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IFES MISSION STATEMENT

The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.

**ALBANIA: TARGETED ASSISTANCE TO THE
VOTER
REGISTRATION PROCESS**

IFES FINAL ACTIVITY REPORT

**MAY 2000 – JUNE 2002
USAID COOPERATIVE AGREEMENT
NO. AEP-5468-A-00-00038-00**

**Submitted to the
U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

**By the
INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS**

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I. EXECUTIVE SUMMARY

IFES involvement in Albania dates back to the first post-Communist election in 1991. Since April 1998, IFES has had a full-time office in Albania. Since that time, IFES has been the primary election support organization from the international community for the Government of Albania and the Central Election Commission. IFES has been instrumental in:

- Ensuring that a provision for an independent CEC was included in the new national Constitution;
- Serving as the primary agent for drafting a new Electoral Code;
- The creation of a national, computerized list of voters;
- The development of five nation-wide civic education programs for voters;
- The development and delivery of training programs for local election officials;
- Providing advice to the CEC on implementation of the law and administration of the elections; and
- Developing commercial relations between the CEC and suppliers of election goods.

Achieving these activities has involved a number of specific projects, many of which are reported on in this document. Others are reported on in other reports pertaining to different funding mechanisms. During the time IFES has been involved in Albania the office staff has increased with the addition of a full-time Deputy Project Manager and two national staff. During specific peak periods of activity, staff complement has risen with additional national staff and international consultants.

IFES Albania project funds have come primarily from USAID. IFES received funding through the Consortium for Elections and Political Process Strengthening (CEPPS) I mechanism from May 2000- June 2002. In addition, IFES was able to secure a program grant from the Canadian International Development Agency in the year 2000 for training of election officials by national NGOs and publication of the year 2000 local government election results; from the United States Department of State for the purchase of election supplies in 2000; and from the governments of Germany, Italy, Spain, Denmark, England and Holland for components of the Voter Registration Project beginning in 2001.

The activities undertaken by IFES have been based on a close collaboration with the Central Election Commission. This collaboration is outlined in the CEC/IFES Agreement and covers a broad range of activities including advice to the CEC; management of the Voter Registration Project; civic education and training; and the publication of election results. In addition there has been a close collaboration between IFES and the international community especially with the OSCE, US Embassy and the Friends of Albania. The strong relationship between IFES and all of these organizations has been instrumental in the achievement of the IFES work program over the past three years.

An important part of IFES Albania's activity has been the provision of advice to the CEC (corporately and individually to members and staff). It is difficult to measure the importance of this activity, however, it is also clear that this has been an important and useful activity. Not only has the CEC sought to expand its relationship with IFES but individual members of the Commission also frequently seek out IFES staff for assistance.

IFES has had a direct and strong impact on the development of a democratic election process. Through assistance from IFES:

- A national computerized voter list has been created for the first time;
- First ever training of local officials has taken place and the CEC is moving to establish its own capabilities in this field;
- Two successful civic education campaigns have prompted the CEC to establish its own expertise in this area;

- Modern election supplies have been purchased;
- Courts are more actively involved in settling election disputes;
- A move is underway to establish an Association of Election Officials in an effort to develop a spirit of impartiality at the local level and create a sense of professionalism;
- A national survey of election officials has been completed;
- There has been a heightened level of trust by the political parties in the ability of the CEC to undertake its responsibilities in an impartial manner;
- A comprehensive report on the local government elections was published; and
- Electoral zone boundary maps were published for the first time.

Much of these activities reflect a first step towards best practices in the field of election administration. However, collectively they have also contributed to the increased transparency of the election process in Albania and thus contributed to the fact that the last two elections (October 2000 and June 2001) were, for the first time since 1991, free of violence.

There is much more to do. Changes need to be made to the electoral code; the voter list continues to have a number of errors; local mapping is required; and more extensive training of local election officials is a continuing challenge, as is the development of greater professionalism with all parts of the CEC. These issues represent the challenges for the future and constitute the major core of IFES activities in Albania in the immediate future.

II. INTRODUCTION

This report is a narrative of IFES Albania program activities under the CEPPS I funding mechanism from May 2000- June 2002. During the period covered in this report IFES was involved with the CEC in preparation for the local government elections of October 2000; the revision of the national voter registry; preparing for and administering the election to the National Assembly in June 2001; the 'clean-up' of the national election including an assessment of the process and identification of future activities of the CEC; and conduct of surveys of local election officials and the judiciary. All of these items are reported on in this document.

In 2001, the Voter Registration Project (VRP) was a major activity of IFES Albania. The VRP focused on the need to continue the work of the Election Assistance Project (EAP) undertaken in the year 2000 to produce a national, computerized list of voters. Because the EAP project was undertaken on the basis of multi-lateral funding and management, a separate report has been prepared by IFES, and only those aspects of the project cover under the CEPPS I mechanism are addressed in this report. A full copy of the report is available from IFES Albania and IFES Washington.

Due to the nature of the activities, the structure of this report is not exclusively organized by IFES programming areas. There is also a discussion of the political situation leading up to the 2001 parliamentary election and specific issues during the election period. An appreciation of these issues is helpful in understanding the role IFES has undertaken in Albania, programming constraints and the planned activities for the future.

In preparation for the 2001 national election and the assumption of the lead international role by IFES for the VRP, it was necessary to increase the number of national and international staff members and move to a larger office. Each of the staff members made an important contribution to the development of a strong team and program success. In recognition of the increased IFES activities in both programming and financial administration, a decision was made to hire a Deputy Director. Ms. Zofia Serafinska assumed these responsibilities in February 2001. All of the permanent and temporary staff of IFES Albania made valuable contributions to the IFES work program and recognition of success goes to them all.

III. OVERVIEW OF IFES PROGRAMMING

The International Foundation for Election Systems has had a presence in Albania since the first post-communist election in 1991. From 1991 to the spring of 1998 IFES provided technical assistance and election observation personnel for each election, however, no long-term office was established until April 1998. Through funding from OSCE in early 1998 and later through USAID, IFES established a permanent office in Tirana, Albania. The work program for IFES at that time included technical assistance and advice to the Central Election Commission (CEC) for the special local government elections in June 1998, participation in the deliberations for a new constitution, and civic education programming during the national referendum on the constitution in November 1998.

As a result of the civil unrest in Albania during the fall of 1998 and the heightened security concerns for American personnel following the bombing of American Embassies in Africa, the Project Director of IFES Albania, Mr. Dan Blessington, was required to leave the country in September. He continued to provide oversight and direction for the national staff in Tirana from an office in Skopje, Macedonia. In early 1999, Mr. Blessington assumed other responsibilities and IFES actively sought a new Project Director. American security concerns for personnel in Albania required that a new Project Director not be an American citizen. In May 1999, Mr. Dickson Bailey of Canada was hired as the new Project Director for IFES Albania.

With the appointment of new Project Director the IFES work program in Albania began to move forward once more. Initially, the program was two-fold: assisting the Government of Albania to draft a new Electoral Code; and, second to advise and assist the members of a new, constitutionally mandated Central Election Commission to become fully functional and operative in the context of the new electoral code well before the local government elections scheduled for October 2000. The IFES work program during 1999 and early 2000 was governed by an agreement between IFES and the Ministry of Legislative Reform. This agreement was transferred to the Judicial Branch of the Office of the Prime Minister in October 1999.

During the summer and fall of 1999 a third major activity, the development of a national, computerized list of voters, was added to the IFES work program. The voter list project, named Election Assistance Project (EAP) was a multilateral effort. The lead international agency was UNDP. The Ministry of Local Government of Albania was the lead national agency. As part of the EAP program IFES had direct responsibility for information technology advice on the development of a national database, planning for the door-to-door enumeration component, training of local officials and civic education. The EAP undertook the development of a preliminary list of voters for the October 1, 2000 local elections. As required by the new Electoral Code, the preliminary list was provided to the CEC on August 25. At that time the project technically ended and full responsibility for the final list of voters and future revision to the database was assumed by the new CEC. Following the local government elections IFES was asked to assume the lead international responsibility for further revisions to the voter registry database. This new activity became a major focus of IFES activity in Albania during the year 2001.

During the past 25 months, IFES has been funded through various USAID funding mechanisms. This has meant that at various times initial scopes of work had to be amended and new scopes of work submitted to USAID. Throughout, however, programming remained focused on two primary concerns: (1) voter registration and revision of the voter list data base with the CEC; and (2) preparations for the 2000 local elections and the 2001 national elections. CEPPS 1 funding covered the majority of IFES activities from May 2000- July 2001, as well as limited aspects of the survey of election officials and survey of the judges completed in 2002. CEPPS 2 funding was used to support other IFES programming from May- December 2001. Specific program activities referred to in this report include:

- Electoral Assistance Project;
- Local Government Elections in 2000;

- Voter Registration Project;
- Election to the National Assembly in 2001; and
- Post Election Survey of local government election officials.

IV. CENTRAL ELECTION COMMISSION

The Central Election Commission of Albania was formally constituted with the passage of the new Electoral Code by the National Assembly of Albania on May 8, 2000. The Commission is comprised of seven full-time members, a Secretary and supported by professional staff. The commission is legally based on the provisions of Article 64 of the Constitution of Albania and specific powers and responsibilities are detailed in the Electoral Code.

The creation of a constitutionally based CEC and the method of appointment of the seven commissioners has been a politically sensitive issue in Albania. These political concerns were most frequently voiced during the initial year of its formation. Following the local government elections in October 2000 there were increased demands by political parties and others for changes to the membership of the commission. In January 2001 the then Chair of the CEC announced his resignation. This was followed by the resignation of the vice chair and one other member. In February 2001 the vacancies on the commission were filled and a new chair (also a new member) and vice chair were elected. The election of the new Chair, Mr. Ilirjan Celibashi, provided the necessary impetus for IFES to begin a renewed work program with the CEC leading up to the national elections and the implementation of the voter registration project. Under the new leadership the CEC became more active in preparations for the election and a new tone was established in the relationship between the CEC, political parties and the international community.

A. IFES Agreement with the CEC

In 2000, IFES signed an agreement with the CEC, which covered general assistance to the commission as it developed and administered its first nation-wide election. Programming included training of election officials, civic education, and general advice and consultation. In addition, IFES was able to secure a grant of \$700,000 from the US Department of State to purchase election materials. Sufficient materials were purchased for two nation-wide elections.

In 2001 IFES worked closely with the CEC in two distinct but related areas. As the lead international agency for the Voter Registration Project IFES was specifically charged with the provision of technical expertise related to the voter registry data base, training of local officials, civic education and the management of international donations. The project document specified IFES responsibilities in this area and constituted one agreement with the CEC. In addition, IFES entered into a formal agreement with the CEC, under which IFES had the following responsibilities:

- Lead and manage, in co-operation with the CEC, the delivery of the Voter Registration Project Plan;
- Provide assistance and advice to the CEC on institutional development issues as well as election administration. These areas included: the development of a central administrative capacity, including staffing; technical and administrative needs; training of local election officials including poll workers; establishment of a structure of lower level commissions; co-ordination of shared responsibilities with other Albanian institutions, such as the Parliament, Council of Ministers and the Ministry of Local Government.
- Provide assistance and advice to the CEC for the preparation of training and voter education materials; advice on legal questions, and the drafting of administrative regulations and related materials;

- Modern election supplies have been purchased;
- Courts are more actively involved in settling election disputes;
- A move is underway to establish an Association of Election Officials in an effort to develop a spirit of impartiality at the local level and create a sense of professionalism;
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- Lead and manage, in co-operation with the CEC, the delivery of the Voter Registration Project Plan;
- Provide assistance and advice to the CEC on institutional development issues as well as election administration. These areas included: the development of a central administrative capacity, including staffing; technical and administrative needs; training of local election officials including poll workers; establishment of a structure of lower level commissions; co-ordination of shared responsibilities with other Albanian institutions, such as the Parliament, Council of Ministers and the Ministry of Local Government.
- Provide assistance and advice to the CEC for the preparation of training and voter education materials; advice on legal questions, and the drafting of administrative regulations and related materials;

- Provide training to lower level commission officials in the implementation of the law in conjunction with the CEC. Provide assistance in the preparation and delivery of training seminars, training manuals and videos;
- Provide intensive training to members of the CEC to help develop their capabilities in the administration of elections, organizational development, personnel and financial management, resource development, training capabilities, and voter education capabilities;
- Following the election, co-ordinate a post election review of the electoral code with a view to making relevant recommendations for amending the code;
- Organize a post-election seminar on the parliamentary and local elections with the focus on continuing the strengthening of electoral institutions and practices;
- In co-operation with the CEC and existing local and international actors provide public education on the electoral code and procedures, initiate and co-ordinate a public information campaign, to continue to educate voter and political parties on the content of the election law; and
- Other items as mutually agreed to.

The IFES/CEC agreement was signed on March 21, 2001 and has been extended to March 31, 2002.

The agreement contains program elements which were not funded through the CEPPS 1 program of USAID. Those elements, specifically post election activity, are not included in this report.

B. CEC Organizational Structure and IFES Support

The CEC has seven full-time members and a Secretary who also serves as head of the administration. Each commission member has a specific area of responsibility (training, civic education, legal issues, voter registry data base, international and third party relations and relationships with the state structures of the government of Albania). Administratively the Commission has seven directorates: Legal, Foreign Relations, Press Relations, Voter Registry, Finance, Logistics, and Local Commissions. There is, as of yet, no directory mandated to deal with training and civic education. While the directorates exist on paper they lack permanent staff and/or a complete staff complement. Existing staff was hired on the basis of short-term contracts for the purpose of 'getting the CEC through' the immediate election periods (2000 and 2001). A thorough review of current staff, position descriptions and organizational structure began in the summer of 2001 and concluded in late fall. The review resulted in the advertisement of all positions (except Secretary) in conformity with the new Civil Service Law of Albania.

Through its ongoing work IFES identified a number of areas where the CEC needed to be strengthened. The failure of the CEC to be able to hire an experienced IT specialist as the Director of the Voter Registry Directorate has been a disappointment. Further effort to recruit an experienced person in this area is required. However, to attract an individual who has the requisite skills and knowledge it will be necessary for the CEC to pay a salary above the allowable salaries within the state administration.

Through the VRP, and on-going support that IFES was able to provide the CEC over the past year, IFES was able to strengthen the administrative capacity of the CEC. This assistance included contractual support for:

- Two lawyers to work on retainer with the Director of Legal Affairs;
- Twelve supervisors to work directly with local election officials during the voter list revision

period and the national election;

- A translator for the CEC members;
- Two additional finance officers;
- An IT specialist; and
- A training specialist.

Through ongoing programming, IFES consultants and staff worked directly with CEC staff on matters related to financial controls, contract administration, procurement policies and development of professional training and media plans. A working relationship in these areas continued through the later months of 2001 and are highlighted in the IFES work plan for January 2002- March 2004.

As part of IFES support to the CEC, IFES contributed \$80,000 for the purchase and transportation of election supplies. Through the VRP communication and election related equipment to meet long term needs of the CEC was purchased costing a total of \$102,000. The funds used to purchase equipment through the VRP came from the governments of Germany, Holland, Spain, Denmark, Italy and Great Britain. Between the months of March and July 2001 IFES contributed \$40,000 for salary support for contractual staff of the CEC (see list above). In the same period, IFES contributed \$265,000 for the printing of revision forms, civic education programs and training of local election officials.

V. ELECTORAL ASSISTANCE PROJECT

The Electoral Assistance Project (EAP) began in the fall of 1999 under the Europe and Eurasia Cooperative Agreement and continued under CEPPS 1 from May – August 2000. Because this project was covered under two distinct funding mechanisms, this chapter provides an overview of the entire project and provides detail only on those aspects of the project covered under CEPPS 1.

A. Overview

The EAP was a joint project of UNDP, Ministry of Local Government, IFES and OSCE to prepare new, national computerized voter registry and to prepare and distribute voter identification cards to all eligible voters in Albania. The UNDP provided the lead role for the international community and the Ministry of Local Government was the implementing agency on behalf of the Government of Albania.

There were four primary factors that resulted in the establishment of the Electoral Assistance Project:

1. A recognition by IFES that the issue of a new voter list and methodology needed to be incorporated into a new Electoral Code to address many of the international and national concerns regarding the conduct of past elections in Albania. IFES Project Director, Dickson Bailey, first raised this matter with officials of the Government of Albania and Minister Arben Imami, Minister of Legislative Reform in early July 1999. At that time, Mr. Bailey also met with the Democracy Officer of USAID in Albania and received verbal support to begin to design a project to undertake a new voter registry for the country.
2. Strong interest and commitment on the part of OSCE to ensure that there was an accurate list of voters and that the existing civil registry structure in Albania was modernized. This commitment of the OSCE extended back to a special pilot project in 1998 sponsored by OSCE, to which IFES provided consulting support to computerize the civil registry in six locations and demonstrate how the registries could be used to produce the voter list.
3. Strong desire by the Ministry of Local Government to create the data and information center within the Ministry to maintain the voter list and to provide for the national data center that could be used to provide

future voter lists and serve as the basis for the national civil registry database. Prior to the passage of the new Electoral Code the Ministry of Local Government had been responsible for the creation of voter lists for local and national elections and all referenda.

4. Parallel initiative of the Parliamentary Commission on Public Order, chaired by Mr. Neritan Ceka, to establish the national, all-inclusive, citizen identification card.

In September 2000, the UNDP agreed to take a lead role in the development of the project proposal and hired a consultant for that purpose. During October 1999, the project proposal was developed in close consultation with the Ministry of Local Government, IFES and OSCE. An IFES team of consultants continued reviewing the proposal through early December and made a series of recommendations regarding implementation.

In January 2000, the Government of Albania and UNDP formally signed an agreement to implement a modified version of the Election Assistance Program proposal. Under this agreement the Ministry of Local Government was designated as the implementing agency on behalf of the Government of Albania, and Mr. Blendi Klosi, Vice Minister of the Ministry, was named National Project Director. In March, the UNDP named Mr. Don Campbell as Chief Technical Advisor and Mr. Celio Santos as a consultant responsible for the voter identification cards. During March and April national staff were hired to work directly in the area of administration, enumeration, voter cards and the development of a data center. Under the agreement IFES assumed responsibility for providing consultative advice for the enumeration process, civic education and the development of a data center. For those purposes, Mr. Enrique Saltos began work in late January 2000 on the development of a database and data center, and Mr. Shawn Pollock arrived in February to work on the enumeration component. In the area of civic education, Mr. Joaquin Bernardo began in April and was followed by Mr. Christopher Shields in late May.

After numerous delays, door-to-door enumeration began on June 5, 2000 and continued in major centers until early August. The enumeration process was highly controversial throughout the country but was completed nonetheless. Due to the delays in conducting the door-to-door enumeration, not all program objectives could be met before the local government elections scheduled for October 1, 2000. As a result, the CEC continued the initial verification of the names contained in the national voter registry data base and maintain an aggressive program to distribute voter identification cards prior to the national elections in June 2001.

B. Implementation

The months of April, May and June 2000, proved to be very difficult for the EAP. There were:

- Continued procedural disagreements between the national and international staff;
- Weak leadership from the Chief Technical Advisor and the National Director;
- Slow and contrary decision-making on enumeration procedures on the part of the national staff and political delays by local officials in verifying the Social Insurance data base;
- Postponement in the enumeration procedures;
- Difficulty in obtaining international financial contributions was difficult and contributions were slow in arriving, causing a further delay in the finalization of the voter identification card order; and
- The project lost two international consultants. Civic Education Specialist, Joaquin Bernardo from IFES died on May 8, and Enumeration Specialist Shawn Pollock terminated his contract with IFES the following week.

In May, the enumeration process continued to be delayed. Part of the delay was caused by slowness in finalizing the database and in part caused by the death of Joaquin Bernardo as well as the departure of Shawn Pollock. This void was further complicated by the departure of the IFES Project Director for a two-week leave. Joaquin Bernardo was replaced by Christopher Shields in the first week of June to work primarily in the area of civic education. In July, Connie Kaplan joined the IFES team to work primarily in the area of election officials

training. As the time to commence door-to-door enumeration quickly approached, it was necessary to alter and change the civic education plans at the last minute to respond to changing directions from national authorities. This problem was also encountered in the finalization of the enumeration manual, which was constantly changed to reflect changing decisions. Consequently, there was a delay in printing of the manuals and in the end there were discrepancies between the Albanian and English versions. A third difficulty that occurred at this time was the failure to reach any agreement with national authorities regarding the training of enumerators. IFES had made prior arrangements for training to be delivered by the newly created Albanian Institute for Election System Development. Work had begun to develop a training program with the Institute; however, it was only partially completed at the time of the death of Jaoquin and Shawn's departure. In addition, there developed a strong opposition by the Government of Albania on the use of the Institute for political reasons. As a consequence, while some training took place for the district leaders, very little training took place for door-to-door enumerators.

Door-to-door enumeration officially began on June 10. The project staff quickly learned, however, that there was no effective infrastructure to keep 'on top' of the activities of local officials. In many cases, local enumeration teams began and finished a door-to-door enumeration before the database was provided to them. Voter identification card coupons were not always distributed and very little control was exercised on their distribution. There was no consistency in how to mark the database sheets and due to the political squabbles between some community leaders and the central government there was a refusal of some community authorities to cooperate with the project. Consequently, what was scheduled to be a uniform enumeration across the country over a three week period extended over ten weeks not finishing until August 4 with the last of the enumeration data sheets forwarded to the project on August 10.

The long delay in completing the enumeration had serious ramifications for the completion of the project. Because of the enumeration delay it was impossible to properly verify the voter registry through crosschecking for duplicates, correcting spelling errors or by adding missing information prior to the legal deadline to provide the new Central Election Commission with a preliminary voter list by August 25, 2000. Because verification was not completed on time there were parallel difficulties with the voter identification card. To enable the card to be used for the local government elections it was necessary to have the cards printed from the preliminary voter list, which was known to contain a large number of errors. At a meeting of the international partners on August 11, 2000, IFES put forward a recommendation to delay the issuance of the cards until after the election when the list was completely cleaned and verified. This option, while receiving serious consideration, and raised with the CEC, was not pursued further for political reasons.

In light of the difficulties encountered in the implementation of this project, the OSCE undertook an enumeration monitor project. The monitoring took place in June and July 2000, involving 27 international monitors. In addition, the European Monitoring Commission field staff and OSCE field staff provided regular reports reviewing the issues and progress of the enumeration process in the field.

By the end of July, the city of Durrës had not yet commenced door-to-door enumeration and the capital city, Tirana, had just begun. In the City of Lushnje there was a blockage of the entire process due to the political disputes between the two largest parties: Socialist Party and Democratic Party. In all of these cases international bodies were involved in resolving disputes at the local level so the enumeration could continue and be completed. On August 14, the final set of enumeration data was obtained from the City of Tirana.

The enumeration material constituted the database from which the preliminary voter list was developed.

C. Preliminary Voter List

The population of Albania is estimated at 3.5 million people. It was assumed, therefore, that the final list of voters should have no more than 2.4 records (voting age population was estimated to be 60% of the total population). This meant that the newly developed database, with the total of 3.5m records, had approximately

1.2m more records than it should. Following the receipt of the final records of the enumerators the project was required to 'clean' the database by finding duplicates and incorrect entries. As a result of the delays in the earlier processes of the project there was not enough time to complete this task properly prior to the August 25 legal requirement of transferring the preliminary list to the CEC. A comprehensive verification of the database at the end of the project was not part of the original work plan envisaged by the international consultants. It had been assumed that verification would be undertaken at each step of the project:

- After the printing of the SII database;
- After the update by the civil registry offices;
- Following the door-to-door enumeration; and finally,
- After the voluntary revision of the voter lists as provided for in the Electoral Code.

Using these stages as points for verification of the database and preliminary voter list would have made the project much simpler.

During the early/mid summer months difficulties respecting the quality of the list and the potential difficulties this created for the printing and distribution of the voter identification cards was recognized and became a major concern for IFES and other international EAP partners. In response to this concern IFES called a meeting of the international project partners and outlined a number of potential actions. The meeting was held on August 11. Following this meeting the international participants stepped up their pressure on the Ministry of Local Government and the CEC to consider various options regarding the lack of proper verification of the preliminary voter list and the voter identification cards. Decisions of the CEC on these issues did not come until late September. The original voter identification card distribution schedule was maintained.

On August 25, the preliminary list of voters was transferred to the CEC and included 1.9m verified records and 600,000 unverified records. The list of 1.9m records was used to print the voter identification cards. The lists, organized by polling unit, were sent to the Local Government Election Commissions to provide for citizen-initiated revision of the list. In the meantime, the project continued to match the additional 600,000 names with the verified records in order to eliminate duplications.

At the end of the revision process (17 days prior to voting day) the verification ended and the names from revision were added to the list. At this point the voter list had 2.335m verified records with an additional 450,000 unverified records. The large number of unmatched names presented significant policy and voting procedure challenges for the CEC.

D. Conclusion

The implementation of the EAP was very difficult. The project encountered several problems including:

- Securing adequate financial resources;
- Slow and indecisive (or incomplete) decision-making;
- Weak project leadership;
- Strained working relationship between the national and international project staff; and
- A failure to adhere to the strategic plan and timetable of the project.

In addition, there were significant political blockages at several stages of the project. In order to address these problems and to produce an accurate and complete voter list, free of strong political challenges, USAID approved a new Voter Registry Project, which was implemented in the early months of 2001 under the direction of IFES.

VI. LOCAL GOVERNMENT ELECTIONS 2000

On July 23, 2000 the President of the Republic of Albania issued a Decree for Local Government Elections establishing voting day as Sunday, October 1, 2000. Second round voting for the position of Mayor in municipalities and communes was set for Sunday, October 15, 2000. On October 1, voting for mayor and council took place in 385 municipalities and communes with voting postponed until October 29, in the commune of Grekan due to the death of a candidate for Mayor.

In Albania, local government councils are elected by proportional representation and the mayors are elected directly, requiring 50%+1 of the valid votes cast to win. Failure to achieve a majority of the votes in the first round necessitates a second round of voting for the position of mayor. Following the counting of votes cast on October 15, two hundred and twelve mayors were declared elected and an additional 164 second-round elections were announced. In the communities of Pult and Shalë, elections did not take place on October 1, due to the local disputes. These elections were re-scheduled for October 15, the date for second round elections. Because of irregularities on election day, the CEC and/or the courts required new elections to be held in five municipalities/communes. These elections were also held on October 15, 2000.

In October 2000, local government elections were the first to be held on the basis of the new Electoral Code and the first to be administered by the new Central Election Commission. These elections were monitored by the Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe (CoE), the Society for a Democratic Culture (SDC) and the Albanian Helsinki Committee on Human Rights. The later two organizations were the most prominent Albanian NGOs participating in the monitoring program.

The monitoring reports of ODIHR, CoE and SDC (no report has been received from the Helsinki Committee) declared the elections to be free and fair. These organizations, however, as well as other international observers and IFES, identified significant problems and issues to be corrected to ensure that the national elections in June 2001 were to be considered a further, significant step for Albania to achieve international standards of democratic processes. Many of the issues raised in these reports are also raised in this chapter. However, it should be borne in mind that the issues are raised from a different perspective. The monitoring reports are based on observation at a particular point in time. The IFES perspective is based on a longer period and from the perspective of a close working relationship with the CEC. The ODIHR report is attached as Appendix C of this report.

The remainder of this chapter provides a review of the conduct of the local government elections in the context of the following topic areas:

- Functioning of the CEC;
- Memorandum of the Agreement with IFES and the CEC;
- Administration and Supplies;
- Forms, Instructions and Ballots;
- Local Government Election Commissions (LGEC);
- Training and Civic Education;
- Consultation with Political Parties;
- Voter Lists and Voter Identification Cards;
- Election Day and Second Round Voting;
- Election Disputes, Irregularities, Recounts and Judicial Decisions;
- Post Election Activity.

A. Functioning of the CEC

During the election period, the CEC continued to have problems with internal communication, co-ordination of activities and clarity of decision-making. All of these issues were sources of major criticism from the international and national observers and the political parties. The reasons for the difficulties encountered by the CEC are many and varied but the most prominent seem to be related to the political controversy surrounding the appointments of commission members.

A direct result of the controversy over member appointments manifested itself with commission members being identified as 'position' or 'opposition' representatives. The ramification of this controversy was not initially identified by the CEC or by the CEC Chair and little was done within the commission to alleviate the problem. In addition, the members brought very little prior experience and the commission was not able to hire strong and experienced administrative staff.

CEC members did not avail themselves of the opportunity to be fully briefed by IFES and the OSCE on the features of the new Electoral Code and did not hire internal legal staff to provide them with strong advice until near the end of the election period. Many members of the CEC adopted a very narrow interpretation of many aspects of the new Electoral Code and by doing so prevented the new institution from engaging in forward planning. Frequently this led to crisis management situations as the CEC struggled to meet legal deadlines. Finally, the lack of internal communication created distrust amongst the members and resulted in extremely slow decision-making and/or decisions only made after significant pressure was applied by either the government of the day or by the international community.

The preceding comments appear highly critical of the CEC and they represent the core of the major criticism of the ODIHR and CoE monitoring reports. The CEC was a highly suspect body from the very beginning. The commission was not trusted by the political parties and was viewed with suspicion by the international community. It must be understood, therefore, that in this atmosphere the CEC members began its work in very difficult circumstances and was required to implement an effective and fair election in a very short period of time with few resources at their disposal and with little hands-on election experience. All criticisms must be written, read and understood in that context.

The CEC is composed of seven full-time members appointed for a seven-year term. Article 154(1) of the Constitution provides that members serve in rotation, that is, three members are to be re-appointed every three years. The CEC elects its own chair and vice chair and is provided the same immunity provided to members of the High Court. (Article 154(4) of the Constitution). The term immunity was interpreted by members of the commission to also mean salary and status. The practical consequence of the interpretation of this reference to the High Court has been the view of many CEC members that they are full-time and they are decision-makers only.

In the later part of June and early July 2000, the CEC members considered an IFES proposal on internal organization of the commission. This proposal was designed to assign specific responsibility to individual members in accordance with the functional requirements of the Electoral Code. While the document was informally considered and agreed to, it was never subject to discussion within a formal commission meeting. In lieu of this discussion, the Chair assigned some duties to individual members but major functional duties related to training of election officials, legal matters, and the formation of the Voter Registry Directorate as required by article 49 of the Electoral Code, were not realized. Frequently, the Commission was not able to make effective or timely decisions during the election period because no one was assigned responsibility to follow the issue, provide their colleagues with information or advice, or make recommendations for action. In addition to these difficulties, meetings of the CEC were irregular and not properly announced. Article 19 of the Electoral Code requires all meetings (except those with personnel and budget development agendas) to be held in public. The code also requires the CEC to remain in session during the election period in accordance with the time schedule established at the first meeting after the issuance of the election decree.

All meetings of the CEC were public. However, the time of the meetings was not formalized and frequently changed at the last minute – even when notification to outside observers was given just 30 minutes prior to the holding of a meeting. Meeting agendas were infrequent and not distributed to observers. Issues requiring a decision did not have recommendations attached to them. This practice was a clear failure to comply fully with the Electoral Code and created confusion for political party representatives, international observers and members of the commission themselves. This issue was frequently raised with the CEC chair, the Secretary of the CEC and by IFES. Assurances were always given that the problem would be rectified right away but no action was ever taken.

In other instances individual CEC members and the CEC chair were lobbied by political parties and the international community to make a specific decision or take a specific course of action. At informal meetings with the Chair and members of the commission (often together), an agreed course of action would be settled upon only to have the matter set aside at a meeting of CEC or an attempt made to delay a decision for reasons which had been set aside at the informal meetings. Another frequent obstacle to decision making was the position of some members that documents for discussion not formally circulated by the Chair, could not become the basis for decisions even though all members had been given a copy earlier. An example was the formal agreement between the CEC and IFES for the election period. A draft agreement was prepared by IFES and forwarded to all members of the CEC. The Chair assured IFES that the document had been discussed by all members and approved by them. When the time came to formalize the agreement through a motion at a CEC meeting, the agreement was set aside on the grounds that the members had not read or agreed to the document (that is, it had not been circulated formally by the Chair). A second example involved the purchase of ink for marking the thumb of voters on election day. As a result of problems with the voter list, the government pressured the CEC to purchase ink for marking voters. Through discussions with IFES, arrangements were made to purchase the ink. Through this period the government had given the CEC verbal assurances that the funds for the purchase would be made available to the commission. When the time came for the final decision to purchase ink (just 8 days before voting), some members of the commission attempted to postpone the decision indefinitely until they could get a full written report on the availability of functioning UV lamps that could be used with invisible ink, and a personal assurance from the Vice Minister of Local Government, that funds would be available for the ink. Assurances given to the Chair and the Project Director of IFES regarding the availability of funds and a report to the Commission at a formal meeting were not sufficient. Nor was the verbal report of staff from the Ministry of Local Government that the number of functional UV lamps in storage was insufficient to enable the commission to use invisible ink considered sufficient.

Through difficulties of this nature the members of the CEC became distrustful of each other. In private conversations they complained about some members not carrying their load. When the complained-about members were talked to, they complained that they were considered to be of the wrong political stripe, not given any duties and that the Chair was uncommunicative. The Chair complained that he was given insufficient power under the new Electoral Code to force members to do things. It was frequently encountered, however, that the Chair did not inform his colleagues of discussions he had had with political parties, international observers and others regarding the administration of the election. This problem became particularly intense on matters related to the list of voters, distribution of voter identification cards, voting day procedures and the issuance of the final results of the election. While the CEC had clear responsibility for the list of voters and identification card distribution effective August 25, 2000 (Article 154 of the Electoral Code), the CEC was not informed by the Chair (who dealt with these issues directly) of the problems or progress of the development of the voter list. Similarly, the Chair kept all materials regarding the final election results and did not share them with the members of the Commission until the very last minute. When the Chair announced the results to the media, two members refused to sign the decision and none of the Commission members attended the media conference.

In many respects the CEC, instead of being functional, proved to be dysfunctional. There was an inability to organize internally, a tendency of the Chair to 'order' and not share information, a propensity of many members

to be distrustful of each other and a singular inability of the members to talk and share information between each other on an informal basis. More frequently than not, there was an unwillingness to accept responsibility for actions, take initiatives or make decisions. As a result, legal deadlines were not met, the commission was in a constant state of crisis management and outside organizations became highly critical of the CEC actions (or lack thereof). On August 23, 2000, the IFES Project Director reported on these problems to a meeting of the Friends of Albania. Similar statements were made in the pre-election assessment reports of the National Democratic Institute and ODIHR. These issues are strongly restated in the ODIHR and CoE election monitoring reports. Finally, at the conclusion of the election period, the criticisms of the CEC have fuelled the opposition demands for a restructuring of the CEC. Following the election similar demands were made, publicly and privately, by political parties from the governing coalition as well as by some international organizations.

B. Memorandum of Agreement with IFES

In late June 2000, IFES Project Director, Dickson Bailey, approached the Chair of the CEC regarding a formal agreement of co-operation between IFES and CEC. Under the proposed agreement, IFES was to provide assistance and advice on a range of issues including training, civic education and general election administration. Copies of the draft agreement were left with the Chair for distribution to commission members. The Chair indicated a strong desire to work with IFES and willingness to proceed with the agreement. At a subsequent meeting, IFES was assured that the draft had been circulated, responded to favorably and that there was no problem in signing the agreement.

By mid to late July, no action had been taken by the CEC on the draft agreement although when the issue was raised constant assurances were made that it was acceptable. On this basis the IFES Project Director arranged for the agreement to be formalized and signed by the President of IFES. A signed copy of the agreement was provided to the CEC Chair. At the same time funding assistance for the CEC, to be channeled through IFES, was confirmed. Dickson Bailey informed the CEC of the funding potential but also indicated that this could not proceed without the signed memorandum of agreement formalizing the IFES/CEC working relationship. At this point it became clear that some members of the CEC did not agree with the proposed agreement.

The CEC members, not agreeing with the proposed agreement, expressed two major concerns. First, they claimed that the draft had never been circulated to them for consideration (which was not correct but was a way of saying that the chair had not formally forwarded the document or put the issue on the agenda of a formal meeting of the CEC). Second, the wording of the agreement was interpreted to mean that the CEC could not seek or consider advice from other international organizations. In response to the second issue, minor adjustments to the wording were made to ensure that the agreement could not be interpreted as limiting the rights of the CEC. On the first issue the Chair was required to act. A third concern expressed by some members was that the CEC was being 'held up to blackmail' in the sense that the grant would not be made unless the CEC signed the agreement and since the CEC needed the funds they had no choice but to sign. While 'blackmail' is too strong a sentiment, it was the view of the IFES Project Director that a formal agreement between IFES and the CEC was necessary and should be signed prior to the finalization of the purchase of election supplies to ensure that the two organizations were on an appropriate footing going into the election period. The Memorandum of Agreement was formally signed on August 23, 2000 and is attached as Appendix B of this report.

C. Administration, Budget and Election Supplies

The administration of the CEC is a legislated responsibility of the Secretary to the Commission. With the hiring of Sokol Shazi as CEC Secretary in early August 2000, administrative structures began to take shape. However, staffing was slow and by and large persons hired were inexperienced. In addition, the CEC had virtually no funds to dedicate to administrative infrastructures. The commission was provided with inadequate office supplies (desks, chairs, etc., however, new desks and chairs were supplied by the government prior to the end of the

election). Also, the commission had no funds for transportation, computers, fax machine, photocopier or anything more than basic phone service (members were provided with cell phones during the election period).

An initial request by the CEC to IFES was for automobiles. While the request was a valid one in the context of need, the request was not considered by IFES, or other potential international donors, as a top priority given the overall needs of the commission. IFES did, however, purchase two fax machines, rent a large photocopier, five computers and two printers (July to November) for the CEC. In addition, IFES donated a television and VCR to the CEC during the election period, wired the computers into an office network and arranged for internet access for a six month period.

On balance, the internal administration of the CEC was acceptable and no different than other government offices and institutions. However, it was also apparent that basic office skills and internal administrative procedures were lacking. Subsequent to the election, IFES has approached the CEC regarding the need to provide staff with specific skill training including office management, filing and computer skills.

To establish the CEC the Government of Albania initially allocated sufficient funds to pay the salaries of the commission members and some core staff. Until an election budget had been prepared and approved by the Council of Ministers no further funds were available. In response to this need, IFES Project Director drafted a proposed election budget for CEC consideration. This draft was presented to the government without change. The draft budget called for an expenditure of \$3.3m USD and included the purchase of a quantity of new election supplies, rental payment for local election offices in each municipality, central warehousing of election supplies and commune and expenditures for training of officials and civic education. It was assumed (correctly) that the government would only approve a reduced amount, however, the approved budget was substantially higher than anticipated \$2.3m USD. The approved budget also provided for a number of in-kind expenditures related to local office space and central warehousing. While the in-kind expenditures were driven by budget considerations they were inadequate both locally and centrally.

Parallel to the development and approval of the CEC budget, IFES approached officials of the United States Embassy in Albania about the possibility of a special grant from the Stability Pact Democracy funds to be made available for Albania to assist in the purchase of election supplies. The IFES request led to a special donation to IFES from the Peacekeeping budget of the US Department of State in the amount of \$700,000 US for this purpose. With these funds and the funds available from the Government of Albania it was possible for the CEC to purchase a large quantity of new elections supplies including transparent ballot boxes, voting screens, identification tags, hole punches (for voter identification cards) and signage for polling stations. Sufficient supplies were purchased for two elections and the new ballot boxes have a life expectancy of 15 to 20 years. Most of the supplies were purchased out of the country and because of the trucker strike in Europe at the time it was necessary to air ship the supplies to Tirana. The higher than budgeted transportation costs meant that all the funds from the State Department were expended for these elections where it had been hoped that a reserve fund could be established for mapping in preparation for the national elections to be held in 2001. During the election period it was decided, because of problems with the new list of voters, to use black ink to mark voters on election day. To pay for the ink it was necessary for the CEC to obtain special approval from the Council of Ministers and with that approval, the order and arrangements for the ink was made by IFES.

During the process of ordering and arranging for the election supplies some of the inadequacies of the administrative structure and inexperience of the CEC became apparent. CEC staff did not have knowledge of procedures for electronic transfer of funds, identification of supply requirements, distribution of supplies, inventory management or contractual procedures with out-of-country suppliers. The IFES Project Director assisted the commission with banking and contractual issues, identification of election supply requirements and on some issues specific to the distribution of the election materials. After initial discussion with IFES on distribution needs and a meeting with NATO's transportation officials, the CEC made arrangements with the Albanian army for packing and distribution of supplies and established a basic inventory management process.

The distribution of election materials went smoothly in the time available. The return of supplies, ballot boxes and election protocols was chaotic and not controlled. Each LGEC was required to make its own arrangements to return materials to the CEC in Tirana. There was no organized method of recording the materials returned, identify missing items (such as voter lists used at the polling centers) or to retrieve them. The distribution and retrieval of supplies and documents was hampered further by the slowness of the government to allocate permanent storage and warehousing space to the CEC. Consequently, all supplies and ballot boxes were stored in the lower lobby of the Palace of Congress. This lobby is frequently used for trade shows and receptions.

Following the election IFES approached the CEC about preparation of a budget for the national election, staff training and storage issues.

D. Forms, Instructions and Ballots

The preparation of forms, instructions to election officials and the design and preparation of the ballots proved to be a major challenge for the CEC.

In the lead up to the election, IFES provided the CEC with a list of forms and instructions that had to be prepared and provided to local election officials. The forms, and some of the instructions, were required by specific provisions of the Electoral Code. Some instructions were recommended but not legally required. To assist in this process, IFES further recommended that the CEC designate one member of the commission to undertake this task and that legal counsel be hired to assist in the process. Legal counsel was never hired and one member of the commission, Maks Shimani was allocated the duty of preparing forms and instructions. Mr. Shimani worked diligently at this task and accomplished a great deal. Unfortunately, there were many occasions where other members were assigned similar tasks and the CEC was presented with conflicting ideas or proposals. In addition, the lateness of the CEC in making important process and policy decisions meant that many of the forms and instructions were prepared late and not properly distributed to the local officials who needed them.

One of the recommendations of the international monitoring teams was to have the CEC prepare a full set of instructions to local officials, parties and candidates regarding the conduct of the election well in advance of the national parliamentary elections in 2001. In response to this recommendation, legal staff of the OSCE met with some CEC members and the CEC Secretary for the purpose of assisting the commission to draft instructions and to establish procedures for decision making. This was done in consultation with IFES.

A major problem for the CEC was the production of ballots. The Electoral Code requires the ballots to be printed on secure paper to prevent duplication. Knowing that Albania did not have a printing plant capable of producing the ballots as required by the new code, IFES arranged for the Chair of the CEC to visit a plant with the required capabilities in July 2000. The plant visited was CETIS in Celje, Slovenia. The purpose of the trip was to acquaint the CEC chair with the requirements of the printing process and to encourage the CEC to act early on the need to reserve proper paper stock and secondly, to design the ballot in a manner that would accommodate the potential of sophisticated printing equipment. During the visit a considerable amount of time was spent with CETIS staff to determine the design for the ballot and identify production time lines.

The ballot requirements were complex. Each municipality or commune required two ballots, one for mayor and one for council members. This meant that there were just under 800 different ballot configurations which had to be printed quickly because the names on the ballot could not be determined until thirteen days before voting. In addition, the Electoral Code required that each election commission must be provided with 102% of the names of voters on the voter list. Under the Electoral Code the voter list was not finalized until seventeen days before the election. In consideration of these requirements a program was designed to allow for the pre-printing of ballots with the names of candidates and parties to be 'dropped in' at the last possible minute.

The general guidelines for the ballot were developed in July, however, the CEC failed to take appropriate action on the final design of the ballot until much later. But the major problem with the production of the ballots was related to the inability of the CEC to produce an accurate data base of candidates and parties and to give the printer clear instructions on the number of ballots to be printed in each municipality or commune. Consequently, a number of ballots had to be reprinted because of spelling errors or the omission of candidate names and party names. In one case the omission of the Republican Party was not caught until the day of the election, resulting in the need for a new election to be held in that particular commune.

The late production of the preliminary list of voters and the known errors in the list made it difficult for the CEC to provide a 'comfortable' number of ballots needed for each municipality and commune. The issue was compounded by a very narrow interpretation of article 89(3) of the Electoral Code by the CEC chair. This article requires the printing of 102% of the ballots needed. This was interpreted to mean 102% and no more or less for each individual municipality or commune. While the CEC chair was being advised to go for a higher number to be on the safe side, this advice was not taken until the very last minute when an estimate of the number of voters for the City of Tirana had to be made. In this case, 122% of the number of names on the list was used to ensure that sufficient ballots were printed. The failure to provide the printing house with the estimated number of voters for the purpose of printing the ballots resulted in considerable difficulties for the printer and the late delivery (at a greater cost) of some of the ballots. The design of the ballot also proved to be a problem.

After lengthy review and discussions with IFES and some of the staff of the CEC who had worked on previous elections, the CEC decided not to accept the IFES proposal and adopted a ballot design which did not easily accommodate the printing technology of CETIS and ended up being confusing for the voter. With 35 parties registered, the CEC decided to preprint 35 boxes and lines on the ballot, place the box for marking the ballot to the left of the name (the right had been traditional) and print headings and logos at the top of the ballot. The IFES proposal was much simpler omitting headings, logos and preprinted lines to allow for an expansion/contraction of type size depending on the number of candidates and parties to be listed. Because of the preprinting of the lines and boxes most ballots had very small type size with a great deal of 'white space'. One of the most consistent voter complaints during the local elections was the small size of type and the confusion of placing the box for the voter to indicate their choice to the left of the name instead of to the right. At the count, there were a large number of rejected ballots because the voter placed their intention mark in the open space to the right of the name and not in the box to the right, or the mark was in both places. Following the election the CEC recognized the problem of the ballot design and decided that it should be significantly modified for future elections.

E. Local Government Election Commissions

During the drafting of the Electoral Code the composition of local government election commissions generated considerable debate. The draft code provided for a seven member commission with the members drawn from the top seven parties who contested the local elections in a particular community in the previous set of local elections (1996). On the last evening of the Assembly debate on the new Electoral Code, the government introduced an amendment to the draft code which provided that for the year 2000 local elections, the commissions would consist of seven members representing the top seven parties when all the votes from all communities in 1996 were aggregated on a national basis. The original formula in the draft code would have ensured that the opposition parties would dominate most of the local government commissions. The amending formula meant that the governing coalition parties would control all local commissions. The amendment passed through the Assembly but was opposed at that time by the opposition parties (but not strenuously). The most strenuous opposition came from the international community who took the view that the amendment was a clear attempt by the government to politically control the election process and raised significant potential for manipulation of the election. Attempts by the international community, most notably the OSCE and the US Embassy, to have this amendment withdrawn were not successful. The stated purpose of the government in passing the amendment was to accommodate changes to the boundaries of several communes and municipalities contemplated during the summer months. The decision to alter local boundaries prior to the elections was not previously known and was

strongly opposed on the grounds that there had not been sufficient prior consultation and it was too close to the election. Again, a gerrymandering of local boundaries was suspected. In the end the only changes to local boundaries that did occur was to subdivide the City of Tirana into eleven boroughs along existing administrative boundaries.

While the stated reason for Article 153 was to provide the basis of calculating representation on local commissions after boundary changes were made it was the opinion of IFES that the real reason was to ensure local elections would continue and not be hindered by an unwillingness of the Democratic Party to co-operate with the CEC or to withdraw from the commissions at the last minute thus making the conduct of the local elections virtually impossible. This was a real fear of the governing coalition. This fear was partly borne out with the withdrawal of DP party representatives from a number of commissions, at virtually the last minute, prior to the second round of voting.

In passing Article 153, the governing coalition recognized that this provision would provide them with a majority of votes on each commission. For that reason, they were amenable to an unwritten understanding that the opposition parties would chair the local commissions. This understanding was not communicated to the CEC and the issue proved to be a major problem in establishing the commissions.

The Electoral Code does not specify a date for the establishment of local commissions. However, the code does state that parties wishing to contest the election must register with the CEC at least 45 days prior to the beginning of the election period (defined as 30 days before voting day). The purpose of the registration provision was to ensure that parties 'did not play games' with the CEC and to prevent the last minute registration of small splinter parties. Unfortunately the CEC, however, interpreted this provision to mean that parties had to register with the CEC prior to the formation of local commissions.

During the months of June, July and early August, IFES strongly urged the CEC to take action on the formation of local commissions so training could be conducted and proper administrative structures could be put into place. Action to form the commissions was not taken until late August. The formation of the commissions was then delayed further because the main opposition party waited to the last possible minute to register with the CEC and because the CEC allowed parties to substitute members during the first few weeks of the election period. The rationale of the CEC to allow parties to substitute members of the commission was based on the desire to co-operate with the parties and not to appear 'heavy handed'; however, the impression left was that the CEC was indecisive and not in control of the process. A further problem developed as the CEC realized that different political parties were nominating the same person to the LGECs. In several cases parties had to resubmit their list of nominees. The delays in establishing the local commissions meant that they were not trained for the revision of the voter list, did not post the preliminary list of voters on time, and the revision had to be extended for an additional four days (causing further problems for the production of the ballots).

The informal agreement of the governing coalition to allow the opposition parties to chair local election commissions was not transmitted to the CEC. As the local commissions were being formed, the CEC did not provide any guidelines or instructions regarding the selection of chairpersons and left the choice to local commission members. Local commissions, as would be expected, chose chairpersons who represented the majority of the commission members. This created a significant outcry from the opposition parties and concern by the international community. As a result the CEC was forced to allocate quotas to ensure that at least 50% of the commissions were chaired by the Democratic Party. To do this it was necessary for the CEC to intervene with some of the local commissions to force them to rescind their selection and elect a new chair. The 50-50 formula for chair of the LGECs was to be followed by the local commissions as they appointed the chair for each voting center commission (VCC). However, the instructions from the CEC only suggested to local commissions that a balance of chairpersons for voting center commissions be achieved. Again, as a consequence of these vague instructions the opposition parties and the international community both complained that voting center commissions were unduly open for manipulation and control. Through this process, the work of local

commissions were impeded and the CEC once more looked indecisive and partisan in the eyes of some political parties.

Article 38 of the new Electoral Code provided for a different composition of LGECs following the year 2000 elections. This article required new commissions to be formed within 60 days of the declaration of the election results and to reflect the support of parties in each municipality or commune.

F. Training and Civic Education

IFES planning for election official training and civic education began well before the summer of 2000. Initial work in this area began through the IFES participation in the EAP with the hiring of international staff to work specifically in this area. Joaquin Bernardo was with the office for a short time and on his death was replaced by Christopher Shields. Christopher concluded the civic education program for the EAP. In late June, Christopher changed the emphasis of his activity to begin planning for a civic education campaign for the election. At the request of USAID, IFES and NDI formed a 'clearing house' coalition of national NGO's interested in participating in civic education programs. The coalition began meeting in June 2000, and met about every two weeks during the summer months. The initial effort of the coalition was to co-ordinate NGO activities and to steer organizations to funding sources. Through this mechanism several groups were able to arrange funding through the democracy grants of USIS and others from IOM. In addition, by outlining activities various organizations were planning, it was possible to avoid duplication of activity. In addition to these activities, Mr. Shields worked closely with the CEC and IREX to produce voter information ads and consulted with IREX on their 'get out the vote' campaign on local television stations throughout Albania.

One of the intended activities of IFES was to work closely with the CEC to plan and produce special voter education programs and media spots to be used on state radio and television. For the elections in 2000 the new Electoral Code provided the CEC with four hours of free time prior to the election period and two additional hours during the election period. While IFES was ready to move on this opportunity, the CEC failed to negotiate the time with state radio and television and no use was made of the first four hours as provided. The CEC Chair did assign one member to deal with voter education issues, however, this person was never able to get the topic on the agenda of a meeting of the commission. And, again during the election period no negotiation for the use of the two hours of free time was held with state radio and television. However, the Chair of the CEC, on his own and without consulting with other members of the commission, did arrange for a number of announcements of the CEC to be broadcast as part of the free time allocation.

In September, IFES proposed to the CEC that a 25 minute planned training video for local election officials be shown on national television as part of the free time allocation under the Electoral Code. This proposal was agreed to, however, it was never formally adopted at a formal meeting of the commission. Planning for the production of the video proceeded and CEC members agreed to the script. At this point Mr. Shields left IFES to return to the United States and he was replaced by Mr. Steven Gray who assumed responsibility for both the civic education and training activities of the IFES office. Steven Gray supervised the finalization of the video script and filming. The video was shown to the members of the CEC and minor changes were made. At this point it was discovered that there was no more free time available on state radio and television. To air the video it was necessary for IFES to purchase time on a number of national and regional TV stations. By all accounts, the video was well received, however, due to the indecision of the CEC on some voting procedures the video was not finalized until four days before election day and was not able to be aired until two days before voting. Because of the delays in production of the video and airing it on national television, much of the impact was lost.

During the election period IFES participated with the EAP in sponsoring newspaper, radio and television ads encouraging voters to check the preliminary voter list and pick up their voter identification card. IFES also produced a poster for each polling unit in the country informing voters where to go to make revisions to the list of voters and where to pick up their identification card. Unfortunately local officials did not make extensive use of

the poster. IFES co-operated with BBC World Albanian service (radio) in the production of a soap opera which featured the activities of an independent woman candidate for a position on the Council of the City of Tirana. The soap opera is a popular, long running program in Albania and the election segment ran each day from late August to election day. The segment featured issues such as revising voter information on the voter list, obtaining a voter identification card, nomination of a candidate, election campaigning and voting. During the last week of the election, IFES sponsored a series of television ads showing people marking their ballot and encouraging participation on election day.

As difficult as it was to mount a civic education program with the CEC, training of election officials was even more difficult. In June 2000, Connie Kaplan joined the IFES staff on an eight week contract to work with the CEC to develop training manuals for local election officials and to map out a training schedule. This task proceeded during June and July with the drafting of a manual for LGEC members and VCC members. In addition, a training schedule which involved hiring outside trainers from the Albanian Institute for Democratic System Development (AIDSD) was worked out. This work was undertaken on the basis of constant communication with CEC members who had been assigned responsibility for these activities. As the work progressed responsibility for this work within the CEC shifted and new individuals had to be 'brought up to speed'. Again, while agreements had been reached on text of the manuals and training schedules and the use of outside trainers, no formal decisions were ever made and it was not possible for IFES to proceed with the finalization of materials. In addition, with the unwillingness of the CEC to appoint LGECs, there was no one to train.

In August, it became clear that for political reasons the CEC was not going to give approval to using the AIDSD for training (the Director, a former chair of the CEC in 1997-8 was considered to be too close to the Democratic Party). At no time was the use of the Institute turned down and the Director was encouraged to proceed to plan for the training program by the Chair of the CEC on several occasions, however, the matter was never put before the commission for final approval. The difficulty in using AIDSD for CEC training was identical to the problem encountered when training programs for the EAP were being developed. In early September, approval was finally given for the publication of an LGEC manual and a training schedule was designed with individual members of the CEC designated to conduct training. Of the planned twelve training sessions (one in each Prefecture), only one was held.

