b_2	$A_2 = b_2 / (1 - y/100)$
3	a_3	b_3	$A_3 = b_3 / (1 - y/100)$
n	a_n	b_n	$A_n = b_n / (1 - y/100)$
Subjects that obtained less than 4 percent of the nation wide vote and that are not eligible for supplemental seats.	x	y	

II. Calculation of the number of People's Assembly members $No_{(PAM)}$

$$N_i = \frac{a_i \cdot 100}{A_i} + x \quad (i = 1, 2, \dots, n)$$

$$No_{(PAM)} = \max(N_1, N_2, \dots, N_n, 140)$$

If $No_{(PAM)}$ is not a full number (i.e. it includes decimal remainder) the larger number (that includes decimal remainder) is taken into consideration.

III. Calculation of seats obtained by every subject (S)

$$S_i = \frac{A_i}{100} (No_{PAM} - x)$$

First, it is determined the number of seats belonging to each electoral subject (i.e. political party) by considering the full number of S_i (excluding the decimal remainder). The sum of these seats (determined for each electoral subject) is subtracted from the total number of the seats of the People's Assembly $No_{PAM} - x$. The remainder is allotted by a single seat respectively to the electoral subject according to the larger decimal remainder of S_i .

IV. Calculation of supplemental seats obtained by every electoral subject (SS_i)

$$SS_i = S_i - a_i$$

Appendix C

FLUTEVOTIMI

PER ZGJEDHJET E KUVENDIT POPULLOR TE
REPUBLIKES SE SHQIPERISE



(Vula e Komisionit)

Zona nr 32

Data e zgjedhjeve 22.03.1992

Kryetari

Per komisionin e votimit _____

[illegible]

Appendix D

REPUBLIKA E SHQIPERISE
KESHILLI I MINISTRAVE
SEKRETARIATI POSACEM PËR
ZGJEDHJET E KUV.POPULLOR


Tiranë, me 1 2.3.92

Komandave te :Aeroportit Tiranë e Pikës
Qafe Thanë.

Z. FABRICO SOARES përfaqesues i Fondacionit Nderkombeta për sistemet elektorale ,ka ar dhur ne vendin tone për te sjell baze materiale për fushaten e zgjedhjeve,te cilat do i presi ne pikat tuaj lut~~gam~~ konform rregullave i siguron kushtet për ti marrë ato në dorë^{zim}.

Nga ana jone eshte biseduar edhe me z.kolonel Fadil Cani ne d^aten e sotme.

SEKRETARI

Errok Gjoka /


Appendix E



U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

March 4, 1992

TO WHOM IT MAY CONCERN

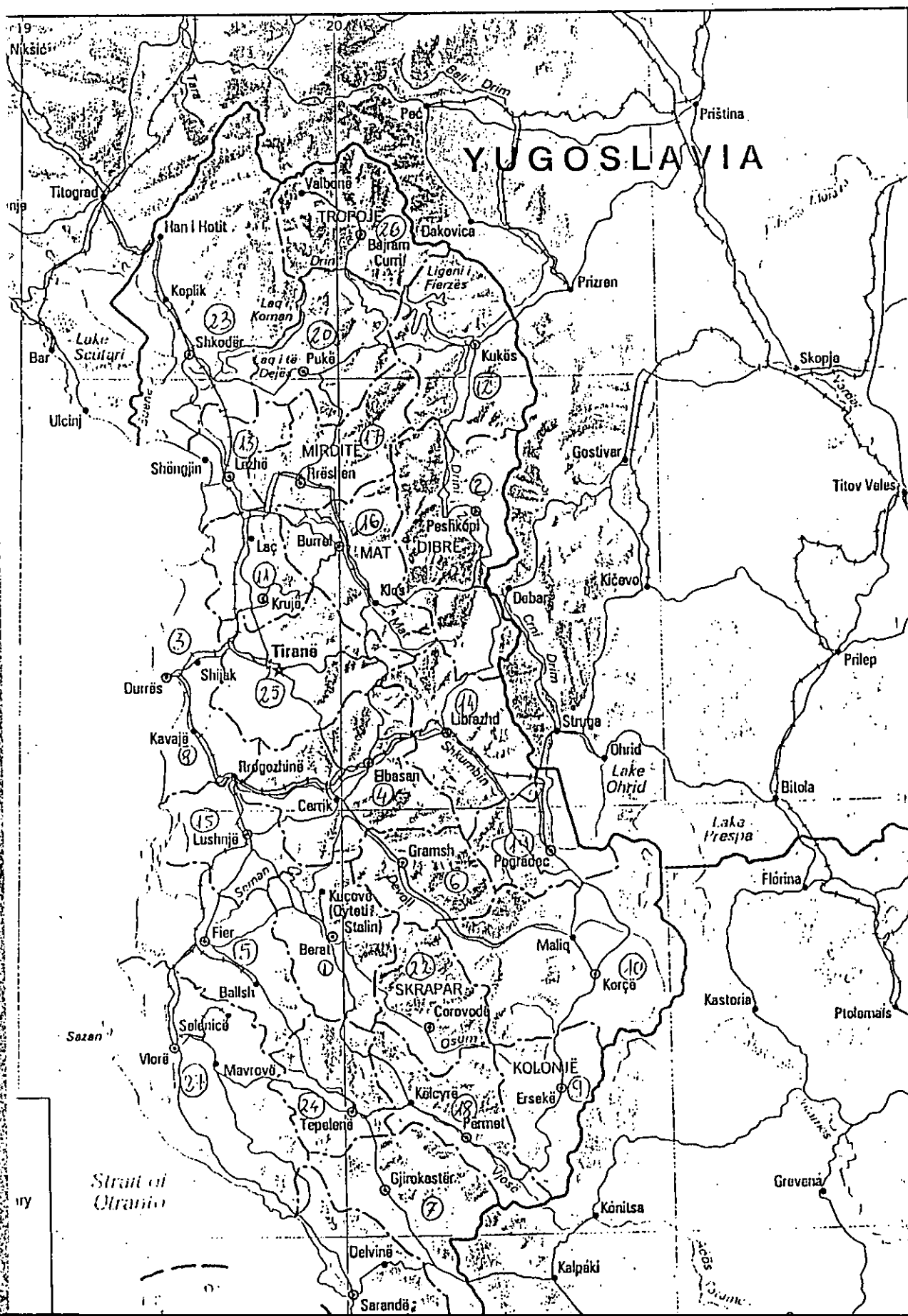
Please be advised that the two trucks from Company PINZOLITS, Hornstein, Austria, under license plate numbers EU 112 H and EU 226 H contain the following items which are a donation by the United States Government to the Central Election Commission of Albania.