As the election progressed, IFES began to focus on the need to get proper materials to the VCCs. These materials included manuals, training modules posters and educational materials for use in polling centers. Much of the core materials for this activity were prepared prior to the election period. Again final approval of the CEC had not been obtained and materials not were finalized until mid September. Even with this delay, the manual for the VCCs had to be changed in the week prior to election day because of changes to voting procedures made by the CEC. Two days prior to the election VCC manuals and polling center posters were sent to the LGECs for distribution. The only training VCCs obtained was when and if individual members read the manual (often seen for the first time when they opened the poll for voting) or happened to see the national video broadcast. The broadcasting of the video was not advertised because, as the CEC Chair put it, "there is no need since each television station broadcasts its daily program schedule each morning."

Following the election and in light of the harsh criticisms by the international community and political parties the CEC stated recognition of the importance of properly training election officials in the future. The tendency is very strong, however, to believe that it is sufficient to simply issue dictatorial instructions.

For the time and effort put into the areas of civic education and training by IFES and others (national and international), the inability to do more was a major disappointment.

G. Consultation with Political Parties

Article 31 of the Electoral Code provides each registered political party with the right to appoint a representative (non-voting members) to the CEC. Many, but not all, parties registered with the CEC appointed representatives to the Commission. Each representative had the right to attend all open meetings of the CEC, speak to agenda items, provide opinions on matters under consideration, seek information, file complaints, receive copies of decisions of the CEC and have access to the documentation of elections. Party representatives were informed when meetings were being held although, like other observers, meeting notification was irregular and often at the last minute. When requested by the party representative, the representative was given the opportunity to address the CEC at open meetings and had access to documentation. Many party representatives did lodge formal complaints with the CEC. Most of the complaints dealt with the nomination of candidates and the declaration of final results by LGECs and the statement of results issued by the CEC. Most frequently representatives of the Socialist Party, Republican Party, Democratic Party and the Social Democratic Party attended the CEC meetings. Other parties that took advantage of this process were the Christian Democrats, Legality and National Front.

The purpose of the appointment of registered party representatives to the CEC was to provide a formal mechanism for consultation between the CEC and the parties during the pre-election period and during the election. As a consultative mechanism, the process was only partly successful. Party representatives were provided access and had speaking rights when requested. However, the CEC did not take advantage of the mechanism in a way that would allow it to consult with the parties on an informal basis as the commission developed policy, instructions and regulations. The partial success of the mechanism was also a problem of the political parties. By and large, the party representatives did not try to develop a consultative process but used their role to complain or simply express opposition to an issue when it arose.

The formalization of consultative procedures between the parties and the CEC should be an objective to be realized in the future and holds considerable promise in improving and strengthening a more trustful and open working relationship between the CEC and the political parties.

H. Voter Lists and Voter Identification Cards

The issues and difficulties surrounding the voter list and the voter identification cards has been documented (Chapter Four). This overview is intended to supplement that discussion and is confined to the election period and some post-election initiatives.

As indicated in the previous chapter, on August 25, 2000, the EAP formally provided the CEC with a copy of the preliminary list of voters. That list contained 2.335m names of people who were known to be qualified voters and had been identified through the civil registry and the door-to-door enumeration. There were, however, an additional 600,000 (at that time and reduced to 450,000 by the end of the list revision period) names from the civil registry that could not be confirmed although many were thought to be duplications of names contained on the preliminary list. In the difficult political climate during the pre-election period, the 600,000 unverified names became a significant political issue. Also the potential of a large number of qualified voters being left off the list and denied the right to vote was significant.

During the revision period of the first thirteen days of the election period, the verification of the names continued at the EAP data center. At the same time discussions with the CEC, the Ministry of Local Government and IFES and later other international organizations were held regarding the procedures to be followed for the unverified names. After lengthy, protracted discussions it was agreed that the final voter list would be broken into two parts. Part A would have the names of all verified voters based on the results of the door-to-door enumeration and the revision process. Part B would contain the additional, unverified names. Persons on either list, with proper identification were able to vote at the polling center where their name was found on the list. Each polling unit

was provided with a printed copy of the final list (Part A and B) for posting outside the polling facility and another copy for use by polling officials.

The inability to fully verify the names on the preliminary list of voters created a difficulty for the production and distribution of the voter identification cards. The objective of the EAP was to have the cards available for distribution (preprinted on the basis of the door-to-door enumeration and the data verification process) beginning in late August. This date was further changed to September 5. In the end distribution did not begin until September 10 and carried on until three days prior to voting. Prior to the card distribution date, it was apparent that a large number of cards would be printed with the wrong information (incorrect gender, names misspelled and birth dates missing or incorrect). It was not possible to determine the extent of the problem. In early August, IFES proposed that the distribution of the card be delayed until after the election and the data base fully cleaned to avoid future problems and the need to reissue a large number of cards. While the proposal was considered by the CEC and the Ministry of Local Government, it was not accepted for political reasons. At the completion of the identification card distribution three days before election day, EAP staff estimated that 40% of voter identification cards had been picked up. At that point distribution ceased and it was determined that distribution of the identification cards would not be resumed until the current list of voters had been verified and errors corrected. Article 97 of the new Electoral Code requires voters to have an identification card in order to vote in the 2001 national elections. The re-issuance of voter identification cards and the completion of the distribution process became part of the program for the Voter Registry Project in early 2001.

A third major difficulty that arose during the last two weeks of the election period pertaining to the voter list was determining how persons on the B part of the list would vote. IFES, OSCE and the American Embassy staff, in particular, strongly urged the CEC to adopt the principle that since there was only one list, all persons whose names were on the list should be able to vote if they had valid identification. Potential double voting was already controlled by the decision of the CEC to ink the thumb of voters after they cast their ballot. An alternate proposal from the Ministry of Local Government required all persons found on the B list to obtain permission from the LGEC to be added to the A list and thereby given the right to vote. Further, this proposal required that voters complete this procedure no later than midnight the day before voting. This proposal was strongly opposed by IFES and OSCE and, subsequently by other international bodies (the US Embassy and the Friends of Albania) on the grounds that it was restrictive and administratively impossible because local election officials would not have the lists in time for posting and checking by the voter. A number of informal meetings were held with the entire CEC and individual members of the CEC on this issue. Privately they agreed to the position of IFES and OSCE but when a formal decision was made they adopted the procedure suggested by the Ministry of Local Government. This decision prompted the international community to raise the issue with higher political authorities. A series of meetings was held with the Prime Minister and his staff and following that the Minister of State. Some of these meetings also involved the Chair of the CEC. Four days prior to the election the CEC, bowing to international and political pressure, reversed its decision and adopted the procedures advocated by IFES and the OSCE. This reversal also necessitated an immediate change to the manuals for the voting center commission members and the voting procedure video produced by IFES on behalf of the CEC. The CEC instruction to LGECs and VCCs was not completed until September 28 (two days before voting) and was not available to most VCCs on election day.

On election day persons on the list (Part A or B) were eligible to vote if they had valid identification. However, on election day the large number of errors on the list also became apparent. Matters related to spelling and birth dates were easily overcome. The bigger problem was the inability of local officials to assign voters to the proper polling units. The lack of maps and street addresses in most urban centers meant that people were often arbitrarily assigned to a polling unit and many of these designations were incorrect. Frequently voters had to go to one or more other polling stations to find their name on the list. This was a significant problem and added to the previously stated concerns of the opposition parties that large number of potential voters had been deliberately left off the list. While there is no justification for this extreme position, it is true that a large number of voters were added to the wrong polling unit list of voters.

The problems of the voter list and the inability of the EAP to fully complete its work necessitated the need for a follow-up project to clean and verify the list of voters and re-issue the voter identification cards. This became a major effort of IFES and other international partners and the CEC in the early months of 2001.

I. Election Day and Second Round Voting

The ODIHR and CoE monitor reports in the Appendix provide a description of many problems encountered at the polling stations on election day. This section will not replicate those discussions but will concentrate more specifically on the work of the CEC.

Election Day, October 1

Election day was Sunday, October 1 with second round elections to be held on Sunday, October 15. Elections were scheduled to take place in 385 municipalities and communes (this number includes the 11 borough elections held within metropolitan Tirana). As of the completion of nominations there were 2,232 candidates for the position of Mayor or Head of Commune (an average of just under six candidates per municipality). In addition, there were 2,360 party lists for council (an average of just over six parties contesting the council positions in each community). The total number of candidates on the party council lists is not available, however, there were 6,086 members elected to local councils around the country. The Socialist and Democratic parties contested the election in all communities. In some cases the participation of the two dominant parties was part of a coalition with a smaller parties where the smaller party was the dominant partner for that community. While it is obvious that not all of the 35 registered parties contested the election in each community, there was a wide cross section of parties participating. Voting, however, as seen from the election results was dominated by the Socialist and Democratic parties. These two parties obtained approximately 71% of the vote between them with the next largest party (Social Democrats) garnering just over 7%. Twenty-four parties received less than 1% of the valid votes cast.

The administration of the election required the mobilization of a considerable number of election officials. The Electoral Code established a seven member Local Government Election Commission plus a non voting secretary. Each voting center also had a seven member commission (VCC) plus a non voting secretary. The LGECs and VCCs could not operate without at least four voting members. Once appointed (through party nominations) the members of the local commissions were deemed, by the Electoral Code, to be employees of the CEC. In addition, political parties or candidates were eligible to appoint a representative (non voting) to the LGEC and to the VCCs. The number of party representatives appointed to the local commissions is not available, however, with the exception of the two dominant parties, it is believed that these appointments were not widespread and only occurred where a party felt that it had some reasonable chance of success. In total, with the exception of candidates and official party representatives, it was necessary for the CEC to arrange for the mobilization of approximately 35,000 election officials for local election administration. This represents approximately 1% of the total population of Albania and approximately 1.6% of the voting age population. (Election officials were required to be eligible voters). The appointments and training of these officials had to be accomplished during the election period because of the unwillingness of the CEC to form the LGECs until after August 25.

The formation of the LGECs and the provision of necessary training and communication processes was a considerable challenge for the CEC and was made all the more difficult by the poor transportation and communication infrastructure throughout the country. Even so, as has been discussed elsewhere, it is the opinion of IFES and the international monitoring organizations that the CEC could have been much more effective and proactive in this area and, by being more proactive, would have overcome many of the difficulties experienced on election day. As also indicated earlier the CEC was unable to undertake an effective training program for local officials. Because the election was held on the basis of a new Electoral Code with a large number of new procedures for local election officials, the lack of training programs is particularly regrettable. In lieu of training workshops, the CEC relied on written instructions to LGECs and/or media pronouncements as a means of communicating with local officials. This was a singularly ineffective approach. It is commendable, therefore,

that the VCCs and LGECs were able to carry out their duties as effectively as they did. In fact, it was noted by several election day monitors that local officials did an admirable and conscientious job under difficult circumstances and in the absence of instructions from the CEC. They were able to do a good job of improvising in the spirit and with the intent of fairness and transparency. This was particularly evident when the VCCs were confronted with the problems of voters listed on the incorrect list or who had been left off the list but had proof of enumeration through their voter identification card or voter identification card coupon.

On election day the CEC displayed an inability to:

- Meet as a commission to deal with issues as they developed;
- Know what was happening around the country;
- Provide assistance or direction to local officials; and
- Take the initiative to forestall issues.

The polls opened around the country at 7 a.m. Of the 4,760 polling stations only a small number failed to open on time. However, the members of CEC were not in their offices before 8:15 a.m. and the Chair did not arrive until mid afternoon (ill). In addition, the Deputy Chair of the commission was unwilling to call the members into session during the day (she felt she had to wait for the Chair to arrive) and consequently the members were unable to meet, discuss and issue instructions to local officials and respond to issues as they arose. The most significant issue that did arise had to do with the complaints of individuals that they were not on the voter list. By and large, commission members (except the Chair) were not familiar with the voter list and the issues surrounding the way the list was compiled. This lack of knowledge hampered their ability to grasp issues and deal with them quickly. The basic question was what to do with people who had a voter identification card or coupon but were not on the list. At noon the Deputy Chair did go on television to say that those with a card could vote but those with only a coupon could not. This did not solve the problem because local election officials did not have access to television. In addition, the CEC had no effective means of communicating with the LGECs so they could contact poll officials with the CEC instructions. As a result, local poll officials made their own decision. In some cases, all persons showing up with proper identification were allowed to vote and in other instances, they were turned away.

In Tirana and Durres many polling units were not provided with a sufficient number of ballots, requiring the LGECs to redistribute ballots during the day. However, there were no instructions on how to do this and proper accounting of the ballots was not done. In Durres, the Chair of the LGEC could not be found for several hours and the Prefect was required to do the redistribution. When asked, on the third occasion when this was necessary, the Prefect declined on the grounds (correctly) that it was not his responsibility.

In the production of the voter list there were approximately 29,000 names in the City of Tirana that were placed in what was called polling unit 99. These names were records of individuals who showed up on the civil registry but for whom enumeration records had not been returned to the EAP for entry into the preliminary and final voter list data base. The existence of this list was known by the National Director of the EAP and the Chair of the CEC but not shared with the international partners or political parties. Neither was it provided to the Tirana LGEC. During election day, as complaints from people who could not find themselves on the list but possessed a valid identification card or coupon came in, their names were searched and found on list 99. A copy of the list was printed and provided to the CEC to forward to the Tirana LGEC so names could be checked and voters directed to the proper polling stations. The list was provided to the CEC by noon on election day. The list was not, however, sent to the Tirana LGEC until 4 p.m. (after the Chair arrived) and no instructions were given to the LGEC for its use. When it was received by the LGEC it was not used because commission members did not know what it was to be used for. It also arrived too late to be of much use by the local polling officials.

Polls closed at 6 p.m. on election day. While it appears that the polls generally closed at the proper time it was not possible to know for certain. In some polling stations in Tirana the polls remained open past 6 p.m. due to the number of voters waiting to vote. In one location where the Democratic Party had been most vociferous in alleging that names had been omitted from the list, there was a 'sit in' by persons claiming that they had been prevented from voting and the police were called in. The incident was soon resolved and no further difficulties arose.

Counting of the ballots took place in the polling stations at the close of polls. There were no incidents during the count or in connection with the transfer of the polling materials from the VCCs to the LGECs. There were, however, other problems. Many party representatives did not receive a copy of the polling center protocol as required by the Electoral Code. In some centers there were disputes among the local officials which delayed the count but these problems were not widespread. A major concern arising from the count was the high number of rejected ballots (7% nation wide). The grounds for determining a vote as valid needs to be the subject of further instruction to local officials. The design of the ballot was also a contributing factor. The ODIHR monitoring report provides a good summary of issues that arose on election day and during the count which need, to be addressed by the CEC and the international community prior to the national election in 2001.

The Electoral Code requires the CEC to announce the results of the election. It is the LGEC that has responsibility to declare the election result. The declaration of the results by LGECs and the announcement of results by the CEC were not done well. Local officials did not make the proper announcements in the local media and instead forwarded the final protocols to the CEC. The CEC, in turn, did not release the results as they came in but instead, decided to wait until all the results were received. This decision was protested by IFES and other members of the international community on the grounds that this was a local election and each local result should be announced on its own. There was no need to await a national aggregation of results. When the results were finally announced, the statement was a simple tabulation of mayor positions won by each party and the number of local council controlled by each party. There was no statement of the names of individual candidates elected, total votes cast, total rejected votes or the totals for each candidate/party. The statement indicated the number of communities where second round elections were required but did not name them. The only communities that were named were those where the first round voting was required to be held because of the last minute death of a candidate (one commune); where the LGEC did not conduct the vote on October 1 (two communes); or where a new election was ordered due to sufficient irregularities on election day. Following the October 1st elections it was found that voting irregularities occurred in several locations. Frequently these irregularities had no effect on the outcome of local voting, however, repeat elections were ordered in the communes of Kamil, Velipoja, Paskuqan and Kodovjat.

Detailed information of the voting on October 1, was available but it was not shared with the parties, media or all members of the CEC. Partly for this reason the CEC did not have the impetus to attempt to rectify the problems encountered on October 1, prior to the second round. Even knowing where the second round elections were to be held no attempt was made to provide further instructions to LGECs or VCCs, establish a more effective communication link, or deal with the potential problems in Himara as a result of the potential boycott of the second round elections by the Democratic Party.

The election results from October 1, showed a significant increase in support for the Socialist Party at the expense of the Democratic Party. The results were not accepted by the Democratic Party on the grounds that the voter list had been manipulated. Shortly after the results of the first round became known the leadership of the DP began to publicly state that the party would boycott the second round. This had the potential to create significant difficulties for the CEC. On the basis of the first round election results, the DP would be contesting most of the elections for mayor or commune head in the second round. Under the Electoral Code if a candidate who came second does not participate in the second round that name is substituted with the third candidate. The Electoral Code did not, however, provide a deadline for the withdrawal of candidates leading up to the second round. In

addition, the DP chaired approximately 50% of the LGECs. It was unclear what those persons would do if their party boycotted the second round of voting.

A different issue resulted from the first round of voting in the municipality of Himara. On October 1, the Human Rights Party candidate for mayor received just under 40% of the vote necessitating a second round of voting. The party, however, contested the result on the grounds that they had achieved over 50%, and the results were manipulated in order to force a second round. The party's challenge of the result was not upheld and a second round proceeded. In the lead up to voting on October 15, all other parties including the SP and DP joined forces behind the SP candidate in an attempt to prevent the HRP candidate from winning. For many, this was not just a case of parties 'ganging' up on each other but a case of discrimination against a Greek speaking (some claim Greek) minority in Southern Albania. In the two weeks between the first and second round of voting it became clear that this was a major political issue in the municipality and there was the potential of serious difficulties in Himara on voting day. An example of the intimidation and potential difficulties is represented by the announcement by the government, that buses of Albanian immigrants to Greece returning to vote would be checked thoroughly to ensure that all young persons had properly completed their military service. In the week leading up to the October 15 voting, the international community decided to send a large number of observers to Himara.

Second Round Voting, October 15

In the days following the October 1 election, IFES raised the Himara issue and a potential boycott of the second round by the Democratic Party with the Chair and members of the CEC on several occasions. IFES urged the CEC chair to set a deadline for candidate withdrawal for the second round, and to assign a member of the CEC to specifically oversee the voting in Himara. Neither suggestion was adopted. In fact, three days before the second round, the IFES Project Director was told by the Deputy Chair of the CEC that there would be no boycott by the DP and that the Himara situation was totally misrepresented by the press. Later that day the DP announced its boycott and approximately 30% of its candidates for the second round withdrew. The DP LGEC chairs in those municipalities also resigned their positions. This action required the CEC to finally make some decisions. It was not until late in the day on the eve of the second round voting that the CEC made a public declaration on the issue. The declaration simply stated that the withdrawals were too late and voting would proceed. In the Himara case, no action was ever taken and on the day of the election no member of the CEC was present in Himara or assigned to 'keep tabs' on what was happening in the polls. In fact, on the day of the second round, the Chair of the CEC visited a number of areas where second round voting was being held, did not go to Himara, and again was unavailable for a large part of the day to respond to issues that arose.

The problems that developed in Himara are outlined in the ODIHR and CoE monitoring reports. Based on their observations it is clear that manipulation of the results occurred and this was done by local election officials. It is regrettable that no action has ever been taken by the CEC to either investigate the problems or proceed with court proceedings as required in the Electoral Code.

Voting in the second round, with the exception of Himara, was quiet. However, as with the first round voting the CEC did not announce complete results of the voting and only announced the number of communities where various parties were successful and or where new elections would again be required. Voting irregularities in the second round required repeat elections in the communes of Krahez, Zall Bastar, Pult and Malzi. Repeat elections involving communes or specific voting centers continued until November 19, 2000.

J. Election Disputes, Irregularities, Recounts and Judicial Decisions

During the course of the election period and following there were a number of complaints lodged with LGECs and the CEC. These complaints covered the failure of LGECs to properly register candidates, the composition of the voter list, recognition of party representatives at the polls, conduct of recounts and the final election results. In some instances parties took their complaints to the courts as provided for in the Electoral Code. This avenue of

redress was not, however, widely used and when it was, the courts frequently refused to hear the case or upheld the CEC.

The settlement of disputes through the procedures provided in the Electoral Code was not satisfactory. This was due in part, to the inexperience of the parties in dealing with this mechanism, the failure of the CEC to investigate problems and the unwillingness of the courts to pursue matters thoroughly or quickly. These procedures were new to the electoral system in Albania and require further refinement and training of all concerned. Subsequent to the election, the Constitutional Court announced its desire to hold a seminar on this issue prior to the national elections to acquaint parties, election officials and the courts with the procedures necessary to do this job properly and efficiently, and approached IFES to assist in developing this seminar and to participate in it.

In addition to the party complaints, it is clear from the activities that took place on October 1 and 15, that a number of irregularities did occur. Some of the irregularities were due to inexperience and others were deliberate in violations of the Electoral Code. While these instances are known to the CEC no action has been taken under the provisions of the Electoral Code. This is a significant problem that should be addressed by the CEC to assert its authority over local officials and to establish its independence and credibility.

K. Post Election Activity

On Wednesday, November 8, 2000 the Chair of the CEC held a press conference to announce the final detailed results of the election. The detailed results were not signed by two members of the commission (Gasper Koka and Klement Zguri). The press conference was not attended by any member of the Commission other than the Chair. The results were a complete detailed statement of each community; however, copies were not available for distribution to the press or political parties. A copy of the final results of the election released on November 8, 2000 is included as Annex 2 of the ODIHR Final Report on the Local 2000 Elections. The ODIHR report is attached as Appendix C of this report.

Following the completion of the local government election process, IFES sponsored a seminar for the CEC to assist it to review its work of the previous five months and to assist it in developing a strategic plan for the year 2001. Initial proposals for the seminar were made to the Chair and individual CEC members during and after the election period. The proposal was received positively and as a result planning for the event began. Initially the seminar was to be held in the last week of October in Sarande. However, these arrangements had to be changed because of the need to repeat the elections in a number of municipalities and communes. New dates of November 21-23 in Durres were agreed to and IFES Project Director, Dickson Bailey, circulated a proposed agenda and arranged for individual meetings with the CEC members to discuss the agenda and review their areas of participation and presentations. One member of the CEC declined to participate on the grounds that the CEC should first conduct its own analysis of the election.

On November 19, at a meeting with the Chair and Deputy Chair of the CEC, it became apparent that some other members of the CEC, including the Deputy Chair, were not planning to participate. The stated reason for non participation was that the proposed agenda indicated that the seminar was an IFES/CEC activity and the CEC had not been formally presented with the proposal and had not formally agreed to participate. At that point, Dickson Bailey of IFES indicated that the CEC had one half hour to decide on participation in the event and that if more than one member was not planning to attend, the event would be cancelled. Within the half hour a phone call was received from the CEC Chair stating that everyone agreed to attend if the seminar heading took out reference to the CEC. This was done and the seminar proceeded as planned.

In addition to planning for the seminar, post election activity by IFES took a number of forms. There was considerable discussion with OSCE, USAID, US Embassy staff and the CEC Chair regarding a new voter registry project (see Chapter V of this report), following through on issues and complaints to the CEC and pressuring the CEC to announce partial, then full and more complete election results. In addition, IFES sponsored a trip of the

CEC chair to attend a post election roundtable on the election law and State Election Commission in Skopje, Macedonia. Dickson Bailey of IFES was able to attend the roundtable as well.

In accordance with the Electoral Code the CEC proceeded to establish a commission to redraw electoral zone boundaries for the national elections. An interim report was made public on November 25, 2000. Political parties criticized the fact that the boundaries were based on the voting population of municipalities and communes as shown on the voter list for the year 2000 local elections. While this criticism is a side effect of the problems of the EAP verification, it also emphasized the importance of cleaning and finalizing the voter list as early and quickly as possible and to involve all the political parties in the process through a consultative mechanism established by the CEC.

L. Conclusion

The uneven and poor implementation of the Electoral Code during the local government elections was evident throughout the election period. The poor implementation was a direct result of several problems including:

- Distrust of the CEC by political parties;
- Lack of skills and experience of CEC members;
- Weak internal communication processes and a poor decision-making process with the CEC;
- Difficult transportation and communication infrastructure in Albania; and
- Inability of the EAP to complete verification of the voter list.

Most of these problems could be overcome with training, experience, changes to CEC operating procedures and direct international assistance.

Leading into the national elections in 2001, the problems listed above needed to be considered as priorities by the CEC. Further, for further progress to be taken towards a fully democratic electoral system it was vital that the voter list be fully cleansed and recognized as complete and accurate by political parties, media, public and the international community. The cleansing of the voter list is both a technical and a political activity that would require significant attention and support by Albanian authorities and international organizations. Finally, progress also needed to be made in the area of developing a greater acceptance and trust in the electoral process by the Albanian political parties so that political leaders and the public recognize the system as being democratic and fair, and so that the results are accepted and upheld for the continued development of a vibrant, healthy democratic society.

V. VOTER REGISTRATION PROJECT

Following the October 2000 Local Government Election in Albania, IFES was asked to assume a lead role, on behalf of the international community, for a project to review, revise and update the newly created national, computerized voter list. The project was to be undertaken jointly with the Central Election Commission (CEC).

Specifically, IFES was requested to take responsibility for international assistance in the areas of:

- Technical expertise;
- Equipment needs and acquisition;
- Civic education;
- Training of local election officials; and
- Administration of international donations.

Responsibility for the solicitation of funds from the international community was to be assumed by Organization of Security and Co-operation in Europe (OSCE).

During the last few months of 2000 and during January and February of 2001 IFES staff prepared a project proposal for a Voter Registration Project (VRP). The objective of the proposal was to further refine the voter registry data base to eliminate duplications and errors, finalize a data base in which political parties, the general public and the international community could be confident, and to increase the capacity of the CEC to assume sole responsibility for this activity in the future. The proposal reflected the fact that the project, when underway, was required to meet tight legal deadlines as outlined in the Electoral Code and the reality that the national elections were to be held no later than June 24, 2001. In the development of the VRP proposal, IFES staff regularly consulted officials of the CEC, Ministry of Local Government (MoLG), OSCE and the United Nations Development Program (UNDP).

On February 26, 2001 the CEC formally considered the project proposal prepared by IFES, and, with some minor revisions, accepted the proposal for implementation. Mr. Maksim Shimani, a member of the CEC, was appointed co-chair of the Technical Working Group along with Mr. Dickson Bailey, Project Director for IFES Albania. In addition, a Management Board for the Project was formally established. As provided for in the project proposal, the newly-appointed Chair of the CEC, Mr. Ilirian Celibashi, became the chair of the Management Board. Other members included two members of the CEC and representatives from USAID, OSCE and UNDP.

This chapter provides a detailed account of the project focusing on four specific elements:

- Technical development of the voter list;
- Civic education;
- Training of election officials; and
- Financial management.

A. Project Purpose

The purpose of the Voter Registration Project in 2001 was to correct as many of the deficiencies in the year 2000 list in time for the national elections scheduled for June 2001. A copy of the VRP proposal is included as Appendix D of this report.

B. Voter Registration Project Document and Recommendations

During the months of December 2000 and January 2001 IFES staff collaborated on the development of a project proposal for submission to the CEC. Criteria for the proposal included:

- An analysis of the EAP by participants on the project;
- Consideration of the voter list audit report recommendations undertaken by Swedish experts in January 2001;
- General acceptance by the international community regarding financial requirements for the project;
- Identification of realizable results;
- National responsibility and leadership through the CEC; and
- Respecting and meeting legal deadlines as outlined in the Electoral Code.

Preparation of the proposal was the responsibility of IFES Project Director, Dickson Bailey with assistance from Enrique Saltos (IT consultant to the EAP), Steve Gray (Civic Education and Training consultant), Klaus Beltzner (IT consultant) and Alexandra Levaditis and Katherine Vittum of the IFES

office in Washington D.C. Drafts of the proposal were circulated to OSCE, UNDP and the CEC for comment, additions, and deletions.

The project proposal contained recommendations for a national and international management board with national and international representatives and a technical working group responsible for day-to-day operations. Total projected cost was \$3.1m. This included an estimated \$1.7 m contribution from the Government of Albania mainly through 'in-kind' services. The work program outlined in the proposal, which received approval in principle, by the CEC on February 26 provided for:

- Procedures to be used in revising the voter list data base;
- Verification procedures along with the hiring and training of requisite staff;
- Establishment of local revision centers;
- Hiring and training of local revision staff;
- Preparation of polling unit maps;
- Comprehensive civic education program;
- Distribution of materials and communication services;
- Management and technical staff structure and responsibilities;
- Political party consultation process;
- Authorization of financial expenditures;
- Policy decisions regarding the future use of a voter ID card;
- Senior staff requirements;
- Dispute resolution procedures; and
- Projected budget and identification of areas where donors were required.

The project proposal was constructed on the basis of national and international partnerships and responsibilities. For that reason, specific areas of responsibility were outlined in the proposal. These responsibilities included:

CEC

- Co-chair of the TWG;
- Appointment of commissioners, personnel or organizations to serve as national partners in training, civic education and other components of the project;
- Payment of administrative costs of the data center with donor support;
- Payment of local offices for revision/ID card distribution;
- Payment of local officials/verification teams;
- Payment of local supervisors and other personnel; and
- Chair and two members of the Management Board.

IFES

- Provision of senior international technical staff;
- Provision, in co-operation with the CEC, of national project staff;
- Co-chair of the TWG;
- Training of LGEs, verification teams and national project staff;
- Development and production of training manuals and materials;
- Development and distribution of civic education materials;
- Development and printing of verification/revision forms;
- Non voting member of the Management Board; and
- Management of international donor funds dedicated to the project.

OSCE

- Provision of information to international donors on project activities;
- Regular project reports to the Friends of Albania;
- Seeking funding for the project;
- Contributing in-kind through the use of OSCE resources and field offices; and
- Membership on the Management Board.

USAID

- Provision of direct financial support to IFES; and
- Membership on the Management Board

UNDP

- Funding and implementation of the ID card program (pending a decision was made to proceed); and
- Membership on the Management Board

With approval of the project proposal on February 26, the CEC requested some changes to the project document, made two appointments to the Management Board, and appointed the CEC co-chair of the Technical Working Group. The most significant change was the removal of the polling unit mapping component of the proposal. At that time the CEC also stated a reservation regarding the voter ID card component of the project. A final decision on the voter ID card component was delayed to allow for further consultation with UNDP and the Government of Albania regarding national funding requirements and implementation strategies. Following the February 26 decision of the CEC, the project team completed a Strategic Work Plan for the project. This plan along with the final proposal was approved by the Management Board on March 8 and subsequently at a full meeting of the CEC on March 9, 2001.

The Strategic Work Plan did not include the mapping component or the voter ID card project. The timetable included in the work plan contemplated a national election on June 17, 2001. With this in mind, critical tasks and deadlines for the project were identified and are summarized below:

Preparation of the Voter List

March 8-April 6

- Printing of List A from October 2000
- Civil Registry Office review, correction of spelling errors and making additions and other necessary changes in accordance with local records
- Assigning voters to voting centers

March 28-April 14

- Data processing of information from civil registry offices

April 15-20

- Printing and distribution of the preliminary voter list

April 20-May 30

- Posting of the preliminary list, public review and verification by local election
- Officials

May 30-June 5

- Final data processing and printing of the final voter list

June 6-7

- Distribution of final voter list and posting of list by Zone Election Commission

Training of Local Election Officials

February 20-March 12

- Design of training program

March 25-28

- Training of trainers

April 9-12

- Training of local official

April 20-30

- Evaluation of training program

Civic Education

March 15-30

- Design of civic education program

March 26-April 16

- Production of promotional materials

April 20-May 25

- Implementation of civic education campaign strategies: radio, television and print.

The project timelines were generally adhered to throughout with the exception of lengthening the public revision period. This was made possible by the decision of the President of the Republic to hold elections on June 24.

The Strategic Work Plan was prepared in March and does not include an interface with the decision of the National Assembly to establish independent teams of political party representatives to check the year 2000 voter registry data base against civil status office records in an effort to identify missing voters. The decision of the National Assembly to authorize this project was made on April 25, 2001 after consultation with the Chair of the Central Election Commission. This project duplicated some of the work of the VRP and added to the complexity of the updating and revision tasks required of local officials as well adjustments to the project work plan.

Management Board

The task of the Management Board was four fold - to:

1. Provide for joint national and international management of the project;
2. Consider and decide on recommendations from the TWG;
3. Provide policy direction to the TWG; and
4. Ensure that international financial support for the project was realized.

The Management Board met four times during the life of the project: March 8, March 23 and May 25. The fourth and final meeting is schedule for late January 2002. During the course of the project there was regular communication and consultation between the TWG chair and the Chair of the Management Board. In addition a project report was provided to the Friends of Albania on March 27 and May 24.

Albania. Similar suggestions and financial commitments of support from the international community would also be advantageous. The modernization of the civil registry offices has significant and positive public policy and planning implications for the Government of Albania as a whole.

The TWG was deliberately designed to be small and informal to allow for quick decision making. Unfortunately, however, many of the decisions required further approval from the CEC. Specifically these included training manuals, instructions to local officials and the civic education campaign. The input of the CEC into these areas of activity was important, useful and valued. However, greater authority by the CEC to staff and commission members would have speeded up the decision making process and made project timelines less tight.

The lack of in-house resources of the CEC to manage and process the data base required the establishment of an outside contract with the Financial Information Centre. FIC was the natural office to undertake this task on behalf of the CEC given past experience and the physical location of the data center in the FIC facilities. However, contracting out of the task proved to be difficult in many respects including financial arrangements, technical processes, adhering to the technical specifications of the project and reporting. Future programs of this nature need to be structured around qualified CEC staff. In addition, the transfer of ownership of the data center to the CEC from the UNDP and the housing of the data center in the physical premises of the CEC would be a great assistance for future revisions of the voter list.

As indicated above the CEC made a decision not to proceed with the proposed mapping component at this time. This decision was not made on the assumption that a mapping was not necessary but on the basis that further identification of procedures, resources and implications was required. It is clear, however, that a mapping project at the polling unit level is necessary to take the accuracy of the voter list to 'the next level'. Mapping will also assist in better defining the number of voters in each polling unit resulting in a reduction in the total number of units across the country and thereby reducing the costs of future elections.

C. Program Elements and Recommendations

The VRP had three program elements: (1) development and production of the voter list, (2) training of local officials and (3) civic education. Each of these areas is reviewed in this section of the report.

Review and Updating of the Voter List Data Base

The final report of the TWG submitted to the Management Board provides a statistical overview of the data base and does not contain recommendations for the future. A second report, prepared by IFES Consultant Enrique Saltos, provides a comprehensive commentary on the project and includes an extensive list of recommendations for the future.

For the local government elections in the year 2000, the voter list was divided into two parts: A and B. List A contained 2,329,014 records. List B contained an additional 425,909 records for a total of 2,754,923 records. The requirement for a List A and a List B resulted from the inability of the EAP to fully complete the job of eliminating duplicate records from the list in the year 2000. The completion of this task was a major focus of the VRP. The report of Mr. Enrique Saltos provides a detailed description of the process followed by the VRP to accomplish this task and other necessary tasks to finalize the voter list for the national elections in June. A copy of this report can be obtained from IFES Albania. A brief restating of the steps followed is provided below.

- In March 2001 List A was processed to detect exact multiple records, deaths and change of nationality. This resulted in the removal of 21,814 records
- In April 2001 the Civil Status Offices (416 offices) were asked to review the list for their area to add persons who had moved into the district as of May 2000, to identify deaths and changes of name through marriage. In addition, a nation-wide civic education campaign encouraged citizens who were (or believed

Central Election Commission membership on the Management Board included: Ilirjan Celibashi (Board Chair), Tomor Malaj, and Klement Zguri. International members included: Howard Sumka, Director, USAID in Albania; Robert Owen succeeded by Charlotte Watson, Deputy Head of Presence, OSCE in Albania; and, Parviz Fartash, Deputy Resident Representative, UNDP in Albania. As the co-chair of the TWG Maks Shimani of the CEC and Dickson Bailey of IFES Albania were nonvoting members.

Technical Working Group

The Technical Working Group had responsibility for the implementation of the project. CEC representation on the TWC members Maks Shimani (voter list development and day to day direction and oversight to the technical staff at the Financial Information Centre (FIC)), Klement Zguri (training and civic education programs) and CEC staff in the area of information technology, training and civic education. IFES representation included Dickson Bailey, Project Director and consultants Enrique Saltos (information technology) and Steven Gray (training and civic education). National staff from IFES Albania also participated directly primarily in the area of civic education and training. While the TWG appeared to have a broad membership, in reality, the group seldom met as a full group. More common were small meetings on functional areas of activity which frequently included outside expertise such as the Director and senior staff of the Financial Information Centre and civic education and training specialists.

The TWG had three functional areas of activity:

1. The review and updating of the current data base including a period of public revision. This was the priority task and the most difficult politically and administratively.;
2. The design and implementation of a nation-wide civic education campaign; and
3. Training of local government election officials in their duties.

Analysis

The development of the project proposal and strategic work plan was accomplished in a co-operative and consultative manner with all project participants and interested parties. On the whole the project was well conceived and practical in the context of the required legal deadlines, anticipated financial resources and known personnel resources. While the decision of the CEC not to proceed with the mapping component of the project was understandable, it was also regrettable in the sense that many of the errors in the data base could have been solved with proper maps. As a result, many voters remain listed in the wrong polling unit.

There are areas, however, where improvement could be made in the development of future projects designed to update and improve the voter list. Many of these issues are dealt with elsewhere. The comments here are confined to project proposal development, management structures, technical oversight and provision of financial resources.

The management structure of the project was designed to give primary responsibility for the project to the CEC and to provide a strong international input. Members of the Board were 'decision makers' within their respective organizations and were highly motivated to participate in the project. While the project proposal contemplated regular meetings of the board, the meetings were in fact, infrequent. The reason for this was not only a function of the project being able to move forward on its own but also a function of the pressures of events related to election preparations parallel to the implementation of the project. Future activity related to the updating of the voter registry until it can be properly produced by a National Civil Registry Office as contemplated in the Electoral Code, should be undertaken well in advance of the election period. This would provide for a smoother public revision period more easily and effectively integrated into the election period. In addition, a longer planning period and earlier implementation would enable national and international donors to make more timely budget commitments to a project. To prepare a voter list as contemplated in the electoral code will require the modernization of the civil registry offices and procedures. A national initiative to this end would be particularly useful to the CEC and the CEC would be wise to make recommendations to this end to the Government of

they were) left off the list in the year 2000 to go to the civil status office during this period and be added to the list. In total, this process resulted in 68,992 records. By the end of this process List A contained 2,449,404 records. This list was printed as the Preliminary Voter List (PVL) for the national elections in June.

It was recognized by the TWG that the Preliminary Voter List still contained a large number of duplicate records, however, it was not possible to make exact matches of these records. It was also recognized by the TWG that List B not only contained duplicate records but it also contained a number of eligible voters not found on List A. It was decided, therefore, that verification of the potential duplicates would be carried out by verification teams in each municipality/commune established by the Local Government Election Commissions as directed by the CEC. This work was to be carried out during the 35 day public revision period. The public revision period constituted the third step in the cleaning/updating of the voter list and the development of the final voter list (FVL) for the June election. However, this resulted in a very complex verification procedure for the LGECs. The complexity of the task for local officials and the scarcity of sufficient state resources made it very difficult for the local officials to complete their task accurately and/or on time.

- Public revision of the Preliminary Voter List (PVL) was undertaken between April 23 and May 31, 2001. During this period the general public was eligible and encouraged to view the list, ensure that personal information was correct and request required changes (move, spelling or accuracy of birth date, death of a family member etc.). These changes were recorded and forwarded to FIC periodically during this period. In addition, however, each LGEC was required to undertake a number of other duties. These included:
 1. Verification of information supplied by the voter during the revision period;
 2. Verification of the location of 71,388 multiple records (potential) within the same polling unit as found in List A and secondly, 28,423 duplicates within LGECs but in different polling units found in List B;
 3. Verification of the location of 78,275 potentially multiple records between LGEC areas contained in List A and secondly, an additional 74,584 found in List B;
 4. Verification of whether the names found on List B for each LGEC should be included on the list as eligible voters in the particular LGEC area. There were 396,138 records to review in this category; and
 5. Compilation of special lists for students and members of the military.

Special instructions were prepared and approved by the CEC for each of the above activities. Nevertheless, the process was complex and politically sensitive. In larger centers LGECs frequently lacked adequate financial resources to employ the number of verification teams required for this task. To add to the complexity and work load of the LGECs, on April 25 the National Assembly passed a resolution to establish additional verification teams to work in the Civil Status Offices. The purpose of these special verification teams of three (one from the governing coalition, one from the opposition and a staff member of the Civil Status Office) was to review the preliminary voter list against the civil registry records to find missing names. If names were missing from the PVL the LGEC was required to verify the accuracy of the information through the verification team of the LGEC.

As a result of the verification and revision process the PVL database consisted of 2,949,870 records. Further processing of the data base was required to eliminate duplicate records. The LGECs were not able to eliminate potential duplicates effectively and the processing and control of the data base became an extremely important step. The process used to further remove duplicate and potential duplicate records is found in the Saltos report. The data processing work of FIC, in accordance with directions of the TWG, resulted in a Final Voter List of 2,497,444 records of which 22,051 were known to be duplicates in different polling units but it was not possible to determine which of the duplicate records were correct. Following the publication of the FVL on June 13, the

CEC, on the request of the Democratic Party, authorized the addition of 6,022 names increasing the FVL to 2,498,466 voters.

Analysis

The development of a national, computerized voter list in Albania has been a long, difficult task. It has been necessary to accommodate, work around and work within an environment of less than ideal conditions including a weak transportation and communication infrastructure, conflicting political interests, and, in many cases, an unwillingness of local officials to take instruction and direction from the CEC and other state institutions. On this later point, it should also be recognized that in many cases instructions to local officials were often confusing, incomplete, late or extremely complex. Many local election offices lacked telephones, financial resources were not made available to purchase office supplies, and individuals were not reimbursed for the use of personally owned mobile phones. Many local officials, while appointed by the CEC, were nominated to their position by political parties and looked to the parties for instruction. Too often this created delays in undertaking tasks locally and strong disagreements within local commissions or with the CEC. For some of the tasks, CEC instructions were completed after the revision process began and were not included in the training program for local election officials. Added to these difficulties was the fact that the data base from the year 2000 voter list frequently lacked proper or complete book and page number of the Civil Registry Office records. This omission significantly slowed the verification process and added to the potential for error. Finally, the lack of an adequate street addressing system in urban centers and the lack of this information in the civil registry offices made personal verification and assignment of individual voters to the proper polling unit extremely difficult and problematic. Taken together, these issues can be expected to have a negative impact on the exactness of a final voter list. It is not possible, however, to define the adequacy or shortcoming of the final list in the context of the above issues. A better measurement is to look at the final and existing national list in terms of size, internal consistency, transparency and identifiable measures.

Demographic Distribution and Size of the Final Voter List

The total population of Albania is estimated to be 3.5m. This number is an estimated projection of the 1989 census figures. The UN formula to estimate population growth was used to make this estimate. A national census was undertaken in April 2001, however, final population figures have not yet been compiled and published. For this reason, it is not possible to compare the size and demographic distribution of records contained in the voter list database as confidently as one would like. Assuming that a total population of 3.5m is relatively accurate, a final voter list in the range of 2.4m voters is statistically acceptable. The analysis performed by IFES indicates that the list appears to overstate the number of voters in the 18-19 age group. A further analysis of the size and demographic distribution of the list should be undertaken when the census data is published later in the year 2001 or early in 2002.

Internal Consistency

Internal consistency of the data in the voter list data base continues to be a significant problem. These problems are found in several areas.

First, it is known that there continue to be missing names. This has been verified by the willingness of the CEC to accept additional names on the request of the Democratic Party, anecdotal evidence from the telephone information system, ODHIR investigations and personal examination of the list by voters during the revision period. The number of missing names is unknown, and it is unknown how many 'missing names' are errors of data entry (meaning people are on the list but not readily identifiable due to spelling errors) or polling unit allocation (meaning people are on the list but in the wrong location).

Second, errors in the hand written records of civil status offices and/or in the transfer of those records to the data base compound errors and creates the potential of duplicates. This problem has been magnified by the use of the year 2000 voter list data base which itself was constructed without full processing of the varying data bases used to prepare the year 2000 voter list.

Third it is known that there are a minimum of 22,000 duplicate records in the data base and there could be many more. It is very difficult to verify the status of these records and eliminate the duplications that exist without adequate information on the exact residence of these individuals.

Fourth, allocation of voters into the proper polling units by local officials is possible in rural/smaller urban centers. However, in the major urban areas this is a major problem because of the lack of readable, accurate polling unit maps; frequent changes of street names; lack of house/dwelling numbering systems; and inconsistent records of civil status offices. Local election officials often had to guess where a person lived in the context of polling unit boundaries. This resulted in a significantly large number of people allocated to the wrong voting center by local election officials, created confusion in verification of the list, and made the removal of duplicates more difficult and time consuming. Voters showed up to vote on election day only to find themselves 'not on the list'. This disenfranchised some people and made all affected frustrated and upset.

At the outset of the VRP it was assumed that the most significant problems with the current voter registry database related to factors discussed above. While significant progress was made in correcting these deficiencies problems still remain and further work is required to improve the accuracy and completeness of the list. These issues continue to be the required focus of further development and refinement of the voter list.

D. Conceptualization, Data Processing, Management and Recommendations

A major purpose of a voter list is to identify, for one point in time, where people reside to facilitate their ability to exercise their right to vote in an election. Therefore, the construction of a voter list and its periodic revision (whatever method is used) must be done within a short, fixed period of time. An extended period creates difficulties in accuracy and severely taxes the ability of election officials to produce an accurate list. Adhering to a short, fixed time period was a major difficulty in the year 2000 project. It was possible, to a larger degree, to adhere to these timelines in 2001.

The development of the voter list database reflects data compiled at various stages over a period of years (back to 1997 and 1998). This means that the list reflects a number of things: where people used to reside as well as where they currently reside; differing address locators; inadequate identification of persons living outside Albania; and inconsistent personal information such as a change of name. Because many Albanians have failed to register with the civil registry offices when they have changed residence and/or their name, it is not possible to fully and accurately verify the database against the civil registry records. Also, based on the door-to-door enumeration program of year 2000 and the revision program of 2001, which included verification teams within each LGEC, it is clear that door-to-door verification and enumeration undertaken in 2000 and 2001 has not been adequate.

Conceptually, the VRP attempted to address these concerns through the processes adopted by the project team; however, the implementation of the process was difficult and lead to a less satisfactory result than desired.

A major and crucial component of a project of this nature is the management and processing of the data. Ideally, this should be a direct function of the CEC until such time as a national civil registry database is developed as envisaged in the Electoral Code. Financial constraints and tight time lines required the CEC to contract this work to another institution, the Financial Management Centre (FIC). Lacking its own professional staff, the CEC had difficulty overseeing the work of FIC and ensuring that the work FIC undertaken by FIC utilized a well developed, easily transferred methodology. Many of the routines used by FIC to process data were not and have not been fully documented. In addition, the processing package (Centura) is not widely used in Albania. While the steps and policies developed by the TWG were followed by FIC the means by which they were implemented were not made clear and reporting to the TWG and CEC was inadequate. The lack of this information will make future data processing by the CEC more difficult in the period leading up to the year 2003 local elections.

The Electoral Code provides specifically for the CEC to establish a Directory of Voter Registration. The purpose of this provision in the Code is to ensure that the responsibility for the construction and management of the voter list resided within the CEC and not another state body. Unfortunately, this Directorate and staff have not yet been put in place.

Recommendations

The IFES report by Mr. Enrique Saltos outlines, in some detail, a series of recommendations for the future development and management of a national, computerized voter registry in Albania. Recommendations directly related to the voter registry data base development, management and processing of the database are briefly restated below.

- The CEC should request from FIC the immediate delivery of the voter registration database with control ciphers, database structure and all documentation and source code developed for the CEC during the EAP and VRP;
- The CEC should establish the internal capacity to manage the voter registry and process data;
- The CEC design a voter registration system for the next election and consider the feasibility of rebuilding the database structure in the context of a possible national civil registry modernization project and future issuance of a national identification card;
- A new database development program and structure should emphasize the physical and logical security of the voter registry database;
- The Voter Registry Directorate of the CEC should undertake an analysis of the current data with emphasis on future use, adaptability, completeness and additional uses such as in the development of a national civil registry data base;
- The CEC should prepare a feasibility study for future development of the voter registry database, including the use of the UNDP owned data center for potential funding by the international community with the objective of long-term technical capacity building within the CEC; and
- The political parties of Albania and the CEC should establish a joint technical committee of experts to monitor future development and management of the voter registry database.

E. Civic Education and Training and Recommendations

The civic education and training component of the project was undertaken jointly between the CEC and IFES. For this purpose IFES contracted the services of Mr. Steven Gray of New Zealand, dedicated one existing national staff member of the IFES Albania office for the training component, and hired an additional national staff member to work directly with the CEC on these programs. IFES also hired an additional national staff member to work specifically on the implementation of civic education media plans. In addition, the CEC hired a civic education staff member and utilized the expertise of other existing staff members. While these individuals and others were directly involved in both activities they represent two separate initiatives

Civic Education

There were a number of specific civic education activities specifically designed to familiarize the general public with voter list revision procedures and to encourage the general population to "check the list". Specific initiatives included:

- Production of a 20 minute video, shown several times on national television, which demonstrated the public posting of the PVL, the way in which the list could be revised and detailing the specific duties of local government election officials in this process. The video was designed as a training tool and used extensively in workshops and seminars with local election officials;

- A saturation television and radio campaign commencing just days before the start of the public voter list revision period. The purpose of the media ads was to encourage people to seek out the voter list and be sure that they were properly included;
- Toll free telephone service available to the general public. The number was extensively advertised during the print, radio and television campaign. The purpose of the phone line was to enable voters to determine if they were in the database and where their name was registered. If individuals found that they were not in the database they could also inquire of the location of the revision office they needed to visit to be added to the list or to correct personal information;
- The toll free number was also advertised through posters and banners in major urban centers and on the back of lottery tickets sold nationally;
- A series of press statements, media interviews by CEC members and three hour long programs on state television dealing with the process of developing the voter list and how individual citizens could request revisions to the list;
- The inclusion of voter list revision procedures in the popular radio soap opera "Rruga Me Pisha" which is broadcast nationally over Radio Tirana; and
- Leaflets were distributed door-to-door in major urban centers by local NGOs and supervised by the National Democratic Institute (NDI).

Analysis

While there has not been a full analysis of the impact of the civic education campaign during period of the VRP it is clear that the message of the campaign was received and understood by the general public. It may be argued that the campaign did not result in an overwhelming number of voters attending the office of the local election commissions or phoning the toll free information line. However, the general public was aware of the process they could follow and was seemingly confident that the process was open and transparent. In addition, it is believed that the campaign succeeded in ensuring that potential political conflict over the voter list was significantly reduced.

At the conclusion of the voter revision period IFES provided financial resources for a survey by the Albanian Association of Women. The survey, comprised of 1,100 on-street interviews, was conducted on June 14-16 in ten major urban centers. The purpose of the survey, which was partly designed and supervised by NDI, was to provide public opinion feedback on the voter revision period civic education campaign. The results of the survey, which can be obtained from IFES Albania, were encouraging and positive.

Recommendations

- The CEC should further develop the use of a toll free phone line accessible to the public to check the information of the voter in the voter registry;
- The CEC should retain, on an ongoing basis, the exclusive use of the number 811 and 813 so they become permanently identified with the CEC; and
- The CEC should create a department dedicated to civic education and training programming.

Training

As with the civic education program component of the VRP, IFES and the CEC worked closely and collaboratively on the design and implementation of a training program for local election officials. The CEC member Klement Zguri was assigned responsibility to oversee the implementation of the civic education and training components of the project. To assist him in this responsibility IFES hired Ms Valdeta Rukaj as a training specialist. IFES consultant, Steven Gray provided professional guidance and planning and was assisted by IFES staff member, Laurela Shytaj.

A comprehensive training program was developed for the entire country. According to the Electoral Code, Local Government Election Commissions (LGECS) were responsible for the revision of the voter list. There are 386

LGECs each with seven members and a secretary. Members of the commissions are appointed by the CEC on the basis of nominations from the seven political parties that received the most votes in the most recent local elections. Finalization of the membership of each commission was a major task for the CEC before training could take place. In theory, there was a requirement to train 3,088 individual LGEC members and secretaries. The training program as designed by IFES and approved by the CEC consisted of the following major activities:

- Identification of 25 trainers who would conduct training sessions for the LGEC members at various centers around Albania. The cost of the trainers and the training seminars were borne directly by the VRP;
- Development of a training the trainers program. The training the trainers seminar was held over 3 days in April;
- Production of a twenty minute training video. (This video was used on national television as part of the civic education program.);
- Production of a Voter List Revision Manual for LGEC members outlining their duties and demonstrating the way in which their tasks were to be carried out;
- Training of LGEC members. Based on attendance sheets, just over 50% of LGEC members representing 90% of the LGECs in Albania attended a training session. The number of attendees would have been higher if all members had been appointed at the time of the training seminars; and
- Monitoring of training seminars by CEC and IFES staff.

Analysis

Due to the lack of comprehensive training of local elections officials in the past, the VRP training program was a learning experience for all concerned.

The hiring of 25 core trainers was not only a logistical necessity but proved to be invaluable for the entire training program. The individuals hired were in most cases teachers and/or community leaders who were experienced in dealing with a diverse group of people, interested in the task and self-motivated. The core group of 25 trainers provides a useful and important base for training programs in the future. This was partly proven during the election period where the same individuals, along with an additional 30 trainers, were able to provide an extensive, localized training program for 35,000 election officials. Most importantly, this group of individuals is aware of the training needs and issues that have to be addressed. Their expertise and relationship with the CEC should be maintained. While the 25 trainers were trained in active training (versus lecture/briefing techniques) it is important to continue to provide training in this area to ensure the application of best training practices in the future.

The original training program called for small group training (up to 30 participants). Local logistics for the seminars were left in the hands of the CEC and local prefecture offices. As this plan was being implemented a number of changes were made. When the change involved location of a seminar there was little impact. However, in some cases decisions were made that small sessions were not necessary and large groups should be utilized. This created many difficulties for the trainers as it was designed for small groups with a significant degree of role play and interaction. Similarly, because it was necessary to make many arrangements through the prefectures, the quality of arrangements was inconsistent. In some cases the required equipment (TV, VCR etc.) was made available and in other cases the trainers had to make many last minute arrangements on their own. Many of these difficulties could be overcome with the formalization of a training department within the CEC prior to the next election.

Local arrangements for training sites and the extension of invitations to LGEC members demonstrated a structural and organizational weakness within the CEC. This weakness was a partial result of lack of organizational staff at the time and also due to weak internal communication. For example, contact of the LGEC members was to be made by the CEC staff or prefecture level staff. Frequently, LGEC members were not notified of the seminar or

the requirement to attend until the day before and trainers did not know the location of the seminar until the day of the event. CEC members dealt directly with prefecture level officials by-passing the recently hired inspectors and supervisors, and/or the inspectors and supervisors were not aware of the seminar purpose or familiar with the topic area. Again, the creation of a training department within the CEC could rectify much of these difficulties in the future.

The writing and production of complete training manuals is critically important for any training program. The manuals, however, must be accurate and complete, fully and properly reflecting the decisions and instructions of the CEC as well as administrative requirements of and information for local election officials. The manuals must, as well, be consistent with the training philosophy. These issues were of concern in the finalization of the training program for the VRP. Due to time and decisions of the CEC, that affected the work of the LGECs made after the training program was complete, meant that the training manuals did not adequately address all the responsibilities of local officials. In addition, many administrative issues were not addressed (payment, expenses, phone systems etc) which were the source of many questions and concerns raised by participants in the training seminars.

While the late decisions of the CEC were not by design or negligence, but symptomatic of changing situations that had to be addressed, a concerted effort should be made to ensure that necessary instructions and administrative details of importance to local election officials be made well before the election period to ensure that local officials are adequately informed and trained.

Recommendations

- The CEC should adopt a corporate policy of training and the use of best training practices for future elections;
- The CEC should proceed with the formation of a civic education and training department with professional staff who can manage all or part of an extensive election officials training program in the future;
- A working relationship between the core group of trainers should be maintained so they can be effectively utilized in future elections;
- The CEC should develop an interactive training program utilizing video demonstrations, sample exercises (such as filling in forms) and in some cases, roll playing; and
- Involve political parties and domestic NGOs in training programs to make them more familiar with the requirements of the CEC.

F. Finance and Administration

The original project proposal approved by the Central Election Commission identified a total project budget of \$3.1m US. Of this amount, \$1.7m was identified as a cost to the Government of Albania through direct financial payments or services in kind. The balance of the budget was to be raised through the international community by OSCE and separately by USAID through IFES. The IFES contribution was dedicated to the salaries of international consultants, increased staffing (at IFES Albania and at the CEC), printing and the civic education and training programs. Through the OSCE, contributions of \$450,000 were realized. These contributions were earmarked for the purchase of equipment and the costs associated with the work of FIC.

It was not possible to obtain donor commitments until the CEC had formally approved the project proposal. After approval was given by the CEC a more concerted fund raising program was undertaken by OSCE, resulting in financial commitments from Holland, Germany, Italy, Spain, Denmark and the United Kingdom. Actual funds and or pledge letters from donors did not arrive until late in the project period. Immediate cash requirements for the project were met by IFES.

IFES assumed full financial management of international donations including all funds provided by USAID. In addition, IFES provided consultation services to CEC financial and administration staff regarding project implementation.

In many areas project budget estimates were greater than actual expenditures. This allowed for reallocation of funds and/or direct expenditure reductions. Reductions were most evident in the estimated cost of in-kind services provided by the Government of Albania, the withdrawal of the mapping component, and a lower than budget payment to FIC. Finally, the delay in obtaining international donations resulted in an adjustment to the equipment purchase list. The statement on the following page provides a breakdown of international donor funds.

Analysis

Delays in final project approval had an impact on the ability of the project officials to secure commitments for funding from international donors. This delay was a particular difficulty because it was not possible to make adjustment to the start or end date of project. The national elections were required by no later than June 24, 2001 and the Electoral Code is quite specific on the timing to be followed by the CEC regarding the public revision period and the production of the final voter list. Ultimately, the project was both guided and constrained by these legal requirements. To avoid jeopardizing the integrity of a future project it is important that planning, approvals and donor contact take place within a time frame that allows for securing donations from sources other than the Government of Albania well in advance of project start-up.

A major area of concern throughout the project was the finalization and financial oversight of the contract between the CEC and Financial Information Center (FIC). It was very difficult to obtain from FIC a realistic budget for the work program identified by the TWG that didn't simply reflect the original budget estimates developed for the project proposal. Estimates from FIC were often developed solely for the purpose of maximizing what was understood to be available to the project. For this reason, only one formal contract with FIC was entered into by the project and that contract was to cover only the initial phase of the project. Without a formal contract, but based on discussions between the Director of FIC with the CEC, state officials and IFES, FIC continued its work on the understanding that their costs plus a reasonable profit would be covered. With the completion of the project FIC provided IFES and the CEC with a detailed statement of costs. Through a joint examination of these invoices the CEC and IFES determined that the final amount owed to FIC was \$142,865. This is approximately \$100,000 less than the budget estimate and is reflected in the cash balance of the project.

The costs associated with data management and processing were a major problem for both the CEC and IFES. The experience highlighted the need for the CEC to provide a more thorough financial oversight of contracts and to have a strong contract for service in place well before the commencement of a project.

VI. ELECTION TO THE NATIONAL ASSEMBLY, JUNE 24, 2001

A. Political Climate

In contrast to the pre election and election period for the local government elections in the summer and fall of 2000, the political climate leading up to the national elections was calm. This mood continued throughout the national election period.

It is difficult to identify precise reasons for the relatively calm atmosphere during the pre-election and election period, however, there are several contributing factors. Following the local elections in 2000, the opposition parties contended that the elections were manipulated and thus staged a series of street protests in November and December 2000. These protests were not widely supported and resulted in pressure by the international community on the leadership of these parties to accept the local government election results. This pressure and the lack of broad support in the population for the protest strategy may have contributed to the decision of these parties to 'tone down' their rhetoric leading up to the national elections. In addition, and perhaps more

importantly, two other events took place that addressed some of the major concerns of the opposition. First, a number of the members of the CEC resigned early in 2001 thereby creating the opportunity for new appointments to the Commission. Secondly, the National Assembly took steps to address the concerns of these parties regarding the accuracy of the voter list by creating the possibility of a comparison of voter list with the civil registry documents and enabling political parties to have names which appeared to have been left off the list, added. The work of this review by political party representatives is discussed in the previous chapter.

International monitor reports from the election refer to the calm political atmosphere that prevailed during the national election period. However, there were a number of issues which could have seriously altered this situation. These issues are referred to in the following review.

B. Pre Election Issues and Legislative Amendments

The Electoral Code of Albania was approved by the National Assembly on May 8, 2000. The code integrated existing laws for the election of members to the National Assembly, the election of local government officials, holding of national referendums and the powers and responsibilities of the Central Election Commission. The code was initially drafted by a Working Group sponsored by IFES. The draft was then turned over to an all-party committee and representatives of the international community for review and changes before it was submitted to the Assembly. The new Electoral Code contained many new procedures for the administration of elections in Albania and standardized election procedures between the different jurisdictions. Finally, the new code included explicit rules for the establishment and revision of the voter list and the drawing of new electoral zone boundaries based on population levels and geography.

The new Electoral Code was used for the first time for the local government elections in the year 2000. New electoral zone boundaries were drawn on the basis of the provisions of the code in the later part of 2000 and the voter list was revised for the first time, based on the provisions of the code, in April and May of 2001.

Following the local government elections there was considerable discussion within the CEC and political forces regarding the need to make changes to the Electoral Code to 'reflect the Albanian reality'. Many of the ideas put forward at that time were issues that could be dealt with through explicit instructions and regulations of the CEC and did not require a change to the law. In addition, the view prevailed that the new code needed to be in place for more than one election before it was given a thorough review and amendments proposed. The basic problems encountered during the local elections were not related to shortcomings in the code but the need for officials and political parties to become better acquainted with the provisions of the code and accommodating themselves to changes in the electoral process.

Proposed Amendments to the Electoral Code

As the elections to the National Assembly approached, a number of amendments to the Code presented publicly by various political parties and individual members of the National Assembly. The proposals were wide ranging including the composition of local election commissions; discarding the national voter registry data base in favor of local voter lists, changing the formula used to calculate proportional seats in the Assembly, and the required use of voter identification cards for voting. An additional proposal came from the international community. This proposed amendment was designed to provide a mechanism whereby persons not on the final list of voters could be added through a court process just before election day.

➤ Voter Identification Card

The use of a voter identification card by each voter was a legislative requirement for the national elections in 2001. It was optional for the local elections in October 2000. The provision in the Code was drafted in full expectation that the national voter registry would be complete and accurate before the local government elections and that distribution of the cards, each bearing a unique identification number tied to the national social security number, would be completed well before the national elections.

During the preparation of the voter registry in 2000 a number of problems were encountered that jeopardized the accuracy of information in the voter registry which in turn produced errors in the voter ID card (name, birth date, etc). In addition, the lack of proper identification of residence lead to significant number of duplications within the data base and thus creating the potential of issuing duplicate ID cards. Initially, it was felt that an early start in correcting the voter registry database would enable the continuation of the issuance of the cards so they could be used during the national election in June. However, due to delays in approvals and the difficulty in raising sufficient financial resources to complete the task a rethinking of the provisions of the Electoral Code was necessary. This issue was of concern to the international community and the Government of Albania.

➤ Allocation of Compensatory Seats

The Constitution of Albania requires a National Assembly of 100 members elected on the basis of a majority vote in single member electoral zones. The constitution also provides for an additional forty members to be elected on the basis of a proportional vote. The formula for allocating these additional seats is, however, complicated because the constitution (article 64(2)) stipulates that the allocation of seats within the National Assembly "...shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round of elections." The threshold for parties seeking entry into the Assembly through the multi-name list process is 2.5% of the national vote and 4% of the national vote for a party coalition registered with the CEC. During the lead up to the national elections, several smaller parties, who in previous elections had been in coalition with a larger party, raised concerns with the legislated formula (article 66 of the Electoral Code) for allocating seats. The concern of the smaller parties (Social Democratic Party, Democratic Alliance and Human Rights Party) was directly related to the fact the Socialist Party, with whom they had had previous coalition arrangements, decided to contest the election on their own. This meant that these parties would likely have a more difficult time securing positions in the Assembly through the proportional vote method. For that reason the smaller parties sought a change to the Electoral Code to adjust the formula in a way that would make it easier for them to secure representation in the Assembly. Smaller parties aligned with the major opposition party (Democratic Party (DP)) supported their position, however, the smaller parties did not push the issue because they were in a coalition with the DP, all but guarantying them representation in the Assembly.

The proposed changes to the compensatory seat formula were not accepted by the Parliamentary Commission on Laws and amendments were not submitted to the National Assembly.

➤ Preparation of the Final Voter List

The procedure for compiling the final voter list is clearly stated in the Electoral Code. The Code states that the voter list should come from the National Civil Registry and until the registry is established, the voter list is taken from the offices of the civil registry and up-dated through a public revision process. The process of drawing from the civil registry offices is to begin four months prior to the end of the mandate of the National Assembly.

As in the year 2000, the development of the final voter list was politically sensitive. Political parties, particularly those in the opposition, were concerned that thousands of voters had been left off the list in 2000 and would be again. In response to this concern, the Voter Registration Project work program called for an initial review of the existing voter registry data base by the civil registry offices to ensure that those eligible to vote, based on the civil registry records, were on the list. Based on that review, plus some additional work to eliminate duplicates at the voter registry data center, the preliminary list was to be prepared to enable the public revision period to begin in late April. Nevertheless, the National Assembly created a special committee of Parliamentarians to review the voter list. Approved by the National Assembly, the recommendations of this committee the National Assembly agreed to the establishment of a three person verification team for each civil registry office. Their purpose was to determine who may have

been omitted from the preliminary list. This work was done in the civil registry offices during the public revision period. The work of these special teams was spotty and failed to turn up substantial numbers of people who had not been entered by the civil registry office staff.

The decision of the National Assembly to create the verification teams made the field work of local election officials more complicated and confusing. The decision did, however, go a long way in defusing the political controversy around the voter list. When the final list was produced in early June there were very little comment from the parties. This was a significant and welcome change from the local elections in October 2000.

➤ Composition of Local Election Commissions

During the election code negotiations with political parties considerable time was spent discussing the composition and responsibilities of local election commissions. The international community strongly urged that commission size be limited to three. The political parties strongly suggested that the commission membership should reflect every party recognized in the National Assembly. That would have meant a commission of at least nine members. In the end, the figure of seven was agreed to on the grounds that it was related to the size of the Central Election Commission. The top seven parties in the most recent election were responsible to nominate commission members who would be appointed by the CEC.

During the early months of 2001, seven parliamentarians broke from the main opposition party (DP) and formed a new group in the National Assembly known as the New Democratic Party. This group was recognized by the Speaker of the Assembly as a parliamentary group not as a political party. As the parties prepared to organize themselves for the national election, the New Democratic Party attempted to have the Electoral Code changed to increase the number of members of local commissions from seven to nine. The purpose of this change was to allow them to name a member of local commissions and 'thereby safe-guard their interests when ballots were counted'.

Lobbying by the leader of the New Democratic Party among other smaller parties and the international community to support this change to the electoral code was strong during this period. In the end, however, the proposed amendment was not accepted by the Parliamentary Commission on Laws and it did not receive support in the National Assembly.

Legislative Amendments

In addition to the proposed amendments from political parties to address the issues referred to above a number of other proposals for legislative change were made. However, there was not a strong will on the part of the government to undertake major changes and representatives of the international community made it clear that any changes to the electoral code, immediately before the election, should only be for those issues that were immediate and essential. One such item was the need to remove the requirement for a voter identification card to be used for the national election. In addition, the international community suggested that the electoral code be amended to provide individuals not on the voter list, but who had proper identification and residency documents, the opportunity to vote.

On May 3, 2001 the National Assembly passed Law No. 8780 to amend the electoral code. There were three substantive amendments:

1. The requirement for a voter identification card for the June election was removed.
2. A court procedure to enable qualified voters not on the voter list to vote was added to the code.
3. Requirement to ink the finger of each voter.

Other amendments provided further clarification on dismissal of local officials, clarity on the declaration of final results by the CEC, and the correction of a typographical error.

Of the three substantive amendments the most problematic was the procedure to enable qualified voters not on the list to be allowed to vote. This procedure required action by the District Courts and the Zone Election Commissions based on an application by individuals. In practice the procedure to provide people who were missing from the list with the opportunity to vote was not uniformly applied by the courts and the instructions provided to ZECs were not always followed. There were no instructions or guidelines from the CEC to the courts on this issue. Based on anecdotal information during the election period from voters, political parties and election commissions, the procedure was not widely used. It is not known if the procedure was not used because it was not necessary, or because of lack of information, red tape, or apathy.

C. Election and Post-Election Period Issues

Some of the issues that emerged during the pre election period remained during the election. Specifically, this included the question of independent candidates and membership on local commissions. In addition, new issues arose: strategic voting during the second round of elections on July 8; acceptability of voting protocols and final result tabulations by Zone Commissions; and, the role of the courts in reversing decisions of the CEC. The last issue was a major factor in lengthening the entire election process far beyond what is reasonable.

Independent Candidates

One of the most politically volatile issues that developed in the election period was that of independent candidates. As the election period began the Socialist Party announced its list of candidates for single member zones. In that announcement the party stated that it would support thirty-five independent candidates and listed their names. Many of these individuals were well known Socialist Party activists or supporters. The decision of the Socialist Party was strategic. That is, the party felt that by not endorsing these candidates officially they could be elected as a member of a single member zone (many were contesting seats where the SP had a strong chance of winning) and enable the party to gain a number of seats through the proportional vote. The formula used in the election code to distribute these seats subtracts independent members of the National Assembly before party allocations are made. The strategy here was directly related to the SP objective of controlling a minimum of 60% of the seats in the National Assembly without the support of any other party.

The announcement of the SP to support independent candidates was quickly criticized by other political parties and the international community. Representatives of the international community met with the leadership of the SP on this issue and the Project Director of IFES proposed specific instructions that could be issued by the CEC. The CEC publicly stated its intent to deal with the issue and indicated its view that the approach of the SP was contrary to the Electoral Code. However, at the same time the CEC sought to develop wording for its decision that could be supported by all the political parties. The CEC also took the position that it had to wait until it was clear how many independent candidates there really were. This could not be determined until candidate nomination papers were filled (the deadline for filing nomination papers is 17 days prior to election day). In response to the SP strategy, the opposition party coalition, Union for Victory (UV) declared that it too would support independent candidates in the single member zones. At the close of the nomination period it became clear that there were 19 zones without an SP candidate and 93 zones without a UV candidate. In each of these zones there were independent candidates (candidates who were not officially endorsed by a party leader) who could be easily identified with either the SP or UV.

The decision of the CEC on independent candidates was approved by the Commission. That decision stated that based on evidenced support by the SP or UV for an independent candidate, the CEC would declare any who won their zone election as a member for the SP or UV for the purposes of calculating the proportional allocation of seats in the Assembly. In the end, in 18 of the 19 zones where the SP did not field a candidate the CEC identified

the independent candidate as being supported by the SP. In the 93 zones where the UV did not field a candidate an independent candidate in each of these zones was declared by the CEC as being supported by the UV.

The issue of independent candidates was defused by the pressure of the international community and the eventual action of the CEC. The parties, with the exception of the SP, did not object to the decision of the CEC (in fact all of them pressured the CEC to make an earlier decision) and in the end the SP accepted the decision with little resistance.

The issue of the independent candidates did not indicate a flaw in the Electoral Code. The Code is quite clear on this, however, the issue did illustrate how the parties attempt to manipulate the system and the law and emphasized how an independent CEC can effectively act in this situation. The issue was a major challenge for the CEC because it required the Commission to be firm, maintain a balance in its relationships with the political parties, and act independently. While the CEC decision could have been taken earlier, the decision and the action that was taken facilitated international confidence in the CEC as a body that could be independent and operate in a transparent manner.

Local Election Commission Membership

Each local election commission has seven members nominated by the political parties. The procedure for this is contained in the Electoral Code. Based on these nominations the CEC appoints members of the Zone Commissions and Local Government Election Commissions.

During the local government elections of 2000 the CEC allowed political parties to change their representatives during the election period. While this is not contrary to the Electoral Code, it could easily be abused. In the local election period (fall of 2000) the constant changing of party representatives created ongoing confusion locally and within the CEC. In the parliamentary election period the CEC allowed the same procedure to take place. Again, the constant changing of local commission membership created a number of difficulties for the election administration process. In addition, the flexibility provided by the CEC in this area was abused. Frequently, parties changed their representatives to ZECs in a deliberate effort to thwart the election process. In some cases parties appointed a representative who they knew was a member of another party and would be supportive of that party's interests, or they asked for a change because they did not like a decision their representative took on the commission. At the voting center level this problem frequently occurred as well with members being changed on election day or between the two rounds of voting. It is important that this abuse of the provisions of the law be halted. At this stage, however, a specific decision of the CEC is required which clearly indicates the grounds for a change of commission membership. Specifically, party requests for substitutions should not be considered. Parties, as the current law stands, should only be asked to nominate a new member if a member is dismissed by the CEC or resigns for valid reason.

A second concern is the size of local commissions. Many parties are not able to nominate a representative because of their narrow base of support. Also, seven members is too large for the administrative job that is required. As a result members are tempted to carry out their duties in a manner which favors their particular political party and political parties treat commission members as the representative of party interests. Finally, while parties are legally entitled to appoint a representative to each commission (these individuals are not members of the commission) to represent their interests, they do not do so because they fail to see or be prepared to accept the distinction between a representative and a commission member.

A reduction in the size of local commissions would be useful. A reduction would reduce the costs of the election, facilitate a closer relationship between the CEC and local commissions, streamline decision making and speed up the final election process. In addition, further clarity of the role of the local commissions as local election administrators and not party overseers would assist to remove the electoral process from the realm of political debate. A smaller and more independent local commission would also help the parties to understand their party's important role in observing the electoral process and using the courts to seek redress on matters of concern to

them. This is most effectively done by party representatives who are able to monitor the election process but not control it.

Strategic Voting

The issue of strategic voting did not arise until the period between the first and second round and only arose because of the failure of one zone (number 60 in Lushnje District) to function on June 24. The Zone Election Commission failed to function due to disputes between the commission members. Consequently, the CEC ordered that the first round voting would be delayed until July 8th and a new commission was formed.

As a result of the election on June 24 it was clear that the SP would not obtain its objective of 60% of the membership in the National Assembly on its own and three of its former allies in the Assembly (Agrarian Party, Human Rights and Democratic Alliance) were marginally under the threshold of 2.5% for entry into the National Assembly. The Socialist Party was confident it could win zone 60 in the single member election. However, the SP needed the representation of the three smaller parties in the Assembly to obtain its 60% objective because the Socialist Party could not gain any seats through the proportional vote. In consideration of this the SP actively campaigned within specific areas of zone 60 to encourage its supporters to support the SP candidate for the single member vote and to support one of the three parties for the proportional vote. The strategy worked and each of the three smaller parties obtained representation in the Assembly.

The strategy, while not violating the electoral code, was highly controversial for a number of reasons. The Constitution states that the proportional allocation of seats is based on the results of the vote on election day. Election day is regarded as the day of the first round of voting. The decision of the CEC to hold the proportional vote on July 8 was criticized. Secondly, there were allegations that the SP was unfairly manipulating the system and voters. This led to allegations of ballot box stuffing designed to 'push' the smaller parties over the threshold in some of the voting centers. Third, the result which put these three parties into the Assembly effectively meant that proportional seats were taken away from the opposition parties. The results of the voting put these parties into the Assembly with three members each, meaning that zone 60, the opposition parties pointed out, elected a single zone member plus nine members from the proportional system. The most significant concern, however, was the conduct of the Zone Election Commission itself.

The ZEC of Zone 60 was a clear case of the inability of a local commission to function because of political interference by political parties.

On June 24 two members of IFES staff were asked to go to Zone 60 to determine the reasons for the break down of the ZEC and to see if it would be possible for voting to occur at all. Deputy Director Zofia Serafinska and Senior Project Coordinator Adriatik Mema flew to Lushnje by helicopter and interviewed members of the commission. At that point voting could not start because the polls had already been closed for a total of six hours. However, their conclusion was that due to political interference the commission was not able to function. In anticipation of similar problems for the re-scheduled elections on July 8, the CEC requested that IFES go to Lushnje to observe and assist where possible. Project Director Dickson Bailey and Executive Assistant Dinora Aleksi went to Lushnje on July 6 and remained until July 11. In addition, the CEC sent one of its senior staff members to work directly with the ZEC to make sure it fulfilled its responsibilities.

On arrival in Lushnje it was found that the distribution of election supplies to local voting centers had not yet begun although there was a plan in place. The plan was not followed fully and distribution did not begin until late in the evening the night before election day. Because of the darkness and road conditions, many voting centers did not receive their materials until the morning of the election. This delayed the opening of several polling centers for one to two hours. One rural polling center was delayed by five hours. Election day itself proceeded calmly without allegations of serious incidents.

Polling centers returned their materials after the close of polls to the ZEC. The process was totally disorganized. On the day after the election as the ZEC began to complete the tabulations of results the process totally broke down. Two members of the CEC visited the ZEC to encourage commissioners to work more quickly and co-operatively. By the next day, the ZEC had completed less than half the job and all the members of the CEC arrived to assess the situation. That evening, the CEC ordered all the ballot boxes and materials of the ZEC to be sent to Tirana. When that was done the CEC dismissed the members of the ZEC and assumed the powers of the ZEC. This action was contested in the courts and the Constitutional Court ruled that the CEC had the authority to proceed. One week after the action of the CEC, the CEC completed the tabulation of results for Zone 60. This was the first time a CEC had taken action of this nature and their decisions and method of proceeding was highly controversial.

The action of the CEC added significantly to the controversy surrounding the conduct of the voting in zone 60 and the concern of the opposition political parties, and some international observers, with the strategic voting strategy of the SP. Future changes to the Electoral Code should clarify the validity or non validity of proportional voting on a day other than the regular election day. In addition, specific rules and procedures to be followed by the CEC when it is necessary to take over the function of a local commission need to be clearly stated.

Party Coalitions

In Albania party coalitions are frequently formed before the election. This means the parties run joint candidates for the single member zones and submit a common list of names for the proportional voting. The list will have names of persons from more than one party. Through prior agreement, the parties will determine a percentage split of the coalition vote to determine which of the names from the proportional list will become members of the Assembly. In the national election there were two registered coalitions but only one successfully passed the 4% threshold. This method of party coalitions is another form of strategic voting. Many smaller parties are not able to gain entry into the Assembly but do so through this mechanism. By doing so, these parties stand to lose their own political identity to the dominant partner. In the June 2001 election the Union for Victory Coalition was able to capture 37% of the proportional vote. Through the coalition agreement this meant that the Legality Party, Republican Party, National Front and the Liberal Union Party were able to enter the Assembly as a party although they did not contest the election as a party. The representation in the National Assembly from the Legality Party and the Republican Party is greater than the Democratic Alliance, Human Rights Party and the Agrarian Party. Each of these latter three parties received slightly above 2.5% of the national vote as a result of the SP appeal to its supporters to vote for these parties on the proportional ballot in Zone 60.

Counting Ballots

The Electoral Code provides for the counting of the ballots to take place in the voting center at the close of the poll. Each Voting Centre Commission (VCC) is to complete a tabulation of results and provide a copy to the Zone Election Commission (ZEC). In addition, each member of the VCC and each representative of a candidate or political party present at the count is to receive a copy. Nevertheless, as occurred during the local elections, the tabulations provided to the ZEC did not always conform to the copies provided to the political parties and, in some instance, did not conform to the original copy of the tabulation which was to be placed in the ballot box. In addition, it has been found that VCCs often have difficulty completing the tabulation properly. These concerns along with the desire to have ballot boxes transported to the ZEC in daylight hours and ensure that there are power and lights in the voting station, and the fact that it is often difficult for parties to appoint representatives to each polling station to observe the counting of ballots, have led to suggestions designed to change this procedure in future elections. Specifically, it has been proposed that a central counting procedure be adopted whereby the ZEC would be responsible to count all the ballots in an electoral zone and to complete the required tabulation forms. This procedure would be, it is believed, more transparent, making it easier for parties to appoint observers and to ensure that the media can observe the counting process.

Final Results

The final election results of the national election are contained in the appendix to this report. The procedure for determining the results and announcing them, however, needs to be reviewed. Currently, the local election commissions are responsible for announcing the results of the election and the CEC is responsible for making a national announcement of the results. However, the power of the CEC to review the work of the local commissions or to question the results as determined by the local commissions is unclear. This became most readily apparent in the decision of the CEC to assume the responsibility of the ZEC in Zone 60 and to complete the tabulation of results for that zone. The decision of the CEC to do this was upheld in the Constitutional Court, however, the need for further clarity in the law is apparent.

Court Decisions

While there is a need to clarify the power of the CEC regarding the declaration of election results and in the CEC relationship with local commissions, there is an equal need to clarify the role of the courts in dealing with election disputes. In many cases following the national elections the court decisions were late, not consistent with CEC decisions, or the courts overturned decisions of the CEC on questionable grounds. Court decisions also appeared to contribute to continuous re-voting, thereby calling into question not only decisions of the CEC but the electoral process.

Rounds Two, Three, Four and Five

The Electoral Code provides for second round of elections in single member zones where the winning candidate does not obtain 50+1% of the vote in the first round. In the recent national election 47 electoral zones (out of 100) required a second round. In many instances the leading candidate obtained over 47% of the vote in the first round. In reality, however, voting continued throughout the country well into August as decisions of the court in particular required new elections in several voting centers and it was not always apparent that new voting in these centers would affect the final outcome of the election. Following the election there have been proposals to change the electoral system to a proportional system and thereby eliminate the need for subsequent balloting or to adopt a 'first past the post' system for the single member zone elections. These issues will be part of the review of the electoral code to be undertaken in the year 2002. At a minimum, changes are required to the processes (and perhaps the Electoral Code) to eliminate the possibility of dragging out the election process and thereby calling the process and the results into question.

D. International Monitor Reports

There were three organizations that monitored the national elections. The largest group was fielded by the Office of Democratic Institutions and Human Rights (ODHIR). In addition, the European Union and the Francophone Association formally monitored the elections. All three organizations referred to the calm atmosphere of the elections and contended that the results essentially reflected the will of the voters. They did, however, raise a number of specific concerns. Because the issues raised by the three organizations are similar reference is made here only to the final recommendations of ODHIR, which mounted the most extensive monitoring program of the three organizations.

The final ODHIR report makes the following comments and recommendations. First, the report notes that the election did not meet international standards because of the actions of the Socialist Party in its attempt to control the outcome of the election through the nomination of independent candidates for single member zones (see discussion above). The ODHIR report states on page 1 of the Executive Summary: "While the outcome on 24 June indicated that the governing Socialist Party (SP) would be able to form a government, more political will was required from the leadership of the party in order for the election to fully meet international standards...." The ODHIR report is included as Appendix F of this report. The main recommendations include the establishment of a bipartisan commission to review the process (such as the change to a proportional system), changes to parts of the Electoral Code to streamline the electoral process and remove ambiguities; and, changes to the election appeal process. In addition recommendations are made to improve the accuracy of the voter list,

change the election financing legislation to promote a higher level of equality among the parties and measures to encourage a greater participation by women.

National non governmental organizations such as the Society for a Democratic Culture the Helsinki Committee and the Albanian Human Rights Committee also monitored the election. Each of these groups made observations and recommendations similar to that of the international monitoring bodies.

VII. IFES SUPPORT TO THE CEC AND THE ELECTORAL PROCESS

In addition to the role IFES played in the 'clean up' of the voter list prior to the national elections, IFES undertook a number of activities which supported and assisted the work of the CEC.

Staffing

Reference has been made earlier in this report to the staff support provided by assisting the CEC in hiring national staff who brought specific expertise in the area of information technology and training of election officials. In addition, support was given to hire two legal experts, a translator and 24 field supervisors who worked directly with local election commissions.

Consultation and Advice to the CEC

Over the past few years IFES involvement in Albania has resulted in a close working relationship with the CEC. This relationship has gone beyond the development and execution of specific projects and is based on mutual trust and respect. IFES attends meetings of the CEC on a regular basis and the Project Director frequently meets with the Chair and individual commission and staff members to discuss issues and options. Through the development of this relationship, IFES is able to provide specific advice from an international perspective that reflects best practices and views of the international community (but at the same time is not seen as the promotion of international opinion – particularly when that opinion may be at variance with the opinion of the national authorities). While this consultative role can be a difficult one for IFES to undertake, it is also an important role in the context of the overall objective of IFES to promote and develop stronger democratic institutions and a better understanding of democratic principles and values. The danger is becoming too close to the CEC in a way that makes it difficult or impossible to be objective and/or for IFES to be seen to be distinct from the CEC in the eyes of the international community, media and political parties (particularly those of the opposition). For this reason, the Program Director maintains a close working relationship with the political officers of the American Embassy, OSCE and participates in the Friends of Albania forum. In addition, an open door policy with political party representatives is adhered to.

Survey of Election Officials and Members of the Judiciary (Post Election)

Following the national election IFES approached the CEC with a proposal to undertake a survey of election officials (excluding voting center commission members) and the judiciary. There were several objectives for the survey including: establish ongoing communication between the CEC and local officials; obtain local views regarding necessary changes to the electoral code and regulations; identify areas where procedures need to be changed; identify new training modules; and, lay the ground work for the establishment of an Association of Local Government Election Officials prior to the local elections scheduled for the fall of 2003. The CEPPS 1 funding mechanism covered training of survey workers and some incidental expenses related to the surveys. With concurrence from USAID, the National Democratic Institute (NDI) transferred remaining funds from its NGO Voter Education Project in the amount of approximately \$32,000 to IFES. These funds were applied towards survey costs in support of approved CEPPS 1 program objectives.

Following the agreement of the CEC to proceed with the surveys, the Deputy Director of IFES Albania was assigned responsibility to lead the project and a working team of IFES and CEC staff was established. Assistance in the design of the survey instrument was provided by IFES Washington. Because it was felt important to reach out to as many local election officials as possible it was decided not proceed with a sample survey but to conduct

personal interviews with each individual. To complete this task, the trainers (with some changes) used during the election period were hired to conduct the interviews. In mid November the survey instrument was finalized and pre-tested. Pre-testing resulted in some changes to the survey and the training modules. In mid November 2001 training of all survey workers was undertaken and interviews began. From November 15- December 12 the survey workers were able to complete interviews with 2,900 local election officials. Each interview took between 45 minutes and 1 hour. Analysis of the data obtained through this activity was completed under the CEPPS 2 Leader Award and will be distributed to USAID in July 2002.

VIII. FUTURE ACTIVITIES OF IFES IN ALBANIA

This report on IFES activities in Albania has been prepared to fulfill the requirements of USAID to report on activities funded through the CEPPS 1 funding mechanism. During the period covered by this report, three funding mechanisms were used for the IFES activities in Albania. Consequently, this report covers a series of programs which, while primarily funded through CEPPS 1, cannot be totally divorced from the other two funding mechanisms. It is anticipated that new IFES programming in Albania will be funded through the CEPPS Associate Award.

Program activities of IFES Albania need to be seen in the context of a continuum. In the period between the local elections and national elections, IFES concentrated on programming activities that were related to strengthening the CEC of Albania and the electoral process based on 'best practices' and lessons learned from the local elections of the year 2000. These activities have been reported on in this document. Prior to and following the national elections in June 2001, IFES staff began to look at the type of activity and programming that could be pursued over the coming years. This resulted in a separate funding request to USAID which focused on supplies for the national elections and immediate follow-up. In addition, in response to a request of USAID Albania, IFES has prepared a work plan for January 2002-March 2004. This was formally approved in February 2002. Due to pipeline funds available through CEPPS 1, it was possible to undertake survey work while final approvals were pending on the new funding.

February 2002- April 2004 activities of IFES in Albania include:

- Survey of election officials (completion of analysis);
- Survey of the judiciary;
- Establishment of an Association of Election Officials;
- Ongoing training of local officials and promotion of election observation missions and/or exchanges with election officials from other countries;
- Further development of a training program for the judiciary;
- Review of the Electoral Code and regulations;
- Mapping of polling units in major urban areas;
- Election law curriculum for the Faculty of Law;
- Provision of election supplies for the local elections in 2003;
- Professional training of CEC members and senior staff;
- Development of a strategic plan for the CEC;
- Professional development of IFES staff; and
- Development of an IFES Albania strategic plan.

The above program represents an ambitious list of tasks, however, each task represents an important contribution to strengthening of democratic election procedures and a democratic culture in Albania.

APPENDIX A

ELECTORAL CODE OF THE REPUBLIC OF ALBANIA

REPUBLIC OF ALBANIA- THE ASSEMBLY

**THE ELECTORAL CODE
OF THE REPUBLIC OF ALBANIA**

LAW No. 8609 dated May 8, 2000

In reliance on articles 81 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers,
THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

D E C I D E D:

FIRST PART

CHAPTER I

DEFINITIONS AND PRINCIPLES

Article 1

Purpose of this Code

The purpose of this Code is the specification of rules:

- a. for voting for elections to the Assembly, for the organs of local government and for a referendum;
- b. for the organization and functioning of the election commissions;
- c. for the preparation and improvement of voters' lists;
- d. for the determination of electoral zones;
- e. for the registration of electoral subjects and their financing;
- f. for the reflection of electoral campaigns by the media;
- g. for the organization and validity of referenda;
- h. for procedures of voting and the issuance of the results of elections;
- i. for criminal and administrative violations of the provisions of this Code.

Article 2

Definitions

For purposes of this Code:

1. The "election date" is the date of voting set in the decree of the President of the Republic and does not include the date on which a second round of voting may be held.
2. "Special institutions" are prisons, places of pre-detention, hospitals or other health institutions that accept patients for more than three days.
3. A "candidate" is an Albanian citizen registered with the electoral commissions as a candidate for deputy, or for mayor of a municipality or commune, or for a municipal or communal council, in accordance with this Code, who is to be voted on in the elections.
4. An "independent candidate" is a candidate for deputy, or for mayor of a municipality or commune or a municipal or communal council, who is not supported by any political party.
5. A "joint candidate" is a candidate of a single-member electoral zone or another electoral unit, who is supported by two or more political parties.
6. A "coalition" is a grouping of two or more political parties registered with the CEC that submits a joint multi-name list for the elections to the Assembly or the organs of local government.
7. "VCC" is a Voting Center Commission.
8. "CEC" is the Central Election Commission, created according to article 154 of the Constitution.
9. "LGEC" is a Local Government Election Commission.
10. "ZEC" is a Zone Election Commission.
11. "Voters' lists" are the official documents of the registration of voters for each polling unit provided in accordance with this Code.
12. A "multi-name list" is a list of candidates of a political party or coalition, approved by the CEC, which serves for the election of candidates in the proportional system.
13. An "electoral unit" is either an electoral zone, or a municipality or commune in the case of local elections.
14. A "political party" is a party registered in accordance with law no. 8580, dated 17.2.2000, "On Political Parties."
15. The "election period" is the period from 30 days before the election date until the final announcement of the results of the voting.
16. A "representative of an electoral subject" is a person authorized by a candidate or a registered political party to follow their interests in the elections and participate in the meetings of electoral commissions, in the name and for the account of the candidate or the party.
17. A "voting center" is the premises designated for holding the voting, in accordance with this Code.
18. The "second round" is the second day of voting in an electoral unit because no candidate won the required majority votes on the election date, in accordance with the Code.

19. A "constitutional referendum" is a referendum held pursuant to point 4 or 5 of article 177 of the Constitution.
20. A "general referendum" is a referendum held pursuant to articles 150, 151 and 152 of the Constitution.
21. A "local referendum" is a referendum held pursuant to point 4 of article 108 of the Constitution.
22. "The National Registry of Voters" is the official document in which all voters of the Republic of Albania are registered.
23. "Revision of the lists" is the process of taking out or putting in names, or changing the data, in the voters' lists.
24. A "student" is every voter registered as a full-time student in an educational or job training program in Albania of at least three months in duration and whose residence for purposes of this education or job training is a place other than his domicile.
25. "Electoral subjects" are political parties or coalitions registered with the CEC, their candidates or independent candidates registered with a ZEC or LGEC.
26. "Domicile" is the place where a voter is registered in the civil status register, according to the condition of article 1 of the Civil Code.
27. "Residence" is the place within the territory of the Republic of Albania where the voter is temporarily located with the meaning of article 14 of the Civil Code.
28. A "voter" is every Albanian citizen qualified to vote.
29. "Voters in the armed forces or police forces" are all voters who serve in the armed forces or the police forces and reside in a military or police base.
30. "Elections" are the voting for the Assembly, the representative organs of local government or for a referendum.
31. "Partial elections" are the voting to fill the seat of one of the 100 deputies elected in single-member zones or the place of a mayor of a municipality or commune, as well as for the election of a new local council in case of dissolution.
32. "Polling Unit" is a geographical zone within a municipality, commune, or electoral zone established in accordance with this Code.
33. "Electoral zone" is one of the 100 geographical divisions of the territory of the Republic of Albania established in accordance with the Constitution and the rules of this Code, in which voting takes place for the election of a deputy.

Article 3

General Principles

1. Elections are conducted through free, secret and direct voting, according to the rules provided in this Code.
2. Every Albanian citizen, without distinction of race, ethnicity, gender, language, political conviction, religious belief or economic condition, has the right to vote and to be elected in conformity with the rules provided in this Code.
3. Voters freely exercise the right to vote in conformity with the rules provided in this Code.
4. Voters are equal in the exercise of the right to vote and to be elected.
5. The division of electoral zones is done including in each one an approximately equal number of voters.

6. Every voter has the right to only one vote for the election of an electoral subject or referendum alternative, in accordance with the rules set forth in this Code.
7. Electoral subjects are free to make electoral propaganda in any lawful manner.
8. Electoral commissions provided in this Code fulfill their responsibilities in an impartial and transparent manner.

Article 4

Setting the Election Date

1. The date of the elections is set by decree of the President of the Republic, according to the rules provided in article 65, 109, 115, 151 point 3, 152 point 3 and 170 point 6 of the Constitution of the Republic of Albania.
2. The first round of elections for the Assembly take place 60 to 30 days before the termination of its mandate and no later than 45 days after its dissolution.
3. The first round of elections for the organs of local government are held 60 to 30 days before the end of the mandate of the existing local organs, or no later than 45 days after their dissolution or discharge. In case of an appeal from the dissolved or discharged organ, the President of the Republic sets the date of elections no later than 45 days after the decision of the Constitutional Court. In the case of non-exercise of the right to appeal by the organ of local government dissolved or discharged, the President of the Republic sets the date of the elections no later than 30 days after the end of the time period for an appeal contemplated in article 115 point 3 of the Constitution.
4. The decree setting the date of elections contains: the date of the election and the date for second round elections.
5. Elections are held on a Sunday.

Article 5

Hours of Voting

1. When the date of the elections is on or between March 31 and October 15 of any given year, the voting centers open at 8 AM and close at 6 PM.
2. When the day of elections is on or between October 16 and March 30, the voting centers open at 7 AM and close at 6 PM.
3. No one may vote after the hour when the voting centers close, except voters who are waiting to vote at the time of closing.

SECOND PART

VOTERS. ELECTORAL SUBJECTS. OBSERVERS.

CHAPTER I: VOTERS

Article 6

Conditions for Being a Voter

1. Every Albanian citizen who has reached the age of 18 on or before the election date, and who fulfills the condition.

provided in this Code, has the right to vote for elections to the Assembly, local government organs and in referenda

2. Citizens declared by final judicial decision as incapable of acting because of mental inability are excluded from the right to vote.

Article 7

Registration of Voters

Voters vote in the voting center in the zone where they are registered on the voters' list.

Article 8

Voters who Live Outside the State

Voters who live in another state have the right to vote only in the territory of the Republic of Albania at the place where they are registered in the registry of civil status, provided they are registered in the National Registry of Voters, in accordance with the procedures in this Code, and possess a voter card.

Article 9

Voters in Special Locations

Voters who, on the date of the election, are residing in special institutions, military bases or police facilities, as well as students, vote in accordance with the rules provided in this Code.

CHAPTER II: CANDIDATES

Article 10

Conditions for Being a Candidate

1. In addition to the conditions for being a voter, a candidate also meets the conditions of point 3 of article 45 and article 69 of the Constitution.
2. A candidate for the local government organs, in addition to the conditions provided in article 45 of the Constitution shall be a citizen domiciled in the respective local government unit. A candidate for the organs of local government may not be a deputy in the Assembly or a candidate for deputy.
3. The candidates of the party lists deposited with the electoral commissions shall meet the conditions contemplated in points 1 and 2 of this article.

Article 11

Filling Vacancies in the Elected Organs

1. When the seat of a deputy in the Assembly is vacant, it is filled by a new member.
2. When the mandate of a deputy elected from the multi-name list of an electoral subject ends prematurely, his seat is filled by the next candidate on the list.
3. When the mandate of a deputy elected in a single-member zone ends prematurely, the vacancy is filled by a new deputy elected by the voters of the same electoral zone. On the basis of immediate notification by the Speaker of the Assembly, the President of the Republic sets by decree a date for partial elections in that zone, no later than 45 days from receipt of the notification. The deputy elected to fill a vacant seat serves until the end of the mandate of the

deputy who left.

4. When the mandate of a deputy elected in a single-member zone ends prematurely during the last 6 months of the mandate of the Assembly, his seat is filled by the appropriate candidate from the multi-name list of the respective electoral subject. If the mandate of an independent deputy terminates during such period, he is not replaced.
5. When the seat of a mayor of a municipality or commune is vacant, the Council of Ministers informs the President of the Republic within two weeks. The President of the Republic sets the date of partial elections to choose a new mayor of the municipality or commune within 45 days from the date of notification. When the seat of a council member in the municipality or commune becomes vacant, it is filled by the appropriate candidate of the respective multi-name list.
6. If the seat of a mayor of a municipality or commune becomes vacant during the last 6 months of his mandate, the respective council elects from its members a new mayor to serve until the end of the mandate.
7. Partial elections are held according to the same procedure as general elections.

CHAPTER III: POLITICAL PARTIES

Article 12

Registration of Political Parties

1. Every political party that nominates candidates for deputy, candidates for mayor of a municipality or commune or for council members of a municipality or commune, in compliance with the procedures contemplated in this Code, is registered with the CEC as an electoral subject no later than 45 days before election day.
2. To register with the CEC, a political party shall submit:
 - a. verification that the party is registered with the Tirana District Court;
 - b. the name, surname and address of the chairman of the party, who is the person authorized to nominate candidates;
 - c. the official name, initials and address of the party;
 - d. a copy of the party's seal;
 - e. the name and address of the financial officer of the party;
 - f. The name and address of the person responsible for communication with the CEC.

Article 13

Registration of Coalitions

Two or more political parties may be registered with the CEC as a coalition by submitting the composition of the coalition and the joint multi-name lists for the Assembly or the local councils.

CHAPTER IV: OBSERVERS

Article 14

The Right to Appoint Observers

1. Foreign and local non-governmental organizations, as well as international organizations specialized and engaged in

the promotion and defense of human rights, have the right to send observers to every voting center and to every election commission.

2. Every Albanian citizen who meets the conditions for being a voter according to this Code and who is proposed by a subject contemplated in point 1 of this article has the right to be an observer.
3. The CEC approves the observers' lists submitted by the subjects contemplated in point 1 of this article and issues authorizations for all observers no later than four days before the date of the voting.

Article 15

Rights and Duties of the Observers

1. While performing their duties the observers have these rights:
 - a. to observe all aspects of the preparation and conduct of elections;
 - b. to submit written comments to the election commissions for every kind of irregularity that they notice.
2. The observers have these duties:
 - a. to respect the requirements of this Code and the instructions of the CEC on election observation;
 - b. to act in an impartial manner and not to make propaganda for any candidate, party, or referendum alternative, at the voting centers or in other places prohibited according to the Code;
 - c. to present themselves at the election commissions with the authorization issued by the CEC and an identification document accepted by the CEC;
 - d. not to bear distinctive signs that serve as means of propaganda or that might influence the voters' will;
 - e. not to interfere with the activity of election commissions.

THIRD PART

ELECTION COMMISSIONS

CHAPTER I: THE CENTRAL ELECTION COMMISSION (CEC)

Article 16

Qualifications of Members

1. Members of the CEC shall possess knowledge and professional experience in one of the following areas: law, administration of elections, public administration, or public relations.
2. An Albanian citizen domiciled in Albania who meets the following requirements is elected a member of the CEC:
 - a. he enjoys the right to vote and to be elected;
 - b. he possesses a university degree;
 - c. he has not been convicted of a crime by final court decision;

- d. he has not been a member of the steering bodies of a political party during the last three years.

Article 17

Selection of CEC Members

1. The members of the CEC are selected pursuant to article 154 of the Constitution. The members of the CEC collectively shall satisfy, at any time, the requirements of point 1 of article 16 of this Code.
2. The President of the Republic appoints two members of the CEC after consultations with groups representing a broad spectrum of society.
3. The Assembly elects two members of the CEC on the basis of proposals of the Bureau of the Assembly, which draws up two lists with three names each proposed by the groups of the opposition and the parliamentary majority. If none of the candidates of a list receives the required number of votes, the Bureau of the Assembly submits a new list.
4. The High Council of Justice elects three members of the CEC by secret ballot, on the basis of proposals from the National Judicial Conference and individual applications. All proposals and applications are made public. The National Judicial Conference nominates 6 jurists, at least one of whom is elected a CEC member.
5. After his election, a member of the CEC immediately resigns from every other state and political activity.
6. Members of the CEC may be re-appointed only once.

Article 18

Competencies

In implementation of article 153 of the Constitution, the CEC performs these duties:

1. It issues, for the implementation of the law and within its jurisdictional sphere, decisions and instructions with general legal authority in the entire territory of the Republic.
2. It decides on the unification of electoral practices.
3. It manages and reviews the process before and during the elections.
4. It announces by decision the national final results of the elections, in accordance with the declarations of the ZECs and, as the case may be, the LGEC.
5. It announces the winning candidates from the multi-name lists for deputy.
6. It administers the process of voter registration, and maintains the National Voters' Registry, according to the rules provided in this Code.
7. It implements education programs for voters and training programs for election commission members.
8. In compliance with this Code, it appoints and dismisses the members of the ZECs, LGECs and regional election commissions and supervises them during the performance of their duties.
9. If on the date of the elections for any reason a quorum is not achieved for the holding of meetings of a ZEC, LGEC or VCC, the CEC immediately names the members necessary to constitute a quorum.
10. It publishes a bulletin of election, which contains the voting results in each electoral unit and voting center as well

report of election expenses.

11. Within the month of February of each year, it submits an annual report to the Assembly regarding its activities for previous year.
12. It prepares its annual draft budget according to law no. 8379, dated 29.7.1998, "On the Drafting and Implementation of the State Budget."
13. It administers the funds put at its disposition from the state budget and from other lawful sources, in the service of elections.
14. It reviews and decides on the complaints of the representatives of the electoral subjects about the conduct of the voting process, in accordance with the provisions of this Code.
15. It decides on the compensation of members and non-voting representatives of the election commissions.
16. It orders administrative penalties against persons who commit administrative offenses related to the elections and brings a criminal complaint when criminal acts are committed in connection with elections.
17. It performs other duties stemming from this Code or from other laws.

Article 19

Meetings and Decision-Making

1. Meetings of the CEC are open to the public, with the exception of matters related to personnel issues and budget development.
2. Meetings of the CEC are called jointly by the Chairman and Vice Chairman of the CEC or at the request of at least three of its members. In an election period, the CEC remains in session according to the time schedule specified at first meeting after the election date is decreed. The time schedule of the meetings is posted in a visible public place the CEC and is published in the three newspapers with the largest circulation.
3. Meetings of the CEC are valid when no less than four of its members are present.
4. Substatutory acts, decisions announcing the results of elections, decisions for the approval of the voters' lists, and decisions to propose to the Assembly to discharge a CEC member are approved by at least four votes of the CEC. / other decisions are taken by a majority of the members present.
5. Normative acts of the CEC become effective only upon publication in the Official Journal.
6. Decisions of the CEC are announced immediately, together with the minority opinion, and are signed by all the CE members who have voted.
7. The final results of an election are announced no later than three days from the date when the CEC receives all official data from the electoral commissions or court judgments on appeals against decisions of the electoral commissions. The decision is published in the Official Journal no later than three days from the date the decision is taken.

Article 20

Immunity of Members

1. A member of the CEC may be criminally prosecuted only with the approval of the Assembly.
2. A member of the CEC may be detained or arrested only if apprehended while committing a crime or immediately

after its commission. In these cases, the competent organ notifies the Constitutional Court immediately. If the Constitutional Court does not consent within 24 hours to bring the arrested judge before a court, the competent organ is obliged to release him.

Article 21

Salary

The salary of a CEC member is equal to the salary of a High Court judge.

The salary of the CEC Chairman and Vice Chairman is 10 per cent higher than the salary of a CEC member.

Article 22

Premature End of Mandate

1. The mandate of a CEC member ends prematurely when:

- a. he is convicted of a crime by final court decision;
- b. he is absent from work for more than three months in a non-election period or for more than 5 consecutive days during an election period;
- c. he loses the right to vote;
- d. he resigns.

2. In these cases, the chair of the CEC notifies the organ that appointed the member within 24 hours.

Article 23

Discharge of CEC Members

1. A member of the CEC may be removed by the Assembly by two-thirds of all its members for violation of the Constitution, mental incapacity or physical incapacity that seriously hinders the performance of his duties, or acts or behavior that seriously discredit the integrity and reputation of a CEC member.
2. The discharge of a CEC member is proposed by one-fifth of the deputies or by the CEC, which decides by the majority contemplated in article 19, point 4 of this Code.
3. The decision of the Assembly is reviewed by the Constitutional Court, which, when it determines the existence of the grounds contemplated in point 1 of this article, declares his removal from office.

Article 24

Rights and Duties of CEC Members

Members of the CEC take part regularly in the meetings of the CEC and perform the duties contemplated in this Code and the statutory acts issued by the CEC. They exercise their functions in their individual capacity and vote freely according to their internal convictions.

Article 25

Renewal of the Composition and Replacement of Members

1. Between March 1 and March 31, 2003, one of the members appointed by the President, one of the members appointed by the Assembly, and one of the members appointed by the High Council of Justice are replaced by the respective organs.
2. Between March 1 and March 31, 2006, the second member appointed by the President, the second member appointed by the Parliament, and one of the remaining two members initially appointed by the High Council of Justice are replaced by the respective organs.
3. The members who are replaced pursuant to points 1 and 2 of this article are determined by lots cast 30 days after the effective date of this Code.
4. The third member initially appointed by the High Council of Justice and the new members appointed according to points 1 and 2 of this article are replaced at the end of their seven year mandate by the respective organs.
5. The new members are appointed within 30 days from the termination of the mandate of the departed members.
6. In case the mandate of a member ends prematurely in accordance with article 22 or 23 of this Code, the organ that appointed the departed member appoints a replacement within 30 days from the date of the vacancy notice. The replacement remains in duty until the end of the full mandate of the prematurely departed member.
7. Notwithstanding point 5 of this article, the membership of the CEC is not changed during an election period. In the cases, the incumbent members are replaced within 30 days from the termination of the election period. In case the mandate of a member ends prematurely during an election period, he is replaced by the respective organ as soon as possible but no later than within 48 hours.
8. When the seat of the Chairman or the Vice Chairman is vacant, the CEC elects a new chair or vice-chair within 15 days. During an election period, the Chairman or the Vice Chairman is elected as soon as possible but no later than within 48 hours of the creation of the vacancy.

Article 26

Privileges after Termination of the Mandate

After the termination of the mandate, a member of the CEC receives all the benefits granted to a judge of the High Court under law no. 8097, dated 21.3.1996, "On State Supplementary Pensions for Persons Who Hold Constitutional Functions as for State Employees." A member of the CEC does not enjoy these privileges when his mandate ends prematurely pursuant to letters "a" or "b" of point 1 of article 22 or article 23 of this Code, except when he is discharged by the Assembly for mental or physical incapacity.

Article 27

The Chairman of the CEC

1. The CEC elects the Chairman by secret vote from the ranks of its members.
2. The members of the CEC vote for the Chairman by selecting one of the members on a ballot.
3. The member of the CEC who has won the majority of the votes of all members is elected Chairman. When none of the members wins the required majority, a second round of voting is held between the two members who won the most votes in the first round.
4. The Chairman is elected for a three-year period with the right of re-election only once.

5. The mandate of the Chairman is counted within his term as a member.

Article 28

Duties of the Chairman

The Chairman of the CEC performs these duties:

- a. He chairs meetings of the CEC.
- b. He represents the CEC in relations with third parties.
- c. He performs other duties contemplated in this Code.

Article 29

Vice Chairman of the CEC

1. The Vice Chairman of the CEC is elected with the same procedure and term as the Chairman of the CEC.
2. The Vice Chairman performs the duties of the Chairman in his absence.

Article 30

Secretary of the CEC

1. The Secretary of the CEC is the highest civil servant in the administration of the CEC and is appointed by the CEC on the basis of candidacies selected according to law no. 8549, dated 11.11.1999, "Status of the Civil Servant." The Secretary of the CEC shall be a lawyer with no less than five years of experience in election or public administration and shall meet the criteria for being a member of the CEC.
2. The Secretary of the CEC performs these duties:
 - a. He coordinates the activity of the CEC with the competent organs and ensures implementation of the decisions of the CEC.
 - b. He organizes the procedure for the election of the Chairman and Vice Chairman of the CEC.
 - c. He takes measures for the proper conduct of meetings of the CEC.
 - d. He takes measures for the publication of normative acts of the CEC in the Official Journal.
 - e. He supervises the filing and maintenance of CEC decisions in a public register.
 - f. He directs the administration of the CEC.
 - g. He performs other duties set by the CEC.
1. The Secretary is dismissed by the CEC in accordance with law no. 8549, dated 11.11.1999, "Status of the Civil Servant."