1.	TWIN	3 boxes	81 kg.
2.	OFFICE SUPPLIES	151 boxes	2,786 kg.
3.	OLIVETTI TYPEWRITERS WITH ACCESSORIES	5 boxes	60 kg.
4.	COMPUTERS WITH ACCESSORIES	13 boxes	170 kg.
5.	COPYING PAPER	5 palettes	2,500 kg.
6.	PRINTED MATERIALS	32 palettes	18,300 kg.
7.	XEROX OFFICE EQUIPMENT WITH ACCESSORIES	5 palettes	340 kg.
8.	PAINT AND BRUSHES	11 palettes	4,100 kg.

Sincerely,

Gerald F. Hyman
Chief
Democratic Pluralism Division
Bureau for Europe

Appendix F



Appendix G

Former Vice-Chairman

Dr. Aleksander Meksi

People's Assembly

A L B A N I A

Mr. Gerald Heyman

U.S.AID

Mr. Chris Siddall

IFES

Dear Mr. Heyman and Mr. Siddall

I would like to thank you personally for your assistance in supporting Albania's 1992 General elections.

The materials provided by the US Agency for International Development was of the utmost assistance. The equipment sent to us facilitated the logistical and communication as well as all other aspects of the Election Process. I would like to thank the International Foundation for Electoral Systems for the technical assistance you provided in our effort to have free and fair elections.

I wish to thank each of you for the efforts that you have made to make our elections of such a quality that it was acceptable by international standards.

Sincerely

Dr. Aleksander Meksi



Tirana, 31 March 1992

THE REPUBLIC OF ALBANIA
The Central Elections Commission

Tirana, 30 March, 1992

To : Mr. Chris SIDDALL
IFES

Mr. Gerald HEYMAN
US AID

I have the honour and satisfaction to thank you from the bottom of my heart, in the name of the Central Elections Commission for your valuable assistance given to us in order to accomplish successfully free and democratic elections in our country.

Your material and technical assistance served us for resolving a lot of technical problems emerged during electoral campaign for People's Assembly deputies.

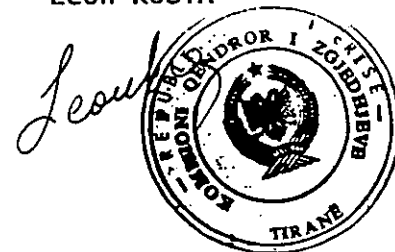
Your representatives, Linda EDGEWORTH and Fabricio SOARES helped our Commission a lot. Their assistance was so much effective.

I would like to thank you once again, expressing my high consideration,

Sincerely

SECRETARY

Leon KOSTA



THE REPUBLIC OF ALBANIA
Special Ad hoc Secretariat for the Elections

Tirana, 30 March 1992

To the : US AID / IFES

The special Ad hoc Secretariat for Elections thanks you for the materials and technical assistance we have received. Your equipment was one of the first international Aid in our secretariat, for the elections. It was helpful for us to use this equipment during the Elections.

The secretariat, and I, are grateful for your assistance.

Sincerely,

Secretary

Errok Gjoka

A handwritten signature in dark ink, appearing to read 'Errok Gjoka', written over the printed name.