Article 31

Political Party Representatives

1. Each political party or coalition registered with the CEC may appoint only one non-voting representative to the CE
 2. The representatives of the political parties at the CEC have the following rights:
 - a. to attend the open meetings of the CEC, make presentations at the meetings and observe the activity of the CEC for the preparation and conduct of elections;
 - b. to give written opinions on issues under consideration by the CEC and submit complaints to the CEC for violations this Code and of the CEC regulations;
 - c. to receive copies of the decisions and other acts of the CEC and have access to the documentation of elections through the Secretary of the CEC;
- ç) to have their complaints responded to in writing.
1. The representatives exercise their rights in accordance with the internal regulations of the CEC and, in any case, without hindering the normal functioning of the CEC.

CHAPTER II

ZONE ELECTION COMMISSIONS (ZEC)

Article 32

Composition of ZECs

1. A ZEC consists of a chairman, vice chairman, and up to five members appointed by the CEC upon the nomination of the seven political parties receiving the most votes in the respective zone in the last elections for the Assembly. The chairman and vice chairman are designated respectively by the first two parties that won the most votes in the last elections in the respective zone.
2. If less than seven parties received votes in the respective zone in the last elections for the Assembly, the ZEC is composed only of the representatives of those political parties that received votes.
3. The secretary of a ZEC is appointed by the CEC upon the proposal of the ZEC for a period determined by the CEC. The secretary of a ZEC shall be a jurist and has the status of a non-voting member of the ZEC.
4. Members of a ZEC may not be deputies or candidate for the Assembly or the representative organs of local government, or members of more than one ZEC. Members of the ZEC may not be military personnel or members of structures of the State Police or the State Information Service.
5. Members of the ZEC shall have a university degree and may not have been convicted of a crime by final court decision.
6. Members of the ZEC shall have a residence in the respective electoral zone.
7. The ZEC is a permanent organ, but its members are not full time. The CEC determines the working hours of the ZEC members during the election period and outside of it.
8. Every political party registered with the CEC as an electoral subject that does not have a member in the ZEC in accordance with point 1 of this article has the right to designate one non-voting representative to the ZEC after nomination of its candidate for the single-member zone or multi-name list candidates.

9. Independent candidates in the respective zone have the right to designate a non-voting representative to the ZEC.
10. If a political party represented on the ZEC does not nominate a candidate in that zone and has not submitted a multi name list for the current election, that party relinquishes its seat on the ZEC.
11. The ZEC is re-established in accordance with the results of the last elections to the Assembly no later than one month after the declaration of the final results of the elections by the CEC.
12. When the seat of a member of the ZEC is vacant, it is filled in compliance with the rules provided in this article within 30 days from the date of creation of the vacancy. During the period of the elections, vacant seats are filled within the same period.

Article 33

Non-Voting Representatives

1. The non-voting representatives to a ZEC are furnished with an authorization by the party or independent candidate.
2. The representatives to the ZEC have the same rights as the representatives of the parties to the CEC in accordance with point 2 of article 31 of this Code.

Article 34

Discharge of a ZEC Member

The members of a ZEC are discharged by the CEC for the same reasons that lead to the dismissal of members of the CEC.

Article 35

Duties of a ZEC

A ZEC is responsible for the conduct of the elections for the Assembly within the respective electoral zone and performs the following duties:

1. It is responsible for the administration of the elections in the zone in accordance with the provisions of this Code and the subsidiary acts issued by the CEC.
2. It sets polling unit boundaries, in cooperation with the local government organs and in accordance with CEC instructions.
3. It establishes the location of each voting center and assigns numbers to each of them.
4. It appoints the chairman, vice chairman and members of the VCCs in accordance with this Code.
5. It verifies the documentation of the candidates.
6. It investigates the complaints of political parties regarding the conduct of elections in the zone.
7. It posts in a visible place the voters' lists, the decree setting the election date and other announcements related to the conduct of elections in the zone.
8. It administers the budget allocated for elections in the zone by the CEC.
9. It assures the timely distribution of voting materials.

10. It receives the polling materials, including ballot boxes, from the VCCs.
11. It prepares the tabulation of election results in the zone and sends it together with other necessary materials to the CEC pursuant to article 107 of this Code.
12. It announces the election results in the zone.
13. It administers partial elections in the zone.
14. It makes arrangements for the recount of ballots.

Article 36

Meetings and Decisions of a ZEC

1. Meetings of a ZEC are public, except as provided in article 107 of this Code.
2. Decisions in a ZEC are taken by a majority of the voting members present in the presence of at least half of all voting members of the ZEC.
3. Decisions are signed by all members who have voted. Decisions are accompanied by the opinion of the minority.

Article 37

Actions of a ZEC after Issuance of the Decree

Setting the Date of Assembly Elections

After the decree setting the date for elections comes out, the ZEC publishes it immediately in the local press and electronic media and posts it at the municipality or commune offices and at the civil status offices of the zone. Together with the election decree, the ZEC publishes the location of all voting centers in the zone, the hours of voting, the names of all the members of the ZEC and its secretary, including the address of the office of the commission, its telephone and fax number, and a map of the electoral zone on which every voting center is geographically indicated. The ZEC publishes all other documentation that should be made public in accordance with this Code and the instructions of the CEC.

CHAPTER III

LOCAL GOVERNMENT ELECTION COMMISSION (LGEC)

Article 38

Composition of an LGEC

1. Within every municipality and commune, an LGEC is created, consisting of the chairman, vice-chairman, and up to five members appointed by the CEC upon the nomination of the seven political parties receiving the most votes in the last elections of the respective council. The chairman and vice-chairman are designated respectively by the first two parties that won the most votes in the last elections for the respective council of the municipality or commune.
2. If less than seven parties received votes in the last elections of the respective council, the LGEC commission is composed only of the representatives of only those political parties that received votes.
3. The secretary of the municipality or commune serves as secretary of the LGEC for a period determined by the CEC. The secretary has the status of a non-voting member of the LGEC.

4. Members of an LGEC may not be deputies or candidates for the Assembly or the representative organs of local government, or members of another LGEC. Members of the LGEC may not be military personnel or members of the structures of the State Police or the State Information Service.
5. Members of the LGEC shall, as a rule, possess a university degree and may not have been convicted of a crime by final court decision.
6. Members of the LGEC shall have a residence in the respective local unit.
7. The LGEC is a permanent organ, but its members are not full time. The CEC determines the working hours of the members of the LGEC during the election period or outside of it.
8. Political parties registered with the CEC as electoral subjects who does not have a member in the LGEC in accordance with point 1 of this article have the right to designate one non-voting representative each to the LGEC a nomination of its candidate for mayor of a commune or municipality, or multi-name list candidates for the local council.
9. Independent candidates in the respective commune or municipality also have the right to name one non-voting representative each to the LGEC.
10. If a political party represented on the LGEC does not nominate a candidate for mayor of a commune or municipality and has not submitted a multi-name list for the local council, it relinquishes its seat on the LGEC.
11. The LGEC is re-established in accordance with the results of the last elections to the local council no later than one month after the declaration of the final results of the local elections by the CEC.
12. When the seat of a member of the LGEC is vacant, it is filled in compliance with the rules provided in this article within 30 days from the date of creation of the vacancy. During the period of the elections, vacant seats are filled within three days.

Article 39

Non-Voting Representatives

1. The non-voting representatives to the LGEC are furnished with an authorization by the party or independent candidate.
2. The representatives to the LGEC have the same rights as the representatives of the parties to the CEC, in accordance with point 2 of article 31 of this Code.

Article 40

Discharge of Members

The members of an LGEC are discharged by the CEC for the same reasons that lead to the discharge of a member of the C.

Article 41

Duties of an LGEC

An LGEC performs these duties:

1. It is responsible for the administration of the elections for the organs of local government; it is responsible for posting, revising, and approving the preliminary voters' lists of the respective municipality or commune, according to the rules provided in this Code and the instructions of the CEC.
2. It sets the polling unit boundaries in the municipality or commune in cooperation with the organs of local government.
3. It performs by analogy the same duties that this Code contemplates for a ZEC.
4. In case of parliamentary elections, it sends the revised voters' lists to the ZEC.

Article 42

Meetings and Decisions of the LGEC

1. Meetings of the LGEC are public, except as provided in article 107 of this Code.
2. Decisions in an LGEC are taken by a majority of the votes in the presence of more than half of all voting members of the LGEC.
3. Decisions are signed by all members who have voted. The decisions are accompanied by the opinion of the minority.

CHAPTER IV

VOTING CENTER COMMISSION

Article 43

Composition of VCCs

1. Within every polling unit, a VCC is created, consisting of the chairman, vice-chairman, and up to five members proposed by the seven political parties that received the most votes in the last parliamentary elections for the respective single-member zone, or in the last local elections for the respective local council. The chairman and vice-chairman are designated respectively by the two first parties that won the most votes in the last elections in the respective electoral unit.
2. If less than seven parties received votes in the last elections contemplated in point 1 of this article, the VCC is composed only of the representatives of those political parties that received votes.
3. The secretary of the VCC is appointed by the ZEC or LGEC, as appropriate. The secretary has the status of a non-voting member of the VCC.
4. Members of the VCC may not be deputies or candidates for the Assembly or the representative organs of local government, or members of another VCC. The members of the VCC may not be military personnel or members of structures of the State Police or the State Information Services.
5. Members of the VCC shall not have been convicted of a crime by final court decision.
6. Members of the VCC shall have a residence in the respective polling unit.
7. The members of the VCC are appointed only for the period of the elections. The appointment of the members is due in any case no later than 10 days before the date of the elections.
8. Political parties registered with the CEC as electoral subjects that do not have a member in the VCC in accordance with point 1 of this article have the right to designate a non-voting representative who has the rights specified in this article.

seventh part of this Code.

9. Independent candidates have the right to designate one non-voting representative to the VCC.
10. When the seat of a member of the VCC is vacant, it is filled in compliance with the rules provided in this article within 30 days from the date of creation of the vacancy. During the period of the elections, vacant seats are filled within three days.

Article 44

Duties of a VCC

1. The VCCs are set up and function for all kinds of elections.
2. Members of the VCC are responsible for the conduct of the elections in the voting center, implementing the duties prescribed this Code.

Article 45

Decision-making in the VCC

1. Decisions in the VCC are taken by a majority of votes in the presence of more than half of all voting members of the VCC.
2. Decisions are signed by all members who have voted. Decisions are accompanied by the opinion of the minority.

Article 46

Voting Materials

1. The CEC provides the ZECs and the LGECs with the materials necessary for each voting center no later than 7 day before the date of the elections.
2. The ZEC, LGEC, and VCC secure the election materials in a safe place, in accordance with CEC instructions.
3. No earlier than 48 hours and no later than 24 hours before the opening of the voting center, the ZEC or LGEC, as appropriate, distributes the materials to the chairmen and secretaries of the VCCs.
4. One copy of the document showing receipt of the materials is kept with the official records of the voting center.

CHAPTER V

SPECIAL VCCs

Article 47

Composition and Responsibilities of Special VCCs

In accordance with this Code and the instructions of the CEC, a ZEC or LGEC, as appropriate, creates special voting center commissions in hospitals, prisons or places of pre-detention and dormitories. These commissions have the same composition and the same responsibilities as a VCC.

FOURTH PART

NATIONAL REGISTRY OF VOTERS

CHAPTER I

THE COMPETENT AUTHORITIES

Article 48

The Competent Organ

1. The National Registry of Voters is prepared under the supervision of the CEC. It contains data and is prepared in accordance with the provisions of this Code and the substatutory acts issued by the CEC for its implementation.
2. The National Registry of Voters is prepared on the basis of official data drawn from the civil status registries.

Article 49

Directorate of Registration of Voters

1. For the administration of the National Registry of Voters, the CEC creates the Directorate of Registration of Voters.
2. The Directorate of Registration of Voters is responsible for implementing the decisions of the CEC connected with the registration of voters. It performs these duties:
 - a. It administers the National Registry of Voters.
 - b. It prepares for the CEC the instructions to the offices of civil status on the method of compilation of the voter lists.
 - c. It organizes and directs the registration of voters door to door whenever it is considered necessary.
- ç) It performs other duties in connection with the registration of voters set by the CEC.

Article 50

Voter Card

1. Every voter registered on the National Registry of Voters is furnished with a voter card in accordance with the instructions of the CEC.
2. The voter card is collected only by the voter in person.
3. The voter card contains a photograph of the voter and a unique voter identification number.
4. When the voter card is lost or becomes unusable, the voter is furnished with a new card, in accordance with the rule specified by the CEC.

CHAPTER II

PREPARATION OF THE VOTERS' LISTS

Article 51

National Registry of Voters

The National Registry of Voters is composed of the voters' lists of all municipalities and communes.

Article 52

Registration According to Domicile and Residence

1. Voters are registered on the voters' list of the polling unit for their domicile, with the exception of the cases contemplated in point 2 of this article.
2. Voters who are residing away from their domicile, but within the territory of the Republic of Albania, are registered on the list of the polling unit of their place of residence, and are de-registered from the list of the polling unit of their domicile.
3. **The LGEC of the residence of the voter registers him in the preliminary lists of voters of the respective polling unit and notifies the CEC, which orders the de-registration of the voter from the list of voters of his domicile**

Article 53

Preliminary Voters' Lists

1. Preliminary voters' lists are drawn from the registries of civil status.
2. The voters' lists contain:
 - a. The name, surname, father's name, date of birth, address and voter card number.
 - b. The name of the commune or municipality or the number of the electoral zone, as well as the number of the voting center.

Article 54

Updating the Preliminary Voters' Lists

1. Four months before the end of the mandate of the Assembly or local government organs, the CEC requests the National Office of Civil Status to prepare, within two weeks, the preliminary voters' lists according to the particular election to be held. The CEC sends immediately to each LGEC four copies of the preliminary voters' lists.
2. The LGEC immediately posts the preliminary lists in a public place, making the respective announcement of the date and time schedule for receiving voters' complaints. Every voter or political party has the right to request from the LGEC the correction of inaccuracies in the preliminary voters' lists, according to the requirements set forth in article 12 of the Civil Code and articles 55 through 58 of this Code.
3. When an LGEC considers it necessary, and with the approval of the CEC, it establishes door-to-door verification groups, which have the duty of confirming the accuracy of the data in the lists. When they notice inaccuracies, the verification groups fill out the respective forms and deliver them to the LGEC.
4. The CEC specifies the rules for the composition of the verification groups and the rules for the performance of the verification.
5. In case of early elections to the Assembly, partial elections and referenda, the procedures provided in points 1 to 4 of this article are followed, to the extent possible and adjusted to meet the circumstances.

Article 55

Grounds for Revision of the Preliminary Voters' Lists

1. Voters' lists are revised when a voter:
 - a. dies;
 - b. has lost the right to vote;
 - c. was registered in more than one list;
 - ç) has moved his domicile or residence; or
 - d. shows that his personal data are incorrect.
1. In the case of letter ç of point 1, the voter is registered in the appropriate voters' list according to CEC instructions.

Article 56

Prohibition of Changing the Lists

The LGEC may not make changes to the preliminary voters' lists during the last 23 days before the date of the elections.

Article 57

Promulgation of Final Lists

1. After the termination of the period for revising the preliminary lists, each LGEC sends the revised list for its electoral unit to the CEC within 24 hours.
2. The CEC enters the revised lists into the National Registry of Voters. The Directorate of Registration of Voters sends the final lists to the ZECs or LGECs, as appropriate, or to other commissions contemplated by this Code no later than two weeks before the date of the elections.
3. The respective commissions post the final lists within 48 hours from the date of their receipt from the CEC.
4. The ZEC or LGEC sends the final lists to the VCCs no later than three days before the date of the elections. The ZECs and LGECs keep a copy of the final voters' lists.

Article 58

Access to the Voters' Lists by Electoral Subjects

1. The CEC makes the preliminary lists prepared in accordance with article 54 of this Code available to all registered political parties, at their request and upon payment.
2. After the expiration of the registration period for the candidates, the ZEC or LGEC, as appropriate, makes available to the electoral subjects a copy of the revised list sent to the CEC as provided in article 57.1 of this Code, at their request and against payment.
3. After approval of the final voters' lists, the CEC makes available to the central offices of each registered political party, at their request and against payment, a copy of the lists.

4. The candidates and parties use the voters' lists only to verify their accuracy and in compliance with the law.
5. The CEC sets the manner of delivery of, and fees to be charged for, the voters' lists provided to electoral subjects.

Article 59

Special Institutions

1. For general referenda and elections, two days prior to the date of voting, the director of the special institution prepares a list of voters and delivers it to the ZEC.
2. For local referenda and elections, two days prior to the day of voting, the director of the special institution prepares a list of those residents who are domiciled in the electoral unit where the institution is located and delivers it to the LGEC.

Article 60

Voters in Military Forces and Police Forces

1. Immediately after the date of the elections for the Assembly is set, the Ministry of Defense and other competent central institutions, at the request of the CEC, instruct the commanding officers of the respective bases to prepare a list of voters who will be residing on that base on the date of the elections.
2. The list of voters who will be residing on the base on the date of the elections is delivered to the ZEC no later than fifteen days after the date of the elections is set.
3. The ZEC adds the list of voters residing on the base to the list of voters for the respective electoral unit. They are struck off the list of voters for their place of domicile in compliance with the procedures designated by the CEC.

Article 61

Students

Students may vote in their place of residence in accordance with substatutory acts of the CEC. The CEC takes measures so that students are not registered on more than one voters' list.

FIFTH PART

SYSTEM OF ELECTIONS

CHAPTER I

SYSTEM OF ELECTIONS FOR THE ASSEMBLY

Article 62

Composition of the Assembly

The Assembly of the Republic of Albania is composed of 140 deputies, of whom 100 are elected directly by the voters in single-member electoral zones and 40 are elected according to the proportional percentage of the votes won in the first round.

of elections from the multi-name lists of electoral subjects deposited at the CEC.

Article 63

Election of Deputies in Single-Member Zones

1. A candidate who wins an absolute majority of the valid votes of the voters who have taken part in the voting in a single-member zone is considered elected the deputy of the zone to the Assembly.
2. If, in the first round of elections, none of the candidates wins an absolute majority, then after two weeks, a second round of elections is held. In the second round of elections, the two candidates who have received the greatest number of votes in the first round compete.
3. If a candidate withdraws from the second round, the candidate who has won the most votes compared to the other remaining candidates competes in his place in the second round.
4. When three or more candidates win an equal number of votes in the first round, then the two candidates who will compete in the second round are decided by lot. The same procedure is followed to choose the second candidate when one has been determined and the others have an equal number of votes.
5. After determining the need for a second round of elections, the ZEC announces the candidates to be voted on in this round. The announcement is made at the same time as the issuance of the results of the voting in the zone.

Article 64

Voting in the Second Round

1. In the second round of elections, the candidate who has won a majority of the valid votes is considered elected the deputy to the Assembly.
2. If, even after the second round of elections, the candidates have won an equal number of votes, then one of the candidates is elected the deputy of the zone by lot.
3. The CEC organizes the lot procedure whenever it is necessary. The lots are organized in the presence of the candidates.

Article 65

Joint Candidates

1. Political parties registered in the CEC have the right to nominate joint candidates for deputy.
2. Coalitions of political parties registered in the CEC may submit joint multi-name lists of candidates.
3. The submission of joint candidates and joint multi-name lists is made according to the time periods provided in article 76 of this Code.

Article 66

Allocation of compensatory mandates

1. Forty compensatory seats are allocated according to the following rules to political parties and coalitions of political parties.

- a. Parties that win less than 2.5% and coalitions that win less than 4% of the valid votes in the whole country in the first round do not benefit from compensatory seats.
- b. The number of valid votes won by each of the parties and coalitions meeting the respective threshold is divided by the sum of valid votes they have obtained on the national level, and the result is multiplied by 140. Each of these parties and coalitions are allocated initially as many seats in total as the full number obtained by the above-mentioned calculation. The remaining seats are allocated to the subjects with the larger remainders. In case the remainders for the last seat are equal, lots are drawn.
- c. In order to determine the number of compensatory seats to be allocated to each party or coalition, the number of seats won in single-member zones is deducted from the number of seats allocated to each party or coalition according to letter "b" of this article. If the difference is negative or zero, the party or coalition keeps only the mandates won in single-member zones.

ç) Notwithstanding letter "b," if:

- i. independent candidates are elected in one or more single-member zones;
- ii. parties or coalitions that do not meet the respective threshold win seats in one or more single-member zones; or
- iii. parties or coalitions that meet the respective threshold win more seats in single-member zones than they are entitled to on the basis of letter "b,"

then the following formula applies to the allocation of compensatory seats to parties or coalitions for which the difference according to letter "c" is positive:

$N = (A - B) [40 / (40 + C)]$. N is the number of compensatory seats of each party or coalition, A is the number of seats allocated to each party or coalition according to letter "b," B is the number of seats it won in single-member zones, and C is the total number of seats won according to points "i," "ii," and "iii" of this letter (in the case of point "iii," only to the extent of the excess). Each of these parties and coalitions are allocated initially as many seats as the full number obtained by this calculation. The seats that remain are allocated to the subjects with the larger remainders, in descending order. In case the remainders for the last seat are equal, lots are drawn.

- a. If a single-member zone deputy was elected as a joint candidate of two or more parties not in a coalition, for purposes of the calculation of letter "c," his seat is considered to have been won by the party among those nominating him that gained the greatest number of votes in the whole country in the first round, unless the parties have agreed otherwise.

dh) Deputies are elected from the multi-name lists of parties or party coalitions according to their respective order.

- b. If the number of candidates on a multi-name list of a political party or coalition is smaller than the number of seats which that party or coalition is entitled to, according to this article, the unfilled seats are divided among the other parties and coalitions of parties that exceed the respective threshold in accordance with the following formula:

The number of valid votes won by each of the above parties or coalitions is divided by the total of the valid votes won by them, and the result is multiplied by the number of unfilled seats. A number of compensatory seats is initially allocated to each of these parties or coalitions equal to the full number that results from the above calculation. The seats that remain are allocated to the parties or coalitions with the largest decimal remainders. If the decimal remainders for the last seat are equal, lots are drawn.

CHAPTER II

ELECTORAL ZONES

Article 67

Single-Member Electoral Zones

1. For purposes of elections to the Assembly, the territory of the Republic is divided into 100 single-member electoral zones.
2. The boundaries of the electoral zones may not be changed during the last six months of the mandate of the Assembly.

Article 68

Electoral Zone Boundary Commission

1. Electoral zone boundaries are established by a law of the Assembly in accordance with the recommendations of the Electoral Zone Boundary Commission.
2. An Electoral Zone Boundary Commission (the Commission) meets every five years, beginning on August 1, 2000, the purpose of reviewing the electoral zone boundaries in accordance with the criteria set forth in this Code.
3. The Commission consists of the following members:
 - a. the Secretary of the CEC;
 - b. the Director of the Institute of Statistics;
 - c. the Head Registrar of Immovable Property;
 - d. the Director of the Center of Geographic Studies of the Academy of Sciences.
1. The chairman of the CEC calls the first meeting of the Commission, after which the Secretary of the CEC serves as Chairman of this Commission.
2. The CEC provides for the budget and administrative support services for the Commission.

Article 69

Procedures for Setting Electoral Zones

1. Within three months of its establishment, the Commission issues an interim report with initial recommendations regarding electoral zone boundaries. The interim report is made available to each registered political party, the media, and any other interested party who requests a copy.
2. Beginning two weeks after the issuance of the interim report, the Commission holds a series of public meetings at which registered political parties and other interested parties have the right to make a presentation to the Commission regarding the contents of the interim report.
3. The Commission considers its interim recommendations taking into account the presentations made in the public meetings and submits a final report on setting the electoral zones to the Assembly no later than the first Monday of December of the respective year.

Article 70

Commission Reports

1. The interim and final report of the Commission indicates the average number of voters for an electoral zone, the number of voters in each electoral zone along with the difference between the average and the estimated number of voters for each zone; a map of each electoral zone; a list of municipalities and communes within each zone; and a written description of the boundaries of each electoral zone.
2. The final report also contains a summary of the presentations made at the public hearings and the decisions of the Commission in connection with them.

Article 71

Criteria for Establishing Electoral Zone Boundaries

For the purpose of establishing electoral zone boundaries, the Commission follows the procedures set out in this article:

1. It obtains from the CEC the total number of voters and the number of voters in each existing electoral unit and polling unit. These data are taken from the National Registry of Voters as it exists on August 1 of the respective year.
2. It obtains from the CEC and other competent sources maps for the existing electoral zones, municipalities and communes, and polling units and any other map it deems necessary.
3. It establishes the average number of voters for the zone by dividing the total number of voters contained in the National Registry of Voters by the number of single member electoral zones.
4. It determines the percentage deviation from the average number of voters for each zone.
5. It reviews all electoral zone boundaries in an effort to ensure that, as much as possible, the number of voters in each zone is no less or no greater than 5 per cent of the average number.
6. When the number of voters in a municipality is within plus or minus 5% of the average number of voters, that municipality or commune shall constitute an electoral zone.
7. As much as possible, a commune shall be wholly included within one electoral zone, and a municipality with a total number of voters smaller than the number contemplated in point 6 shall not be divided into more than two electoral zones.
8. In addition to the rule provided in point 5 of this article, the Commission also takes the following issues into account when establishing zone boundaries:
 - a. traditional ties and common interests of local communities;
 - b. natural barriers and boundaries;
 - c. communication and transportation linkages;
- c) boundaries of regions.

1. The electoral zones shall be compact and may not be divided into parts that are separate from one another.

Article 72

Review of the Final Report

1. The Assembly examines the final report of the Commission within two weeks from receiving it. The Assembly accepts the report and approves the law on electoral zones, embodying the recommendations of the final report, or refers it back to the Commission for further consideration. The Assembly may not change the boundaries recommended by the Commission.
2. If the Assembly sends the report back for further consideration, the Commission undertakes a review of its recommendations and submits a second report within 30 days. The Assembly examines the new report within 15 d

Article 73

Effective Date of New Zone Boundaries

1. The law on the electoral zones comes into effect on the effective date of the decree of the President of the Republic setting the date of the nearest elections, except if point 3 of this article applies.
2. Notwithstanding point 1 of this article, the CEC may exercise its functions according to the new boundaries contemplated in the law on electoral zones after the law becomes effective.
3. If the Assembly does not approve the law on electoral zones before the last six months of its mandate, the existing boundaries apply to the next parliamentary elections.
4. If the date of elections for the Assembly or the date of local government elections is announced after the boundary review has begun, the Commission continues its work but may not hold a public meeting or issue a public interim report until after the official declaration of election results is made by the CEC.
5. In the period between the approval of the new law on electoral zones and new elections for the Assembly, partial elections are held according to the zones existing at the time of the last elections for the Assembly.

CHAPTER III

SYSTEM OF LOCAL ELECTIONS

Article 74

System of Local Elections

1. The mayors of the municipalities or communes, as well as members of the councils of municipalities or communes are elected by direct voting by the voters with a domicile in the territory of the municipality or commune.
2. The members of the councils of the municipalities and communes are elected on the basis of the multi-name lists submitted by political parties and coalitions, as well as on the basis of individual independent candidacies.
3. Political parties registered in the CEC have the right to submit joint candidates for mayor of a municipality or commune, as well as joint multi-name lists for local councils.

Article 75

Election of the Organs of Local Government

1. The candidate who wins more than half of all valid votes is elected mayor of a municipality or commune. If no candidate wins the required majority, a second round of voting is organized, implementing by analogy article 63 and 64 of this Code.
2. The mandates of the local councils are allocated by the LGEC on the basis of the following proportional system:
 - a. The number of valid votes won by each independent candidate is divided by the total number of valid votes and multiplied by the number of seats of the council. If the result is equal to or higher than 1, the independent candidate wins a seat in the council.
 - b. The number of valid votes won by each party or coalition and each independent candidate who failed to obtain a seat according to letter "a" of point 2 of this article is divided by the sum of valid votes they have obtained, and the result is multiplied by the number of seats that remain after letter "a" of point 2 of this article is applied. Each of these electoral subjects wins as many seats as the full number obtained from the above-mentioned calculation. If for an independent candidate the result is one or greater than one, the independent candidate wins only one seat. The remaining seats are allocated to the electoral subjects with the larger remainders. In case the remainders for the last seat are equal, lots are drawn.
 - c. The candidates of parties or coalitions are elected to the local councils according to the order of the respective multi-name list.
 - d. If the number of candidates on a multi-name list of a party or coalition is smaller than the number of seats to which that party or coalition is entitled according to this article, the unfilled seats are divided among the other parties and coalitions of parties that have submitted multi-name lists in accordance with the following formula:

The number of valid votes won by each of the above parties or coalitions is divided by the total of the valid votes won by them, and the result is multiplied by the number of unfilled seats. A number of seats is initially allocated to each of these parties or coalitions equal to the full number that results from the above calculation. The seats that remain are allocated to the parties or coalitions with the largest decimal remainders. If the decimal remainders for the last seat are equal, lots are drawn.

SIXTH PART

NOMINATION OF CANDIDATES

CHAPTER I

CANDIDATES VOTED ON DIRECTLY

Article 76

Submission of the Documents of the Candidate

1. Documents for the nomination of candidates for deputy, for mayor of a municipality or commune or for the council of a municipality or commune are submitted respectively to the ZEC or the LGEC, as appropriate, no later than 22 days before the date of the elections. The respective commissions take a decision on accepting or not accepting the documentation submitted no later than 19 days before the date of the elections.
2. If the commissions notice a discrepancy or irregularity in the documentation of candidacy before the end of the term for certifying them, according to point 1 of this article, the commission gives the candidate the opportunity to correct

the discrepancies, setting a time limit for the resubmission of the documentation, but no later than 19 days before the date of the elections.

3. No later than three days after the decree of the President of the Republic setting the date of the elections comes out, the CEC provides the nomination documents to be completed by the candidate along with the form for collecting signatures according to article 78 of this Code.

Article 77

Requirements for the Validity of the Candidacy Documents

1. The candidacy documents shall be in compliance with the requirements of this Code and in the form specified in the instructions of the CEC.
2. The candidacy documents contain the following data:
 - a. The name, father's name, surname, date of birth and address of the candidate;
 - b. The declaration of the candidate that he is a qualified voter and an eligible candidate for the position for which he is running;
 - c. the name and address of a person named as his official agent, who shall be an eligible voter;
- ç) a list signed by voters of the respective zone who support his candidacy as provided in article 78 of this Code;
- d) except in the case of independent candidates, a declaration from the party endorsing the candidate, signed by the chairman of the party as identified in article 12 of this Code.

Article 78

List of Voters who Support the Candidate

1. For candidates for deputy, the candidacy documents are accompanied by a list with the signatures and voter identification numbers of 300 voters who reside in the zone, the names of whom are on the preliminary voters' list of that electoral zone.
2. Candidates for the post of mayor of a municipality or commune submit the following documentation:
 - a. for electoral units with up to 5,000 voters on the voters' lists, a list with the signatures and identification numbers of 50 voters, registered in the preliminary voters' lists;
 - b. for electoral units with 5,000 voters up to 30,000 voters, a list with the signatures and identification numbers of 100 voters, registered in the preliminary voters' lists;
 - c. for electoral units with more than 30,000 voters, a list with the signatures and identification numbers of 300 voters registered in the preliminary voters' lists.

Article 79

Substitution of a Candidate

1. A candidate may withdraw his candidacy within 24 hours of certification by the commission. A candidate who withdraws after the certification made by the commission may not be replaced by the political party he represents.
2. If a registered candidate dies before the date of the elections, then the elections in that zone are postponed for four

weeks. In this case the CEC sets another date for nomination of a replacement candidacy.

3. Immediately after the deadline for the withdrawal of a candidacy, the respective election commission carries out the duties:
 - a. it forwards a final list of certified candidates to the CEC; and
 - b. it publishes in newspapers, posters and electronic media within the jurisdiction of the electoral unit the names and political affiliation of all candidates in the order they appear on the ballot, in the manner and at the time required by the CEC.
1. In the case of elections for the Assembly or for mayor of a municipality or commune, the ZEC or LGEC, as appropriate, publishes the name and address of the official representative of the candidate.

Article 80

Representative of the Candidate

1. Within 48 hours from the certification of their candidacy documentation, each candidate shall give the name of his representative to the CEC. The representatives of the candidates at the VCCs are accredited by the ZEC or LGEC, as appropriate. The designation of representatives is not obligatory.
2. During the conduct of the voting, the representatives of the candidates keep their identification document in a visible place. They may not wear clothes or symbols or perform actions that have the purpose of influencing or that might influence the will of the voters.
3. The representative of a candidate may be substituted by the candidate or his official agent but not during the last 24 hours before the close of the voting and during the counting of votes in the voting center.

CHAPTER II

LIST CANDIDATES FOR ELECTIONS TO THE ASSEMBLY

Article 81

Submission of the Lists

1. Political parties registered as electoral subjects submit to the CEC a list of candidates for the 40 seats in the Assembly within the time period provided for in article 76 of this Code.
2. The ordering of the candidates in the list is set by the electoral subject that submits it. In the case of the death, resignation or loss of the right to be a list candidate according to this Code, the candidates listed below move up or place.
3. The lists of the parties are signed by the chairman of the party, or, as the case may be, by the chairmen of the parties of the coalition. The list is accompanied by a declaration signed by each candidate that he is eligible to vote and desires to run.

Article 82

Acceptance of the Lists

When political parties submit a list of fewer than 20 candidates, the list is not accepted by the CEC.

Article 83

Verification of the Lists by the CEC

1. The CEC certifies the regularity of the multi-name lists according to the time periods and procedures contemplated article 76 of this Code for the certification of direct candidates.
2. After certification of the multi-name lists, the CEC publishes them in the three newspapers with the largest national circulation and in the electronic media and sends a copy of the list to the ZECs, which publish them in the local media and announce them in public places in their zone according to the instructions received from the CEC.
3. The names on the certified multi-name lists may not be changed.

CHAPTER III

LISTS CANDIDATES FOR THE ORGANS OF LOCAL GOVERNMENT

Article 84

Conditions for Validity of the Lists

For the nomination of candidates for the members of the councils of municipalities and communes, registered political parties submit a list of candidates to the LGEC according to these conditions:

- a. Within the same time period for submissions of candidacies for mayor of the municipality and commune, they forward to the LGEC a list of candidates according to the form prepared by the CEC.
 - b. Every candidate on the list declares that he accepts his nomination by the respective electoral subject.
 - c. The list is signed by the chairman of the party or a person authorized by him to endorse candidates.
- c) If a list candidate dies, the candidate listed below moves up.

Article 85

Non-acceptance of the Lists

1. An LGEC does not accept a list of candidates when the number of candidates on the list is less than half of the number of council members.
2. The ordering of the candidates on the list is set by the electoral subject that submits it.

Article 86

Certification and Publication of the Lists

The LGEC certifies the lists submitted by the parties. After the certification, the LGEC publishes the lists in the local press and media and announces them in the territory of the municipality or commune and immediately forwards a copy to the C

SEVENTH PART

VOTING PROCEDURES

CHAPTER I

BALLOTS

Article 87

Preparation and Content of the Ballots

1. The ballots for elections are prepared by the CEC. The ballot shall not be not transparent and shall contain security elements specified by the CEC.
2. The ballots are produced in blocks with stubs. The serial number is noted only on the stub.
3. For elections to the Assembly, the voter votes with two separate ballots of different colors, one ballot for the candidates who are competing directly in the zone and the other for the political parties that are competing in the elections. The ballot for electoral subjects is the same for all electoral zones.
4. For elections for the local government organs, the ballot for the candidates for the municipal or communal council of a different color from the ballot for the candidates for mayor of the municipality or commune.

Article 88

The Form of the Ballot

1. The ballot is printed according to the model prepared by the CEC. The back of the ballot has a place for putting the signature of the chairman and the vice chairman and the seal of the VCC.
2. Failure to sign the ballot by one of the subjects indicated in point 1 of this article does not constitute a reason not to begin the voting procedures.

Article 89

Sending Ballots and Other Materials

1. The CEC forwards the necessary number of ballots, seals, poll records and other voting materials to the ZECs or LGECs, as appropriate, no later than three days before the date of the elections.
2. The ZEC or LGEC, as appropriate, sends the necessary number of ballots and other voting materials to the VCCs no later than 12 hours before the opening of voting.
3. Ballots are printed on the basis of the total number of voters, plus two per cent.
4. The CEC specifies the additional number of ballots that are sent to the voting centers.

Article 90

Names of the Candidates and Subjects on the Ballot

1. The names of candidates for deputy, or mayor of a municipality or commune, are placed on the ballot according to alphabetical order of their name.

2. Written on the ballot are:

- a. the first name, father's first name, and surname of the candidate as it appears on the documents of candidacy;
 - b. the name and initials of the party or coalition the candidate represents, or the word "independent," is written to the right of the candidate's name;
 - c. no other data about the candidate is written.
1. On the ballot of electoral subjects, the names of the registered political parties are placed in alphabetical order, together with the initials of the party.
 2. The voter marks in a separate place at the side of the name of the candidate or party one of the signs 'x' or '+' or a mark that clearly indicates the choice of the voter.

CHAPTER II

POLLING UNITS AND VOTING CENTERS

Article 91

Establishing a Polling Unit

1. A polling unit may not be divided into parts that are separate from one another.
2. As much as possible, a polling unit shall have no more than 1,000 voters. If it is found that a polling unit has more than 1,000 voters, the LGEC or ZEC, as appropriate, may establish more than one voting center for that polling unit.
3. When a residential center with at least 50 voters is more than three kilometers away from the closest voting center, separate voting center is set up in that residential center, if it has at least 50 voters.
4. A polling unit is established by the ZEC or the LGEC but, as much as possible, the ZEC shall keep the polling unit boundaries established by the LGECs in its zone.

Article 92

Location of the Voting Center

1. One or more voting centers are established in each polling unit.
2. As much as possible, a voting center is located in a public building accessible to voters. A voting center may not be set up in:
 - a. a private residence without the authorization of the CEC;
 - b. a building used by the public administration, except for educational and health institutions;
 - c. buildings owned or occupied fully or partially by a political party or candidate or their close relatives.

Article 93

Voting Centers in Special Locations

1. When in a special institution there are 15 or more voters eligible to vote for the electoral unit where the institution

located, the ZEC or LGEC, as appropriate, creates a voting center inside the institution for those persons.

2. In health institutions that have many wards, a separate voting center may be set up for each ward, if each of them has more than 15 voters.
3. Voters in military and police bases vote in the nearest ordinary voting center outside the base, as designated by the ZEC.
4. Students registered in the voters' lists according to article 61 of this Code vote only in the polling unit where they have been added to the list.

CHAPTER III

PROCEDURES FOR OPENING THE VOTING

Article 94

Preliminary Actions

1. One hour prior to the opening of the voting, the VCC, under the direction of its chairman and vice chairman and in presence of the representatives of the electoral subjects and observers, performs these duties:
 - a. It arranges the tables, chairs and voting booths in such a manner as to assure the secrecy of the voting and the free and rapid movement of voters.
 - b. It removes any election propaganda that may be found within the voting center and within a range of 150 meters around it.
 - c. It posts instructions for voting at a suitable place within the voting center.
 - c) It sets up other materials required by the CEC.
 - d. It checks all materials received, shows the empty ballot box to the representatives of electoral subjects and seals it in the manner prescribed by the CEC.
1. All members of the VCC and the representatives of the candidates or registered parties who are present sign the opening statement of the voting center.

Article 95

Opening the Polls and Presence of Members

1. After performance of the procedures provided in article 94 of this Code, the chairman of the VCC declares the voting open, but not before the time prescribed in article 5 of this Code.
2. The secretary of the VCC notes in the official records of the voting center the time of departure and return of any member who leaves the voting center.

CHAPTER IV

PROCEDURES DURING VOTING

Article 96

Number of Ballot Boxes

1. In elections for the Assembly, two boxes are set up in the voting center, one of which is used for voting for the candidates of the zone and the other for political parties or coalitions.
2. In local elections, one box is used for voting for candidates for mayor of the municipality or commune and another box is used for the candidates for the council of the municipality or commune.
3. For voting on a referendum, one ballot box is used for each issue upon which to be voted.

Article 97

Presentation of Voters in the Voting Center

1. After entering the voting center, the voter states his name and presents his voter card to the VCC.
2. The chairman confirms that the number on the voter card is the same as the number beside the name of the voter or the list of voters for the polling unit.
3. After confirming that the name and voter number are correct, the chairman strikes the name of the voter; the voter signs the voters' list beside his name; the ballot is signed according to the rules provided in article 88 of this Code; and the secretary places the seal of the VCC on the back of the ballot and gives it to the voter.
4. If a voter is not provided with a ballot pursuant to point 3 of this article, the incident is recorded in the official record detailing the name of the person, the identification number on the card and any other relevant information.
5. If a representative of a candidate or a member of the VCC questions the identity of a voter who has been provided with a ballot, the incident is included in the official record detailing the person who made the objection, the reason for the objection, the name and identification number of the voter and the reasons why the chairman of the VCC provided that person with a ballot.

Article 98

Voting

1. On receipt of the ballot, the voter proceeds to the closed room booth and votes by marking the ballot in the space provided.
2. After voting in the closed room, the voter folds the ballot so that his mark cannot be seen and leaves the voting box.
3. Before the voter deposits the folded ballot in the ballot box, the chairman or a member designated by him checks that it contains the correct VCC seal and the signatures according to article 88 of this Code.
4. The voter then deposits the ballot into the ballot box and leaves the voting center.
5. With the exception of article 100 of this Code, a voter votes only for himself.

Article 99

Spoiled Ballots

1. If a ballot is marked outside the voting booth, the ballot is placed not in the ballot box but in the envelope for spoiled ballots. In this case, the voter is given a second ballot and the incident is recorded in the official record. If the voter again marks the ballot outside the voting booth, the ballot is again placed in the envelope for spoiled ballots and the voter is not given another ballot.
2. If a voter marks or damages the ballot accidentally and requests a second ballot, the ballot is considered spoiled and

placed in the envelope for spoiled ballots and the voter is provided with a second ballot. This incident is recorded in the official record. A voter who damages the second ballot is not given another.

3. Spoiled ballots are in no event placed in the ballot box.

Article 100

A Voter who Cannot Vote Himself

1. A voter who, for physical reasons, is unable to vote for himself, may request the help of another voter who is on the list of voters for that polling unit. Both voters must be present in the voting center when this procedure is used.
2. A person may help only one voter who cannot vote himself.
3. Before marking the ballot, a person who assists another voter makes a declaration in the official record that he will mark the ballot as instructed and has not assisted any other voter.
4. No members of the election commissions of any level may help voters who are unable to vote themselves.
5. The mark selection on the ballot must be made in the voting booth.

Article 101

Keeping Order at the Voting Center

1. When order and the orderly conduct of the voting are endangered at the voting center, the VCC suspends the voting and asks for the help of the police.
2. The chairman or vice chairman of the VCC immediately notifies the ZEC or LGEC about the incident that has happened.
3. When order is restored in the voting center, the VCC asks the police forces to leave the voting center and takes measures to begin the voting again immediately.

Article 102

Persons Present in the Voting Center

1. Only the following persons may stay in a voting center:
 - a. The members of the VCC and accredited representatives of electoral subjects.
 - b. Voters waiting to vote.
 - c. Accredited Albanian and foreign election observers.
1. If there are voters waiting to vote, the chairman of the VCC may direct that they wait outside the voting center in order to facilitate the voting of persons within the center.
2. Persons serving as an observer for a candidate (not accredited representatives to the voting center) may enter the voting center for the purposes of meeting with the accredited representative, but the meeting takes place outside the voting center.
3. No armed person including police or members of the armed forces, may enter the voting center except in those circumstances provided in article 101 of this Code.

Article 103

Voting in Special Institutions

The voting in hospitals, prisons and places of pre-detention and dormitories is carried out according to the rules for voting centers contemplated in this Code and substatutory acts of the CEC.

Article 104

Voters in the Armed Forces and Police Forces

1. Voters who serve in the Armed Forces or Police Forces vote in national elections and for national referenda in the electoral unit where their bases are located.
2. Voters who serve in the Armed Forces or Police Forces vote in local elections and for local referenda in the polling unit of their domicile.

CHAPTER V

CLOSE OF THE POLLS AND COUNTING OF VOTES

Article 105

Close of the Polls

1. All polls close at the hour established in article 5 of this Code and in accordance with point 3 of article 5 of this Code.
2. After the last person has voted, only the following persons may remain in the voting center: Members of the VCC, one accredited representative for each candidate, one accredited representative for each registered political party that is participating in the multi-list voting but has not nominated a candidate for the position of deputy or mayor of a municipality or commune, and accredited Albanian and foreign election observers.

Article 106

Counting the Votes

1. After the last voter has voted, the chairman, along with the members of the VCC, performs these acts in the following order:
 - a. He determines the number of persons who have voted according to the list of voters and records that number in the official records of the voting center.
 - b. He determines the number of ballots used, as indicated by the consecutive number on the ballot stubs.
 - c. He counts the spoiled ballots found in the envelope for spoiled ballots and deducts that number from the number of ballots used and checks that the number of ballots used corresponds to the number of voters who voted according to the list of voters.
- ç) He ensures that the seal on the ballot box is the same seal that was placed on the box at the opening of the poll.
- d) He opens the ballot boxes in the order determined by the VCC and removes all the ballots.
- dh) Without inspecting them, he counts the ballots in the ballot box, checks whether the number of ballots is the same as the number obtained in letter "c" of this article and records the information in the official records.

e) He sorts the ballots by candidate, setting aside those ballots where the intent of the voter is unclear, and checks whether each contains the signatures contemplated in article 88 of this Code and the seal of the VCC and in all other respects are valid ballots.

ë) He counts the ballots for each candidate, records the number in the official records and places the ballots for each candidate in separate envelopes.

- f. He places all ballots rejected as provided in point 3 of this article in a special envelope and records the number in the official records.
2. When the chairman of the VCC decides to count a ballot for a candidate or to reject a ballot, and that decision is objected to by a member of the VCC or a representative of a candidate, the VCC votes on the question. The chairman places a number on the back of the ballot and records the number in the official records, along with the nature of the problem and the reasons for the decision. Any other member or representative may also add his written comments.
3. A ballot is rejected when more than one candidate or political party is voted for; when it is not clear who was voted for; when the ballot bears sign that might disclose the identity of the voter; when the voter has made other marks or has voted for a person or party that is not on the ballot; or the ballot does not bear the seal of the or the signature provided in article 88 of this Code.
4. If ballots found in the ballot box are not the same size, color or form as the ballots prescribed by the CEC, they are in a special envelope and are not accounted for in the ballot account calculation.
5. After counting the ballots, the chairman of the VCC completes the tabulation of results of the voting center and signs it together with all members of the VCC and the representatives of the electoral subjects who are present. All persons present, including national and foreign observers, are provided with a copy of this tabulation. If any members of the VCC or representatives present object to the tabulation, the VCC votes on the question. The chairman records the issue in the official records, the nature of the problem and the reasons for the decision. The final tabulation reflects the decision. If any member or representative objects to the decision, he may add his written comments to the official records.
6. After the counting of ballots for mayor or deputy of a single-member zone, the ballot envelopes are placed in the ballot box, which is set aside. The above procedures are then repeated for the counting of ballots for multi-name lists.
7. After the counting of ballots for the multi-name lists, the chairman of the VCC completes a consolidated tabulation of voting center results, which is a summary of the information contained in the individual tabulations.
8. The original copies of all tabulations, the official records and seal of the VCC are placed in the ballot box containing the ballots for mayor of a municipality or commune or deputy of a single-member zone. A copy of the tabulations is placed in a special envelope, which is not placed in the ballot box.
9. Each ballot box is sealed and the identification number of the seal is recorded in the official records.
10. The chairman and the secretary of the VCC deliver the ballot boxes and the envelope containing the official record to the LGEC or ZEC within 24 hours from the close of the polls, in the manner prescribed by the LGEC or ZEC. The LGEC or ZEC provides the chairman with a receipt.

Article 107

Declaration of Results

1. No later than two days after the date of the elections, the LGEC or the ZEC, in the presence of the commission members, representatives of the electoral subjects and accredited Albanian and foreign observers, performs the

following tasks and declares the results of the elections:

- a. The chairman of the commission ensures that each ballot box is accounted for.
- b. The ballot boxes are opened one at a time, checking whether the seal is the same seal recorded in the official record and whether the boxes contain the official records, ballot envelopes, unused ballots, ballot stubs, and seal of the VC. The original copy of the tabulation is removed.
- c. Each member of the commission may examine the official records.
 - c) At no time may ballots be examined, removed from the box or counted.
- d. The ballot box is closed and sealed again, leaving aside the original tabulation of results. The number of the seal is recorded in the official records of the commission.
 - dh) Any irregularities found in the ballot box are noted in the official records.
- e. After all original tabulations of results have been removed, the chairman of the commission completes the tabulation of results for the electoral unit and declares a person elected to the position of deputy or mayor of the municipality commune for the electoral unit, the membership of the municipal or commune council, the number of votes cast for multi-party lists, and, if appropriate, the candidates for the second round of elections.
 - e) The chairman of the commission, along with the members of the commission and representatives of the electoral subjects who may be present, sign the tabulation of results for the electoral unit. The chairman provides a copy of the tabulation to all members of the commission, the representatives present, the candidates and Albanian and foreign observers who are present. The original copy of the tabulation is forwarded to the CEC, while a copy is posted in a visible place within the voting center.
- f. If any members of the commission or representatives present object to the tabulation, the commission votes and takes a decision. The chairman records the nature of the problem and the reasons for the decision in the official records. The final tabulation reflects the decision taken. If a member or representative objects to the decision, he may add his comments to the official records.
 1. All ballot boxes and records are retained by the LGEC or ZEC in accordance with the provisions of this Code and may only be opened by a judge during a recount of ballots or upon direction of the Constitutional Court or, as the case may be, the High Court in accordance with article 141 of this Code.
 2. A recount of ballots may only occur after the declaration of the results of the election.
 3. Only those persons mentioned in point 1 of this article may be present during the procedures set forth in this article

CHAPTER VIII

RECOUNT OF BALLOTS

Article 108

When Ballots are Recounted

1. If, after the LGEC or ZEC has declared a person elected (other than from multi-name lists), the margin of victory between the votes of the winner and the candidate who came in second is smaller than the total number of all ballots rejected during the counting of the ballots, or if the margin 25 votes or less, the ballots are recounted in the manner provided in this chapter.
2. If, after the LGEC or ZEC have declared a person elected (other than from multi-name lists), the above margin of

victory is 150 votes or less, and if this number is equal to or less than the total number of ballots rejected as invalid during the counting, at the request of the candidate who came in second, the ZEC or LGEC organizes a recount of ballots as follows:

- a. The application is in the form prescribed by the CEC and is signed by the candidate and his official agent.
 - b. The application for a recount is presented to the chairman of the respective commission no later than 4 PM on the second day after the final count of votes by the LGEC or ZEC.
 - c. On receipt of the application for a recount, the LGEC or ZEC arranges for the recount of ballots, which shall begin later than 48 hours after receipt of the application.
1. When a recount of ballots is required pursuant to points 1 and 2 of this article, the chairman of the commission immediately informs the president of the district court, who organizes a lottery to select three judges of the court to recount the ballots within the time specified by this Code.
 2. All costs associated with the recount of ballots are borne by the CEC.

Article 109

Recount of Ballots

1. A recount of ballots takes place in a public facility of sufficient size to accommodate the ballot boxes from all voting centers of the electoral unit, the members of the LGEC or ZEC, and any accredited representatives of parties or candidates who wish to attend.
2. Only one representative for each electoral subject may attend the recount of ballots.
3. The members of the LGEC or ZEC attend the recount of ballots as observers. One or more members of the CEC may also attend as observers.
4. The secretary of the respective commission brings all ballot boxes and official records from the election to the place of the recount and serves as assistant to the judges conducting the recount. With the consent of the court, the secretary may retain the services of one or more impartial assistants.
5. During the recount, the court is responsible for the security and safekeeping of all ballot boxes and records.
6. At the time established for the start of the recount, the court and the secretary of the commission confirm that the LGEC or ZEC has delivered all required materials. The court notes any materials that were not delivered.
7. The recount of the ballots begins at 8 AM and continues until completed.
8. At the conclusion of the recount, the court completes a tabulation of the recount of ballots in the form prescribed by the CEC and provide a copy to the members of the commission, the members of the CEC, and each candidate or representative in attendance.
9. After receipt of the tabulation of the recount, the LGEC or the ZEC immediately declares the results of the election.

Article 110

Procedures for the Recount

1. At the time and place fixed for the recount, the court:

- a. checks that all ballot boxes and records are maintained in a visible place;
- b. begins the recount from voting center number one and continue in consecutive order with the recount of all ballots all voting centers;
- c. examines the ballot boxes one by one.
 - 1. Before opening a ballot box, the court checks whether the seal on the ballot box is the same seal that is recorded in official records of the LGEC or ZEC. If the seal is not the same the box shall not be opened.
 - 2. After it is confirmed that the seal on the box is the same, the recount proceeds, in full view of all those present, in the following order of tasks:
 - a. The secretary opens the box and removes the official records, tabulations and seal of the VCC and checks that the materials are the proper documents for that voting center.
 - b. The secretary removes the envelopes containing the ballots counted at the voting center, the envelopes containing the ballots rejected, and the envelopes containing the ballots spoiled during the voting, unused ballots and ballot stubs.
 - c. The court confirms the information in the tabulations regarding the number of unused ballots, the last number on the ballot stubs, and the number of spoiled ballots. The court places those materials in the envelope designated for that purpose and enters the information on the recount statement.
- ç) Without inspecting the ballots, the court opens the envelopes containing the ballots and places them in piles that correspond to the envelope from which they were removed. The ballots contained in each envelope are counted and the result is compared with the number recorded in the voting center tabulation. If there is a discrepancy, the number of ballots found in the envelope at the time of the recount is considered the correct number.
- d) After confirming the number of votes according to the tabulation of the voting center, the court continues with an inspection of all ballots, checking whether the ballot was sealed and signed according to article 88 of this Code, and declares for whom the ballot has been marked. During the recount, the court exercises the competencies of the VCC and may alter the decision of the VCC as recorded in the official records.
- dh) During the investigation of a ballot that was objected to by one or more members of the VCC or one or more representatives, or was rejected by the VCC during the count, the court considers all the objections and comments regarding that issue as found in the official records. After making a decision regarding the ballot in question, the court explains the respective reasons, which are recorded in the record of the recount proceedings.
- e) After the investigation of all ballots in the ballot box, the court declares the results of the voting center and completes the recount statement for the voting center; signs it together with the secretary; places all materials back in the ballot box, together with a copy of the recount statement; seals the ballot box, and begins the same procedure for the next voting center.
- ë) Prior to sealing the ballot box according to letter "e" of this article, the court allows representatives of the electoral subjects, candidates, and members of the electoral commission to examine the official records and make notes. The ballots may be examined only by the court.
- f) Following the recount of all ballots for the electoral unit and the completion of the recount statement for each voting center, the court completes the recount tabulation, a copy of which is provided to all persons present.
 - 1. At the conclusion of the recount procedures, the court returns all ballot boxes and official records of the election to the election commission, which retains them in the manner provided in article 149 of this Code.
 - 2. The CEC prescribes the forms to be used by the Court in this chapter.

Article 111

Multi-Name lists

1. Ballots cast for the council of a municipality or commune are recounted when the number of ballots rejected as invalid and those objected to may have influenced the division of seats in the council. The recount of the votes for local councils is done according to the recount procedures provided in this chapter.
2. Ballots cast for multi-name candidates for deputy are not recounted.

Article 112

Decisions and Appeals

1. All decisions at a recount of ballots are made by the court.
2. Decisions made during the recount of ballots are final.

NINTH PART

INVALIDATION OF ELECTIONS

Article 113

Invalidation of Elections

1. The CEC invalidates elections in voting centers, electoral units, or in the entire territory of the Republic if it finds:
 - a. violations of law or natural disasters of such dimension that the allocation of seats in the Assembly or local council or the result of referenda or mayoral elections may have been influenced; or
 - b. that the voting did not begin or was suspended for more than six consecutive hours.
1. Point 1 of this article applies only to those territorial units where the violations contemplated in letter "a" of point 1 were found or where voting was suspended under letter "b" of point 1 of this article.
2. The CEC decides on the invalidation of elections after consultations with the respective ZEC or LGEC.
3. Elections that have been invalidated pursuant to this article are re-held in no later than four weeks.
4. Any interested person may appeal to the Constitutional Court or the High Court, as the case may be, against the decision of the CEC to invalidate or not to invalidate an election within 10 days from the announcement of the decision of the CEC.

EIGHTH PART

REFERENDA

CHAPTER I

GENERAL PRINCIPLES

Article 114

Meaning of Referendum

1. The referendum is the direct exercise of the people's sovereignty, through voting, for a specific issue or law, according to articles 108 point 4, 150, 151, 152 and 177 of the Constitution.
2. Voting on referenda is performed according to the rules contemplated in this Code.
3. In a referendum, the alternative that has won the majority of the valid votes, but not less than one third of the number of voters registered in the National Registry of Voters and possessing a voter card, is considered the winner, unless otherwise provided in this chapter.

Article 115

Restrictions in the Exercise of the Right to a Referendum

1. No constitutional or general referendum can be held on the date of elections for the Assembly or for the organs of local government.
2. No general or constitutional referendum can be held during the period starting six months before the end of the mandate of the Assembly until three months after the first meeting of the new Assembly.
3. No local referendum can be held during the period starting three months before the end of the mandate of the organ of local government until three months after the first meeting of the local councils.
4. The procedure for holding a general referendum is suspended when early elections for the Assembly are announced until three months after the first meeting of the new Assembly.
5. The procedure for holding a local referendum in a unit of local government is suspended when early local elections are announced in the unit until three months after the beginning of the mandate of the local government organ.
6. In accordance with point 3 of article 152 of the Constitution, requests for a referendum that have not been fully processed in accordance with the provisions of this chapter by March 15 of the year, regardless of when made, are deferred until the following year.

Article 116

Procedures for the Conduct of Referenda

1. Constitutional and general referenda are administered by the CEC through the ZECs and, to the extent necessary or appropriate, in accordance with the procedures stipulated in this Code for the conduct of elections to the Assembly.
2. Local referenda are administered by the CEC through the LGECs and, to the extent necessary or appropriate, in accordance with the procedures stipulated in this Code for the conduct of local elections.
3. For referenda at the regional level, the CEC creates a regional election commission. The members of this commission are proposed by the Regional Council according to the rules contemplated in this Code for the composition of an LGEC.
4. When more than one referendum is held on the same date, the ballots for each referendum are of different colors.

Article 117

Approval of Draft Laws Voted on in Referenda

1. A draft law approved by referendum is promulgated by the President of the Republic and enters into force at least 1 days after publication in the Official Journal.
2. The repeal of a law or part of a law by referendum enters into force immediately upon the declaration of the result. the reasoned request of the Council of Ministers, the Assembly may decide to postpone the repeal of the law or the part repealed, but not for more than 60 days.

CHAPTER II

DIFFERENT TYPES OF REFERENDA

Section 1

Constitutional Referendum

Article 118

Types of Constitutional Referenda

A constitutional referendum conducted in accordance with point 4 of article 177 of the Constitution is decided on by two thirds of all members of the Assembly in order to present proposed constitutional amendments directly to popular vote. A constitutional referendum conducted in accordance with point 5 of article 177 of the Constitution is one requested by one fifth of the members of the Assembly to submit to popular vote a constitutional amendments approved by not less than two thirds of all members of the Assembly.

Article 119

Initial Procedures

1. Requests for a constitutional referendum to amend the Constitution contain the text of the draft law for the amendment to the Constitution.
2. Requests for a referendum in accordance with point 5 of article 177 of the Constitution are delivered to the General Secretary of the Assembly within 15 days of the approval of the constitutional amendment by the Assembly.
3. The General Secretary of the Assembly immediately sends the decision of the Assembly (or the request of one fifth the deputies, as the case may be) requesting a constitutional referendum to the Constitutional Court and the President of the Republic.

Article 120

Preliminary Examination by the Constitutional Court

Within 60 days of receipt of the request, the Constitutional Court examines in advance the constitutionality of holding the constitutional referendum initiated according to point 4 or 5 of article 177 of the Constitution.

Article 121

Subsequent Procedures for a Constitutional Referendum

1. When the Constitutional Court decides that the request for a constitutional referendum is in compliance with the Constitution or does not issue a decision within the time period, the President of the Republic sets the date for hold the referendum in compliance with point 3 of article 152 of the Constitution.
2. In this case, the General Secretary of the Assembly notifies the CEC of the conduct of a constitutional referendum, and sends to it the text of the draft law that will be voted on in the referendum. The General Secretary of the Assembly publishes the text of the draft law that will be voted on in the referendum in the three newspapers with the largest national circulation.
3. If the Constitutional Court decides that the request for the constitutional referendum is not consistent with the Constitution, the procedure for holding the referendum ceases. In the case of a request pursuant to point 5 of article 177 of the Constitution, the constitutional amendments previously approved by the Assembly are promulgated by the President of the Republic and become effective at least 15 days after their publication in the Official Journal.
4. Constitutional amendments submitted to referendum according to point 5 of article 177 of the Constitution are rejected if more than half of all voters registered in the National Registry of Voters who possess a voter card vote against them. If the amendments are not rejected in the referendum, they are promulgated by the President of the Republic and become effective at least 15 days after their publication in the Official Journal.

Section 2

General Referendum

Article 122

Initiative for a General Referendum

1. Fifty thousand voters registered in the National Registry of Voters who possess a voter card have the right to a general referendum for the repeal of a law, or to request the President of the Republic to call a referendum on a matter of special importance, in compliance with point 1 of article 150 of the Constitution and the provisions of this Code.
2. A request to begin the procedures for a referendum is submitted to the CEC by a group of no less than 12 initiators who are voters registered on the National Registry of Voters possessing a voter card.
3. A request to repeal part of a law may be made, but only if the remainder of the law is self-sufficient.
4. A request to begin the procedures for a referendum for the repeal of a law or part of a law contains:
 - a. the title, number and date of approval of the law that is sought to be repealed and, if only part of the law is sought to be repealed, the respective provisions; and
 - b. the reasons why the law or the particular provisions should be repealed.
1. A request to begin the procedures for a referendum on an issue of special importance describes clearly the issue set out, its importance and the position of the initiators in connection with the issue. The issue must be clear, complete and unequivocal, and expressed in such a form that voters can answer "yes" or "no."

Article 123

Model Forms for Collecting Signatures

1. Within 20 days from the submission of the request for a general referendum, the CEC provides the initiators, again: payment, with forms for the collection of the signatures of 50,000 voters listed in the National Registry of Voters at the time of submission of the request. At the head of the form, the title of the law, the provisions sought to be repealed or the issue raised is printed.
2. Signatures with the respective voter card numbers in support of the request to hold a general referendum are deposited with the CEC during the period from January 1 to November 30 of each year.

Article 124

Verification of the Request by the CEC

1. The CEC verifies the voter card numbers and signatures in accordance with substatutory acts issued by it.
2. The CEC decides whether to accept the request within 90 days from the day it is submitted, based only on the regularity of the submission. The decision is made known promptly to the interested persons. A decision not to accept the request sets out clearly the irregularities that lead to non-acceptance.
3. Within five days from notification of the decision, the initiators may declare to the CEC that they are ready to correct the irregularities that were found. In this case, the CEC sets a term of up to 30 days for the re-submission of the request. The CEC decides within 10 days whether to accept the re-submitted request and promptly notifies the initiators.

Article 125

Examination of the Request by the Constitutional Court

1. After determining that the requests are in order, the CEC brings the requests for a general referendum to the President of the Republic and the Constitutional Court, except for the cases contemplated in article 115 of this Code. At the same time, the CEC notifies the Speaker of the Assembly and the Prime Minister of the requests accepted.
2. The Constitutional Court decides on the constitutionality of the requests for a general referendum and whether they are formulated in accordance with points 3 and 5 of article 122 within 60 days from the day of receipt of the request from the CEC.
3. The President of the Republic decides whether or not to hold referenda on issues of special importance after the promulgation of a positive decision of the Constitutional Court or after the passage of the term during which it should have issued the decision. If he decides that a referendum requested should not be held, he advises the CEC in writing of his reasons, which the CEC transmits to the initiators.

Article 126

Setting the Date for a General Referendum

The President of the Republic sets the voting day for general referenda in accordance with point 3 of article 152 of the Constitution.

Article 127

Referenda on the Initiative of the Assembly

When the Assembly decides on the holding of general referenda in accordance with point 2 of article 150 of the Constitution

the same procedures provided in this section for referenda in accordance with point 1 of article 150 of the Constitution are followed, to the extent necessary or appropriate.

Section 3

Local Referenda

Article 128

Initiative for a Local Referendum

1. Ten percent of the voters registered in the voters' list of a municipality or commune and possessing a voter card, or 20,000 of them, whichever number is smaller, have the right to a local referendum on an issue of local governance in the respective municipality or commune.
2. A number of municipal or communal councils that represent no less than one third of the population of a region have the right to request that a referendum be held on an issue of local governance at the regional level.
3. A referendum on the same issue cannot be repeated in the same unit of local government before three years have passed.
4. For holding a local referendum, the provisions for a general referendum in points 2 and 5 of article 122, article 123 and point 2 of article 124 of this Code are adapted and applied, to the extent possible or appropriate.

NINTH PART

ELECTORAL CAMPAIGN AND MEDIA.

Article 129

Period of the Electoral Campaign

1. The electoral campaign starts 30 days before election day and ends 24 hours before the beginning of voting.
2. When a second round is to be held or the elections repeated in accordance with this Code, the campaign continues after the end of the first round and concludes 24 hours before the beginning of voting.

Article 130

The Rights and Obligations of Electoral Subjects during the Campaign

1. During the election campaign, every electoral subject has the right to make electoral propaganda in any lawful manner.
2. The results of electoral opinion polls may not be made public during the last 5 days before election day.
3. The publication of electoral opinion polls shall include the name of the pollster, the sponsor, the sample size, the margin of error, and the time period during which the poll was taken.
4. The conduct of electoral campaigns in de-politicized institutions is prohibited.

5. Propaganda for or against a candidate or other electoral subject by foreigners is prohibited.

Article 131

Propaganda Materials

The organs of local government designate in a fair and impartial manner public places for posting propaganda materials.

Article 132

Electoral Campaign on Public Radio and Television

1. During the electoral campaign, Public Radio and Television provides free air time for each registered political party and the CEC, which is allocated in accordance with the following rules:
 - a. A total of two hours are set aside for the CEC and allocated in accordance with its time requests. At least two thirds of the total time is allocated between 6:00 PM and 10:00 PM.
 - b. Each parliamentary party participating in the first round of elections is allocated equal free air time by the CEC in an amount that is no less than fifteen minutes on public television and 15 minutes on public radio.
 - c. Those parties not represented in the Assembly participating in the first round of elections are entitled to 10 minutes of air time on public television and 10 minutes of air time on public radio.
 - ç. The sponsor of electoral propaganda must be clearly specified on any television or radio program or advertisement.
 - d. The total amount of free air time allocated to all the political parties over the course of an electoral campaign is no more than ten hours.
1. For the second round of elections, political parties with candidates running in the second round are entitled to 15 minutes of free air time on public television and 15 minutes of free air time on public radio. Independent candidates running in the second round are entitled to 3 minutes of free air time on public television and 3 minutes of free air time on public radio.
2. Public Radio and Television covers the electoral campaign through news or informative programming in compliance with the principles of impartiality, completeness, truthfulness, and pluralism of information set forth in articles 4, 39, and 41 of law no. 8410, dated 30.9.1998, "On Public and Private Radio-Television in the Republic of Albania." The free air time allocated to political parties in accordance with point 1 of this article may not be allocated as part of news or informative programming.
3. Public Radio and Television may not prepare or broadcast paid political advertising.
4. During general referendum campaigns, Public Radio and Television puts an equal number of minutes at the disposal of the political parties supporting either one of the alternatives, in an amount not to exceed three hours in total.

Article 133

Free Air Time for the CEC

In addition to the time provided under letter "a" of point 1 of article 132 of this Code, the CEC is provided with a total of 60 minutes of free time on public radio and 60 minutes of free time on public television for voter education each calendar year beginning January 1, 2001. The allocation of free time is done in accordance with letter "a" of point 1 of article 132.

Article 134

Broadcasting Schedule

1. No later than two days after the decree of the date of the elections, the Steering Council of Public Radio and Television, based on the information on registered parties provided by the CEC, sets the time available for each party and, under the supervision of the CEC, organizes a lottery for the allocation of broadcast time to each registered party.
2. The broadcast time available to the political parties and independent candidates is between 6:00 PM and 10:00 PM each day of the electoral campaign, up to 24 hours before the beginning of the voting.

Article 135

Electoral Campaign on Private Radio and Television

1. Private radio and television cover the electoral campaign according to the principles provided in articles 4, 36 and 4 of law no. 8410, dated 30.9.1998, "On Public and Private Radio-Television in the Republic of Albania."
2. During electoral campaigns, private radio and television may transmit electoral advertisements of the political parties which are offered to all political parties participating in the elections at their lowest rates for the requested time period. These rates must have been effective and publicized as of the day of the decree of the elections.
3. Private radio and television may not broadcast more than five minutes a day of advertisements for each political party or independent candidate, for any kind of elections.
4. The broadcast of commercial advertisements during the broadcast of electoral programs by both public and private media is prohibited.

Article 136

Complaints

Electoral subjects may present their complaints to the National Council of Radio Television (NCRT) about irregularities found in campaign coverage by public and private radio and television. The NCRT investigates the complaint and makes a decision within 24 hours about an appropriate remedy.

TENTH PART

ELECTION FINANCING.

Article 137

Financing the Elections

1. The state finances the holding of the elections according to articles 138 and 139 of this Code.
2. The CEC administers the funds designated for the conduct of the elections according to the rules contemplated in this Code.

Article 138

Headquarters, Budget and Staffing of the CEC

1. The headquarters of the CEC is in the capital of the Republic of Albania, Tirana.

2. The budget of the CEC constitutes a separate line in the state budget.
3. The CEC accepts donations that serve the electoral process, without infringing on its independence and authority.
4. The structure and personnel of the administration of the CEC are set by decision of the CEC.

Article 139

Funds at the Disposal of the Political Parties

1. In addition to funds provided to political parties under law no. 8580, dated 17.2.2000, "On Political Parties," political parties that are registered with the CEC according to this Code are entitled to funds from the budget of the state for conduct of elections.
2. The funds designated for the financing of the political parties participating in the election are set by the CEC within 30 days from their approval in the Assembly. The payments are made by the Ministry of Finance after official notification by the CEC about the manner of division of these funds.
3. The funds of the budget of the state for the financing of political parties in the elections are divided as follows:
 - a. 10 per cent of the amount is distributed equally among the political parties registered as participants in the election;
 - b. 30 per cent of the amount is distributed in an equal manner among the parties that currently have deputies in the Assembly, or, as the case may be, members of the councils of the municipalities or communes.
 - c. 60 per cent of the amount is distributed among them in proportion to the number of votes won on the national scale the last elections for the Assembly or in the local elections.
1. After the conclusion of the elections, parties that fail to win more than 2.5 per cent of the votes must return the amounts distributed in advance, according to letters "b" and "c" of point 3 of this article. All funds distributed according to letters "b" and "c" of point 3 of this article are re-distributed after the conclusion of the elections among the parties that won more than 2.5 per cent of the votes, in accordance with the percentage of votes won by each of them.

ELEVENTH PART

APPEALS AGAINST DECISIONS OF THE ELECTION COMMISSIONS

Article 140

Complaints

1. The decisions of a VCC may be appealed within two days of their promulgation to the ZEC or LGEC, as appropriate, which decides on the complaint within two days. An appeal against a decision of a ZEC or LGEC may be taken within two days to the district court of the location of the seat of the commission, which decides within three days. The decision of the district court may be appealed to the court of appeals within three days, which decides within five days. The decision of the court of appeals is final.
2. The decisions of a ZEC or LGEC, except for those contemplated in point 1 of this article, may be appealed within two days of their announcement to the CEC, which decides on the appeal within two days.

Article 141

Appeals to the Constitutional Court and the High Court

1. Decisions of the CEC on the final results of the elections to the Assembly and referenda, as well as decisions on the invalidation, are appealed to the Constitutional Court within three days of being announced. The Constitutional Court examines the appeals and decides within ten days.
2. Decisions of the CEC on the final results of local elections and their invalidation are appealed to the High Court within three days of being announced. The High Court examines the appeals and decides within ten days.

Article 142

Appeals against Decisions of the CEC

1. All decisions of the CEC, with the exception of those contemplated in article 141 of this Code, may be appealed to the Court of Appeals of Tirana within three days of being announced.
2. The Court of Appeals of Tirana examines the appeals and decides within five days.
3. Final decisions of the CEC not to accept a request for a general referendum may be appealed to the Court of Appeals of Tirana within five days of being announced. The Court of Appeals decides within ten days. Its decision is final.

Article 143

Appeals about Voters' Lists

1. Every voter who has not been registered in the voters' lists according to the procedure provided in chapter II of the fourth part of this Code may apply to the district court no later than 30 days before the election. The court decides within two days.
2. Within two days of being announced, the decision of the district court may be appealed to the court of appeals, which decides within three days. The decision of the Court of Appeals is final.

Article 144

Deadlines

All deadlines provided in this part apply only during the time period from the day the date of the elections is announced until three days after the announcement of the election results by the CEC.

TWELFTH PART: RESPONSIBILITIES AND SANCTIONS

Article 145

Responsibility of Persons Charged with the Election Administration

The members of the election commissions and employees of the public administration in the service of these commissions have criminal and administrative liability for violations of the provisions of this Code according to the legislation in force.

Article 146

Voting More Than Once

Voting in the same elections more than once constitutes a criminal infraction and is punishable by fine or up to three months

of imprisonment.

Article 147

Abandoning Duty by Members of Election Commissions

Abandoning duty, without lawful causes, by the members of the election commissions constitutes a criminal infraction, and punishable by fine or from between six months to two years of imprisonment.

Article 148

Administrative Penalties

1. A violation of the provisions of this Code by members of the commissions or by persons charged with duty according to this Code, if it does not constitute a criminal offense, is punishable by a fine of between 3,000 and 90,000 lek.
2. A violation of the rules provided in this Code by public and private radio and television constitutes an administrative infraction and is punishable by a fine of between 100,000 and 500,000 lek.
3. Other violations of the provisions of this Code, when they do not constitute a criminal offense, are punishable by a fine of between 1,000 and 2,500 lek.
4. Penalties for violations under point 1 and 2 of this article are given by the CEC. Penalties for violations under point 3 of this article are given by all election commissions.

THIRTEENTH PART: RETENTION OF RECORDS

Article 149

Retention of Records

1. No records of a VCC, LGEC, ZEC or any other electoral commission may be destroyed without the prior consent of the CEC.
2. All records of a VCC or any other commission established by a LGEC or ZEC are given to the LGEC or ZEC in the same manner and at the time established by the CEC.
3. The LGEC or ZEC retains a copy of:
 - a. the documentation of candidates and political parties taking part in the election;
 - b. the list of names and addresses of all members of a VCC and other commissions;
 - c. the list of voting centers;
 - d. the voters' lists for the electoral units;
 - e. the names and addresses for all members of the LGEC or ZEC;
 - f. the map of the electoral unit showing the boundaries of all polling units;
 - g. a written description of all electoral unit boundaries;

- ë) the decree setting the date of the elections, official election notices issued by the LGEC or ZEC, the announcement of results for each voting center and the final declaration of results; and
- f. a statement of the costs incurred for the administration of the elections.
1. The original documents referred to in point 3 of this article are forwarded to the CEC within three months of the declaration of the election results. The CEC retains one copy and within twelve months after the official declaration the election results by the CEC forwards the original documents to the Central State Archives in the manner required by it within 12 months after the declaration of the final results of the elections.
 2. Immediately following the declaration of results by the LGEC or ZEC, the commission forwards to the CEC in the manner directed by it all sealed ballot boxes containing official records, the seal of the commissions, ballots used at the election and unused ballots.
 3. On receipt of all ballot boxes and unused ballots, and after the time allotted for appeals pursuant to point 5 of article 113 of this Code, the CEC opens all ballot boxes, removes all official records, including tabulations and ballot account statements, and forwards them to the Central State Archives in the manner required by the archives. All ballots and ballot stubs then are destroyed by fire under the supervision of the CEC.

FOURTEENTH PART: TRANSITIONAL AND FINAL PROVISIONS

Article 150

Mandate of Members of the CEC and Financial Effects

Article 17 of this Code may not be interpreted to affect the validity of the appointments of the CEC members made before the effective date of this Code. The mandate of members of the CEC appointed before the effective date of this Code, as well as the financial effects connected with the organization and operation of the CEC, begins from the moment this Code enters into force.

Article 151

First Meeting of the CEC

The President of the Republic calls the first meeting of the CEC by decree within 15 days from the effective date of this Code at which the chairman of the CEC is elected in accordance with article 27 of this Code.

Article 152

Local Elections of the Year 2000

1. The mandate of the mayors of municipalities and communes and local councilors elected in the year 1996 expires with the first meeting of the local council elected in the year 2000 in the respective municipality or commune, which takes place no later than 20 days from the end of the elections.
2. The local elections of the year 2000 are held no later than November 1, 2000.
3. For the local elections of the year 2000, the voting centers open at 7 AM. and close at 6 PM.

Article 153

LGECs and VCCs for the Local Elections of the Year 2000

1. Notwithstanding point 1 of article 38 and point 1 of article 43, for the local elections of the year 2000, the LGEC and VCC shall consist of the chairman, vice chairman and up to five members appointed respectively by the CEC and the LGEC on the proposal of the seven political parties that won the most votes nationwide in the local elections of 1996.
2. The members of the commissions shall meet all the requirements contemplated in this Code.
3. The CEC (LGEC) appoints the chairman and vice chairman of the LGEC (VCC) on the basis of proposals made by the LGEC (VCC). The candidates for chairman and vice chairman of the LGEC (VCC) are proposed by the two political parties that won the most votes nationwide in the local elections of 1996.
4. For purposes of the application of this article the number of votes won nationwide by coalitions of parties is divided equally between the parties of the coalition, except when there is an agreement about this between them.

Article 154

Preparation of the First National Registry of Voters

1. For the local elections of the year 2000, the Council of Ministers, through the organs of local government and the offices of civil status, prepares the preliminary National Registry of Voters and delivers it to the Directorate of Registration of Voters of the CEC no later than August 25, 2000.
2. The CEC sends to each LGEC, no later than August 28, 2000, a copy of the preliminary voters' lists for the respective electoral unit drawn from the National Registry of Voters. The provisions of chapter II of the fourth part are followed to the extent possible, for these elections, with the following exceptions:
 - a. The period for the revision of the voters' lists ends 17 days before the date of the elections, and after this the LGEC forwards the revised voters' list to the CEC;
 - b. After approving, the CEC sends the final voters' lists to the LGEC drawn from the National Registry of Voters no later than seven days before the date of the elections.
1. Until the creation of the National Registry of Civil Status, the CEC prepares the voters' lists for subsequent elections on the basis of the voters' lists of the preceding elections, which are updated by the offices of civil status. The provisions of Chapter II of the Fourth Part of this Code are also applied, by analogy, for these elections.

Article 155

Voting with an Identification Document

For the local elections of the year 2000, voters who have not been provided with a voter card may vote with a document of identification with a photograph issued by the offices of civil status, according to the instructions issued by the CEC.

Article 156

CEC Informational Programming

1. After the entry of this law into effect, the Steering Council of Public Radio and Television sets aside four hours of television and radio broadcast time for CEC informational programming, which informs the public about voter registration, the issuance of the voter card and the provisions of this Code.
2. The four hours of free time are used prior to the setting of the date of the elections. They are not part of the time provided to the CEC during the election period.

Article 157

The First Electoral Zone Boundary Commission

1. The first Electoral Zone Boundary Commission is created and functions in accordance with articles 68 through 73 of this Code, except for the following:
 - a. The Commission uses the National Registry of Voters as certified by the CEC for the local government elections of the year 2000.
 - b. The Commission is formed no later than September 1, 2000.
 - c. The final report to the Assembly is submitted no later than January 15, 2001.
 - d. The law on electoral zones is approved by the Assembly no later than February 28, 2001.
1. If the Assembly has not approved the law on electoral zones within the term contemplated in point 1 of this article, the President of the Republic establishes the electoral zone boundaries in accordance with the final report of the Electoral Zone Boundary Commission. The boundaries established according to this point remain in effect until their next review in accordance with article 68 of this Code.

Article 158

The ZECs and VCCs for the Elections of the Year 2001

1. Notwithstanding point 1 of article 32 and point 1 of article 43, for the elections to the Assembly of the year 2001, the ZEC and the VCC shall consist of the chairman, vice chairman and up to five members appointed by the VCC and ZEC, respectively, on the proposal of the seven political parties that won the most votes nationwide in the elections for the Assembly of the year 1997.
2. The members of these commissions shall meet all the requirements contemplated in this Code.
3. The CEC (ZEC) names the chairman and vice chairman of the ZEC (VCC) on the basis of proposals made by the ZEC (VCC). The candidates for chairman and vice chairman of the ZEC (VCC) are proposed by the two political parties that won the most votes nationwide in the elections of 1997.
4. For purposes of the application of this article, the number of votes won nationwide by coalitions of parties is divided equally between the parties of the coalition, except when there is an agreement between them about this.

Article 159

Substatutory Acts of the CEC

The CEC issues regulations and instructions for the implementation of this Code.

Article 160

Repeals

Law No. 7556, dated 4.2.1992, "On the Elections to the People's Assembly"; law no. 7573, dated 16.6.1992, "On the Elections to the Organs of Local Government"; law no. 7866, dated 6.10.1994, "On Referenda," with all their respective amendments and supplements; and any other provision that conflicts with this Code are repealed.

Article 161

Effective Date

This Code enters into force 15 days after its publication in the Official Journal.

VICE CHAIRMAN

Namik Dokle

SOURCE: IFES

ESSEX - ESRC

Joint Project Essex- IFES- ACEEEO

Elections in Central and Eastern Europe: Results and Legislation

Joint Project of the University of Essex, IFES and ACEEEO

Created by Marina Popescu

Last updated September 18, 2000

Please send your comments and suggestions to elect@essex.ac.uk

APPENDIX B

IFES/CEC AGREEMENT 2000

**AGREEMENT BETWEEN THE
INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS
AND THE
CENTRAL ELECTION COMMISSION OF ALBANIA**

CONDITIONS OF AGREEMENT

1. This agreement outlines the areas of support provided to the Central Election Commission (CEC) of Albania by the International Foundation for Election Systems (IFES) and formalizes cooperation between the CEC and IFES.
2. This agreement becomes effective on the date of signing by the President of IFES and the Chairperson of the CEC and expires on November 30, 2000.
3. By mutual agreement of the parties, this agreement can be amended and extended for a period not to exceed 12 additional months based on financial and project considerations.
4. Both parties to this agreement may cancel the agreement, with 30 days notice, by means of written notice to the signator of this agreement of the other party.
5. IFES reserves the right, in consultation with the CEC to seek the assistance from national and international nonpartisan election organizations and service providers to assist in the fulfillment of the responsibilities of IFES under this agreement.
6. The CEC reserves the right, in consultation with IFES, to seek the assistance from national and international nonpartisan election organizations and service providers on issues covered by this agreement.
7. All costs associated with the fulfillment of the terms of this agreement are assumed by the responsible party.

TERMS OF AGREEMENT

Under this agreement IFES agrees to:

1. Maintain an office in Albania during the life of this agreement as determined by USAID.
2. Provide advice and support to the CEC in the following areas:
 - Organization, structure and administrative requirements of the CEC
 - Development of an election budget, identification of necessary election supplies and potential international community financial and supply donors
 - Establishment of a field communication and distribution system
 - Drafting regulations and procedures in conformity with the new electoral code
 - Preparation of manuals and training modules for Local Government Election Commission members and election day officials
 - Preparation of a candidate and political party guide to the new electoral code
 - Preparation of a civic education program to be conducted by the CEC prior to and during the local government election period
 - Management of the computerized national voter list
 - Development and function of the independent Electoral Zone Boundary Commission to be created by September 1, 2000 in accordance with the new electoral code
 - Other items as mutually agreed to.
3. IFES will undertake to advise on and contribute to the cost of the production of voter education materials, manuals and training modules produced in accordance with this agreement and after approval of the CEC.

Under this agreement the CEC agrees to:

1. Designate one member of the CEC to work directly with IFES in each of the following areas:

- Administration and material distribution
 - Regulations
 - Civic education including training
 - Voter registration and operation of the computer data centre
2. Provide IFES with full access to CEC staff and other resources/material of the CEC required in the fulfillment of IFES' responsibilities under this agreement.
 3. Provide written approval for the content and materials developed and produced by IFES in accordance with this agreement.
 4. Actively participate in the development and delivery of voter education materials including training of election officials, public meetings, television and radio programs as developed for the voter education program during the pre election, election and post election period.

Richard Soudriette
President
IFES

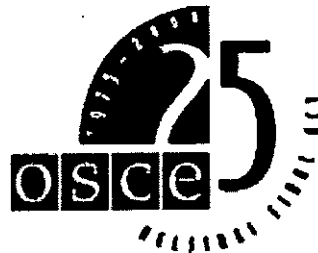
Fotaq Nano
Chairperson
Central Election Commission

Date

Date

APPENDIX C

OSCE/ODIHR REPORT ON 2000 LOCAL ELECTIONS IN ALBANIA



Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

LOCAL GOVERNMENT ELECTIONS
1 and 15 October 2000

FINAL REPORT



Warsaw
11 December 2000

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I. EXECUTIVE SUMMARY

The 1 and 15 October 2000 local government elections in Albania marked significant progress towards meeting the standards for democratic elections formulated in the 1990 OSCE Copenhagen Document. In contrast with previous occasions, these elections took place in a tense but remarkably peaceful atmosphere, with only a few isolated incidents of violence reported during the campaign and election days. This was a reflection of restraint exercised by political parties and important measures undertaken by the Government to improve public order.

Legal Framework - Following the 1997 crisis, the authorities of Albania undertook an ambitious programme of reforms, including a new constitutional, legislative, and administrative framework that made substantial progress towards improving State structures and meeting international standards for democratic elections. However, the Albanian political scene remains highly polarized, and the reforms were used by the main political parties for campaign rhetoric, with the opposition Democratic Party (DP) rejecting most of the reforms and often resorting to boycott of national institutions. While a new Electoral Code, the result of multiparty roundtable discussions with the participation of international experts, in general provides a sound basis for democratic elections the parliamentary majority introduced some inconsistent transitional provisions that substantially changed the political balance on election commissions.

Election Administration - The administrative framework for these elections was problematic. The appointment of election commissions at all levels was contentious, causing delays in an already tight time frame. The Central Election Commission's (CEC) performance was hampered by shortcomings and lack of independence. In addition, errors and omissions in a new voter register presented another challenge. The CEC took some steps to address these problems and the overall impact did not affect the outcome of the election.

Campaign and Media - The electoral campaign for the 2000 local elections was considered by all parties to be the most peaceful campaign in Albania since 1991. For the first time, a broad spectrum of media offered voters a wide range of information. The public broadcaster provided free airtime to all election contestants in accordance with the law, and increasingly fair coverage as the campaign progressed. The private media, however, continued to provide highly biased and less than professional coverage.

Voting and Counting - During both rounds, voting was carried out in an orderly manner, commissions generally administered the procedures correctly, and police conduct was appropriate. Some irregularities were noted, but none seemed significant enough to impact the general outcome. The counting of the results was also generally done in accordance with the law. After the first round, the handling

of complaints by the election commissions and the courts was inadequate and did not provide effective means of redress. The CEC's announcement of the results after the first round was slow and incomplete, and, between rounds, it did not take action to remedy some of the shortcomings observed on 1 October. In addition, the withdrawal of a number of Democratic Party (DP) candidates between rounds following a call to boycott from the DP national leadership caused confusion. This was made worse by the absence of a deadline for candidate withdrawal.

In Himara, the end of the campaign was marred by nationalist rhetoric in relation to the Greek-speaking community, reported at length in the local and national media even on election day, in an environment of increased tension with a neighboring country. On second round election day, the situation was marked in this constituency by some serious irregularities, which to this date have not been sufficiently addressed by the CEC.

Recommendations - In view of the above, OSCE/ODIHR recommends that a number of improvements should be considered, the most important of which are:

- The relationship between the CEC and other State bodies, such as Ministries, local government administration and Prefectures should be clearly regulated.
- The CEC should adopt internal rules of procedure to increase its efficiency and the transparency of its work. It should also adopt regulations and instructions to complete, and in some cases replace, those adopted in relation to the 2000 municipal elections.
- The CEC should re-organise its administrative services towards more efficient and operational units, in line with modern management techniques, and ensure that training of election commissions at all levels be improved and conducted in a timely manner.
- The CEC should develop its technical capacity to manage voter registration with the assistance of international support. A voter education programme should be launched immediately to inform citizens of the need to update their entry in the register to ensure that they will be able to vote at the parliamentary elections in 2001.

The OSCE/ODIHR stands ready to work closely with the authorities in addressing these and other concerns and recommendations contained in this report.

II. INTRODUCTION AND ACKNOWLEDGMENTS

In accordance with its commitments as an OSCE participating State, the government of Albania invited the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to observe the 1 October 2000 local government elections.

On 25 August, following a Needs Assessment Mission, the OSCE/ODIHR established an Election Observation Mission (EOM) in Albania headed by Eugenio Polizzi (Italy) and comprising a core staff team of eight experts. At the beginning of September, the EOM deployed 11 long-term observers (LTO) throughout the country to follow the election campaign and the administrative preparation. On 1 October, the EOM deployed 251 short-term observers (STO) from 26 OSCE participating States who monitored polling and counting in over 900 of the 4,578 voting centres. On 15 October, 80 STOs from 18 OSCE participating States monitored polling and counting in over 300 voting centres.

On 2 and 16 October, the EOM issued statements of preliminary findings and conclusions. The EOM closed on 20 October, although two core team members remained in country for another week to follow-up a number of complaints, including those in the municipality of Himara.

The OSCE/ODIHR wishes to thank Ambassador Ahrens and the OSCE Presence for extensive logistical and political support to the EOM. The EOM is particularly grateful for voluntary contributions received from the Governments of Denmark, Germany, Italy, the Netherlands, Norway and Switzerland, which ensured that the EOM was able to remain in country to monitor the second round.

The OSCE/ODIHR wishes to thank the Albanian authorities, in particular the CEC for its assistance and co-operation throughout the observation mission.

III. THE POLITICAL CONTEXT

The 1 October elections were marked by the deep polarisation of Albanian politics, stemming from past elections and the aftermath of the 1997 crisis. Indeed, the political scene in Albania remains dominated by the two main political rivals, the governing Socialist Party (SP) and the opposition Democratic Party (DP). During the past decade, the fortunes of SP and DP have shifted dramatically from one election to another. The local government elections thus gained additional significance, being viewed by all political parties as a test for the 2001 parliamentary elections. This polarisation, which manifest itself in the campaign, was all the more regrettable as the 1 October polls were to elect mayors and councillors of local government bodies, with increased powers and responsibilities. Fortunately, candidates in the field often competed on local issues, in contrast to national party leaders in Tirana.

Due to the deep-rooted political rivalry between SP and DP, even the legal foundation of the State, i.e. the Constitution and main institutions, remain highly disputed. Since 1997, the Albanian authorities undertook significant measures to reform State structures and the electoral framework. This included the adoption of a new Constitution and Electoral Code, and the introduction of a computerised national voter register. In addition, an ambitious programme of decentralisation was started with the intention of giving representatives of municipalities and communes enhanced powers.¹ In general, these new instruments made substantial progress towards improving State structures and meeting international standards for democratic elections formulated in the 1990 OSCE Copenhagen Document. Regrettably, shortcomings in the implementation of these reforms were used by the main opposition party to denounce the whole election process. Calls mostly by the DP to boycott some of the newly-established local councils could create further difficulties in the development of healthy, competitive politics and institutions at national and local level.

IV. THE LEGAL FRAMEWORK

A. GENERAL OUTLINE

Domestic and international experts assisted the Albanian authorities in adapting the relevant legislation to meet internationally recognised standards set out by the principles of the 1998 Constitution. Following four-week long multi-party roundtable discussions held with representatives of the Council of Europe (CoE), International Foundation for Election Systems (IFES), United States Agency for International Development (USAID) and the OSCE, the Assembly of the Republic of Albania finally adopted the Electoral Code on 8 May 2000, incorporating last minute amendments introduced by the SP-led Parliamentary majority.

The Electoral Code provides a sound framework for competitive elections, and is an improvement over previous electoral legislation in Albania. However, some inconsistent transitory provisions, introduced late in the process without prior discussion in the roundtable and contrary to the advice of many domestic and international experts, are of concern, particularly those modifying the composition of lower-level election commissions.

The Central Election Commission composition, regulated by the Constitution, and the early appointment of six CEC members before the approval of the Electoral Code, led the DP to reject the Code in its entirety and boycott its adoption in Parliament, even though it had participated in most of the multiparty roundtable discussions.

B. LOCAL GOVERNMENT ORGANS

The local government organs to be elected were Commune and Municipal Councils, bodies of first level local government and Commune Mayors and Municipality Mayors (hereafter mayors), and executive organs of the bodies of first level local government. Municipalities are mainly cities and towns, while communes are, in general, rural villages. The distinction is not a rigid one, and depends also on history.² Each council is formed by a different number of councilors, depending on population, ranging from 13 in small communes to 55 for the Tirana metropolitan area.

Altogether, elections were held in 385 constituencies to choose 65 municipal councils, 309 Commune councils and 374 (65+309) mayors. Additionally, in Tirana, 11 mayors and councils were elected in newly established municipal units within the metropolitan city of Tirana. Elections did not take place for Regional Government organs, also provided by the Constitution, as they are not elected by direct popular vote, but selected from the councils of the municipalities and communes that comprise the region.

C. THE ELECTION SYSTEM

Mayors are elected using the majority system, in single member constituencies.

Electoral subjects can field only one candidate for each constituency, and the candidate who wins more than half of all valid votes, is elected. If no candidate wins an absolute majority, run-off elections take place between the two candidates who have secured the most votes in the first round. In the second round, the candidate who wins most votes is elected. Councils are elected on the basis of multi-name lists, submitted by political parties or coalitions, as well as on the basis of individual independent candidacies. Mandates are allocated according to a proportional system (Hare quota with largest remainder).

V. PRE-ELECTION PHASE

A. STRUCTURE OF THE ELECTION ADMINISTRATION

The Electoral Code provides for a three-tiered administration for local elections: a Central Election Commission (CEC), 385 Local Government Election Commissions (LGEC) and approximately 4,760 Voting Centre Commissions (VCC).

The CEC is a largely autonomous body with separate budget and broad powers. It is responsible for maintaining the national voter register, appointing members of LGECs and supervising their performance, introducing uniform election practices, serving as an appeals body and imposing administrative penalties in cases of administrative offences. Working in close co-operation with various Governmental administrations, it is also responsible for all electoral logistics.

LGECs administer the elections in the constituencies. They are responsible for posting, revising and approving the voter list in their respective commune or municipality, registering candidates and party/coalition lists, appointing VCCs, declaring the result and ruling on appeals against VCC decisions.

VCCs are responsible for the conduct of the elections in their voting centres as prescribed by the Electoral Code and in accordance with CEC instructions.

B. COMPOSITION OF ELECTION COMMISSIONS

As in all previous Albanian elections, the **CEC composition** was a very sensitive and controversial issue. Although the new CEC held its first formal meeting on 12 June 2000, six out of the seven members required by the new Constitution were appointed by the summer of 1999, well before the approval of the new Electoral Code. This created considerable controversy. Refusing to recognize the 1998 referendum on the Constitution and the legitimacy of the CEC, the DP declined to suggest any acceptable candidates and insisted on returning to the previous CEC composition, whereby ruling and opposition forces enjoyed equal representation. This resulted in endless political disputes.

After prolonged talks among high-level State authorities and the main political parties, under the mediation of the OSCE Presence, two members of the CEC eventually resigned in the first week of April 2000. This left three vacancies altogether. Still, the DP refused to agree to acceptable candidates. Two of the three vacant positions were filled in early June when the President nominated someone formerly affiliated with the small opposition National Front Party and the High Council of Justice nominated a Tirana-based lawyer. On 24 June, Parliament elected a Shkodra-based law professor also close to the opposition, to the remaining vacant position. The DP closely monitored CEC activities, appointing a non-voting representative.

Despite the constitutional stipulation that the CEC should be an independent and non-partisan body, five of its members are close to the Government coalition. In this context, the election of Fotaq Nano, a family relative of the SP Chairman, to the position of CEC Chairman only reinforced the perception of political and personal ties linking the CEC to the ruling coalition. Also the appearance of the Deputy Chairperson at a SP rally during the election campaign prompted new accusations of bias.

Article 38 of the Electoral Code regulates the establishment and composition of **Local Government Election Commissions (LGECS)**. However, for these elections, the transitory provisions of article 153 applied. Members were appointed by the CEC based on proposals submitted by the seven political parties that won the most votes *nationwide*, as opposed to locally, in the local elections of 1996. As a result, all LGECS were to include four members representing Government coalition parties, and three opposition representatives. Since the seven parties did not nominate representatives to all 385 LGECS, these commissions occasionally had a different composition within the minimum of four members required for a quorum.

Voting Center Commissions (VCCs) are composed of a chair, a deputy and up to five additional members, all nominated by the same seven political parties represented on LGECS. The secretary of the VCC is appointed by the LGECS and serves as a non-voting member. The chair and the deputy represent the SP and DP, or vice versa.

Political parties and independent candidates not represented in the commissions, but registered with the CEC, may designate a non-voting member to election commissions at all levels, with the right to monitor and participate in meetings.

C. PERFORMANCE OF THE ELECTION ADMINISTRATION

The CEC was hampered by initial under-staffing and inexperience. Local commissions in particular lacked clear guidelines and training. The CEC lacked proper rules of procedure and failed to implement the few rules already provided by the Electoral Code. The lack of proper appeals and complaints procedures was a particular concern and, with deadlines already tight, led to delays and confusion.

The CEC adopted decisions in informal meetings and unnecessarily delayed their publication. Political parties, candidates and voters were poorly informed of these decisions, especially in the regions. Such practices had a negative impact on the transparency and uniformity of election administration. Moreover, the CEC failed to take even simple measures to ensure transparency. It neither produced a clear and public meetings schedule, as stipulated in the Electoral Code, nor meetings agenda. It also did not introduce a procedure to notify all interested parties of any extraordinary meetings, or rules of procedure for taking decisions on various issues. Furthermore, decisions were not publicised or recorded, and on several

occasions, despite specific provisions of the Electoral Code, the announcement of important decisions was delayed. Once published, written decisions sometimes differed from what had been adopted during CEC sessions.

The CEC relied almost entirely on the Government and Prefectures for logistical support, even for communication with LGECs. Although this is not unusual, it was not sufficiently regulated to ensure transparency and prompted allegations of undue influence. Also, the training programme and VCC manual prepared by IFES was not used adequately by the CEC.

The constitution of LGECs was a protracted process, hampered by the following difficulties:

1. The inability of parties to nominate members for all LGECs within time limits;
2. The occasional registration of nominated or appointed members as candidates, resulting in vacancies; and
3. The exclusion of approximately one third of the secretaries of communes and municipalities, and *ex officio* secretaries of LGECs from serving as LGEC secretaries due to their registering as candidates.

In addition, the DP threatened not to participate if their representatives were systematically excluded from chairing LGECs. CEC Instruction No 4/2000 determined that LGECs should meet by 30 August and propose, by secret vote, the name of the chairperson, as the transitory provisions are unclear on this matter. However as only 111 Chair/Deputy Chairpersons had been appointed by 2 September, the CEC decided to distribute the rest under a ratio of 60 percent DP and 40 percent SP, so that the two major parties received approximately equal number of LGEC Chairs. The designation process was completed by 4 September, although over 100 LGEC member positions remained vacant, mostly due to delayed nominations from the United Right coalition.

The appointment of the VCC members was also difficult. CEC Instruction No 13/2000 was approved on 19 September and confirmed a 50/50 distribution of VCC Chairs between SP and DP. However, the CEC Chair only signed the instruction on 24 September, meaning that it only became publicly available five days before election day. In several cases, including Vlora and Durrës, LGECs had already appointed SP nominees to all VCC Chairs. Reversing this decision proved difficult, and at times was impossible.

While multiparty commissions enhanced transparency, partisan commission members at times used their position on LGECs and VCCs to obstruct the election administration. Furthermore, concerns were raised about the political balance of

local election commissions.

Between the two rounds of elections, the CEC did not take appropriate steps to remedy some of the shortcomings observed on 1 October. It did not provide lower-level election commissions with additional training and information on how to address inaccuracies in the voter lists, invalid ballot papers and election complaints.

D. THE NATIONAL COMPUTERISED VOTER REGISTER

In accordance with the new Electoral Code, a national computerised register of voters was established for the first time in Albania. Assisted by the international community through a UNDP Electoral Assistance Project, in which IFES, OSCE and other bi-lateral donors participated, computerised lists of the civil registers were compiled by the Social Insurance Institute. These were updated by the civil status offices and through door-to-door enumeration undertaken by multi-party enumeration teams. Both the Albanian Government and international project partners launched civic education campaigns to familiarise the Albanian public with the new registration exercise.

The voter registry database (VRD) was established, maintained and updated by the Finance Information Center (FIC), a government institution. Upon completion of data entry from the enumeration forms, the VRD contained an unrealistically high number of records, exceeding 3.5 million. Later, by freezing the records of citizens not found at home during the enumeration and who were not declared as emigrants, the number of records in the preliminary voter list was reduced to approximately 2.4 million. However, no document authorising this act was ever made available by the Albanian authorities. This freezing of so-called "L"-marked records was denounced by the opposition as a political conspiracy, designed to deliberately disenfranchise DP voters.

The decision not to include the "L" marked records was an inadequate answer to compensate for the inability to purge the database of duplicate records within the given timeframe and avoid double or triple registrations in the final voter list. Indeed, packs of similar records potentially referring to the same person were identified and grouped together. However, no guideline was provided to determine which of these records should be considered, and by whom, as the correct entry for inclusion in the final voter list. For example, no reliable auxiliary database was available to cross-check the voter registry database against the database of most frequently-used Albanian names or updated addresses.

On 9 September, the CEC stated that the names of all eligible voters included in the civil registers would be entered in the voter lists, regardless of whether or not they had been checked through the door-to-door enumeration visits, or whether they were emigrants or people who had moved without notifying the relevant authorities

of their new residence. Each voting centre was thus provided with a list divided into two separate parts, part A containing the final revised list of registered voters, and part B, a complementary list of voters who were not interviewed during the door-to-door enumeration, and not included in the register. All citizens who found their name in either part of the list, would be entitled to vote. Given the potential for multiple registration, and therefore multiple voting, the CEC introduced the inking of voters' thumb on election day. This was a far-reaching and positive measure to avoid potential voter disenfranchisement.

In line with the Electoral Code, permanent voter identification cards bearing a unique number matching that of the voter's entry in the register and a photograph were to be distributed to voters. However, due to time constraints, only about half of the cards were issued in time for the 1 October elections, an estimated 30-40% of which were inaccurate. However, as a result of a transitory provision of the Electoral Code, voters were free to vote with any other identification document bearing a photograph (domestic or international passport, birth certificate, etc.). At the 2001 parliamentary elections, only registered voters in possession of a voter card will be allowed to cast their ballot.

E. REGISTRATION OF PARTIES, CANDIDATES AND MULTI-NAME LISTS

In an open process, a total of thirty five political parties and one coalition, the United Right, were registered by the CEC, along with 2,232 candidates and 2,360 lists. However, few candidates met the 8 September deadline. Mayoral candidates experienced the greatest difficulties, as each nomination had to be signed by the *national* party chairman, a time consuming process, especially for mayors of small and remote communes, which was exacerbated by the late establishment of LGECs. In view of this, the CEC postponed the deadline and accepted candidate applications until Monday 11 September, the end of the verification period.

The CEC approached the issue of complaints and appeals related to candidate registration very liberally and almost all plaintiffs had their candidates registered. However, the CEC confused the process by extending the right to submit candidate nominations to local party chairmen, without issuing clear and written instructions to LGECs. A number of LGECs rejected candidates, mostly from smaller parties, nominated by local party chairmen and some LGECs failed to transfer registration documentation to the CEC. The Agrarian Party, the Republican Party (RP) and the Union for Human Rights Party (UHRP) claimed that, as a result of this confusion, although being duly registered at LGEC level, some of their representatives did not appear on the ballot papers. In a number of areas, including Ksamil (Saranda), Permet and Gramsh, the parties even filed a complaint with the CEC to annul the election, and in at least two cases, the CEC admitted that names of candidates registered in the communes of Balagat and Ksamil were left off the ballot. While the RP notified the EOM that the CEC had not officially responded to their

complaint, new elections were held in these constituencies on 15 October.

VI. CAMPAIGN

A. GENERAL FEATURES OF THE CAMPAIGN

The electoral campaign for the 2000 local elections, which started officially on 1 September, was considered by all parties to be the most peaceful campaign in Albania since 1991. Candidates were generally able to campaign in all parts of the country, even in areas that were traditionally considered to be strongholds for their opponents. Overall, the police reacted appropriately, despite allegations of isolated incidents of harassment.

The campaign between the two largest parties, the SP and the DP was unfortunately dominated by mutual accusations of vote stealing and falsification of the voter list, the latter becoming the main topic in the run-up to the first round, overshadowing any existing programmatic differences between the two parties. Smaller parties complained about the extremely polarised political climate and perceived that they were excluded from the election administration, as a result of an unwritten power sharing agreement between the SP and DP. They also felt the regulations on campaign financing, which strongly favours larger parties, and the overwhelming coverage of SP and DP activities in both public and private media, perpetuated the existing two-party system.

There was a sharp difference in the campaign rhetoric of national party leaders and local candidates, who mostly campaigned on local issues and generally respected each other. While agreements on campaign ethics were signed in several municipalities (Korca, Tepelena, Shkodra) by competing candidates, even those representing SP and DP, national party leaders often counteracted these local initiatives and resorted to inflammatory language and personal attacks.

Despite the more peaceful nature of the campaign, a few isolated campaign-related incidents did take place:

- The Deputy Speaker of Parliament and Deputy Chairwoman of the DP, Jozefina Topalli, was ambushed and threatened by armed men when returning from a campaign event near Vlora.
- The Deputy Prime Minister, Makbule Ceko (SP), was prevented by armed men from entering the village of Lazarat, Gjirokaster Prefecture, for a campaign event.
- One day before a scheduled visit of SP Chairman Fatos Nano to Bajram Curri, a bomb exploded in the town; the visit was postponed and then cancelled.
- During a campaign rally of DP Chairman Sali Berisha in Fier, a person was arrested in the crowd, armed with a grenade.

A number of parties also alleged that some of their candidates were forced to resign, after experiencing intimidation, reportedly including threats relating to loss of employment, threats against family members and direct physical attacks. However the EOM has no evidence that such incidents took place.

B. CAMPAIGN FOR THE SECOND ROUND

Considering that the DP won more than 80% of the communes in the last local elections in 1996, the results of the first round were deemed a setback for the party. DP leaders immediately attributed the poor results to manipulations by the SP and announced that the DP would not accept the elections in those constituencies where they had proof that irregularities and fraud had taken place.

As a protest against the alleged manipulations, the national leadership of the DP threatened not to participate in the second round unless the CEC was changed, the voter lists updated and the election date postponed. Both the CEC and the government rejected these decisions. As a result, the DP did not fully participate in the second round. In spite of an explanation by the DP Chairman to the EOM, that the party decision did not prevent individual candidates from running in the second round, by 15 October, approximately a quarter of all DP candidates, including all DP candidates for the 10 boroughs of Tirana, had withdrawn. This caused confusion amongst election officials and voters. The process of withdrawals was disorderly with many LGECs refusing to accept resignations and others not functioning. As the CEC argued that the resignations were illegal, the second round elections proceeded without any changes to the ballot papers. Several other parties, especially the Republican Party and the Union for Human Rights Party, also announced that they would not accept the results in those constituencies where their candidates were not registered or had not appeared on the ballot papers in the first round.

Overall, campaign activity between the rounds was low key, and, for the most part, took place in a calm and peaceful atmosphere. The SP was the only party to launch a high-level campaign for the second round elections, and as the DP did not fully participate in the run-offs, the competition was rather one-sided. As a result, and although the majority of second rounds featured contests between SP and DP candidates, the focus shifted in certain constituencies to local competitions between the SP and its national junior coalition partners. In Himara, an unusual coalition, coined "Alliance of the Nation" comprising all other political forces, including the DP, supported the SP candidate and resorted to inflammatory speeches in its campaign against the candidate of the Union for Human Rights Party (UHRP). As a result, the last days of the campaign were marred by inflammatory speeches and nationalistic rhetoric (see Section IX).

VII. MEDIA COVERAGE OF THE CAMPAIGN

A. MEDIA SITUATION IN ALBANIA

The Albanian media scene is changing rapidly. New television and radio stations are constantly appearing, broadcasting licenses are in the process of being allocated to private radio and television stations and the public television broadcaster TVSH is undergoing transformation. In general, and with the exception of *Tele Norba SH* and *Top Albania Radio* that have modern studios and technology, the quality of programmes is not high, and a blatant lack of respect for copyright laws is apparent.³

A total of 30 local newspapers and 10 national dailies are published in Albania. with the exception of the *Albanian Daily News*, poor financing puts into question their independence from economic or political powers. Moreover, research by the *Albanian Media Institute* shows that 62% of the population has a negative opinion of the role of the press in Albanian society.

B. MEDIA REGULATIONS FOR THE 2000 ELECTION CAMPAIGN

The laws governing the media and freedom of expression in Albania reflect progress compared with previous legislation. The Electoral Code stipulates that the public broadcaster for radio and television (RTSH) is obliged to allocate free airtime to electoral subjects participating in the campaign and all radio and television stations are required to offer political parties the possibility to broadcast electoral spots at the lowest rates for the requested time period. As with RTSH, private radio and television is bound by general criteria of pluralism, objectivity and correctness of information. However, legal provisions in this area are vague and do not provide specific guidelines for private media in terms of their campaign coverage of news and information programmes.

C. EOM MEDIA MONITORING AND FINDINGS⁴

The purpose of the EOM's media monitoring activity was two-fold: to assess the application of the laws regulating media coverage of the campaign; and to assess the general standards of media information against the criteria of fairness, pluralism and impartiality.

The team analysed five national and independent newspapers (*Shekulli*, *Gazeta Shqiptare*, *Albania*, *Kohë Jonë*, 55), using quantitative analysis to monitor the allocation of time and space dedicated to political subjects and the campaign, and qualitative analysis to assess the tone of the information provided.⁵ National and local television were also monitored. The EOM recorded the public television channel (*TVSH*), generally considered pro-Government and favouring the Socialist Party, and one of the most important private channels, *TV Shijak*, considered to be close to the Democratic Party, seven days a week, eight hours a day from 16:00 to midnight. In addition, the EOM monitored the main evening news on four local television channels: *TV 6+1* in Vlora, *TV 1 Shkodra* and *TV Rozafa* in Shkodra,

and *TV Antenna Jug* in Gjirokaster.

The media played a major role in the pre-election campaign both at national and local levels. For the first time, a broad spectrum of media outlets offered voters a wide range of information. In general, electoral and campaign issues were widely reported, particularly prior to the first round. The generally less aggressive tone of the campaign was reflected in both electronic and print media. The media also reflected the polarisation between SP and DP, with newspapers dedicating more than 50% of their coverage to the two main parties' campaigns, and less than 50% to the other 33 parties. Prior to the second round, the time given to candidates and the campaign was limited, as the media preferred to concentrate on broader political issues such as the threat of a DP boycott and the situation in Himara. Few media outlets could be considered independent. In some cases, a pronounced editorial policy and support for one party or another was clearly visible. The media often magnified the inflammatory tone used by the main national leaders during the political campaign. In particular, this was the case for the party press in which the quality of information provided was poor and often distorted. Coverage of the CEC was often quite critical.

The public television station, *TVSH* showed significant progress towards fair and pluralistic coverage of the campaign. Free airtime devoted to parties and candidates running in the election were allocated largely in accordance with the Electoral Code and provided viewers with a wide range of information on the various political actors and issues.⁶ For the second round, *TVSH* gave overwhelming but neutral coverage to the Socialist Party.

The private media was less professional and more biased, devoting most of their time to the two main political parties. For example *TV Shijak's* coverage of the campaign clearly favoured the DP. In addition, the channel broke the Electoral Code several times, broadcasting more than the five minute-spots allowed by law per party per day. However it did broadcast paid electoral spots submitted by the SP, and in collaboration with USAID, produced five voter education spots encouraging people to vote, which were distributed free of charge to other channels.

Some local TV channels also violated the media provisions of the Electoral Code. *TV Rozafa* broadcast an interview with an Austrian official, present at a DP rally in Shkoder, and *ATN 1* broke the campaign silence. The National Council for Radio and Television immediately requested that *ATN 1* be fined 500,000 lek, but the CEC never reacted. The coverage of the electoral campaign on *TV 6+1* and *TV 1 Shkodra* appeared more balanced and pluralistic, while limited data for *TV Antenna Jug* indicates that the channel mostly covered the main parties.

Some television channels, in collaboration with the National Democratic Institute

(NDI) and USAID, organised televised debates between candidates. This new experience for Albania seemed popular with the electorate. However, several parties complained that most debates featured only the candidates from the two main parties.

VIII. OBSERVATION OF VOTING AND COUNTING IN THE FIRST ROUND

A. THE VOTING

Elections were scheduled to take place in 385 constituencies: 65 municipalities, 309 communes and 11 Tirana boroughs. However, because of the disputed establishment of the LGEC in Pult and non-distribution of election material, elections did not take place in Pult and Shale communes. In Grekan commune (Elbasan district), elections were postponed to 29 October following the death of one of the candidates.

On election day, the EOM received reports that a small numbers of voters could not find their names on the list. Some of these voters were in possession of the newly distributed voter cards, others had the registration receipt. Commissions reacted to this in different ways, some allowing people to vote after writing their names down on a makeshift supplementary list. After checking the database, the Finance Information Centre (FIC) indicated that some of these voters were in fact registered in a neighboring voting centre. Around noon, the CEC issued a televised announcement, confirming that only registered voters were allowed to vote, but encouraging people with a voting card who were not on a list, to check the overall list at the LGEC. The EOM was informed that in most voting centres observed, the number of such voters was less than ten, although, in very few cases, it rose to 30. Only very few voters from the B list voted. This was considered to be evidence of manipulation by the opposition, and evidence of fairly accurate voter lists (part A) by the CEC.

On election day, many VCCs opened late. Delays in opening ranged from 15 minutes to one hour in Tirana and reached several hours in a few cases. Poor distribution of ballot papers was the main problem during the first half of the day. Some LGECs had distributed ballot papers according to the number of voters recorded under list A and B. As a result, insufficient quantities of ballot papers were left and LGECs had to retrieve ballot papers from some VCCs and redistribute them to others. The process was disorderly and conducted in a hasty and non-transparent way. In Durrës, no record was kept of ballot transfers between voting centres during the day, which made any reconciliation impossible.

Generally most members of VCCs performed their tasks well and in a cooperative spirit, enabling voters to cast their ballots freely throughout the day. However, the lack of training received by VCCs as a result of their late establishment was clear on election day. Copies of the Electoral Code and training manual were delivered together with the electoral material, and VCC members had to learn on the spot how to run the voting centre. Observers reported that VCCs often did not properly follow the procedures for inking voters and allowed widespread "family voting" according to local tradition.

B. THE COUNTING

Counting was in general conducted properly, although procedures to ensure transparency and the proper handling of complaints were not always followed. Most significantly, commission members did not always receive a copy of the protocol signed and stamped, as entitled by law. Some VCC members left in protest, without officially signing or recording their complaints in the protocols.

Observers noted a number of invalid ballot papers, in general not exceeding 8%. Press reports in Tirana that, from the 264,000 votes for mayoral candidates, only 153,958 or 58% were valid were checked by the EOM and discovered to be unfounded. The LGEC protocol showed that 264,000 was the total number of registered voters, while 154,000 was the actual turnout. The rumor was perpetuated by the fact that the LGEC protocol was incomplete, omitting any record of invalid and spoiled ballots, and missing the signatures of all LGEC members on 23 out of 25 pages.

C. DOMESTIC OBSERVERS

Two well-established non-governmental organisations requested accreditation from the CEC as domestic non-partisan observers. The Society for Democratic Culture deployed 1,300 observers, covering 25 percent of voting centres, as well as the CEC and all LGECs. The Albanian Helsinki Committee deployed a smaller number of observers in several parts of the country. The CEC also accredited two newly-established NGOs with clear links to the DP.

D. FIRST ROUND RESULTS

The aggregation of results was slow due to a restrictive interpretation of Article 19.7 of the Electoral Code:⁷ the CEC refused to announce any results until it had received all materials from the LGECs and only issued the following summary of preliminary results (CEC Decision No. 40 dated 7 October) in the early hours of 8 October:

Party	No. of Municipalities Won	No. of Communes won
Socialist Party	28	110
Democratic Party	9	58
Union of Human Rights	-	5
Legality Movement Party	-	1

However, this announcement was incomplete. For example, it did not contain the final number of registered voters nor the overall turnout. Moreover, the results for the mayor elections and the list of constituencies holding second rounds were only provided a few days later and detailed results for municipal and commune councils were only provided on 7 November when the CEC published the final results.⁸

Overall, according to this decision the SP won the first round of mayorial elections.

Of the 212 constituencies decided in the first round, 28 municipalities, one of the boroughs of Tirana and 110 communes will be governed by an SP mayor. The candidate for Tirana City Mayor, Edi Rama, endorsed by both the SP and SDP, won with 52.73% of the votes. The DP won in nine municipalities and 58 communes. Five communes will be governed by a Mayor from the Union for Human Rights Party, and one by a Legality Movement Party mayor.

Based on the first round national aggregated results for municipal and commune councils provided by the CEC, the SP gained 42.91% of the votes and the DP 33.79%. Among the smaller parties, the Social-Democratic Party (SDP) was most successful, receiving 7.11% of the votes. Of other parties, the Democratic Alliance (DA) received 3.14%, Republican Party (RP) 2.68%, the Human Rights Party (HRP) 2.24%, the Christian-Democratic Party (CDP) 2.3%, United Right 2.09%, and the Agrarian Party 1.53%.

E. THE DURRES CASE

Election day in Durres was tense. The DP claims that a "coup d'état" took place on 1 October because of the strong police presence and alleged widespread manipulations, while the authorities accuse DP local leaders of planning criminal actions to disrupt the election process. Tension was further exacerbated by a number of factors:

- the refusal of LGEC chairmen to implement the 50/50 distribution of VCC chairs between SP and DP;
- a shortage of ballot papers in several voting centres on election day;
- the receipt of accreditation cards by party observers, including those from the DP, only in the afternoon of 1 October;
- the disappearance of the LGEC chairman from his office for several hours on election day.

On 3 October, local DP leaders informed the EOM that the figures from four voting centre protocols did not match those entered in the LGEC tabulation. Two showed a significant difference and were completely out of scale with all other voting centres. In voting centre 61, the DP copy of the original protocol bears 206 votes for the DP and 355 for the SP, whereas the consolidated LGEC protocol bears 25 for the DP and 545 votes for the SP. For the council contest, the consolidated LGEC protocol is also different from the DP figures, but shows 120 votes to the DP. In voting centre 84, the tabulated figures give 700 votes to the SP and 25 to the DP, and a total number of votes higher than the number of estimated ballot papers delivered.

The difference between the figures provided by the DP and the tabulated protocol

was large enough to require a run-off in Durres. The LGEC provided neither clear explanation nor the requested documentation for these two voting centres, claiming that they did not have a copy of the original protocols due to a lack of forms. The EOM considers that there is substantial evidence that serious irregularities during the aggregation process took place in Durres constituency. Nevertheless, the DP chose not to seek redress in Court.

IX. OBSERVATION OF VOTING AND COUNTING IN THE SECOND ROUND

On 15 October, second round elections were held in 28 municipalities, 128 communes and 10 of the 11 Tirana boroughs. First round elections for mayor were re-run in Ksamil (Saranda) and Ballagat (Lushnje), for mayor and council in Paskuqan (Tirana) and for council in Kodovjat (Gramsh). In addition, first round elections for mayor and council took place in Pult (Shkoder) and Shale (Shkoder), and voting centre 6 of Velipoje (Shkoder), where polling did not take place on 1 October.

On 15 October, voting and counting procedures were carried out in a calm and orderly manner in most constituencies, with some exceptions in the south of the country. There was some confusion linked to the resignation of certain DP candidates shortly before election day, following an appeal to boycott by the national leadership. The resignation of DP commission members deprived the election process of an essential safeguard and element of transparency; and, as a result, election commissions at times did not reach the legal quorum. The CEC was prompt to point out that commissioners would be prosecuted for disrupting the election process if they failed to fulfill their duties on election day without any proper justification.

On 12 October, DP leaders also called on their supporters not to vote. The turnout for the second round was lower than in the first round, although this must in part be attributed to the general lack of interest in the run-offs.

A. HIMARA CASE

After the first round, the candidate of the Union for Human Rights Party (UHRP) notified the EOM that the SP and DP chairs of the Qeparo voting centre, constituency of Himara, disappeared with the ballot box after the vote count and fixed the protocols in order to force a second round. On 4 October, the Spokesperson of the Foreign Ministry of Greece issued a statement complaining of widespread violations against the Greek-speaking minority during the first round. No evidence of such widespread fraud was uncovered by the EOM at that stage, although blocks of identical signatures in the voter lists were observed in one voting centre after the second round election.

In the run up to the second round, high-level SP representatives actively campaigned in Himara and the Prime Minister visited the municipality two days before polling. More importantly, leading politicians resorted to nationalist rhetoric and inflammatory language. In contrast, the UHRP ran a low-key campaign and did not resort to any such language. Though the campaign of the "Alliance for the Nation" was widely covered in the national media, local party representatives in Himara confirmed that the Alliance was not a local initiative and that despite the DP mayor's personal declaration of support for the SP candidate, there had been no

joint campaign.

On the eve of the election, tension in Himara was exacerbated when 13 buses with approximately 500 Albanian emigrants coming from Greece were stopped at the border for lack of proper vehicle documentation to enter Albania. After discussion, the emigrants were let through and picked up on the other side of the border by Albanian busses and escorted by the police and two Members of the Hellenic Parliament. In addition, two UHRP representatives were detained for two hours on the eve of the second round, and emigrants were taken to the police station for questioning about their military obligations.

Accusations of Greek interference in Albanian internal affairs surfaced on 14 and 15 October, following the arrival in Himara of 10 Members of the Hellenic Parliament and four staff.² The SP and the CEC issued official statements of protest against Greek interference and violation of the Electoral Code, which specifically prohibits foreigners from campaigning or from entering polling stations unless duly accredited. In a letter addressed also to the OSCE, the Speaker of the Hellenic Parliament refuted these accusations and stressed that the presence of 10 independent MPs did not constitute an official representation of the Hellenic Parliament.

Throughout the election day, the EOM received information from observers deployed in Himara on behalf of a number of organisations, including the Council of Europe, OSCE Presence, Embassy of the United States and European Community Monitoring Mission (ECMM). They reported that Greek parliamentarians were seen addressing voters in front of voting centres and in the presence of journalists. The Electoral Code prohibits any campaign activity within 150 meters from voting centres and on election day. It is, however, difficult to distinguish between campaigning and the usual visits of foreign dignitaries and Members of Parliament (MPs) on election day. Observers did not indicate that the MPs had held any public rally or entered any voting centre. With the exception of three members of one voting centre, who stated that two Greek MPs entered the voting centre for a few minutes, all other interlocutors also stressed that the MPs had not entered any voting centre.

On election day, the EOM also visited the voting centre in Dhermi (Himara), where a dispute between commission members broke out and the UHRP member destroyed the ballot box in an attempt to prevent a voter from casting a ballot.¹⁰ One person was armed with a gun. The box was subsequently thrown out of the window, collected, replaced with a new ballot box provided by the LGEC and polling resumed. Observers noted that many ballots were not folded and all marked in favour of the SP candidate. Others reported that the voter lists contained blocks of identical signatures in the same handwriting. A number of UHRP commission members indicated to observers that they had been intimidated and asked to leave

the voting centres.

During the counting of votes, observers in two voting centres reported seeing a number of ballot papers still attached to each other at the stub, indicating that irregular voting had taken place. In Himara, the total of 4,634 votes cast in the second round was higher than the 3,440 cast in the first round, leading the UHRP to claim that this was evidence of manipulation. Moreover, VCCs in Himara did not receive sufficient numbers of protocols, making it impossible for party representatives on the commissions to receive copies and adequate documentation in support of their complaints. In addition, in Himara, voting centre members, and even chairpersons, were changed without reason by the LGEC a day before the second round, in clear violation of the law. However, it seems that UHRP members left the voting centres before the count

On 19 October, the CEC decided not to uphold the UHRP complaint to invalidate elections in Himara, on the grounds that the results of the contested voting centres could not impact the overall outcome. On the same day, Vasil Melo, UHRP chairman, indicated that they would not lodge a complaint in court due to the UHRP being part of the ruling coalition.

In view of the above, the EOM continued to monitor the situation in Himara after the second round and concluded that no effective measures to address the irregularities had been taken by the CEC.

B. FINIQ CASE

On 15 October, observers reported evidence of irregularities in Blerinas (Finiq constituency). The team had visited the voting centre at 12:30 when almost 100 voters had already cast their ballot and few more voters were still expected, since only 120 had voted in the first round. However, this VCC was the last to report the results to the LGEC. According to the UHRP representative on the VCC, the final results were completely manipulated. At the end of the count, the other VCC members allegedly filled in additional ballot papers and added them to the ballot box, ripping off the protocol of results and completing a new one. The first results allegedly gave 172 votes to the SP and 37 to UHRP, while the revised protocol showed 230 votes for SP, 20 for UHRP and 25 invalid. Considering that there were only 350 registered voters, the official protocol would imply over 80 percent turnout, while all other voting centres in the constituency recorded less than 30% voter participation. Moreover, the UHRP representative on the LGEC complained to observers that the police had not allowed him into the voting centre of Blerinas. The alleged manipulation changed the overall result for the constituency, from a UHRP victory to a SP one, by just a few votes.

The UHRP was confused whether to appeal to the CEC or to the court. As a result, at one point, neither the district court nor the CEC were called to address the

complaint. The appeal was subsequently filed with the High Court and rejected on 26 October.

C. RESULTS OF THE SECOND ROUND

The results of the second round were declared by the CEC on 21 October. The SP gained 114 communes and municipalities, the DP only 21. A number of constituencies will have partial or complete re-runs of the second round. The CEC declared that it would issue final results only after all re-run elections had been held. On 7 November, the final results were issued, in Decision No. 44, although some run-offs still had to take place and a few court cases were still pending (see Annex 2 for consolidated final results).

D. POST-ELECTION PERIOD

After the elections, a coalition of parliamentary opposition parties submitted a preliminary statement and a comprehensive final report on shortcomings and irregularities during the 2000 local elections to the international community, including to OSCE/ODIHR. The DP leadership also called on its elected members in several communes and municipalities to boycott council meetings in protest at alleged electoral manipulations. This strategy has created a certain degree of confusion, both at national level and in certain communes and municipalities, where DP councillors are not taking part in meetings and decisions.

X. COMPLAINTS

A large number of complaints were lodged with the CEC, the LGECs and the courts.¹¹ Most concerned irregularities on election day; in particular, insufficient distribution of ballot papers (Durrës, Tepelena, Tirana), proxy voting for persons residing outside Albania (Himara, Tepelena), and appeals on the overall results.

Unfortunately, the election complaints procedure did not provide an effective means of redress as required under Paragraph 5.10 of the OSCE Copenhagen Document of 1990. The provisions of the new Electoral Code on complaints require clarification and the CEC and the High Court failed to establish rules of procedure to implement the Code satisfactorily. There was also confusion as to which institution was responsible for ruling on complaints. Electoral commissions, courts and State administrative structures should henceforth seek to improve their ability to address in a fair and independent manner the complaints brought to their attention.

On 7 October the CEC dealt with the complaints concerning the first round.¹² Most were rejected summarily without considering the individual cases at all. CEC Decision No. 40 on the first round results implied rejection of most complaints, except the four constituencies and one voting centre where re-runs were ordered and those complaints which received a collective ruling. The CEC referred other complaints to local courts without clear reasoning. At local level, LGECs dismissed cases hastily and, in some instances, gave no official reply to complaints received, or simply refused to investigate evident discrepancies. Appellate courts were reluctant, with a few exceptions, to examine the substance of the complaints addressed to them. District courts, who are responsible for recounts, were sometimes reluctant or slow to carry them out.

After the second round, the CEC met twice on 19 October to address complaints. The CEC found irregularities and invalidated the elections in voting centre 5 Krahes (Tepelene), voting centre 3 Zall Bastar (Tirana), voting centres 8 and 10 Pult (Shkoder), and voting centre 3 Malzi (Kukes). Many complaints did not receive an official written response, depriving parties of the legal means to seek redress in courts. The High Court rejected complaints from the DP and SDP, and the complaint filed by the UHRP in the Finiq case. All but one aspect of the Republican Party appeal to the High Court were rejected.

The lack of rules of procedure and the formalistic approach adopted by commissions and courts created obstacles for plaintiffs, in contrast to the flexible attitude shown earlier during the candidate registration period. Commissions and courts seldom gave adequate legal rationale to their decisions, and often failed to respect the legal deadlines and to inform the plaintiffs and the public of their decisions.¹³ Regrettably, as the Code allows ballot recounts only in cases of close results, recounts could not be used in situations where tabulated results were

contested, even on solid grounds, or where one party or candidate was just above or below 50%.

While the large number of complaints showed that electoral subjects were inclined to seek redress through legal means, in some of the most problematic cases (such as Himara and Durres) political parties refused to appeal CEC results in the High Court. Many of these complaints were, however, poorly formulated. The CEC should have provided adequate information and education to all actors about complaint procedures prior to the election. They subsequently failed to give adequate guidance to complaining parties. There is clearly a need for education and information in this area.

Parties and candidates filed various complaints about the coverage of the electoral campaign in the media both to the NCRT and to the CEC. In particular, these concerned partial coverage of the electoral campaign, exclusion from broadcast debates, broadcast of false or manipulated information, broadcasting of messages calling for disturbances, pressure on private channels or threats to journalists, and NCRT bias. All complaints but three were filed against private channels (ATN 1, TV Shijak, TV 2000, Adria 2, TV Dardania, TV Klan). The NCRT played a positive role during this electoral campaign, interpreting the legal framework as obligating public and private media to provide impartial coverage and providing an effective mechanism for addressing media-related complaints. Functioning in a transparent and balanced manner, the NCRT always answered complaints and advised the media on best practice to improve pluralism and accuracy of information, rather than simply calling for sanctions.

XI. RECOMMENDATIONS

A. ELECTION ADMINISTRATION

1.
The relationship between the CEC and other State bodies, such as Ministries, local Government administrations and Prefectures, should be clearly regulated.
2.
The CEC should issue internal rules of procedures as a matter of urgency, which would increase its efficiency and the transparency of its meetings and decisions.
3.
A comprehensive packet of CEC regulations and instructions to complete, and in some cases replace, the series of instructions issued in relation to the 2000 municipal elections should be issued to clarify those aspects of the Electoral Code that proved problematic.
4.
The CEC should hire appropriate staff and re-organise its administrative services, towards more efficient and operational units, in line with modern management techniques. Training of election commissions at all levels should be improved and dispensed in a timely manner.
5.
The distribution of election materials should be more carefully regulated and documented.
6.
Sufficient copies of protocols should be provided to VCCs and LGECs, to ensure that all commission members, party proxies and observers can receive official documentation and maximise the transparency of the count and aggregation.
7.
The CEC should develop its technical capacity to manage voter registration with the assistance of international support.
8.
The accuracy of the national voter registry database (VRD) should be enhanced, based on information available from the updated voter lists from the 2000 local elections and additional door-to-door enumeration, if necessary. Moreover, clear procedures for the regular maintaining and updating of the VRD, and distribution of voter cards, should be issued well

ahead of the next elections.

9.

A specific voter education program should be launched immediately to inform citizens of the need to update their entry in the voter register and be issued with a voter card, or risk being disenfranchised in the next elections.

B. CAMPAIGN AND MEDIA

1.

The current legislation on campaign financing should be amended to reduce the overwhelming advantage afforded to larger parties and ensure that smaller parties have sufficient funds to purchase minimum airtime for electoral spots in private channels.

2.

The criteria governing the coverage of the campaign in private media need to be clarified; this would also enable the NCRT to enforce more effectively the legal provisions of the Code related to media and elections.

3.

Smaller political parties should be invited to electoral debates on TV, in order to enhance participation of a broad spectrum of political forces.

C. ELECTORAL DISPUTES

1.

The election disputes resolution process could be reviewed in accordance with guidelines produced by OSCE/ODIHR to clarify the election appeals process, mainstreaming the respective roles of election commissions and courts.¹⁴ Moreover, the legal affairs department of the CEC should be entrusted with the preparation of complaint cases prior to their discussion in plenary CEC sessions.

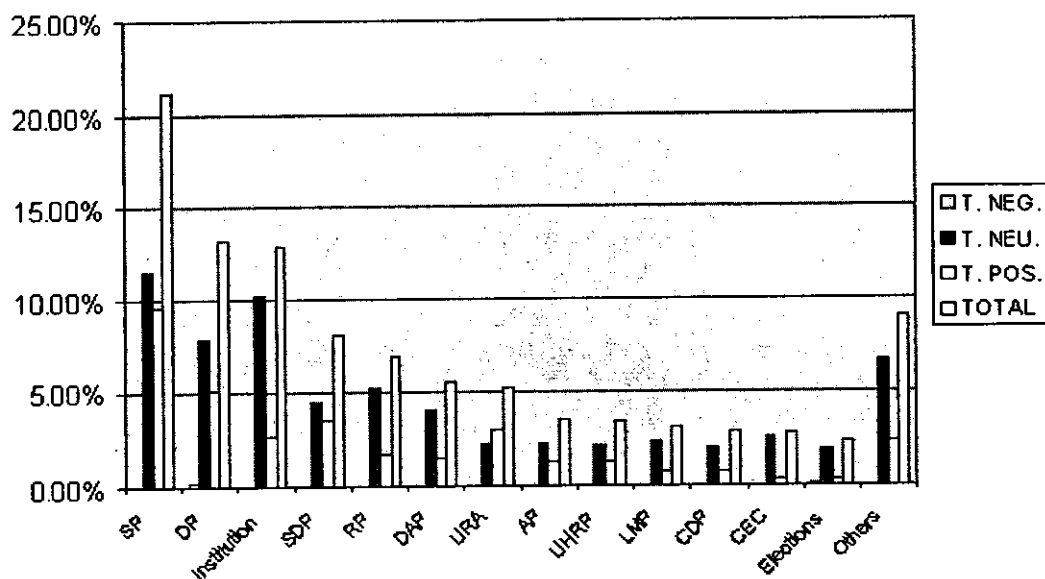
2.

The Electoral Code should be amended to increase the possibility of ordering ballot recounts.

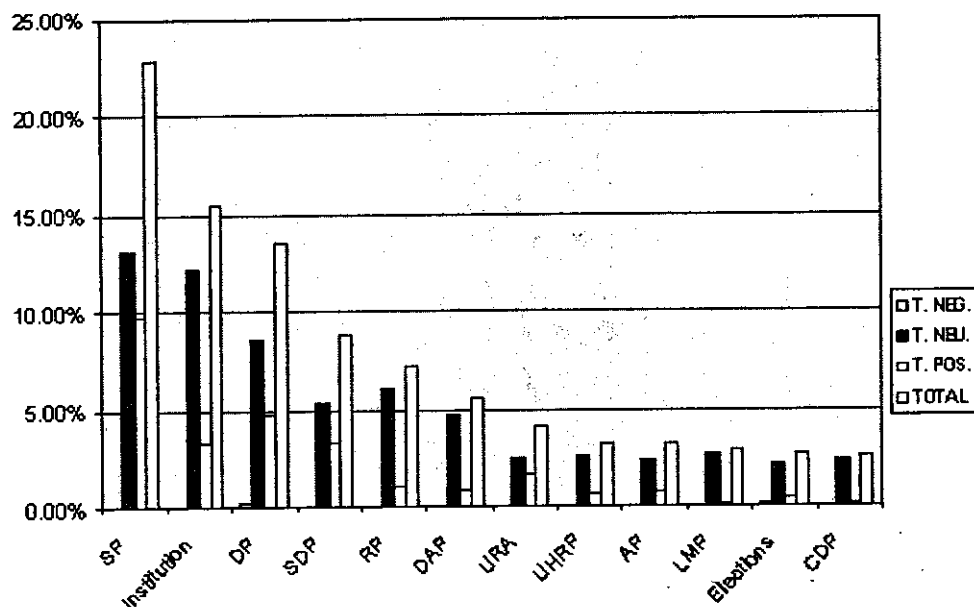
ANNEXES

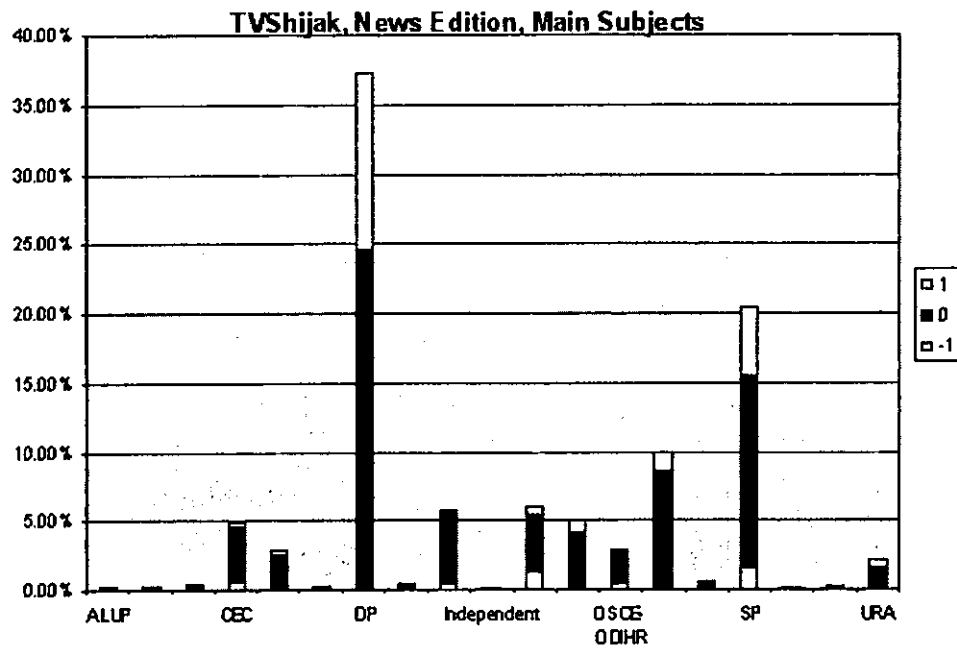
ANNEX 1 - EOM MEDIA MONITORING CHARTS

TVSH, 1-29 SEPTEMBER, MAIN SUBJECTS

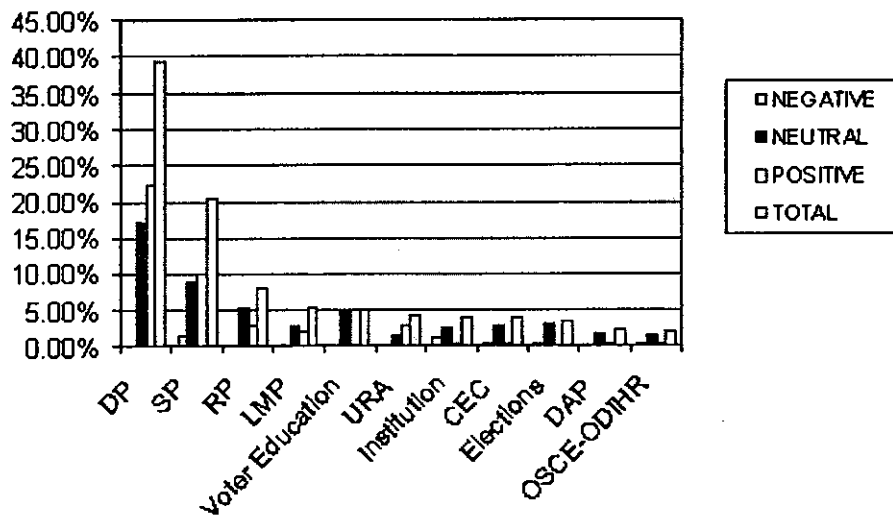


TVSH, News - Main subjects

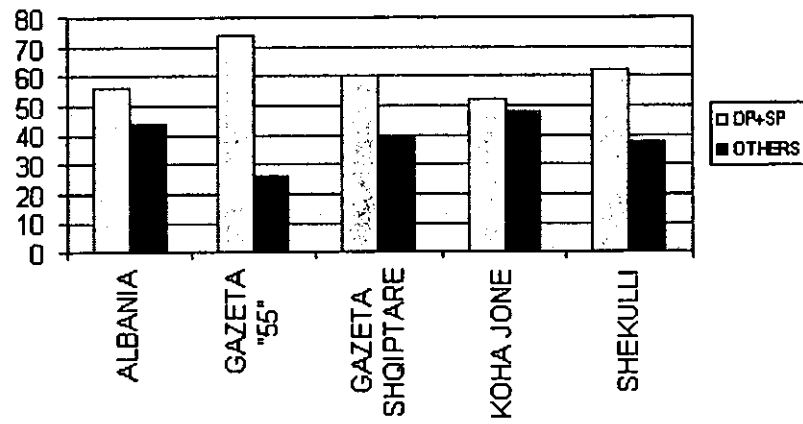




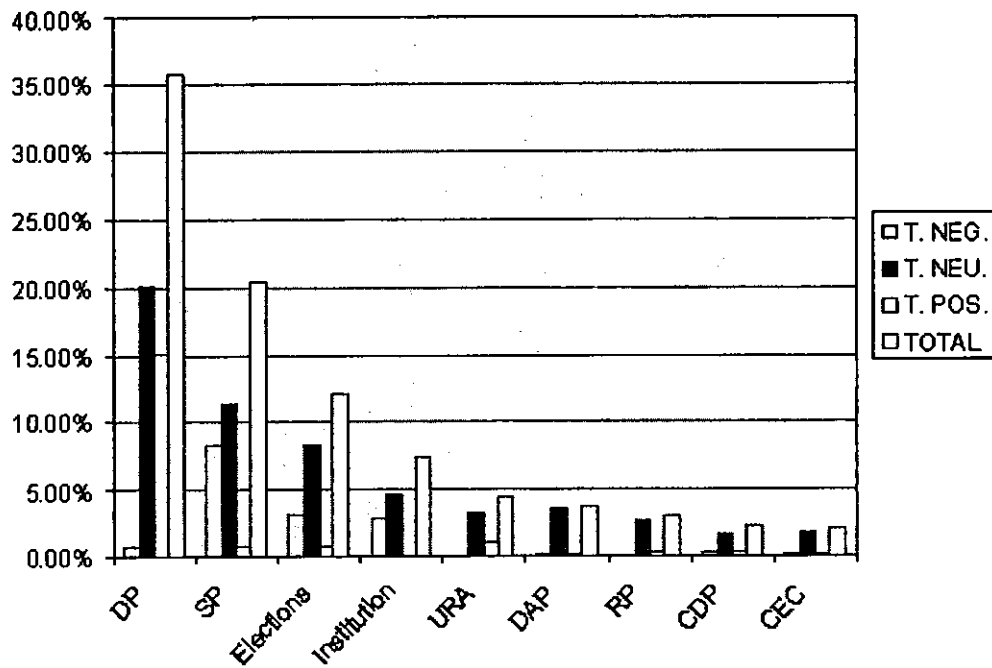
TV SHIJAK, MAIN SUBJECTS - FIRST ROUND



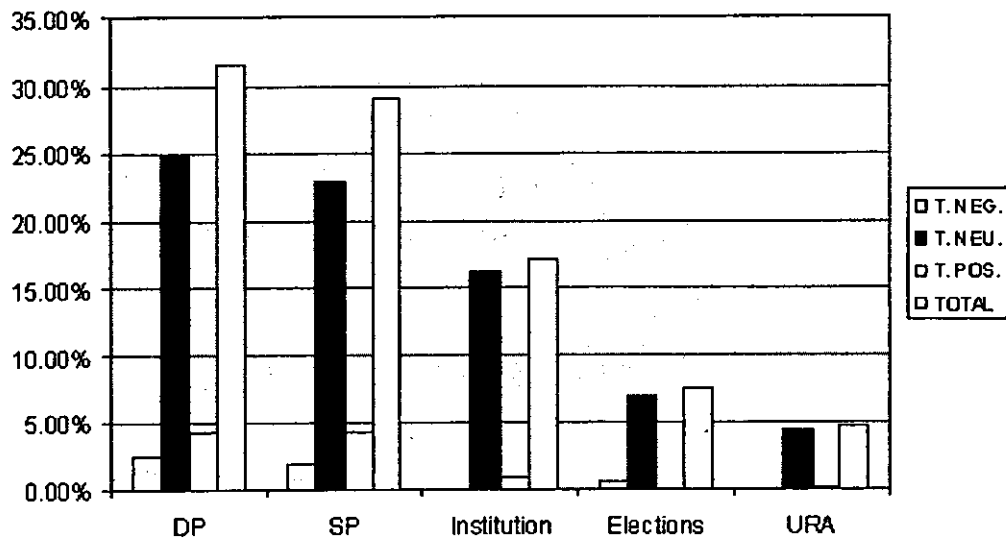
**POLARIZATION OF ELECTORAL CAMPAIGN -
NEWSPAPERS, FIRST ROUND**



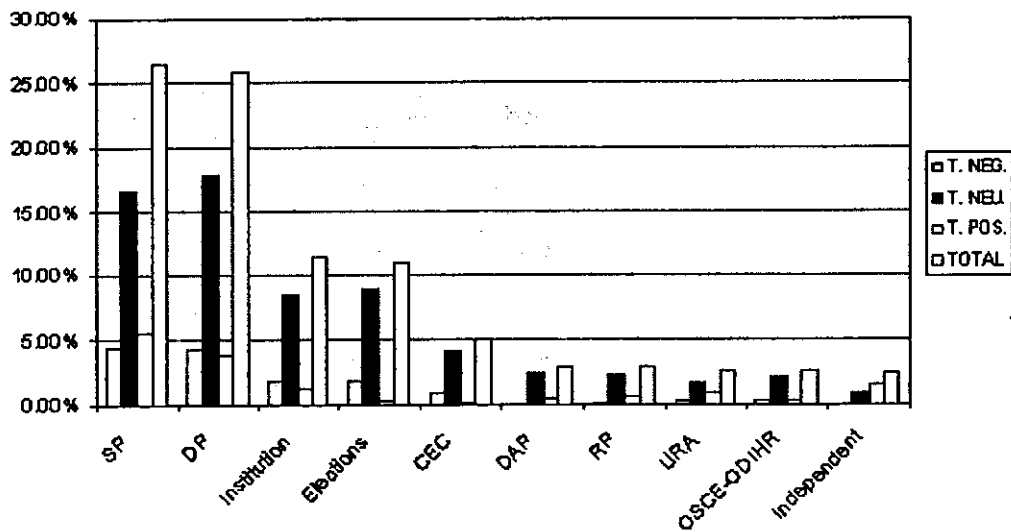
ALBANIA - FIRST ROUND, MAIN SUBJECTS



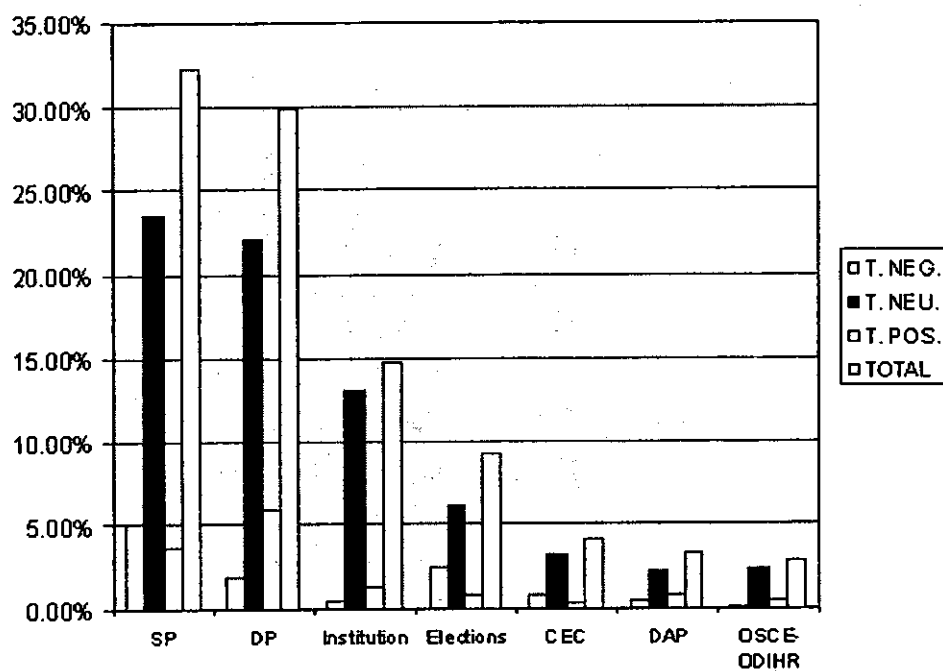
GAZETA SHQIPTARE, FIRST ROUND - MAIN SUBJECTS



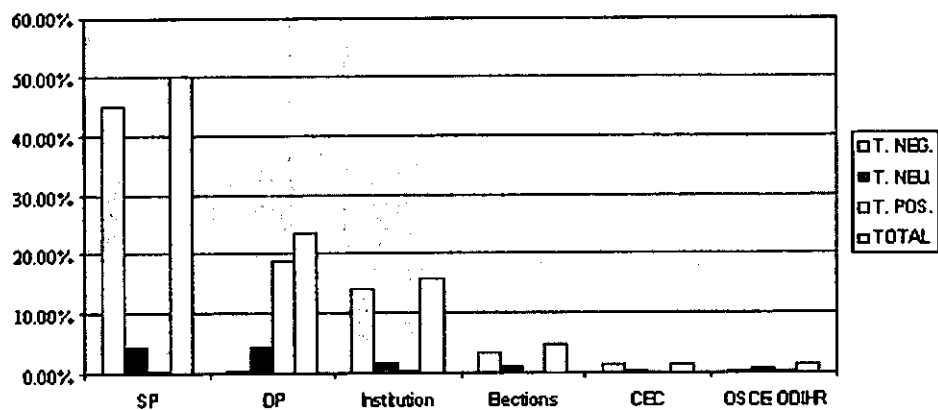
KOHA JONE - FIRST ROUND, MAIN SUBJECTS



SHEKULLI - FIRST ROUND, MAIN SUBJECTS



GAZETA "55", FIRST ROUND - MAIN SUBJECTS



ANNEXES

**ANNEX 2 - FINAL RESULTS: CEC DECISION NO. 44 DATED 7
NOVEMBER 2000 AS PROVIDED BY THE OSCE PRESENCE TO ALBANIA**

**TABLE No. 1
RESULTS FOR MAYOR OF MUNICIPALITY/COMMUNE
BY POLITICAL SUBJECTS, COALITIONS AND POLITICAL GROUPS**

No.	Subject, Coalition, Political Group	Initials	No. of Munic	%	No. of Comm.	%	No. of Munic. and Comm.	Total %
1	Democratic Alliance	DA	0	0	1	0.32	1	0.26
2	Albanian United Right	UR	0	0	0	0	0	0
3	Albanian United Right + RP	UR+RP	0	0	0	0	0	0
4	Independent	Independent	1	1.32	2	0.65	3	0.78
5	Albanian National League	ANL	0	0	0	0	0	0
6	Albanian Agrarian Party +ASP	AP+SP	0	0	7	2.27	7	1.82
7	Albanian Agrarian Party + UHRP	AP+ UHRP	0	0	0	0	0	0
8	Albanian Liberal Alternative Party	ALAP	0	0	0	0	0	0
9	National Front Party	NFP	0	0	0	0	0	0
10	Union for Human Rights Party	UHRP	0	0	6	1.94	6	1.56
11	Union for Human Rights Party + ASP	UHRP+ SP	0	0	1	0.32	1	0.26
12	Union for Human Rights Party + ASP+SDP	UHRP+ SP + SDP	0	0	1	0.32	1	0.26
13	Republican Union Party	RUP	0	0	0	0	0	0

14	Albanian National Community Party	ANCP	0	0	0	0	0	0
15	Albanian Business Party	ABP	0	0	0	0	0	0
16	Democratic Party + LMP + LUP + NDFP + DUP	DP+ LMP + LUP + NDFP + DUP	11	14.47	78	25.24	89	23.11
17	Democratic Union Party + DP + PLL + LUP + NDFP	DUP + DP + PLL + LUP + NDFP	0	0	1	0.32	1	0.26
18	Democratic Party + RP + LMP + LUP + NDFP	DP + RP + LMP + LUP + NDFP	0	0	0	0	0	0
19	Albanian Demochristian Party	DCP	0	0	0	0	0	0
20	People's Welfare Party	PWP	0	0	0	0	0	0
21	Albanian Emigration Party	AEP	0	0	0	0	0	0
22	Forza Albania Party	FAP	0	0	0	0	0	0
23	Albanian Communist Party	CP	0	0	0	0	0	0
24	United Communist Party	UCP	0	0	0	0	0	0
25	Conservative Party	Cons.P	0	0	0	0	0	0
26	Legality Movement Party	LMP	0	0	1	0.32	1	0.26
27	Legality Movement Party + DP + LUP + DNFP + DUP	LMP + DP + LUP + DNFP + DUP	0	0	1	0.32	1	0.26
28	Albanian Peasants' League Party	APLP	0	0	0	0	0	0
29	Albanian Workers	AWMP	0	0	0	0	0	0

	Movement Party							
30	Albanian National Reconciliation Party	ANRP	0	0	0	0	0	0
31	Albanian Republican Party	RP	0	0	3	0.97	3	0.78
32	Albanian Environmental Party	AEP	0	0	0	0	0	0
33	Social Democratic Party	SDP	1	1.32	4	1.29	5	1.3
34	Social Democratic Party + ASP	SDP + ASP	0	0	4	1.29	4	1.04
35	Socialist Party + AAP	SP + AAP	0	0	1	0.32	1	0.26
36	Socialist Party + UHRP	SP + UHRP	2	2.63	0	0	2	0.52
37	Socialist Party + UHRP + SDP + AAP + NUP	SP+UHRP+SDP+AAP+NUP	0	0	0	0	0	0
38	Socialist Party + SDP	SP+ SDP	8	10.53	16	5.18	24	6.23
39	Socialist Party + SDP + AAP	SP+ SDP+AP	0	0	1	0.32	1	0.26
40	Socialist Party of Albania	SP	40	52.63	187	60.52	227	58.96
41	Albanian Demochristian Party	DCP	0	0	0	0	0	0
42	National Union Party	NUP	0	0	0	0	0	0
	TOTAL		63		315		378	

Not yet declared are the mayoral elections of:

- Lac (Kurbini), Kelmend (Malesi e Madhe), Pult (Shkoder), which are subject to a court ruling;
- Grekan (Elbasan), which is in a run-off for the second round;

- Vau i Dejes (Shkoder), Bujan (Tropoja), in which the elections will be repeated in one polling station, due to irregularities;
- in Ballaban (Permet), which is under verification.

TABLE No. 2
NUMBER OF COUNCILLORS IN MUNICIPAL AND COMMUNE COUNCILS
ACCORDING TO POLITICAL SUBJECTS, COALITIONS AND POLITICAL
GROUPS, ON A NATIONAL SCALE

No.	Party, coalition, political group	No. of Munic. Council lors	%	No. of Comun. Council lors	%	Gen. No. of Council lors	%
1	Democratic Alliance	53	3.26	185	4.14	238	3.91
2	United Right Party	39	2.40	78	1.75	117	1.92
3	Independent	3	0.18	5	0.11	8	0.13
4	Albanian National League	3	0.18	1	0.02	4	0.07
5	Albanian Agrarian Party	9	0.55	90	2.02	99	1.62
6	Albanian Agrarian Party + UHRP	0	0	2	0.04	2	0.03
7	Albanian Liberal Alternative	1	0.06	1	0.02	2	0.03
8	UHRP	35	2.15	144	3.23	179	2.94
9	Republican Union Party	0	0	0	0	0	0
10	National Democratic Union Party	0	0	1	0.02	1	0.02
11	Albanian National Community Party	0	0	1	0.02	1	0.02
12	Albanian Business Party	0	0	1	0.02	1	0.02
13	Democratic Party+LMP+LUP+NDFP+DUP	504	30.96	1378	30.86	1882	30.89
14	Democratic Party+RP+LMP+LUP+CDUP	33	2.03	47	1.05	80	1.31
15	Albanian Demochristian Party	47	2.89	69	1.55	116	1.90
16	Popular Welfare Party	0	0	0	0	0	0
17	Albanian Emigration Party	0	0	1	0.02	1	0.02
18	Forca Albania Party	0	0	0	0	0	0.00
19	Communist Party of Albania	15	0.92	34	0.76	49	0.80
20	Albanian United Communists	1	0.06	11	0.25	12	0.20

	Party						
21	Conservative Party	0	0	1	0.02	1	0.02
22	Albanian Peasants League	0	0	0	0	0	0
23	Legality Movement Party	0	0	1	0.02	1	0.02
24	Legality Movement Party + DP + LUP + DCUP + DUP	0	0	3	0.07	3	0.05
25	Albanian Workers Movement Party	2	0.12	1	0.02	3	0.05
26	Albanian National Reconciliation Party	0	0	1	0.02	1	0.02
27	Albanian Republican Party	42	2.58	146	3.27	188	3.09
28	Albanian Environmental Party	0	0	0	0	0	0
29	Social Democratic Party	114	7.00	403	9.03	517	8.49
30	Socialist Party + UHRP	67	4.12	17	0.38	84	1.38
31	Socialist Party + SDP	10	0.61	54	1.21	64	1.05
32	Albanian Socialist Party	645	39.62	1780	39.87	2425	39.80
33	Albanian Socialchristian Party	3	0.18	0	0	3	0.05
34	National Union Party	1	0.06	3	0.07	4	0.07
	TOTAL	1627		4459		6086	

In one municipality and in six communes, the post of one councilor must be determined by lottery between the following political subjects:

- Selenice Municipality, Vlora District, between UR and RP;
- Tregan Commune, Elbasan District, between DAP and DP+LMP+LUP+DCUP+RUP;
- Zavalin Commune, Elbasan District, between UR and ASP;
- Zall Rec Commune, Diber District, between DAP and UHRP;
- Suke Commune, Permet District; between RP and CP;
- Vendresh Commune, Skrapar District; between RP and UHRP;
- Berzhite Commune, Tirana District, between DAP and RP.

TABLE No. 3

RESULTS OF THE POLITICAL SUBJECTS, COALITIONS AND POLITICAL GROUPS FOR THE MUNICIPAL AND COMMUNAL COUNCILS ON A NATIONAL SCALE

No	Political Subject	Initials	No. of Votes	Percentage
1	Democratic Alliance	DAP	42137	3.13
2	Albanian United Right	UR	28227	2.1

3	Independent	Independent	3040	0.23
4	Albanian National League	ANL	1597	0.12
5	Albanian Agrarian Party	AP	20798	1.54
6	Albanian Agrarian Party + UHRP	AP+UHRP	141	0.01
7	Albanian Liberal Alternative Party	ALAP	1479	0.11
8	National Democratic Front Party	NDFP	172	0.01
9	Albanian National Community Country Party	ANCP	187	0.01
10	National Front Party	NFP	85	0.006
11	Union for Human Right Party	UHRP	30757	2.28
12	Republican Union Party	RUP	787	0.06
13	Albanian Business Party	ABP	160	0.01
14	Democratic Party +LMP+LUP+CDUP+DUP	DP+LMP+LUP+CDUP+DUP	417312	30.98
15	Democratic Party +RP+LMP+LUP+DCUP	DP+RP+LMP+LUP+DCUP	34740	2.58
16	Albanian Demochristian Party	DCP	31447	2.34
17	People's Welfare Party	PWP	138	0.01
18	Albanian Emigration Party	AEP	234	0.02
19	Forza Albania Party	FAP	142	0.01
20	Albanian Communist Party	ACP	11508	0.85
21	Albanian United Communist Party	AUCP	4499	0.33
22	Conservative Party	Cons.P	874	0.07
23	Legality Movement Party	LMP	68	0.01
24	Legality League Party +DP+LUP+DCUP+URP	LLP+DP+LUP+DCUP+URP	264	0.02
25	Albanian Agrarian League Party	AALP	674	0.05
26	Albanian Workers' Movement Party	AWMP	859	0.06
27	Albanian National	ANRP	430	0.03

	Reconciliation Party			
28	Albanian Republican Party	ARP	36591	2.72
29	Albanian Environmental Party	AEP	386	0.03
30	Social Democratic Party	SDP	95736	7.11
31	Socialist Party + UHRP	SP+UHRP	39164	2.91
32	Socialist Party + SDP	SP+SDP	8381	0.62
33	Albanian Socialist Party	SP	532261	39.51
34	Albanian Socialchristian Party	ASCP	1140	0.08
35	National Union Party	NUP	917	0.07

TABLE No.4
NUMBER OF ELECTORS, NUMBER OF VOTERS, DAMAGED BALLOT PAPERS, INVALID AND VALID BALLOT PAPERS ON A NATIONAL SCALE

First Round									
	No. of electors acc. To list A	No. of Voters	% of voters	Damag.ballot papers	%	Invalid Ballot papers	%	Valid Ballot Papers	%
For Mayor	2329014	1443705	61.99	17863	1.24	97216	6.73	1346489	93
For Councilor	2329014	1448411	62.19	48889	3.38	97883	6.76	1350528	93.2
Second Round									
	No. of electors acc. To list A	No. of Voters	% of voters	Damag.ballot papers	%	Invalid Ballot papers	%	Valid Ballot Papers	%
For Mayor	969148	459381	47.4	3366	0.73	12499	2.72	446882	97,3

In the first round, the elections were repeated for irregularities in the electoral process in: the commune of Ksamil (Saranda) for Head of the Commune, Velipoja Commune (Shkoder) in voting centre No. 6 and Paskuqan Commune (Tirana) for the Council and the Head of the Commune and Kodovjat Commune (Gramsh) for the Council.

In the second round, the elections were repeated for irregularities in the electoral process in Krahez Commune (Tepelene) in voting centre No. 5, Zall Bastar Commune (Tirana) in voting centre No. 3, Pult Commune (Shkoder) in voting centres No. 8 and No. 10 and Malzi Commune (Kukes) in voting centre No. 3.

Notes

1

i.e. Law on the Organization and Functioning of Local Government, No. 8652/2000.

2

Law n. 8653 of 31 July 2000 on administrative division of the Units of local Government names each of them.

3

Law No. 7564, dated 19 May 1992, "On Copyright" and law No. 8594, dated 6 April 2000, "On Some Amendments and changes to Law No. 7564, dated 19 May 1992 On Copyright".

4

EOM media monitoring charts can be found in Annex 1.

5

The methodology employed by the EOM is a simplification of the methodology implemented at the *Osservatorio per la comunicazione televisiva di Pavia*, Italy.

6

The air time was assigned through a lottery, broadcast on TV, to ensure the transparency of the process.

7

Article 19.7: "The final results of an election are announced no later than three days from the date when the CEC receives all official data from the electoral commissions or court judgments on appeals against decisions of the electoral commissions. The decision is published in the Official Journal no later than three days from the date the decision is taken".

8

See Annex: CEC Decision No. 44 dated 7 November 2000, with complete final results and updated figures, following the allocation of the remainder of votes and divisions between parties in coalitions.

9

See Shekuli lead article on 16 October entitled "elections held under Greek terror".

10

The UHRP member claimed that it was to prevent the voting centre Chair from stuffing the box.

11

The EOM recorded 13 complaints to different courts, over 100 complaints to election commissions and more than ten complaints to the National Council for Radio and Television (NCRT) regarding media coverage of the campaign.

12

The two opposition members of the CEC were not present, and did not sign the declaration of first round results.

13

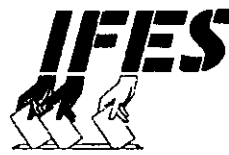
For example CEC Decision No. 39 did not provide legal rationale and was only made available on 11 October when the deadline for appealing to the High Court could be considered as expired.

14

See "Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System", Warsaw, 12 July 2000.

APPENDIX D

IFES VOTER REGISTRATION PROJECT PROPOSAL



MAKING DEMOCRACY WORK

IFES PROPOSAL FOR VOTER REGISTRATION AND TECHNICAL ASSISTANCE TO THE CENTRAL ELECTION COMMISSION IN ALBANIA

I. INTRODUCTION

A. Project Background

Since elections were first held in Albania after the fall of the communist regime, the status of voter lists has been a key point of contention between the government in power and the opposition. Prior to the Fall 2000 local elections, voter lists had been kept manually within each municipality with no central control over voter data. No voter identification card had ever been issued in the past. The accuracy of the voter list, a direct product of voter registration, was widely criticized by the public and the international community in all past elections and referenda. This perception generated a general mistrust in the system.

B. Electoral Assistance Project (EAP)

The Electoral Assistance Project was a joint effort between the Albanian government through the Ministry of Local Government (MLG), the United Nations Development Program (UNDP), the Organization for Security and Cooperation in Europe (OSCE), and the United States Agency for International Development (USAID) through the International Foundation for Election Systems (IFES) for the computerization and centralization of the voter registration and identification process in Albania prior to the Fall 2000 local elections. The project aimed to create a computerized national registry with all the data contained in a single database as well as a national voter card to be used for the Fall 2000 local elections and parliamentary elections scheduled for Spring 2000.

The Election Assistance Project for voter registration and identification began in the Fall of 1999 and was completed in October 2000. Tangible accomplishments of the EAP included: an enumeration, the development of a data center where data received by enumerators was processed, the production of voter identification cards, civic education programs, and the creation of a computerized national voter registry. While the voter registration system took several steps towards improving the accuracy and transparency of the registration process, a permanent technical structure is still lacking. Extensive work is necessary to plan the refining of the computerized voter list. With national parliamentary elections due in the first half of 2001, there is an urgent need to clean the voter registration database (VRDB) so that any errors within the data and on voter identification cards may be corrected.

The accuracy and integrity of the VRDB is currently unknown because of the lack of proper verification prior to its publication. Public awareness of errors in the allocation and omission of citizens in the final voter's list, spelling errors and errors in birth dates have reduced the confidence of the public and the political parties in the accuracy and credibility of the list.

The final voter's list (FVL) for the fall elections was comprised of two parts: part A contained all voters registered through the door-to-door enumeration process and part B, contained the names of persons whose place of residence was not clear. The inability to properly identify the place of residence of these persons was due to transcription errors in developing the database or from the civil registry offices. As a result of the errors, there was a large number of duplicate files in the database which were unable to be detected prior to the legal deadline for the printing of the preliminary and final voters list. In addition, the lack of proper street addresses and polling

unit maps made the task of assigning voters to the proper polling unit difficult and error prone. An analysis of the problems encountered on election day indicated that people were unable to find their name on the voter list.

C. Project Objectives

In order to continue the progress begun over the last several months, it is proposed that a new Voter Registration Project (VRP) be undertaken. Cooperating partners will be USAID, IFES, the Albanian Central Election Commission (CEC), the OSCE and the UNDP. The purpose of the program is to eliminate the contentious issues of the voter lists that surrounded the Fall 2000 local elections. With the hope of improving the current system and consequently increasing voters' confidence, the proposed project seeks to accomplish the following objectives:

- Clean the existing voter registry to acceptable international standards
- Complete the distribution of the voter id card prior to the national elections
- Develop the internal capacity of the Central Election Commission to maintain the voter registry over the longer term

While the primary intention of the project is to prepare the voter list for the 2001 parliamentary elections and develop a clean list which can be updated on a regular basis, an additional goal of the project is to leave behind a cadre of trained individuals in the election commission structure and outside with the capacity to maintain the voter registry over the longer term and a renewed sense of confidence in the election process among the citizens of Albania. The proposal outlined below represents a targeted approach to voter registration reform in Albania and seeks to achieve short-term objectives while also addressing long-term assistance objectives.

The timeframe for this project is 1 January - 30 July 2001.

II. PROJECT PARTNERS AND RESPONSIBILITIES

A. USAID

The United States Agency for International Development (USAID) played a significant role in the execution of the Electoral Assistance Project both through financial support as well as active participation in the management of the project. Under the EAP, USAID financial contributions were directed to the project through support of the efforts of the International Foundation for Election Systems (IFES) which included technical advising on the enumeration and ID card development, training of enumerators, and an extensive civic education campaign.

B. IFES

IFES will assume the lead management and technical role in the Voter Registration Project through support from USAID. This will include the following activities and responsibilities:

- provision of senior international technical staff;
- provision of national project staff;
- joint management of Management Committee and Technical Working Group (detailed below);
- training of LGECs, verification teams, and national project staff;
- development and production of training manuals and materials;
- development and distribution of civic education materials; and
- development and printing of verification/revision forms.

C. CEC

According to the electoral code adopted in May 2000, the Central Election Commission has ultimate authority over the maintenance of the voter list. Under the EAP, the transfer of responsibility from the Ministry of Local Government to the CEC was established. In order to meet this new challenge, the CEC has established a Voter Registration Directorate within its structure. The Chair of the Commission will serve on the Management Committee while the head of the Directorate will co-chair the Technical Working Group.

As the national government partner of the project, the CEC will undertake the following responsibilities:

- joint management of Management Committee and Technical Working Group (detailed below);
- provision of Commissioners to serve as national partners in training, civic education, and IT components of project;
- securing mapping services of Land Tenure Office;
- payment of administrative costs of data centre with donor support;
- payment of local offices for revision/ID card distribution;
- payment of local officials/verification teams; and
- payment of local supervisors.

D. OSCE

The OSCE Presence has been an active participant in the electoral reform process in Albania. It was one of the partners of the EAP and continues to take a strong role as Albania begins preparations for 2001 national elections.

Under the Voter Registration Project, the OSCE will take the lead role in approaching and liaising with international donors as well as the Friends of Albania. The OSCE's proposed responsibilities include:

- liaising with and informing international donors on project activities;
- regularly reporting project activities and results to the Friends of Albania;
- seeking out funding for the project according to the budget outlined below;
- contributing in-kind through the use of OSCE resources and field offices; and
- participation on the Management Committee and the Technical Working Group.

E. UNDP

As the lead partner of the Electoral Assistance Project, the UNDP's input into the VRP will be a valuable resource. The UNDP will assume responsibility for the funding and implementation of the ID card portion of the NRP. This will include:

- provision of a senior international specialist in voter identification;
- identifying and receiving funding for the purchase of new ID cards and costs associated with distribution;
- management of the procurement and distribution of ID cards;
- participation on the Management Committee and Technical Working Group.

III. PROJECT IMPLEMENTATION COMPONENTS

A. International Audit of Voter Registration Database

In order to get a better sense of the quality of the voter registration database from an outside party not involved in its development, a request was made by the OSCE to several governments for the conduct of an independent audit. The Government of Sweden has generously agreed to this request and will send a team of technicians to Tirana in early January for this purpose. Once their report is completed, its findings will be incorporated into the strategic plan to be drafted in January with the formal commencement of the project.

The auditing of the voter registration database (VRDB) is a specialized task, requiring a great deal of electoral understanding and a deep knowledge of the Albanian process. The main objective is answering the following questions:

- How widespread are errors in names? What is the percentage of these types of errors and what is their affect on the voters' list?
- Was this error due to data entry or to civil registry manual transcription? This information is important to decide the due course of action at the moment of deciding how and where to correct the error.

There are several ways to perform the auditing of the VRDB:

1. Integral audit, covering all the instances of the process: citizen data, civil registry, civil registry book data, transcription from civil registry to the Social Insurance Institute (SII) form, data entry in the Financial Information Center (FIC), database record (the voter's list must have the same data)
2. Partial audit, covering only some of the different steps.

Due to time limitations and because it is believed that most of the errors in the current database are the result of data entry transcription errors, it is suggested that the partial audit approach be used where only the VRDB is compared to Civil Registry records (as provided to the FIC).

The following methodology should be employed:

1. Decide the size of the sample and the type of errors to cover, assigning a relative weight to each.
2. Prepare instructions and design forms to capture information.
3. Hire personnel to verify database lists against original civil registry/enumeration forms.
4. Verify database against forms.
5. Enter forms into a computer program like SPSS and perform the correspondent statistical analysis.
6. Produce the final analytical report with conclusions and recommendations.

The recommendations of the review/audit team will be considered compulsory for action by the project team and will be incorporated into the final strategic plan.

B. Verification of the Voter Registry

1. Background and Challenges

In accordance with the new electoral code, a national computerized register of voters was established for the October 2000 elections in Albania. Computerized lists of the civil registers were compiled by the Social Insurance Institute and updated by the civil status offices and through door-to-door enumeration undertaken by multi-party enumeration teams. Both the Albanian Government and international project partners launched civic education campaigns to familiarize the Albanian public with the new registration exercise.

The voter registry database (VRDB) was established, maintained and updated by the Finance Information Centre (FIC), a government institution. Upon completion of data entry from the enumeration forms, the VRDB contained an unrealistically high number of records, exceeding 3.5 million. As a result of the inability to properly purge the database of duplicate records within the given timeframe and avoid double or triple registrations in the voter registry, a preliminary voter list was published that contained 2.4 million records of citizens found at home during the enumeration or declared to be emigrants.

In order not to disenfranchise voters due to administrative difficulties, on 9 September, the CEC stated that the names of all eligible voters included in the civil register and in the database would be entered in the voter lists.

As a consequence, each voting centre was provided with a final list divided into two separate parts, part A containing the final revised list of registered voters, and part B, a complementary list of voters who were not interviewed during the door-to-door enumeration, and not included in the register. All citizens who found their name in either part of the list, would be entitled to vote. Given the potential for multiple registration, and therefore multiple voting, the CEC introduced the inking of voters' thumb on election day. This was a far-reaching and positive measure to avoid potential voter disenfranchisement.

In line with the electoral code, permanent voter identification cards bearing a unique number matching that of the voter's entry in the register and a photograph were to be distributed to all voters. However, due to time constraints, less than half of the cards were issued in time for the 1 October elections, an estimated 30-40% of which were inaccurate. The inability to distribute voter cards correctly and on time was due to an inaccurate register that had not been unduplicated and a distribution problem. This problem did not become a significant political issue in the municipal elections because of a transitory provision of the electoral code which allowed voters to present any other identification document bearing a photograph (domestic or international passport, birth certificate, etc.).

At the 2001 parliamentary elections, only registered voters in possession of a voter card will be allowed to cast their ballot.

As a consequence, verification and correction of the voter register is of paramount importance in order to have as correct a base as possible from which to publish the preliminary voter list.

2. Correcting the Voter Registration Database

The current voter registration database was created for the October 2000 local elections in the data centre located in the FIC and under the guidance of the Ministry of Local Government and the Director of the FIC. For the 2001 parliamentary elections, this database needs to be cleaned and updated before it is used to produce a new voter's list. The cleaning of the VRDB is the most important technical task to be accomplished by the Voter Registration Project.

The quality of the VRDB is uncertain. During local elections, it was clear that there were errors in the names of persons and in the allocation of polling units. The most serious errors appear to be incorrect spelling of voter names (misspelling of first letter of name places voters on the wrong part of a list, e.g. "S" vs "Z", and is the largest source of duplicate records), incorrectly placing voters into polling stations (family members living together were assigned different polling station numbers), incorrectly recording the date of birth (voters were assigned incorrect voter ID numbers), and incorrectly adding voters to the register (names of voters already on the register were added again as a result of enumeration as a new record instead of being found on the register and updated).

An IFES preliminary assessment found many of these errors to be the consequence of simple data entry and data transcription errors. To correct this problem from recurring, the project will correct the register following international verification standards for data entry and data transcription. Corrective action will also be undertaken to clean the list based on the findings of the independent international audit.

The current VRDB is comprised of records from the Civil Registry taken during Spring 2000, the Social Insurance Institute (a replication of the Civil Registry of 24-30 months ago), and the door-to-door enumeration undertaken during June - August 2000. Through the enumeration, it was possible to capture where people were actually living as opposed to where they were recorded in the civil registry. The electoral code provides people

with the right to vote at the place they are residing (residence) as opposed to where they appear on the Civil Registry (domicile).

The following procedure is recommended for the Voter Registration Project:

- Separate those records of citizens who voted during local elections and confirm them as voters within the polling unit where they cast their ballot.
- Take the remaining records from the Social Insurance Institute database, including those that did not reach the FIC, and identify and clean duplicate records.
- Take the additions from the Civil Registry that correspond to legal movements of individuals or families and compare them with the VRDB to find duplicates. List those that do not have a match and send them to the Civil Registry for further verification and to obtain information as to where these people moved (if possible).
- Take those records without dates of birth or with inconsistencies in them and send them to the Civil Registry for further verification.
- Omit from the database all temporary resident records that did not vote in the local elections. These citizens should come forward in the revision procedures to be undertaken, by law, prior to the national elections. This approach will save considerable time during the cleansing process and is in accordance with the law and the definition of "temporary residents".
- Omit from the database all records from the September 2000 revision period of persons that did not vote. These people should be listed in their old places of residence because all records amended during the September revision period should have a duplicate in the database. They will have another opportunity to change their location on the voter list during the general election revision period. This approach is aimed at reducing the vast task of cleaning the database of more than 400,000 duplicates.
- Merge all records from the above tasks and re-run the duplicate and inconsistency routines.

3. Establishing Verification Procedures

This proposal envisages the urgent work of correcting the voter register database to be coordinated by the VRP and carried out at the Finance Information Center under the direct supervision of the CEC. A critical first step is for the Central Election Commission to request the manually corrected final voter lists for all polling stations from the Local Government Election Commissions. This information will be used to verify and correct the records of all Albanians who voted in the local elections.

Verifying and correcting all other records will require the creation of special programs to identify suspected spelling errors and suspected duplicate records and to prepare print-outs by Civil Registry Offices of unverified records together with possible database matches for validation and correction. This work will require a coordinated team of national and international staff.

The success of verifying and correcting registry records with reference to civil registry records is based on having clear instructions and procedures including verification procedures drafted, sufficient priority and payment for the task, and close supervision. Local Registry Offices and Local Government Election Commissions need to fully cooperate to ensure that tasks are carried out on time and with a minimum of error.

Updating the registry database with verified and corrected registry records will need to follow international standards to ensure that no more errors are introduced. Computer programs will need to be developed and tested. Anomalies will need to be identified, researched and corrected, and proper paper-flow controls will need to be instituted. In this regard, the project proposes to recruit international staff to advise in developing and testing the computer programs, setting up the data entry and data verification procedures, and supervising the operation of correcting the voter register.

With these actions, the project expects a significant improvement in the accuracy of the preliminary voter list that will then be distributed along with maps to the Local Government Election Commissions and Voting Center Commissions, in preparation for the revision of these lists into the final voters lists.

4. Hiring and Training Verification Staff

Verification staff are required for the data entry operations and for the verification and correction of voter records by referencing local civil registries. The former verification staff can be recruited in Tirana for work at the FIC whereas the latter need to be recruited and trained locally under the supervision of Local Government Election Commissions.

The project envisages the development of training courses and recruiting and training a core team of verification supervisors to provide support for local recruitment and to train local staff.

C. Revision of Voter Registry

The task of revising the preliminary voter lists falls on the Local Government Election Commissions under the guidance and instruction of the CEC. This project envisages the establishment of at least 386 local revision centers (one for each community) whose task is to correct the preliminary voter lists with information from local citizens as provided by law and to prepare the final voter lists.

1. Establishing Local Revision Centers

The local revision centers will need to be established two to four weeks before the official period of revision, to allow time for setting up the centers, local recruitment and training of staff, and installing and testing the equipment.

The project envisages that the local revision centers be provided with hard copies of local preliminary voter lists, revision forms, where possible a personal computer containing and a copy of the entire voter register for ease of look-up of voters who are registered elsewhere. The computers will also be useful for determining a voter's ID number. Electoral district and polling station maps will be useful for locating the voter's current and previous residence. Offices may also be provided with a fax machine to send registration updates to the central voter registry office in Tirana for data capture. Finally, photographic and lamination equipment for producing voter cards will be provided to local officials.

The project proposes to support the local voter revision process by developing and promulgating the revision procedures, and training a core group of local revision supervisors and local technical support personnel for supervising the revision process and procedures and supporting the operation of the personal computer, fax machine and the equipment for producing voter cards. The core supervisors and technicians will also help recruit and be responsible for training local revision office staff and then supervise and coordinate their activities (see training section F, p. 16)

According to the new election law, the Local Government Election Commissions have the responsibility to review and approve revision requests as prescribed by law. Once approved, the appropriate action is taken to add a voter's name to the local list, or to remove a name from the list, or to correct a name on the list.

Where available, the purpose of the personal computer at each local revision center is to provide an easy look-up of existing registrations when a voter needs to move his registration from some other preliminary list to the local voter list. It is also to be used in determining a unique voter ID number. Whenever a voter is found to be registered elsewhere, a revision form is completed for an action to add the voter to the local list and remove the voter from the list where he is already registered. The revision form once approved is then faxed to the central

registry office where the request to delete it is forwarded by fax to the appropriate local revision office and the central registry is updated. Once faxed, the revision form is used to add the voter to the appropriate local preliminary list and the form is appended to the preliminary list as reference.

Determining on which list the voter should appear is to be facilitated by locating the voter's residence on the appropriate district and/or polling division maps and recording the appropriate district/polling division information on the revision form.

In the event a voter wishing to be added to the list is not found on any other list, a different form is completed that includes information for the creation of a voter card. The computer is also to be used to create a unique voter ID number for the voter. Once the revision is approved, the voter can present himself for the issuance of a voter card. The appropriate revision form then follows the usual process for a voter to be added to the appropriate preliminary list, including faxing the form to the central register office.

Voters whose names are misspelled can have their names corrected by having a revising agent complete another form. Again the form is faxed to the central office to update the central database.

Voters who identify names of persons who are deceased can complete a petition to have these persons removed from the preliminary list. This petition will normally have to be verified by the local civil registry office before the name can be removed.

Faxes received from the central office requesting the removal of names because these voters have changed their registrations to a different district/polling division should be processed expeditiously.

The work of the central office in this period is to focus on coordinating the movement of valid voter registrations from one list to another. The next priority is the addition of new names approved by the local election commissions and the deletion of names of the deceased.

2. Hiring and Training Revision Staff

The project proposes to provide the skills profile for the local revision supervisors and technicians to local election commissions to identify suitable candidates for a three week training session in Tirana. The training will include learning the Election Law, revision processes and procedures, including process control procedures, learning how to use district and polling division maps to locate a voter's residence and provide the correct district/polling division numbers, learning to set up, operating and support a personal computer for the purpose of conducting voter searches and creating a unique voter identifier, learning to set up, operating and support a fax machine and learning to set up, operating and support the photographic and laminating equipment for the issuance of voter cards.

The revision supervisor's responsibilities include local recruiting and training of revision clerks and poll clerks, setting up of a local revision office, and establishing correct paper flows and controls.

The technician's responsibility is to ensure adequate electrical and telephone infrastructure at the revision office to support the personal computer, fax machine and photographic and lamination equipment. The technician's responsibility is also to train local staff to assist in the operation of the equipment and for ensuring adequate supply of consumables.

D. Polling Unit Maps/Conclusions of Boundary Delimitation Commission

Maps of electoral divisions and polling units in Albania are incomplete and those that do exist are outdated. This deficiency creates a significant problem in preparing an accurate voter list and in the administration of an election.

This deficiency is made more difficult by the fact that in most urban centres of Albania, street addresses do not exist and street names are often not posted. One direct consequence of this situation is that voters are frequently assigned to polling units by guessing or approximating where people live. As was experienced in the recent local government elections, the result of this problem is that many (thousands) of voters showed up on the wrong voter list and were either disenfranchised or had to search the list of other polling units for their name. Usually people not found on the list of their home polling unit were found on the list of another unit in the same electoral district. However, if they were on a list in another district, there was an additional problem. Article 7 of the Electoral Code states that voters vote "in the polling centre in the zone where they are registered on the voter's list" and article 52 (1&2) provides that voters are placed on the voters' list only in their place of residence or domicile.

In a democratic electoral system it is the responsibility of the state to make sure that voters have the opportunity to exercise their right to vote if the voter chooses to do so. In this regard, the responsibility of the state is to ensure that all necessary procedures have been taken to ensure that voters are not disenfranchised or unduly inconvenienced. Adequate and complete maps of electoral districts and polling units are an essential component of fulfilling this responsibility.

The creation of polling unit maps was contemplated in the design of the Election Assistance Project. Because of cost, but more importantly because of disagreements regarding the need for maps and the method of creating them, this task was not accomplished. Further, while polling unit maps did exist in many urban centers, it was not possible to obtain copies of them due to the lack of co-operation with local authorities. The lack of maps was a direct and significant contributor to the confusion and complaints that developed on election day (October 1). When voters on the list were assigned to polling units by the Civil Registry Offices and other local officials before the door to door enumeration took place in the spring/summer 2000, they were assigned on the basis of either the last list of voters or by guess work. Consequently, family members at the same address were found on lists of different polling units and some voters were listed on a list for a polling unit in which they did not live. While some of these errors were corrected during the revision period in the first two weeks of the election period, the time was too short to do the job adequately. In addition, the lack of functioning Local Government Election Commissions (LGECS) meant that lists were not posted and voters were unable to check and revise the lists as required by the electoral code. On election day, the lack of maps at the polling units or in the offices of the Local Government Election Commissions meant that voters and election officials could not direct voters to their proper polling unit in a timely, efficient or accurate manner.

It is proposed that proper polling unit maps be drawn as part of the new Voter Registration Project. Further it is proposed that these maps be drawn using the Geographical Information System (GIS) base maps that have been produced by the Land Tenure Office and utilize the unique building number codes contained in the inventory of immoveable properties. In this manner, it will be possible to assign voters to a specific building on a map and place them in the correct polling unit.

The GIS maps that exist in Albania along with the inventory of immoveable objects provide a unique number to each building in the country. This number can act as a street address for the purposes of developing the voter list for each polling unit.

The production of the polling unit maps and assigning voters to the correct polling unit will be a complex, labor intensive task requiring comprehensive training for local officials, co-operation of the voter, strict supervision and, as envisaged in this proposal, free access to the base maps of the Land Tenure Centre of the Government of Albania. It is proposed that this activity be undertaken in the following manner: (Note: what follows is a listing of the steps to be undertaken, not a detailed statement of individual tasks.)

- The Central Election Commission (CEC) immediately establish Local Government Election Commissions as required pursuant to article 38 (11) of the Electoral Code. (December)

- Through the LGECs, the CEC immediately collect all polling unit maps from all municipalities and communes and provide a copy to the Voter Registry Project Team. (December)
- Through the Voter Registry Project Team, each polling unit map should be overlaid onto the GIS maps detailing the inventory of immovable property and a new polling unit map printed showing all buildings and the unique number assigned to each building. (January)
- The list of voters for each polling unit should be attached to each individual polling unit map. (March)
- Two copies of each polling unit map and appropriate list of voters should be forwarded to each LGEC at the time of the revision of the voter list as required by article 54 of the electoral code. (March)
- The CEC undertake a major civic education program to encourage voters to check the list and request necessary revisions. (March, April and May)
- The CEC undertake a thorough training program with each LGEC to inform and educate them on the process to follow in revision of the list of voters and ensuring that each voter is on the list of voters for the polling unit in which the voter resides or is domiciled. (March and April)
- At the time of the revision of the voter list, voters would be asked to confirm their place of residence or domicile on the map to ensure that they are listed in the correct polling unit. In this manner, voters could be moved from one polling unit list to another through the revision process. (March, April and May)
- Each LGEC will require at least two maps of the municipality or commune showing each polling unit boundary and the unique number of each building within the municipality or commune as a master reference for the LGEC, local officials and voters. (March)

The above procedures will not complete the job of properly assigning people to the correct polling unit list of voters because the revision process is voluntary. It is important, however, that the CEC, through the local commissions, make it possible for the voters to check and revise the list. At the same time, it may be necessary for this task to continue during the election period and/or on election day. By requiring these voters to complete special revision forms a further update of the list of voters can be undertaken after the election.

The project budget for this task is \$75,000. This estimate is based on an earlier estimate of the cost of copying the GIS maps of the Land Tenure Centre. As the Land Tenure Centre is an office of the Government of Albania, it is hoped that this cost would be reduced by having the maps and the cost of manipulating the maps, as required for the project, donated to the project as a matter of national importance. Further, it is envisaged that a member of the Land Tenure Centre would sit on the Technical Working Group of the Voter Registry Project to provide advice regarding the development and use of the maps.

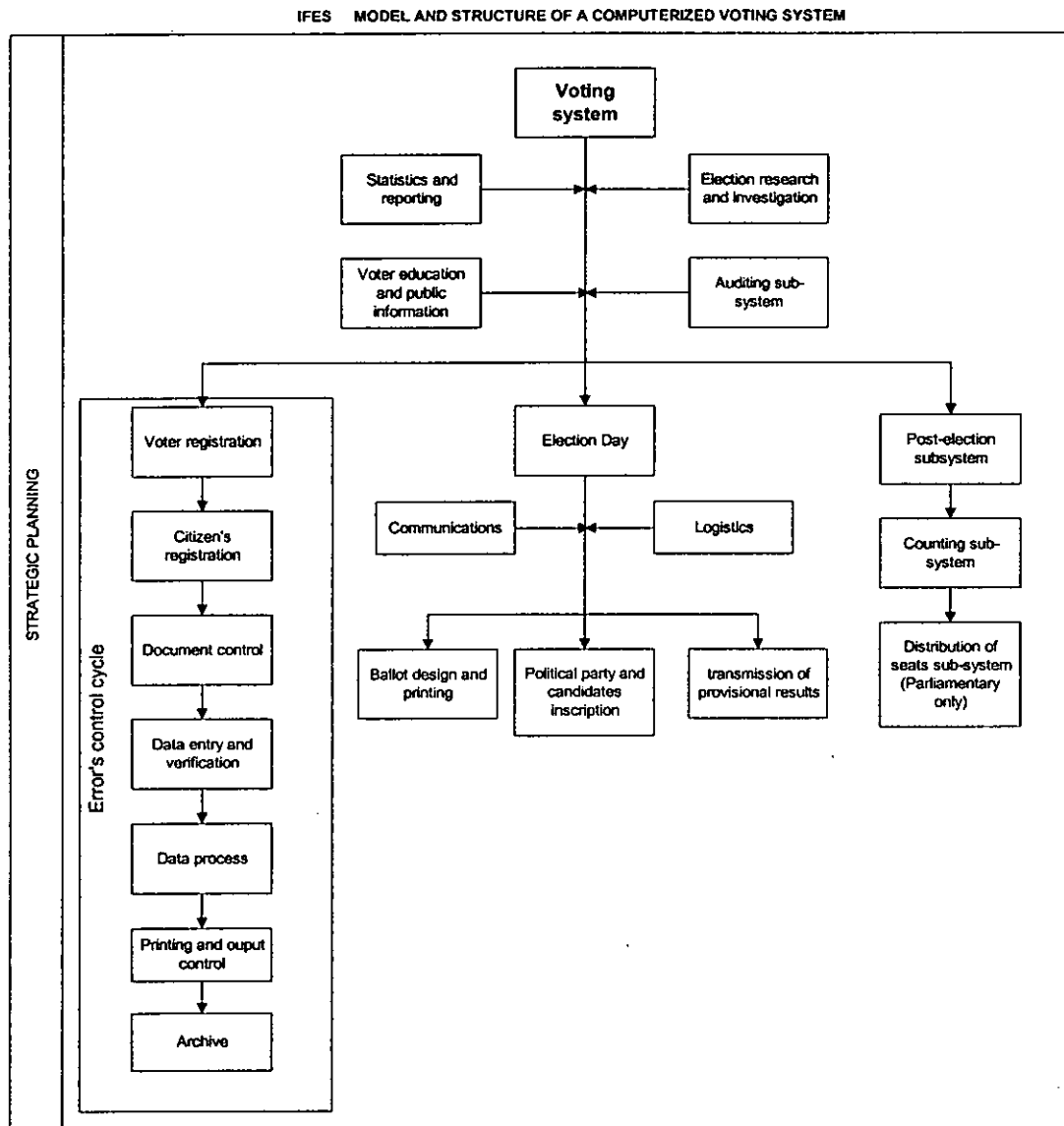
Through the use of the GIS mapping service, the CEC will be able to increase its internal technical capacity and gain important experience and knowledge in the use of modern computerized mapping techniques. This knowledge and experience will greatly assist the CEC in the future when it is required to adjust polling unit boundaries (to ensure the maximum number of voters in each polling unit does not exceed 1,000 voters). This experience will also be valuable for the revision of national electoral zone boundaries. According to the electoral code (article 71(6)) the number of voters in each electoral zone must not vary more than plus or minus 5% of the average number of voters in each zone as calculated by dividing the number of voters on the list by the number of electoral zones. Because of the misappropriation of names in the list used for the local elections this past year, the current revision of electoral zone boundaries in accordance with article 157 of the electoral code will be criticized by the political parties and other organizations as not being accurate; but the legal constraints of article 157 requires that the list from the local elections be used for this purpose. However, the mapping component of this project will be instrumental in identifying the exact extent of the problem and ensure that the next revision of the electoral zones, which must occur in the year 2005 (article 68), is based on accurate lists and maps.

The development of the maps will assist the revision of voters and the finalization of the national and local voter lists. It will also assist in the accuracy of the voter ID card distribution. There will be a significant need for flexibility within the project to ensure that the revision process and the ID card update and distribution are fully coordinated and integrated.

E. Computerized Election Record System

Due to a lack of time and the poor quality of the initial Social Insurance Institute database, the FIC was unable to develop a comprehensive computerized voter registration system under the EAP. Although some isolated routines can be used for the 2001 elections, a new multipurpose system should be developed for this election.

The components of the proposed system are detailed in the graphic below:



A technical group – the Database Design Group (DBDG) - should be established for the design, programming, testing and implementation of the system. Group membership should include:

- Director of the CEC Voter Registry Directorate
- Senior Information Technology Consultant

- National IT Officer
- Two database programmers
- Two database administrators

The technical group should be available at all times throughout the project and be charged with system maintenance and documentation in accordance with accepted international standards. The International IT Consultant will act as advisor during the phase of design and as auditor during the programming, testing and implementation. He will present a weekly report to the TWG and be responsible for the verification and adherence of the system to the initial project.

The same group will be in charge of the design of forms, administrative procedures, logistics design and preparing instructions for field officers and supervisors.

F. Training

In order for the verification and revision portions of the project to be accomplished, the active participation and full cooperation of the Local Government Election Commissions will be necessary. Significant efforts will need to be dedicated to training of Commissioners at this level in order to achieve this objective. The project will seek to train Local Government Election Commissioners on the procedures for revising the voter list and the procedures for distributing voter ID cards. While each LGEC can have a maximum membership of seven, the training program will aim to train four members from each LGEC in the country. The training will feature active small group training sessions that will take place in each of the 12 prefectures of the country. The goal will be to ensure that each LGEC member can demonstrate his or her competence in the process of revising the voter list in a manner that is transparent and impartial. A secondary objective of this training will be to pilot a training system that can also serve to train LGEC members in voting day procedures in April and May of this year.

There are 385 LGECs in the country. Each LGEC has a minimum of four members. The training model assumes a total of 1,540 LGEC members who need to attend the training with an average of 130 people needing training in each prefecture. In order to accommodate this high volume of training, a training of trainers model will be adopted whereby a group of core trainers will comprise the first level of training and they will be responsible for training a second tier until all 1,540 members are trained.

An active training program will be developed that provides each LGEC member an opportunity to demonstrate his/her understanding of and ability to revise the voter list according to the agreed upon procedures. The challenge will be to develop an active training program for governmental officials who are used to more traditional passive lecture-type training programs that have been delivered in the past. The training will allow each LGEC member to show they understand the voter list revision procedures and have confidence in being able to answer any questions or concerns that might arise during the revision process.

The voter list-revision training program will take place over the months of February and March 2001. The training schedule assumes that voter list revision procedures are agreed upon and in place by Feb 1, 2001. The different phases of the training program are:

<u>Phase</u>	<u>Timeline</u>
1. Training design	Feb 1-15, 2001
2. Training of trainers	Feb 16-20, 2001
3. Training of LGEC members	Feb 21-March 21, 2001
4. Evaluation of training and lessons learned	March 21-30, 2001

The training program will be designed with the active participation of and consultation with members of the CEC and the international partners active in election assistance. After initial consultations, a training program design

workshop will be held at the CEC with key stakeholders to ensure all interested parties have input into the training design.

IFES representatives will assume the role of lead trainers. In addition, staff hired (or seconded from the ministries such as the Ministry of Local Government) will also serve as trainers so that training groups can be as small as possible. These trainers will be trained in active training techniques in a trainer of trainers session to be conducted in Tirana. It is envisioned that each training session will have no more than 30-40 participants. As a result, two training teams will be organized to facilitate the training within the requisite timeline. These training teams will also serve as key trainers for the training of Voting Center Commissioners to be held in late April, May and early June.

The training program will be either a half-day or one-day training depending on the final content of the program. It will be designed to provide hands on practice in the typical situations that LGECs will face during the voter list revision process. As a result, each training session will have a mix of lecture and active training techniques such as role-play, small group discussion, and demonstrations.

The training evaluation will be built into the training program. Each trainee will fill out a questionnaire immediately after the training. In addition, a series of focused group discussions will be held during the two weeks following the election to ensure that lessons learned from this training are incorporated into the designs for future training programs.

G. Civic Education

The civic education component for this project will focus on the list revision process and promotion of the voter ID card distribution program. The goal of the civic education component will be to inform every potential voter in Albania on how to review the voter's list to ensure they are appropriately registered. An important secondary objective will be to inform voters on how they can obtain their voter ID card.

Two major strategies will be utilized for informing potential voters of their rights and responsibilities. First, a national promotional effort will be conducted through the major national TV and radio outlets. This will consist of one-minute and thirty-second promotional video and radio spots broadcast in the two weeks prior to the voter list revision period. These "Check the List" spots will encourage voters to ensure they are registered and have their ID card.

A second regional strategy will also be employed utilizing regional media and brochures and leaflets to be distributed via newspapers and at public markets and events. Regional TV and radio stations will be asked to broadcast the "Check the List" spots. Brochures and leaflets will be provided to the LGECs so they can be distributed through governmental offices throughout the prefectures. In addition, regional media will be actively encouraged to write and broadcast stories about the training effort and the effort to encourage people to review the voter register.

Voter ID card distribution will be a supplementary and complementary activity to the voter list revision process. Promotional efforts will highlight the voter ID card and the need for all voters to obtain their card for problem free voting. LGECs will be trained, as part of the voter list revision training process, in the mechanics of ID card production and distribution. This effort will be closely coordinated with the UNDP given that it will be responsible for ID card production and distribution.

The civic education component timeline will include:

<u>Phase</u>	<u>Timeline</u>
Design of civic education spots and brochures	Feb 16-28, 2001

Production of civic education promotional materials
National civic education promotion campaign
Regional civic education promotional campaign

March 1-15, 2001
March 16-31, 2001
March 25-April 15, 2001

H. Voter Identification Cards

A voter identification card was scheduled for delivery during the local elections. The ID card distribution during that phase reached 40% and was stopped after the elections due to a series of errors in the identification of citizens. The main errors were:

- Birth dates: The birthday is used to calculate the unique voter ID number on each card. All records in the database with errors in birthday (approx. 140,000) will have a wrong voter ID number. The voter ID card was printed in Canada immediately after the first update of an incomplete voter registration database and before the period of public verification. After the revision period, more than 300,000 changes were made to the database and an unknown, but high number of them belonged to the birthday field, which is the source for the calculation of the voter number. A decision was made not to change the original number to avoid public confusion, because an unknown number of cards with the wrong number were already delivered, and because there was no time to re-print cards in Canada. There are, then, many cards issued with the wrong ID number, some of them in the remaining batches still in the municipalities and some already delivered.
- No birthday. There are thousands of persons on the VRDB with no recorded birthday. In these cases, an ID number has not been assigned and a voter ID card was not issued. For these people, it will be necessary to return to the civil registry offices to obtain the missing information and prepare and issue a voter ID card.
- "L" records. "L" records, are persons who the enumerator was told had moved elsewhere in Albania, were not listed in the preliminary voter list, and for whom a voter ID card was not issued. Around 400,000 "L" records were included in the final voter list (Part B). Some of these people voted on October 1. Who these individuals are can be determined if the voter lists from the October 1 election are processed in accordance with the first recommendation. A new voter ID card should then be issued to these citizens and the old one (if they have one which was issued in the old place of residence) should be destroyed and the record of it voided.
- Multiple cards issued to the same individual. The cleaning and duplicate detection process remained unfinished. This means that the database contains an uncertain – but large number – of voter ID cards issued (or prepared for) the same individual but in different localities.

As result of the circumstance detailed above, the delivery of the remaining 60% of voter ID cards must be carefully measured to avoid public mistrust in the card, the most important feature of that document. At the same time, all errors should be detected and fixed in order to eliminate cards with incorrect information and issue new ones. The extent of the problem is unknown, but will become clearer once the VRDB is updated prior to the 2001 parliamentary elections.

Because of the need for the verification to be completed prior to the issuance of any additional cards, it will not be possible to deliver the new voter ID card before May 2001. It is important to keep in mind, that under the law the ID card is compulsory for voting in the parliamentary elections.

To guarantee the distribution of a correct card, the following activities are suggested:

1. Fix all the errors in the VRDB before a new distribution phase of the voter ID card
2. Bring back all cards not distributed to Tirana, along with the distribution lists, and input all those cards already distributed in the VRDB
3. Compare electronically the old and the new databases to detect differences in names and birthday

4. Withdraw all those ID cards not yet delivered
5. Define a policy: keep the wrong number on cards that have been distributed or locate and change distributed cards with the wrong numbers
6. Print new cards as necessary. The printing can be done in Canada (if there is time) or in the CEC using the high capacity printer bought by the EAP
7. Distribute the cards at least one month and a half before elections
8. Have a contingency plan in case the period of distribution is too short or if many cards remain in the distribution centers. One alternative is the issuance of a decree allowing the voting without the card; the other to maintain the law and accept any political consequences derived from that fact

Assuming that 30% of the ID cards have some kind of error in names or birthday, the total number of cards that will need to be re-printed is 720,000. If the cost of the original cards are \$.60, the cost of replacing could be around \$450,000. The cost of logistics, offices and local staff, are not included in this figure.

Because this portion of the project will be undertaken as a parallel effort by the UNDP, further details on its implementation will be detailed in the strategic plan developed in January.

I. Logistics

In Albania, the distribution of materials and communication with local authorities is a major difficulty. The lack of good roads or roads into all communities means that for out of the way places distribution of materials can take days, not hours. Similarly, the lack of telephones and inadequate and/or disrupted power supply results in an inability to communicate quickly or efficiently. This is a major problem when legal deadlines must be met. While it is necessary to work with what is available, forward planning, innovation and some capital expenditures can alleviate many of these problems. During the EAP, materials for the production of the voter ID cards were distributed by the army to prefecture and district centres. From there local officials picked up their supplies. This worked reasonably well and ensured timely distribution from Tirana to the designated centres. Similarly, during the local government elections the army was used to distribute ballot boxes and other election supplies to designated centres where they were picked up by local officials. Alternatively, local buses could be contracted to distribute supplies around the country with local officials coming to the designated drop off points to receive their materials.

A similar distribution process could be used in this project. However, this method of distribution also requires considerable advance planning, provision of adequate time to move materials around the country and a means of communicating with local officials to be sure they are aware of what is coming, when it is coming, when it is to be returned and how.

The EAP and the CEC also required local officials to come to Tirana personally to deliver specific materials (door-to-door enumeration forms, candidate nomination forms, election protocols, etc.). While a reliance on this method removes the need for a central body to organize the receipt of materials or arrange for it to be brought to Tirana, it is also very inefficient and many local officials were unable to fulfill their tasks within the legal time frames required because of travel delays.

In many of the smaller communities and communes telephone service is poor. Individuals do not have their own phones and, for some areas local officials may have to travel a considerable distance to have access to a phone. Local government offices generally have a fax machine but may not have a computer. Internet access is spotty but is available in the major centres which makes email communication possible albeit slow because the internet access is based on telephone service. Throughout the country power failures are regular and unpredictable. This means that the CEC lacks an efficient, adequate method of communication with local officials through telecommunication services. Also, the CEC does not have local field representatives at the prefecture or district level and therefore, has no direct personal communication with local commissions.

The problems mentioned above can be partly overcome by the deployment of some of the computers in the data centre (established for the EAP) to a number of LGECs or districts. A number of these computers could be used in major centres to facilitate communication with the CEC and the Voter Registry Project Team through email. In addition, fax machines could be purchased for each LGEC which will enable them to have fast communication with the CEC when required. In some cases, it may be advisable to furnish LGECs with a cell phone. Finally, the project will provide an impetus for the CEC to put into place a field representative system whereby at least one individual in each prefecture is hired to be in constant communication with the LGECs in that prefecture to assist them in dealing with issues, ensuring the work is proceeding smoothly and to liaise between the CEC and LGECs. These field representatives could also be responsible for ensuring quality control of the revision, voter ID card distribution and election administration in general.

Much of the success of a project of this type is the ability to distribute material, retrieve material and communicate often and effectively with local officials. For this reason this project envisages the following procedures:

1. Use of the army to distribute bulk materials as necessary
2. Use of contracted local bus services to distribute materials to local election officials required for revision procedures and to retrieve materials
3. Provision of communication equipment (fax, computer and/or cell phone) yet to be fully determined.
4. Requiring the CEC to establish field representatives through which the CEC and Voter Registry Project can be in touch with the LGECs without having to use the prefecture offices. The use of these offices carries the potential of significant political criticism which must be taken into account.

A final plan on the distribution and communication systems to be used in the project will be contingent upon a full assessment of the needs for ID card distribution and the willingness of the CEC to establish a system of field representatives. However, at this time a final plan will have to include the use of the military, private transportation services and upgrading of communication linkages between the CEC and local officials.

IV. TIMETABLE OF PROJECT ACTIVITIES

In the absence of an approved strategic plan, a preliminary listing of project activities and deadlines has been developed. These activities are contained in the following chart for reference.

Albania Voter Registration Project (VRP): Timetable of Project Activities					
#	Description	Start	Finish	Responsible	Resources
1	Strategic plan preparation	January 2	January 8	CEC/VRP members	CEC/VRP members
2	Strategic planning approval	January 8	January 15	CEC/MC	CEC
3	Management Committee and TWG establish regulations	January 16	January 19	CEC/VRP	MC/TWG
4	Local technical staff hiring	January 16	January 20	CEC/TWG	<ul style="list-style-type: none"> • 2 Oracle 8 database programmers • 2 database

					administrators
5	First TWG meeting	January 20	January 20	TWG	TWG
6	Voting system design	January 22	March 30	Database design workgroup (DBDG)	Int'l computer advisor/VR Director/local tech staff
7	VRDB cleaning sub-system programming and test	February 1	February 10	Database design workgroup (DBDG)	Int'l computer advisor/VR Director/local tech staff
8	Collection of voter's list from LGECs	December 20/2000	January 1/2001	CEC	CEC
9	Hiring data entry operators	January 8	January 15	CEC	Twice operators and shift supervisors as workstations installed (hopefully 35 computers in the network)
10	Data entry of voters/non voters	January 16	January 31	CEC under TWG supervision	Calculating aprox. 2 million entries
11	Separating and listing non-voters for further verification	February 1	February 2	CEC/TWG	CEC should request to the CR's to pick up lists of names to verify.
12	Contracting an NGO for training and supervision of database verification	January 15	January 25	CEC/ TWG	Specialized NGO
13	Training CR clerks and reviewing remaining database data	January 26	February 28	Civil registries/NGO	Trainers, supervisors, forms
14	Delivery of reviewed forms from CR	March 1	March 5	Civil Registries/NGO/CEC	
15	VRDB update	March 2	March 10	CEC/TWG	
16	Sorting and listing voter's lists for public verification	March 11	March 16	CEC	Industrial printer
17	Publishing voter's list	March 13	April 10	CEC	voter education campaign
18	Collecting updated information from municipalities	March 30	April 12	CEC/municipalities	Logistics plan, municipalities, CEC

19	Updating VRDB and printing preliminary voter's list	April 1	April 10	CEC data center	Operators, supervisors, computer network, application programming
20	Set up of comm. Network for public information	February 1	March 1	CEC/TWG	Computer operators, telephone lines (10), VRDB
21	Public awareness campaign	March 1	April 15	IFES	1 voter education consultant, media contracts.
22	Programming, testing and implementing the second phase of the voting system	March 1	March 30	CEC / TWG	IT int. consultant, 2 programmers, 2 db administrators, Director of Voter Registration
23	Preparing the new system to capture info on citizens living in a different place of its registration	March 1	March 20	TG, TWG	Technical group, TWG, voter education specialist
24	Public campaign to capture info on how to register outside the place of residence	April 10	May 15	TWG	voter education specialist and NGO's
25	Establishing centers for registration and public verification of voter's list.	March 15	March 30	CEC	Offices, clerks, office supplies, forms
26	Posting preliminary voter's list and collection of information about registration and new changes to the voter's list	April 1	April 15	CEC, LGECs	Logistic system
27	Updating the VRDB with new information	April 5	April 18	Data center, TG	Data input operators, supervisors, TG, app software
28	Passing voter ID number	April 19	April 20	CEC, TG, SII	SII task according with the law
29	Preparing Voter ID card database with updated	April 20	April 28	TG, VIDC specialist	VIDC specialist.

	information				
30	Sorting and printing ID cards	April 29	May 4	CEC, VIDC specialist	Industrial printer, voter Id card specialist
31	Distributing VIDC to centers	May 1	May 4	CEC	Logistic system
32	Designing Voter ID card distribution system	February 1	February 30	TG, VIDC specialist (UNDP)	TG, VIDC specialist (UNDP)
33	Distributing VIDC	May 5	June 24	Municipalities, CEC, TWG	Offices, clerks, forms, office supplies, voter ID cards, photographic machines.
34	Sorting and printing final voter's list	June 1	June 10	CEC	Industrial printer
35	Distributing final voter's list	June 11	June 16	CEC	Logistic system
36	Preparing logistics for provisional results system	June 1	June 10	TG, TWG, CEC	Approval of the system by the CEC
37	Training polling unit commissions in the provisional results system	June 15	June 20	TG, NGOs, IFES training consultant	Forms, instructions
38	Potential Election day	June 24			
39	Transmitting provisional results to the CEC	June 24	June 25	CEC, PU's commissions	Comm. system in place
40	Delivery of provisional results to the media and public in general	June 26	June 26	CEC	
41	Final counting	June 25	July 10	CEC	
42	Statistical analysis of results	July 11	July 30	VRP/CEC	
43	Publication of statistical book	August 1	August 30	VRP/CEC	

V. Project Management

A. Structure

There are two major tasks to be undertaken in this project. Each task is assumed to have a separate lead agency. IFES will be responsible for the update and verification of the voter list, training of local election officials and civic education pertaining to the list update and public revision (as required by the electoral code). The second

task will be led by UNDP and comprise the updating of the voter ID cards and distribution of the cards through local government election officials. The civic education and training component of this task will be integrated with the update of the voter lists and public revision process. While there will be two lead agencies with separate budgets and administration, management co-ordination with the CEC and the consultative process with the political parties and international agencies will be integrated.

For the IFES component of the project, the project will be led by the IFES Project Director in Albania with the following international staff:

- a. Chief Technical Officer (co- chair of the Technical Working Group and responsible for day to day management of the project).
- b. Information Technology/Registration Specialist who will be responsible for the day to day work of the data centre for the verification of the existing lists and the data entry and verification of the final list following the public revision period.
- c. Training Consultant responsible for the development and implementation of a training program for local government election officials during the verification and revision period.
- d. Civic Education Consultant responsible for the development and implementation of a national education program to encourage people to check the list, request necessary revisions, and to pick up their voter identification card.

In addition to the above personnel, IFES will be hiring a Deputy Project Director for its office. This individual will (in addition to other duties), along with existing national administrative staff, provide necessary administrative/financial service support for the project. At this point it is not clear what staff the UNDP will deploy on the voter identification card component.

This project is a joint project with the Central Election Commission. This means that each of the international consultants will have a full-time national counterpart. In this manner, it is anticipated that the project will achieve a consensus approach to all activities and that the project will result in a significant degree of technical and managerial capacity building within the CEC.

Financial oversight of the project will be the responsibility of the Management Committee with each partner independently responsible for expenditures designated to them in the final project document.

1. Management Committee

Project policy decisions and management will be the responsibility of a Management Committee comprised of the Chair of the CEC, one additional member of the CEC, USAID, Deputy Head of Presence of the OSCE, Deputy Resident Representative of the UNDP. The Management Committee is responsible for ongoing contact with the Political Party Consultative Committee and the International and National Advisory Committee.

The co-chair of the Technical Working Group (see below) report directly to the Management Committee.

The Management Committee will meet as required but at least once every two weeks to review progress, identify and deal with problems and issues brought forward by the Technical Working Group and recommendations from the Political Party Consultative Committee and the International and National Advisory Committee.

Specific responsibilities of the Management Committee include:

- Ensuring adequate funds are in place for the project
- Oversight of the project budget
- Approving the strategic plan for the project

- Establishing policy guidelines for the Technical Working Group regarding list verification procedures, training, civic education, revision procedures and voter ID card distribution.
- Consultation with the Political Party Consultative Committee
- Consultation with the National and International Advisory Committee
- Contact with media
- Approval of all contractual arrangements for goods and services

2. Technical Working Group

The Technical Working Group (TWG) is co-chaired by the Chief Technical Officer and the Director of the Voter Registry Directorate of the CEC. The co-chair of the TWG are nonvoting members of the Management Committee and are required to provide a status report on the progress of the project at each meeting of the Management Committee. Membership on the TWG (in addition to the co-chair) is anticipated as follows:

- International IT Consultant (IFES)
- National IT Officer (CEC)
- International Training Consultant (IFES)
- National Training Officer (CEC)
- International Civic Education Consultant (IFES)
- National Civic Education Consultant (CEC)
- International ID Card Distribution Consultant (UNDP)
- National ID Card Distribution Officer (CEC)
- Representative from the Land Tenure Office

The TWG is comprised of the senior members of the project team and is responsible for the day-to-day activities of the project. Decisions of the TWG will be made within the broad policy guidelines of the Management Committee.

Specific responsibilities of the TWG include:

- Preparation and recommendation of the project strategic plan to the Management Committee
- Development and implementation of the technical components
- Recommendations to the management committee regarding project suppliers and contractual arrangements for services
- Design (recommendations to the management committee) and implementation of an approved training and civic education program
- Development of effective communication and transportation linkages to local officials
- Initiation of recommendations to the Management Committee on matters considered to be important to the project
- Other matters referred to it by the Management Committee

3. Political Party Consultative Committee

The Political Party Consultative Committee (PPCC) is the mechanism for the project team to liaise with representatives of the political parties on matters pertaining to the verification of the voter list, revision procedures and progress and the distribution of the voter id cards. It is anticipated that the committee would meet no less than once every three weeks.

It is proposed that one member of each political party registered with the CEC in the last election be eligible to appoint one member to the committee. The committee is to be chaired by the Chair of the Central Election Commission. Members of the project Management Committee attend and participate at all meetings along with members of the TWG as invited by the Management Committee.

B. Decision Making

This proposal includes three primary partners, each responsible for specific components of the project. It is necessary and advisable that there be a clear indication how decisions will be made and differences resolved to enable the project to be implemented smoothly and on time. The project is governed by deadlines defined in the electoral code and the date (not yet established) of the national election.

Clearly, it is desirable that the project operate on the basis of close and amicable co-operation of all parties. A co-operative relationship of this nature is a major objective of the proposal. At the same time, it is important that a degree of autonomy be provided to each partner for the completion of their specific tasks. To this end it is proposed that the following decision-making procedures be used.

- **Financial Expenditures**

In areas of agreed international responsibility such as payments to international staff, office and equipment purchases, production of materials, payment of contractors etc., the Project Director of IFES (except for those items of direct responsibility of the UNDP) will authorize and arrange for payments on the basis of recommendations and approval of the Chief Technical Advisor to the project.

In areas of agreed national responsibility such as payments to local officials, rental of office space and salaries to national staff, the Chair of the Central Election Commission will authorize and arrange for payments on the basis of recommendations and sign off by the Director of the Voter Registry Directorate.

- **Policy Decisions**

A policy decision is a decision to adopt the strategic plan for the project, the finalization of the budget, project time table, staff position descriptions, training and civic education programs, format of the voter list, manner of providing the voter list to registered political parties, and the instructions to local officials for list revision and ID card distribution. These decisions are to be unanimous decisions of the Management Committee and are only final after approval by the Central Election Commission.

- **Voter Registry**

All decisions regarding the voter registry data base including the continuing verification process of the data base, data entry, data reports, verification of time lines, personnel and contractual arrangements, software and programming, mapping and revision procedures to be used by the LGECs shall be made by the TWG but must have the concurrence of the international consultants on the TWG.

- **Voter ID Card Distribution**

All decisions regarding this activity are made on the basis of the TWG and with the concurrence of the UNDP representative on the TWG.

- **Civic Education and Training**

All decisions regarding these activities are made on the basis of recommendations approved by the TWG. On matters pertaining to the ID card distribution, concurrence of the UNDP representative on the TWG is required.

- **Dispute Resolution**

Where the TWG is not able to reach a decision on matters related to the implementation of the project, the issue shall be forwarded to the Management Committee who shall be responsible for a final decision.

Where the Management Committee is unable to make a decision by consensus a vote shall be taken and all decisions with less than four votes in favor shall be deemed lost.

C. Project Funding

The OSCE will assume the lead role for project funding outside the initial commitments of USAID (directed to IFES), the UNDP (residual from the EAP plus any new funds for the ID card component), and initial commitments of the Government of Albania to the CEC.

Monies raised by the OSCE shall be directed to the partner who has assumed responsibility for specific project tasks and the expenditures incurred shall be identified by the partner to the Management Committee and the donor.

D. Senior International Staffing

The senior international staff for the project have been identified in the listing of members of the TWG above. These persons include:

1. Chief Technical Officer

This individual will be an IFES consultant. The incumbent will be co-chair of the TWG and report to the Project Director of IFES Albania.

The individual must have strong IT background and knowledge, extensive experience with the development of a national voter registry database and its maintenance and strong organizational and communication skills. Experience in Albania as well as management experience would be useful.

2. Senior Information Technology Consultant

This individual will be an IFES consultant responsible for the ongoing direct relationship with the Financial Information Centre of Albania. The FIC is responsible for the maintenance of the current voter registry database. This consultant will be involved with the day-to-day process of verification, data entry and aligning of polling units with the polling unit mapping component of the project. In addition, the consultant will be a primary liaison with the UNDP ID card consultant in ensuring the database is ready for the preprinting of ID cards and/or corrective printing of the cards.

3. Training Consultant

This individual will be an IFES consultant responsible for the development and implementation of a comprehensive training program for local government election officials. The consultant will work closely with designated staff of the CEC and other organizations throughout Albania for the implementation of the training program.

4. Civic Education Consultant

This individual will be an IFES consultant responsible for the development and implementation of a civic education program for the revision and ID card process. The consultant will work closely with the designated

staff of the CEC and a coalition of NGOs interested in civic education for the election process. A NGO coalition was formed for this purpose during the local government elections.

In addition to the above consultants, senior project staff will include a UNDP representative for the ID card component. National staff will include the Director of the Voter Registry Directorate, and direct counterparts to each of the international consultants on the TWG.

Finally, the IFES Project Director for Albania, the Deputy Director and existing local staff will be intimately involved in the implementation of the project.

VI. PROJECT BUDGET

Given that an additional assessment will need to be conducted to develop precise costs for certain items and determine the level of certain needs (i.e. commodities required for communication/logistics, equipment for LGECs for revision, number of new ID cards that need to be ordered, etc), this proposal provides estimates of costs based on the previous experience of the EAP and preparations for local elections as well as the comparative experience of the project team. Costs are subject to change and will be further researched and detailed in the strategic plan. Likewise, costs for the voter identification card component of the project will need to be coordinated with UNDP. It is the project's understanding that there are remaining funds left over from the EAP that may be applied toward this component of the project.

The project will make every attempt to coordinate with international donors and national implementers of the census project and civil registry modernization program for the use of equipment in order to reduce project costs.

1 January – 30 July 2001

No.	Project Component	Component Detail	Cost (USD)*	Funding Source
1	International Technical Leadership**	1. CTO, IT, Civic Ed, Training Specialists	\$420,000	USAID
		2. ID Card Specialist	\$95,000	UNDP
2	Office/Administrative Costs	1. Data Centre Internet /E-Mail Service	\$3000	USAID
		2. Local Offices for Revision/ID Card	\$300,000	Government of Albania/ Donors
		3. Data Centre Office Expenses/Staff Support	\$40,000	Donors
3	Production/Materials	1. Training Materials	\$58,500	USAID
		2. Training of National /Local Verification & Revision Staff	\$17,000	USAID
		3. Revision Forms	\$21,500	USAID
		4. Civic Education Materials/Events	\$175,000	USAID
		5. Mapping	\$75,000	Government of Albania
		6. Identification Cards	\$450,000	UNDP/Donors
4	Equipment/Commodities	1. Cameras, Film (ID Card)	\$150,000	UNDP/Donors

		2. Communication with LGECs (faxes, computers, phones)	\$150,000	Donors
5	National Project Staff	1. 2 IT Specialists, 1 Civic Education, 1 Training, 2 Programmers, 2 Database Administrating Staff	\$50,000	USAID/Donors
		2. Staff Travel/Per Diem	\$8000	USAID/Donors
6	Local Verification/ Revision Staff	1. Local Supervisors (500)	\$600,000	Government of Albania/ Donors
		2. Local Officials/ Verification Teams	\$900,000	Government of Albania/ Donors
	TOTAL COSTS		\$3,513,000	

*costs (excluding funds managed by UNDP or contributed by the Government of Albania) include 6% IFES support services

**includes salaries, travel, medex, and per diem costs

APPENDIX E

IFES/CEC AGREEMENT 2001



MAKING DEMOCRACY WORK

**Agreement Between the
Central Election Commission of Albania
and the
International Foundation for Election Systems**

Made this 5th day of April 2001 between the Central Election Commission, Tirana, Albania (hereinafter referred to as the "CEC") and the International Foundation for Election Systems (IFES). Whereas, IFES and the CEC, collectively the Parties, agree to the terms and conditions of this agreement.

1. Purpose

This agreement outlines the areas of support and cooperation provided to the Central Election Commission (CEC) of Albania by the International Foundation for Election Systems (IFES).

2. Conditions of Agreement

This agreement becomes effective on the date of signing by the President of IFES and the Chairperson of the CEC and expires on September 10, 2001 based on funding from USAID. Activities related to the Voter Registration Project (3.1.2 in this Agreement) will be completed by July 31, 2001 as outlined in the Strategic Plan (hereinafter referred to as the "Plan") approved by the CEC, Decision No. 67 on March 10, 2001.

All expenditures of the Voter Registration Project funded by donors through the OSCE should be incurred prior to July 31, 2001. Expenditures will be reimbursed based only on funds available from donors and only for direct costs. All other expenditures undertaken prior to donor commitments are at the CEC's own risk.

By mutual agreement, no later than August 15, 2001, this agreement can be amended and extended.

Both parties to this agreement may cancel the agreement, with 30 days notice, by means of written notification to the signator of this agreement of the other party.

IFES reserves the right, in consultation with the CEC to seek the assistance from national and international nonpartisan election organizations and service providers to assist in the fulfillment of the responsibilities of IFES under this agreement.

The CEC reserves the right, in consultation with IFES, to seek the assistance from national and international nonpartisan election organizations and service providers on issues covered by this agreement.

3. Terms of Agreement

This agreement outlines the areas of technical assistance and cooperation provided to the Central Election Commission (CEC) of Albania by the International Foundation for Election Systems (IFES).

3.1. Under this agreement IFES agrees to:

3.1.1. Maintain an office in Albania for the duration of this agreement

- 3.1.2. Lead and manage the delivery of the Voter Registration Project Plan.
- 3.1.3. Provide assistance and advice to the CEC on institutional development issues as well as election administration. These areas will include: the development of a central administrative capacity, including staffing, technical, and administrative needs; training of local election officials including poll workers; establishment of a structure of lower level commissions; coordination of shared responsibilities with other Albanian institutions, such as the Parliament, Council of Ministers and Ministry of Local Government; preparation of training and voter education materials; advice on legal questions, and the drafting of administrative regulations and related materials.
- 3.1.4. Provide training to lower level commission officials in the implementation of the Law in conjunction with the CEC. Provide assistance in the preparation and delivery of training seminars, training manuals and videos.
- 3.1.5. Provide intensive training to members of the Central Election Commission to help develop their capabilities in the administration of elections, organizational development, personnel and financial management, resource development, training capabilities, and voter education capabilities.
- 3.1.6. Following the election, co-ordinate a post election review of the electoral code with a view to making relevant recommendations for amending the code.
- 3.1.7. Organize a post-election seminar on the parliamentary and local elections with the focus on continuing the strengthening of electoral institutions and practices.
- 3.1.8. In cooperation with the CEC and existing local and international actors provide public education on the electoral code and procedures, initiate and co-ordinate a public information campaign, to continue to educate voters and political parties on the content of the election law.
- 3.1.9. Other items as mutually agreed to.
- 3.2. Under this agreement the Central Election Commission agrees to:
 - 3.2.1. Designate one member of the CEC to work directly with IFES in each of the following areas:
 - 3.2.1.1. Finance & Administration
 - 3.2.1.2. Regulations
 - 3.2.1.3. Civic Education and Training
 - 3.2.1.4. Voter Registration and Operation of the Computer Data Center
 - 3.2.2. Provide IFES staff with full access to CEC staff and other resources/ materials of the CEC required in the fulfillment of IFES' responsibilities under this agreement.
 - 3.2.3. Consult IFES staff and agree on the terms and conditions of contracts when international donor funds will be directed through the CEC and IFES.

- 3.2.4. Provide written approval for the content and materials developed and produced by IFES in accordance with this agreement.
- 3.2.5. Actively participate in the development and delivery of voter education materials including training of election officials, public meetings, television and radio programs as developed for the civic education program during the pre-election, election and post election period.

4. Disbursement of International Donor Funds

- 4.1. International donor funds, obtained for the purpose of funding different project activities in this agreement, will follow procedures as laid down in Annex A Donor Project Funds – Management, Administration and Accounting, For the Voter Registration Project and other Projects as Approved by the CEC and IFES.
- 4.2. Any funds received and not used by the CEC shall be returned to the donor or IFES determined by who disbursed payment.
- 4.3. All expenditures incurred by the CEC will fall within the parameters of the budget included as Annex B. Actual funds transferred to the CEC will be based on donor contributions which may be less than budget projections.
- 4.4. A summary report will be developed by the CEC for each donor after funds have been expended based on the model provided in Annex C.

5. Force Majeure and Termination

- 5.1. Neither party shall be liable for any unforeseeable event beyond its reasonable control and not caused by the fault or negligence of such Party, which causes such Party to be unable to perform its obligations under this Agreement (and which it has been unable to overcome by the exercise of due diligence), including but not limited to, flood, drought, earthquake, storm, fire, pestilence, and other natural catastrophes, epidemic, war, riot, civil disturbance or disobedience, strikes, labor disputes, or failure, threat of failure, or sabotage of any facilities or equipment used in conjunction with the Agreement or any order or injunction made by a court or public agency of competent jurisdiction.
- 5.2. If a force majeure event occurs, the Party unable to perform shall notify the other Party promptly and shall use its reasonable efforts to resume performance as quickly as possible and shall suspend performance only for as long as is necessary due to the force majeure event.
- 5.3. The Agreement may be terminated for cause, at any time, in whole or in part, upon written notification to the other Party, whenever it is determined that the Party has failed to comply with the terms and conditions of this Agreement.
- 5.4. The Agreement may be terminated for convenience at any time by either party, in whole or in part, if Parties agree that the continuation of the Agreement would not produce beneficial results commensurate with the further expenditure of funds.

6. Miscellaneous

- 6.1. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties concerning the subject matter and supersedes any prior understanding or written or oral Agreement relative to the Project.
- 6.2. Waivers. None of the provisions of this Agreement shall be considered waived by either Party unless such waiver is given in writing to the other Party. The failure of any party to insist upon strict performance of any of the Agreement terms and conditions or failure or delay to exercise any rights provided herein or by law shall not be deemed a waiver of any rights of any party.

Richard Soudriette
President
IFES

Illiran Celibashi
Chairperson
Central Election Commission

Date:

Date:



MAKING DEMOCRACY WORK
KQZ

**Amendment #1 to the Agreement Between the
Central Election Commission of Albania
and the
International Foundation for Election Systems**

Made this 23rd day of August 2001 between the Central Election Commission, Tirana, Albania (hereinafter referred to as the "CEC") and the International Foundation for Election Systems (hereinafter referred to as "IFES"), the Agreement between the CEC and IFES concerning the delivery of the Voter Registration Project and the institutional development of election administration will be amended as follows:

1. Article 6.1 under Paragraph 6, "Miscellaneous Dispositions", will be amended so as to change the expiration date of the agreement from 10 September 2001 to 31 December 2001.
2. Article 6.2 under Paragraph 6, "Miscellaneous Dispositions", will be amended so as to change the completion date of activities related to the Voter Registration Project from 31 July 2001 to 31 December 2001.
3. Article 6.3 under Paragraph 6, "Miscellaneous Dispositions", will be amended so as to change the date for all expenditures to be incurred from the Voter Registration Project funded by donors through the OSCE from 31 July 2001 to 31 December 2001.
4. Article 6.4 under Paragraph 6, "Miscellaneous Dispositions", will be amended so as to change the date by which this agreement can be amended and extended from 15 August 2001 to 15 December 2001.

Except as amended herein, all terms and conditions of this Memorandum of Understanding remain unchanged in full force and effect.

Richard Soudriette
President
IFES

Illiran Celibashi
Chairperson
Central Election Commission

Date:

Date:

Annex A

Donor Project Funds – Management, Administration and Accounting For the Voter Registration Project and other Projects as Approved by the CEC and IFES

This document provides the minimum requirements for the accounting and reporting of donor funds by the Central Election Commission (CEC). These requirements as well as financial procedures are stated in the following sections of this document.

- 1. Project Budget**
- 2. Receipt of Donor Funds/Donations in Kind**
- 3. Accounting and Reporting Requirements**
- 4. Approvals and Authorizations**
- 5. Procurement Management**
- 6. Delivery of Goods/Equipment**
- 7. Payment of Project Expenditures**
- 8. Project Reports**

It should be noted that additional financial checks and controls may be requested by donors and the CEC will be so advised as such requests are made. Partner and donor financial procedures, as well as government procedures, shall be followed.

1. Project Budget

Additional assessments will be conducted to develop precise costs for certain budget items. If these assessments show actual costs will exceed the budget, the Technical Working Group (TWG) chaired by the IFES/Albania Project Director and the representative of the Albanian CEC will inform and provide justification to the Management Board (MB) of the Voter Registration Project consisting of representatives from USAID, IFES, OSCE, UNDP, and the CEC. The MB will be held responsible for overall supervision of the project budget and authorizing revisions to budgeted amounts. The MB will also ensure adequate funds are available for fulfilling project objectives.

2. Receipt of Donor Funds/Donations in Kind

CEC Contact: *Sokol Shazi, Secretary*
IFES/A Contact: *Zofia Serafinska, Deputy Director*

The OSCE will assume the lead role for obtaining project funding outside the initial commitments of USAID (directed to IFES) and initial commitments of the Government of Albania to the CEC. Monies raised by the OSCE shall be directed to IFES unless the donor requests otherwise.

Funds/donations from donors for the Voter Registration Project will be passed to the CEC through one of two possible channels.

- a – Funds/donations transferred from the donor directly to the CEC.
- b – Funds/donations transferred to the OSCE, via IFES with subsequent transfer to the CEC.

When IFES is responsible for the management and disbursement of donor funds to the CEC, a 4% fixed fee will be assumed for support services. Funds will be transferred to the CEC by IFES in LEK.

Donations in Kind will also be sought from donors for equipment. Correct procedures will be followed to acknowledge receipt and distribution of equipment.

3. Accounting and Reporting Requirements

CEC Staff Member Responsible: *Sokol Shazi, CEC Secretary and Adrian Pfriti, CEC Director of Finance*

The following documents will be produced and maintained on file by the CEC for each donor supporting the receipt and disbursement of donor funds. A separate file should be maintained for each donor highlighting the project component supported.

1. A letter will be produced by the CEC to the donor or IFES confirming the receipt of funds/equipment at the CEC. IFES will be responsible for producing this letter if donors have transferred funds to IFES's bank account. This letter will contain the donor's name, the amount received and details of how the funds will be utilized.
2. A bank receipt reporting the deposit of funds in the CEC bank account transferred from IFES or directly from individual donors, depending on how funds were transferred.
3. A copy of the contract between the CEC and a supplier, which donor funds have contributed to.
4. Financial transaction reports in USD and LEK: listing the receipt of funds and all disbursements. The exchange rate to be used between LEK and USD will be provided by IFES according to its bank statement of the funds transfer.
5. Documentation for supporting each line item in the financial transaction report i.e. bids, purchase orders, delivery notes, invoices, timesheets and salary rates, and receipts.
6. An inventory list – listing all assets purchased or donated by the donor.
7. All of the above documents with a summary page containing the following information: (a) amount of funds received; (b) amount expended; (c) amount unused, (d) description of activity funded according to the budget; (e) donor; (f) component supported according to the budget; (g) period of activity; (h) and the signature of the CEC Chair certifying the information.

Document 1 will be prepared upon receipt of funds/equipment

Documents 2 - 6 will be prepared and maintained throughout disbursement of donor funds

Documents 7 - At the close of a contract with a supplier or vendor, copies of all of the documents will be made available to the donor with the summary page of expenditures

Documents 1, 3, 6 will be available to donors providing *Donations in Kind*

Original documents will be maintained by the CEC. Full financial documentation will be available to a donor upon request for verification purposes at any time, through out and after the Voter Registration project. All financial reporting must be completed by 31 August 2001 for submission to IFES.

4. Approvals and Authorizations of Payments

The following CEC members and IFES staff are responsible for approving and authorizing payments.

- a. Funds/donations transferred from the donor directly to the CEC.

The TWG, Voter Registry Director or an official designated by the CEC and the appropriate IFES Technical Consultant will make recommendations and approval for payment

The Chair of the Central Election Commission will authorize all CEC payments.

- b. Funds/donations transferred to the OSCE, via IFES with subsequent transfer to the CEC.

The appropriate International Technical Advisor i.e. IT Consultant or the Training & Education Consultant will recommend the transfer to the CEC based on actual work completed and costs incurred by the CEC.

The Project Director will authorize transfers to the CEC based on approval from IFES/W.

5. Procurement Management

CEC Responsible Staff for Procurement of Equipment/Services: *As designated by the Chair*

CEC Staff Responsible for Contract Preparation: *Judicial Director*

CEC Staff Responsible for Maintaining Contracts Register: *Judicial Director & Finance Director*

Procurement will be undertaken in compliance with local Albanian laws. It may be a requirement of some of the donors to seek bids for the supply of equipment, goods and services exceeding the value of USD 500. In the case of the FIC, as a sole supplier, bids will not be sought.

The CEC will be responsible for preparing contracts with suppliers.

The following steps will be taken

a. The TWG will make recommendations to the Management Board about project suppliers and contractual arrangements for services.

b. Approval will be received from the Management Board.

A supplier will be selected based on criteria e.g. Previous experience, availability, service and maintenance and competitive pricing.

c. A contract will be drafted between the CEC and the supplier. Both IFES and the CEC will jointly consider and agree on the technical detail of the deliverables and the contractual cost with the terms and conditions of payment to a supplier.

Technical deliverables will be agreed upon by the appropriate technical CEC member and an IFES consultant.

The contract cost with terms and conditions of payment will be agreed upon by the CEC Secretary, CEC Finance Director with the Deputy Director of IFES.

Terms and conditions of payment will be based upon the budget detail and the successful delivery of technical components of the contract e.g. if the budget details staffing requirements, payment to a supplier will be based upon the submission of documentation such as time sheets, salary payments and other means of documentation proving an expense has been incurred.

d. The contract will be signed by the *CEC Chair or his designate* and the Supplier.

e. All contracts will be entered into a contractual commitments register indicating the source of funding for the contract. In some cases donor funds will not equal the total cost of a contract or to the cost of project deliverables in a contract. The contractual commitments register will indicate how donor funds have been allocated.

6. Delivery of Goods/Equipment

CEC Staff Receiving & Distributing Project Assets and Materials: *CEC Secretary & Logistics Director*

CEC Staff Managing CEC Equipment and Materials Inventory Register: *Logistics Director*

a. When goods are delivered to the CEC against a contract or a procurement request, the warehouse will be responsible for checking the condition of the delivered goods and for receiving a delivery note from the supplier. If a delivery note is not available from the supplier, the CEC will draft a Receipt of Goods document indicating, full details of the supplier and detail of the goods received. Both the supplier and a CEC staff member will sign, confirming the receipt of goods at the CEC.

b. A designated official at the CEC will be responsible for registering the receipt and movement of all goods and equipment in an inventory register. Details will be taken from the supplier's delivery note. An inventory register shall be maintained detailing goods received, physical location and donor funding the purchase. This register will contain equipment and all donations in kind from donors with a life expectancy of more than one year. This register will contain as a minimum, the following details

1. Unique Reference Number
2. Date of Delivery/Receipt
3. Description
4. Serial No./Unique Product No.
5. Contract Reference No.
6. Donor/Funding Source
7. US\$ Value/LEK Value/Donation in Kind
8. Location of Item (Office, Warehouse, City, etc)

From this register, a list of assets will be prepared by the **CEC Logistics Director** for donors.

When goods are sent to other locations in Albania, a waybill document will be produced, containing similar details as on a delivery note.

7. Payment of Project Expenditures

The payment of project expenditures will depend upon whether the CEC has received funds directly from a donor or IFES is responsible for the transfer of donor funds upon costs incurred to the CEC.

a. CEC

All payments by the CEC to a supplier will be made upon the correct approvals, authorizations, terms and conditions of payment in a contract and the receipt of an invoice from a supplier.

b. IFES

IFES will hold donor funds in a separate bank account. Funds will be transferred to the CEC upon IFES and CEC approvals, authorizations, fulfillment of contractual obligations and an invoice. No funds will be transferred from IFES to the CEC prior to costs being incurred. All expenditures from funds transferred through IFES should be incurred before 31 July 2001.

The steps for processing payment will be as follows:

1. Upon the commitment of a donor, the funds will be assigned to a contract/deliverable if requested by a donor.
2. A contract will be prepared by the CEC, with sign off by the Chair of the CEC and the Supplier
3. Upon receipt of an invoice, which states the completion of a phase of work or delivery of equipment, approvals and authorizations will be sought.

The CEC will obtain appropriate technical approvals and financial authorizations.

If funds are held by the CEC, the payment will be processed.

If funds are held by IFES, the CEC will request IFES to transfer funds to the CEC

4. A Bank Transfer will be made to the supplier by the CEC within 10 days of receipt of invoice.

An Invoice will contain

The Name and Address of the Supplier
The Invoice Date
Description of Goods/Services
Company Stamp
Correct Calculations
The Supplier's Signature
Contract Reference
Suppliers Bank Details

And when necessary with the following documents attached

A Delivery Note
Three Bids and Copy of the Approved Bid (if required)
Copy of a Contract with Terms and Conditions of Payment (if necessary)

8. Project Reports

Project expenditure will be reported on at Management Board meetings by the CEC and USAID.

APPENDIX F

OSCE/ ODIHR REPORT ON 2001 NATIONALELECTIONS IN ALBANIA



osce

Office for Democratic Institutions and Human Rights

REPUBLIC OF ALBANIA

PARLIAMENTARY ELECTIONS

24 June - 19 August 2001



11 October 2001
Warsaw

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**REPUBLIC OF ALBANIA
PARLIAMENTARY ELECTIONS**

I. EXECUTIVE SUMMARY

The 2001 Parliamentary elections in Albania marked progress over past elections in terms of the conduct of the campaign, media and election administration. While the outcome on 24 June indicated that the governing Socialist Party (SP) would be able to form a government, more political will was required from the leadership of the party in order for the election to fully meet international standards. In a welcome development, and unlike previous elections, political parties sought legal redress to their grievances. However, the administrative and judicial processes did not always provide an effective means of redress.

Since the collapse of communism, four general elections were held in Albania. The election on 29 June 1997 followed serious unrest in the country. These elections were marked by a polarized political culture with deep antagonisms between political forces grouped around the dominant Socialist and Democratic Parties, their fortunes shifting dramatically from one election to another. The outgoing parliament was strongly dominated by the Socialist Party. In 2000, Parliament adopted a new Electoral Code, which made substantial progress over the previous law.

The 2001 parliamentary elections provided an opportunity for further consolidation of democratic standards after the local government elections in October 2000 which marked significant progress towards meeting the standards for democratic elections. In addition to determining the next government, the parliamentary elections were also critical for the election of the President in 2002 as the winning candidate would require the votes of at least 84 of the 140 Members of Parliament.

A number of positive elements characterised the parliamentary elections process compared to previous elections, in particular up to the first round of voting on 24 June, including:

- the executive branch of government generally avoided interference in the process;
- the Central Election Commission (CEC) functioned with greater independence and transparency;
- a broad range of media offered the electorate a full spectrum of political information;
- prior to the first round, the public station (TVSH) fairly allocated time to the main contestants;
- the electoral campaign was conducted in a calm atmosphere, except for isolated incidents, and the campaign rhetoric was largely restrained; and
- voting was generally conducted in a calm and orderly manner;

However, the election process was protracted, litigious, uncertain and fragmented. Five rounds of voting, on 24 June, 8 July, 22 July, 29 July and 19 August were required to complete the process. In each round, the number of contested areas diminished, but the problems there became increasingly serious. In many zones, repeat elections were held in some polling stations, at times more than once. More specific concerns include:

- serious irregularities in the voting process, including cases of ballot box stuffing and use of pre-marked ballots, were noted in a limited number of zones, and in a small number of zones where senior politicians were candidates, the tabulation of voting was problematic, undermining progress achieved and prompting some political parties to question the results in those zones;
- the SP tested the law beyond acceptable limits with the independent candidate issue and later exploited the delayed proportional elections in Zone 60 caused by the failure to distribute election materials on the eve of the first round of the elections;
- political pressure at times appeared to compromise the CEC performance;
- coverage by the public station (TVSH) deteriorated after the first round, favoring the governing party;
- police on occasion interfered in the election process (see section X of this report);
- the CEC handling of some key election complaints was not always adequate (see sections X and XII of this report);
- the Constitutional Court and in some cases other courts did not apply standards consistently, showing some bias in favor of the governing party (see sections X and XII of this report); and
- the major political parties continued to treat each other as enemies, rather than as legitimate political opponents.

Notwithstanding these concerns, the SP victory in these elections was not disputed, only the extent of its victory came under question.

Despite a more positive initial assessment after the first round of voting, the protracted electoral process as well as the repeated and increasingly more serious violations during subsequent rounds of voting, in particular in Zone 60, convinced the OSCE/ODIHR to modify its overall assessment of these elections. Shortly after the process was concluded, substantial evidence about these violations was presented to the OSCE/ODIHR by the opposition. Following this, the OSCE/ODIHR sought the authorities' interpretation of the alleged violations. The authorities responded promptly and submitted additional evidence on 28 September. The OSCE/ODIHR's examination of all evidence presented required the delay of this Final Report's publication.

In view of the above, the OSCE/ODIHR recommends the following:

- appropriate means, for example a bipartisan parliamentary commission, could be established to investigate concerns surrounding these elections with a view to remedial proposals for the future;
- although the Electoral Code provides a basis for democratic elections, the challenges detailed herein suggest that it should be reviewed in a number of key areas, further elaborated in the recommendations of this report;

- the election complaints and appeals process requires special attention; and
- the accuracy of the voter list should be improved.

The OSCE/ODIHR in co-operation with the OSCE Presence in Albania stands ready to work closely with the authorities and civil society of Albania in addressing the concerns and recommendations contained in this report.

II. INTRODUCTION AND ACKNOWLEDGMENTS

In accordance with its commitments as an OSCE participating State, the government of the Republic of Albania invited the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 24 June parliamentary elections.

The OSCE/ODIHR Election Observation Mission (EOM) was established in Tirana on 22 May, with Nikolai Vulchanov as Head of Mission, and shortly thereafter started monitoring the electoral process with 10 experts based in the Tirana headquarters, and 18 long-term observers deployed to the regions.

For the first round of voting on 24 June, the EOM was joined by the OSCE Parliamentary Assembly (PA), the Parliamentary Assembly of the Council of Europe (PACE) and European Parliament (EP) to form the International Election Observation Mission (IEOM). Some 250 short-term observers were deployed from 30 OSCE participating States, including 39 from the OSCE PA, 17 from the PACE and 7 from the EP. The Organisation Internationale de la Francophonie also contributed 14 observers to the IEOM for election day.

Mr. Bruce George MP (UK), Vice-president of the OSCE PA, was designated by the OSCE Chairperson-in-Office as Special Coordinator for the elections in Albania to lead the OSCE short-term observers. Mr. Jerzy Smorawinski MP (Poland) led the PACE delegation, and Ms. Doris Pack MP (Germany) led the EP delegation.

On 24 June, the IEOM monitored voting in over 1,000 of the 4,578 polling stations in Albania. For the second round of voting on 8 July, and voting on 22 July, the IEOM was a joint effort of OSCE/ODIHR and PACE. On 8 July, in addition to the existing OSCE/ODIHR staff of 28 in Albania, some 130 short-term observers, including eight parliamentarians from PACE, were deployed across Albania. On 22 July, some 48 short-term observers, including five parliamentarians from PACE, were deployed in all zones in which elections took place.

After the EOM left Albania on 23 July, observation of voting on 29 July was coordinated by the OSCE Presence in Albania which deployed eighteen observers. For the voting on 19 August, the OSCE Presence deployed two observer teams in Zone 82, the sole unresolved election contest. In September, ODIHR returned to Tirana for a series of consultations with political parties, the Albanian authorities, civil society and the international community. In addition, delegations from the opposition and the authorities visited OSCE/ODIHR during the third and fourth weeks of September and provided additional documentation on various issues of concern.

The OSCE/ODIHR wishes to thank Ambassador Geert-Hinrich Ahrens and the OSCE Presence in Albania for their support throughout the duration of the mission, as well as embassies and international organizations for their support on election days. The OSCE/ODIHR is also grateful to the OSCE Mission to Bosnia and Herzegovina for the short-term observers seconded on 8 and 22 July.

The OSCE/ODIHR wishes to express appreciation to the Albanian authorities, in particular the CEC, Ministry of Foreign Affairs (MFA), and the Office of the Prime-Minister, for their timely assistance and co-operation throughout the observation mission and during follow-up from Warsaw.

III. BACKGROUND

On 18 April 2001, the President of the Republic called parliamentary elections for 24 June 2001.² The period since the last parliamentary elections in June 1997, saw a steady stabilization of the country, achieved with the active support of the international community, which enjoyed good

cooperation with the authorities.

An important feature of the 2001 parliamentary elections was the decision of the SP, led by Fatos Nano, to break with its partners in the outgoing governing "Alliance for the State" coalition and contest the elections alone. Thus, the Social Democratic Party (SDP), the Human Rights Union Party (HRUP), the Agrarian Party (AP), and the Democratic Alliance Party (DAP) were without a major political ally and faced the likelihood of losing their seats in Parliament and their government posts. The Democratic Party (DP), led by former President of the Republic Sali Berisha, formed an electoral alliance with a number of smaller parties and campaigned as the "Union for Victory" (UV).³ Following a split in the DP, at the beginning of 2001 some DP Members of Parliament formed a new "Democrat Party", which contested the elections under the leadership of Genc Pollo as an alternative to both the SP and DP.

IV. LEGAL FRAMEWORK

The Parliamentary elections were held under an Electoral Code adopted by Parliament in May 2000, and amended in May 2001.⁴ Although the Electoral Code provides a basis for democratic elections, challenges experienced during the 2001 elections and the delay in determining the final composition of Parliament indicate that it could be improved in a number of areas. These include clarification of the respective competencies of election commissions and courts, clarification of deadlines for the adjudication of complaints and appeals, and the establishment of clear procedures for the presentation, consideration, and adjudication of complaints and appeals. In particular, the competencies of the CEC should be clarified and outlined in the Code as the CEC failed to fully exercise its competency in a number of critical disputes.

The Constitution establishes a specific "mixed" election system, with inter-related majoritarian and proportional components, calling for the election of 100 deputies in single-member constituencies ("zones") and 40 deputies in a nationwide constituency based on party or coalition lists. A second round of voting is required in single-member constituencies if no candidate receives an absolute majority.

Parties must receive at least 2.5% of the valid votes nationwide and coalitions 4% to participate in the allocation of the 40 mandates. Article 64 of the Constitution requires that "the total number of deputies of a party or coalition shall be, to the closest possible extent, proportional to the valid votes won by them on the national scale in the first round...." Article 66 of the Electoral Code sets out a formula that attempts to distribute the 40 mandates in a manner that "compensates" parties which have secured a share of the national vote, but were unable to win enough single-member constituencies to reflect their electoral support.

However, Article 66 may be circumvented as the Electoral Code provides for the use of two ballots, one for the single-member zone in which the voter resides, the other for the party lists on the national level. If a candidate, who de facto represents a political party, registers de jure as an "independent" candidate, then the allocation formula can be circumvented in a case where a voter casts his/her first ballot for the "independent" candidate and his/her second ballot for the political party that "supports" the "independent" candidate as this mandate is not considered to have been won by the political party who supported the "independent" candidate. In this manner, the political party is able to "inflate" its share of the 40 national mandates. The mandate allocation and use of pseudo "independent" candidates became the most contentious issues in the election campaign period.

V. ADMINISTRATION OF THE ELECTIONS

A. STRUCTURE AND COMPOSITION OF THE ELECTION ADMINISTRATION

The Electoral Code provides for a four-tier administrative structure comprising the CEC, 100 Zone Election Commissions (ZECs), 385 Local Government Election Commissions (LGEs) and Voting Centre Commissions (VCCs), which numbered approximately 4,700 for the 2001 parliamentary elections.

The Constitution establishes the CEC as a permanent State organ consisting of seven voting members, appointed for a seven-year term. After consultations, the President of the Republic appoints two members, the Parliament appoints two members, and the High Council of Justice appoints three members. Each political party and coalition registered with the CEC may appoint one non-voting representative to the CEC.

Due to resignations, three new members were appointed to the CEC in February 2001, and Ilirjan Celibashi was elected as Chairperson. He is a former judge and also served for two months as Deputy Minister of Interior.

According to Article 158 of the Electoral Code (a transitional provision), ZECs and VCCs consist of a Chairperson, Deputy Chairperson and five members appointed by the CEC and ZECs respectively from the seven political parties that won the most votes nationwide in the 1997 parliamentary elections.⁵ The CEC names the ZEC Chairperson and Deputy Chairperson on the basis of proposals made by the ZEC. However, only the two parties that received most votes in the 1997 parliamentary elections, the SP and the DP, were permitted to submit proposals. Each ZEC and VCC appoints a non-voting secretary. Parties and candidates may appoint non-voting representatives to these bodies. ZECs are bound by law to ensure a consistent administration of elections in their single-member zone. For the parliamentary elections, the role of the LGEs was limited to updating and revising the preliminary voter lists.

B. PERFORMANCE OF THE ELECTORAL ADMINISTRATION

1. Central Election Commission

In contrast with previous elections, overall the CEC displayed greater independence and transparency in its decision-making. Compared to previous elections, its organization of the electoral process improved and some of the recommendations included in the OSCE/ODIHR Final Report on the 2000 Local Government Elections were addressed.⁶

Political parties took advantage of their right to make presentations during CEC sessions and their views were sometimes taken into account. However, the CEC handling of key election complaints was not always adequate. As a result, parties and candidates sought redress in the courts. Political pressure applied from the SP leadership at times appeared to compromise the CEC performance.

The CEC Chairperson sought a collegial approach to decision making which was only partially successful. On many important issues, the CEC was divided with some decisions taken by a majority vote, overruling a strongly held minority opinion. This was most clearly displayed during discussions on the registration of party supported "independent" candidates, post-election complaints and appeals, and the delayed vote in Zone 60.

The CEC was active, meeting regularly and adopting some 47 instructions and a large number of decisions. However, session agendas and relevant papers were often not circulated prior to meetings, and some important decisions were taken in informal meetings. Thus, some party representatives were unfamiliar with discussion items and not aware of all decisions taken. The CEC did not always follow correct rules of procedure in issuing decisions. Before the first round, the issue of independent candidates and the appointment of members of the ZECs dominated the agenda of CEC meetings, leaving insufficient time to address important technical issues.

Demonstrating a collegial approach, the CEC attempted to appoint ZEC Secretaries based on professional qualifications and standing rather than political affiliation. Underlying this approach was a concern over the "misuse" of the official ZEC stamp used to validate all official documents, including the results. The CEC was only partially successful in its strategy, as the main political parties frequently placed party trustees in these important positions. Disputes between the parties on appointments sometimes were so deep that no agreement could be reached. As a consequence some ZEC Secretaries were appointed long after candidates had been registered and a few were even appointed on the eve of the first round.

Decisions on appointing ZEC Chairpersons frequently provoked polemical interventions from party representatives during CEC sessions. Appointments were viewed by the two main parties as a "zero-sum game" and consequently the SP and DP fought hard to maximize their position. Inter-party disputes, both at the local and national levels, led to the late appointment of many ZEC members and caused organizational problems. Belatedly, all 100 ZEC Chairpersons were appointed with a general political balance across zones.⁷

The CEC and the EOM received many complaints from parties and ZECs that members and secretaries failed to meet legal criteria for membership.⁸ The CEC found it impossible to verify each case and eventually decided that parties should provide all documents supporting their arguments or appeal the CEC decision to the courts.

2. Zone Election Commissions

Although the majority of ZECs functioned well, the professionalism of many was questionable and decisions were marked by intense political rivalries in what ought to have been politically neutral institutions. In some zones, the behavior of party appointed ZEC members was unacceptably partisan, at times obstructing the process to such an extent that elections did not take place as scheduled.

Election observers reported that many ZECs appeared disorganized, under-equipped and ill prepared. ZECs complained that the infrastructure and communications provided by local authorities was poor. Communication between the CEC and ZECs frequently passed through the local government organs, lessening the confidentiality of information and opening the possibility of undue influence on ZECs. Following changes to election zone boundaries earlier in 2001, some ZECs were unclear about precisely which territorial area constituted their zone. This resulted in confusion when establishing polling stations, appointing VCCs, and amending and posting voter lists.

Election commissions failed to respect certain legal deadlines and the CEC was unable to approve the final voter lists on time, causing delays to their distribution to ZECs. Many VCCs were appointed by ZECs very late in the process, in some cases only a few days before the first round. These shortcomings exacerbated existing delays, in what was already a tight election calendar. Additionally, differing interpretations of CEC decisions and instructions by ZECs resulted in a lack of uniformity in applying the legal provisions across all 100 zones.

3. CEC Activity After the First Round

After the first round, most CEC sessions were occupied with decisions on election results and adjudicating complaints. However, other important issues were also discussed and some significant instructions adopted. Up to 22 July, the CEC dismissed over 40 ZEC members from 12 zones and a number of VCC members for obstructing the process and either failing to hold elections, prevent serious irregularities, or properly completing the protocol of results. Some commission members were fined and others faced criminal prosecution.

Following CEC and court determination that irregularities had been committed in the first and second rounds, repeat polling in some zones raised organizational problems for the election administration. The decisions concerning when to schedule elections and the time required to adjudicate cases created uncertainty over which zones would have further elections and a "fragmentation" of the

election process.

C. REGISTRATION OF PARTIES, CANDIDATES, AND MULTI-NAME LISTS

The CEC registered 38 parties. Some did not submit candidate lists and others ran in coalitions. Thus, 28 parties and coalitions presented multi-name lists for the proportional ballot. In addition, some parties took part only in the single-member zone contests.

Prior to the first round, a legal dispute arose between the Democratic Party and the breakaway Democrat Party over the use of initials and logo. Both parties claimed ownership of the initials "PD", with the right to use these initials on the ballot paper. On 29 May, before the ballots were printed, the Court of Appeals of Tirana granted the Democrat Party exclusive right to the initials "PD" and decided that the CEC erred when it granted the Democratic Party request to include the initials "PD" on the ballot paper alongside those of the UV. However, the Democrat Party failed to obtain an "executive order" in time before the printing was underway and the ballots were printed on 8 June with the initials "PD" alongside both the Democrat Party and the UV.

A total of 1,114 candidates were registered in the 100 single member zones. Of these, 149 were initially registered as "independent" candidates. ZECs rejected relatively few candidates, although the procedures for scrutinizing documentation were not applied consistently in all zones. Twenty rejected candidates appealed to the CEC, which subsequently re-instated 11 and rejected nine. Only three of the nine appealed to the courts.

In an attempt to test the law beyond acceptable limits and inflate the number of mandates allocated to it through the proportional ballot, the SP announced that it would field 80 "SP" candidates in the 100 single member zones and "support" 20 "independent" candidates in the remaining zones. In response, the DP and its allies in the UV announced that they would register seven official candidates in the name of the UV and 93 candidates as "independent".

Smaller parties from the former governing alliance, joined with the UV in a "roundtable", attempted to persuade the CEC that, to ensure proportional representation in Parliament consistent with the spirit of the Constitution and Electoral Code, these "independent" candidates should be classified as party candidates. Though stopping short of appealing individual ZEC decisions on candidate registration to the CEC, or appealing CEC decisions confirming these registrations to the courts, as the law provides, three political parties filed a complaint with the Constitutional Court, to have the entire article ruled unconstitutional.⁹ On 2 June, the court pronounced Article 66 constitutional, thus refusing to prevent the participation of pseudo "independent candidates".¹⁰

Responding to arguments from the "roundtable", the CEC issued an instruction, on 3 June, which limited political party "support" to 20 "independent" candidates. On 4 June, the CEC called a consultation with political parties on the issue. All parties, except the SP, agreed that the instruction did not solve the problem and urged the CEC to abrogate it. The CEC followed suit shortly before the 4 June midnight deadline for the registration of candidates. These developments led to uncertainty during the critical period of candidate registration, which continued until a few days before the first round.

Finally on 20 June, on the basis of documentation and evidence available, the CEC decided to attribute the mandates of 7 "independent" candidates to the SP and 41 "independent" candidates to the UV, should they be elected.¹¹ The SP immediately appealed to the Tirana Court of Appeals, which upheld the CEC decision. By 23 June, following another CEC decision, only five of the original 112 "independent" candidates supported by political parties remained as "independents".¹² However, the registrations of 107 reclassified candidates could not be changed and the ballot papers were printed with "independent" beside their names.

Two of the former SP "independents", Nikolle Lesi (Zone 13, owner of influential private media) and Agron Duka (Zone 25, former Prefect of Dures), as well as Llesh Kola (Zone 13) and two UV "independents" were considered by the CEC to be "genuine independent" candidates. Thus the CEC succeeded, although at a very late stage, to resolve the issue. Even then, some problems still

remained. The SP did not register candidates in both Zones 13 and 25, senior SP officials maintained high visibility at the campaign events of Lesi, and Lesi was the only "independent" candidate who was able to purchase TV advertising time on the public broadcaster, in violation of Article 132(4) of the Electoral Code which states that "Public Radio and Television may not prepare or broadcast paid political advertising". In addition, the victories of both Lesi and Duka were confirmed after controversial judicial procedures and the DP never rejected its support for the remaining three "independent" candidates.

D. VOTER REGISTER

During 2000, the Albanian authorities with the help of the international community undertook to create a computerized national voter register. While this was a significant step to bring the country closer to European practices in ascertaining the eligibility of voters, shortcomings remained, including duplicate or missing records, records assigned to the wrong polling station, records with wrong birth dates and other data entry errors.

Some of the deficiencies in the voter register were partly addressed during the run up to the 2001 Parliamentary elections. Certain categories of duplicate records were generally remedied. In addition, the requirement for marking the voter's finger with indelible ink was introduced in the Electoral Code as a safeguard to prevent multiple voting. Moreover, on the basis of an agreement between political parties, the authorities conducted a large scale operation to review the preliminary voter register with three member teams, including representatives of the governing party, the opposition and the local administration. This initiative was supported by an intensive voter education campaign. While further improvements to the voter registers are required, this sustained effort was commendable.

To further ensure that citizens could exercise their right to vote, the Electoral Code was amended in May 2001 to allow eligible citizens to update their voter register data up to 24 hours prior to election day by appealing to the district courts. However, three certificates were required to prove eligibility and in the end, turnout at the courts was modest. Another factor for the lingering errors in the voter registers was the failure of large parts of the population to report in a timely manner, if at all, their changes of permanent residence, or more generally to abide by existing civil registration procedures. Additionally, imperfect technology, lack of experience and sometimes negligence, also contributed to introduce errors in the initial version of the voter register database. The OSCE/ODIHR also received complaints from voters, that their names were included in the preliminary voter lists, but disappeared from the final voter lists.

The number of verified registered voters for the 2000 local government elections, used to determine the boundaries of zones for the 2001 parliamentary elections, was 2,329,639. The preliminary voter registers for the 2001 parliamentary elections increased to 2,449,404, while the final register included 2,499,238 entries as of 15 June. Out of country voting was not permitted. Although some experts would argue that this figure overestimates the number of voters in Albania, including those who are abroad but have their in-country residence still registered, the OSCE/ODIHR continued to receive complaints that a high number of voters were deliberately excluded from the voter registers. There was also evidence of excessive deviations in the number of registered voters in single-mandate constituencies by more than the recommended five percent.

Voter registers were not updated for the second round and subsequent votes, since no legal procedure was in place for persons to be added to the registers after 23 June. The Electoral Code provision that voters could be added to the register by obtaining a court decision until 24 hours before election day was interpreted by most district courts to mean 24 hours before the first round of elections, thus preventing additional registrations.

VI. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

The principle of equality between men and women is provided in Article 18 of the Constitution: "all are equal before the law", and "no one may be discriminated against for reasons such as gender...." According to a report on gender equality issued by the United Nations Development Programme (UNDP) Albania's legislation foresees the concept of equality between women and men, but not yet the concept of equal opportunities. The system does not take into account that if women are to achieve equal opportunities, they require special measures. As of yet, no affirmative action measure to accelerate equality has been introduced.¹³

Although very active at the grassroots level in Albanian politics, and guaranteed a percentage of prominent internal positions by some political parties, women generally face difficulties in being selected as candidates and reaching leading positions in political parties. Only 78 of the 1,114 candidates (7%) standing for election in the single-member zones and 120 of 823 candidates (15%) in the proportional lists were women, with even fewer in positions high enough on the list to stand a reasonable chance to be elected. Only the Liberal Alternate Party placed a woman at the top of its party list. Women were also underrepresented in the administrative structures for the elections. None of the full CEC members are women and only 7% of ZEC members and 8% of members of VCCs visited by international observers on 24 June were women. The electoral code does not provide for positive discrimination in favour of women.

However, nearly all political parties and coalitions included references to gender related concerns in their political programs and several organized election events targeted specifically at women voters. Some of these events were reported in national newspapers. The Public broadcaster also targeted women voters with a number of special programs featuring prominent women politicians.

The election results in the single-member zones showed that only seven women won seats. One additional seat was awarded to a woman when the "compensatory" mandates were allocated. The new Parliament will therefore include eight women (5.71%), compared to eleven in the slightly larger Parliament of 1997,¹⁴ a figure unrepresentative of their actual strength in Albanian society.

VII. CAMPAIGN

The campaign for the first round was largely conducted in a calm atmosphere with few reports of violence or intimidation. A large number of regional rallies were held and local level campaign activity was visible in most areas. The two main parties were noticeably restrained in their campaign rhetoric, reducing the overall tension during the campaign.

Opposition parties complained about harassment and minor obstruction such as the removal of posters. The EOM also received reports of inappropriate use of State resources by the governing party for campaign purposes, isolated allegations of police harassment, and State interference in the work of election commissions. Although regrettable, these actions did not appear to be significant enough to undermine the integrity of the elections in the first round.

The election campaign between the first and second rounds was generally low key, and for the most part was conducted in a calm and peaceful atmosphere. Fewer rallies and meetings took place than in the period leading up to the first round. Much of the debate focused on the first round results, related complaints, and the formation of alliances for the second round. The SP received varying degrees of support from its former "Alliance for the State" governing partners. Regrettably, some increase in aggressive rhetoric was noted. In Zone 60, where voting for the nationwide proportional ballot took place for the first time on 8 July, the SP called on its supporters to vote for three of its former allies in government, the DAP, the AP and the HRUP. The UV approached the Democrat Party for support in the second round, but the Democrat Party left the decision to local branches.

Very little campaign activity took place after the second round and the atmosphere throughout the rest of the election period remained generally calm.

VIII. MEDIA

A. MEDIA LANDSCAPE

The Albanian media scene is changing rapidly, with many TV and radio stations launched in the last few years. The public broadcaster Televizioni Shqiptar (TVSH) covers the entire Albanian territory.¹⁵ Two private TV stations, TV Arberia and TV Klan, have close to complete national coverage as well. In addition, 37 local TV stations and 42 radio stations broadcast in the country. Two of the radio stations, including the public radio station "Radio Tirana" cover the entire territory.

According to the Institute for Public and Legal Studies, Albania has 13 daily newspapers with a total circulation of approximately 95,000 copies. Due to poor distribution and lack of a subscription system, even those newspapers aspiring to nationwide readership are distributed only in the cities. As in many other countries in transition, Albanians tend to choose TV broadcasts over print news, making it hard for many newspapers to survive.

B. MEDIA REGULATIONS

The Electoral Code regulates coverage of the campaign by public and private electronic media. The campaign is limited to 30 days, ending 24 hours before voting starts. The publication of opinion polls during the last five days of the campaign is prohibited. The National Council for Radio and Television (NCRT) is responsible for solving disputes and investigating complaints about coverage of the campaign by public and private electronic media.¹⁶

In accordance with the Electoral Code, the CEC decided that parliamentary parties should be entitled to 28 minutes and 8 seconds of free airtime on public TV and radio between 18:00 and 22:00 during the electoral campaign and non-parliamentary parties should be entitled to 10 minutes of free

airtime. Independent candidates could only receive free airtime in the second round. Private radio and television could broadcast advertisements for political parties but had to offer all parties participating in the elections their lowest rates for the requested time period. In addition, private radio and television could not broadcast more than five minutes a day of advertisements for each political party or independent candidate.

C. MEDIA MONITORING

The EOM monitored the election campaign on TVSH, TV Klan, and TV Shijak for 6 hours per day between 18:00 and 24:00, between 28 May and 6 July. The EOM also monitored five daily newspapers (Albania, Gazeta Shqiptare, Koha Jone, 55, Shekulli).

A large spectrum of media provided diverse information about the elections and gave voters the opportunity to make an informed choice. There was real political debate and candidates were given space and time to present their platforms. Most coverage was devoted to the SP and the UV, both of which had sufficient opportunity to present their political programs. The new Democrat Party also received significant coverage. The tone of the campaign was significantly more moderate than in previous elections, although the EOM noted a worsening of political rhetoric after the first round.

After the first round, electoral debates were curtailed and political coverage was concentrated in TV news. There was a similar, but less significant reduction of space devoted to the elections in the print media. Both electronic and print media covered the complaints and appeals process extensively, including accusations of electoral manipulation from both ruling and opposition positions.

Prior to the first round, the public broadcaster (TVSH) and some private media generally granted a balanced amount of time to the main election contestants and reported on their activities evenhandedly. TVSH allocated to the SP 30% of time devoted to politics and elections, 17% to the government, 24% to the UV, and the remaining 29% to the smaller parties. The tone of the coverage was either politically neutral or positive for all contestants. However, during the last days of the campaign prior to the first round the coverage and tone were more biased in favour of the SP. Between the first and second round, TVSH failed to meet its responsibility as a public broadcaster devoting 40% of its political coverage to the SP, and only 11% to the UV. Significantly, coverage of the SP was positive while most of the coverage for the UV was neutral. Following a warning, on 16 July, NCRT fined TVSH for bias in favor of the SP in the period leading up to the second round. This lack of political balance by the public broadcaster constituted a serious shortcoming.

While in the period leading up to the first round some private media granted a generally balanced allocation of time to the main election contestants, most supported one of the two main competitors. TV Klan provided balanced, mainly positive or neutral, coverage prior to the first round. TV Shijak openly supported the UV. Between the first and second rounds, TV Klan provided less balanced coverage, favoring the SP, and TV Shijak was overtly partisan in favour of the UV.

Prior to the first round, newspapers monitored provided the UV with 39% of space devoted to politics and elections, the SP with 30%, and the government 14%. The coverage showed a more evident tendency to negative polemical reports and comments than the broadcast media, with the main targets being the SP and the government. Between the first and second rounds, newspapers provided equal coverage to both the ruling and opposition positions. However, the tendency of some print media towards negative polemical reports and comments, particularly with respect to the SP and government, continued.

The EOM observed a number of violations of the Electoral Code:

- Nikolle Lesi, running as an independent candidate, allegedly obtained CEC authorization to buy airtime on TVSH, violating Article 132(4) of the Electoral Code, which prohibits the public TV from selling broadcast time.
- Opinion polls were published without disclosing the details of the poll (name of the pollster,

sponsor, sample size, margin of error and time period during which the poll was taken) as required by Article 130 (3) of the Electoral Code.

- TV Shijak broadcast spots containing propaganda for the DP by a foreigner on several occasions in disregard of warnings issued by the NCRT and in violation of Article 130 (5) of the Electoral Code.
- Almost all media violated the campaign silence period imposed by law during the 24 hours before the first round.

IX. DOMESTIC OBSERVERS

The electoral code provides domestic observers with full access to all levels of the electoral administration and relevant documents. Domestic observers are also able to submit written comments to election commissions about any irregularity that they witness.

Three domestic observation non-governmental organisations, the Society for Democratic Culture,¹⁷ the Albanian Helsinki Committee, and the Albanian Human Rights Group registered over 1,000 observers to monitor the elections. The groups reported no problems in receiving accreditation for their observers, or in gaining access to any aspect of the electoral process. The groups also reported improved relations with political parties and good co-operation with election commissions. Domestic observers were present in 20% of polling stations visited by international observers on 24 June.

X. OBSERVATION OF VOTING, COUNTING AND TABULATION

A. VOTING

VCCs had a politically balanced composition and in polling stations visited by observers Chairpersons were affiliated with the SP in 40% of cases and the UV in 53%. Most VCC members were able to set aside their political differences and co-operate with their colleagues. Although VCCs generally followed correct polling procedures, a lack of training was evident. Observers reported failures to check voters' ID documents consistently and to check for or apply ink to the voter's finger - a procedure intended to prevent double voting. Proxy voting was also a problem in some polling stations and voters were occasionally observed in possession of more than one ballot paper. The secrecy of the vote was frequently undermined by failure of VCCs to prevent group voting. Other problems reported included the presence of unauthorised persons, mainly party activists, and campaign material.

The first round voting on 24 June was largely peaceful and, except for a handful of isolated violent incidents, was assessed positively by election observers. The main difficulty encountered was a small number of persons in over half the polling stations visited by observers not finding their names on voter registers and being turned away. Some complained that their names had appeared on the preliminary voter list, and were excluded from the final list. However, at least some of these voters were registered in polling stations elsewhere. Political disputes among ZEC or VCC members resulted in the failure to hold elections altogether in Zone 60 and in 25 polling stations in five other zones. On the eve of the election, this figure appeared to be much higher. However, the CEC Chairperson intervened decisively and ordered local police to distribute election materials in a

number of zones.

During the first round of voting on 24 June, isolated but significant incidents of pressure and interference by police and local authorities took place. Some of these incidents involved action in favour of governing party candidates. In numerous cases, police presence was reported excessive and in a few cases police were observed behaving in an inappropriate and biased manner. Armed civilians were also observed, e.g. in Zone 18. In a few cases, police were involved in the manipulation of election material. For example, in Zone 49, an international observer reported ballot stuffing by police at VCC 46 during the afternoon. Relevant election officials confirmed the incident. The same polling station was again problematic on 22 July. In Zone 19 a senior police officer denied an OSCE/ODIHR observer access to the ZEC. On 23 June in Zone 60, police interrupted the distribution of election material at the request of the SP Deputy Chair of the ZEC. A senior police officer confirmed the incident to an international observer. The grounds for the Deputy Chair to ask police to stop distributing election material and the reason for the police to stop the distribution remain unclear. The authorities' explanations of these developments to OSCE/ODIHR did not shed further light.

On 8 July during the second round, polling stations functioned professionally and voting generally proceeded without incident. However observers reported increased tension in comparison with the first round, particularly in parts of Tirana and Durrës. On occasion they felt intimidated (in Zones 35 and 97) and one team in Zone 95 was obstructed while carrying out its observation. As in the first round, a limited number of citizens arrived at polling stations to find their names missing from the voter list and no effective procedure was implemented to correct this failing. A few serious violations were of concern, including ballot stuffing reported in Zones 25 and 28, cases of pre-marked ballots discovered in Zones 25, 60 and 61. In Zone 22, in the one polling station that had failed to conduct voting in the first round, a boycott by 3 VCC members, including the SP member, was followed by disruption of polling activities by an armed man. Subsequently, this same individual was proposed by the SP as their representative on the VCC for repeat voting on 22 July, although his name was later withdrawn. The CEC decided to invalidate the results in Zone 49 due to serious irregularities, including polling stations reporting turnout in excess of 100% and a lack of credible protocols. Domestic observers also reported a number of serious violations in this zone on 8 July. Based on the ZEC protocol, the SP candidate won 82% of the vote, an unlikely result when compared to the first round ballot when he achieved 46% to the 37% won by the UV candidate. On 8 July, second round contests took place in 52 zones partially or fully. Elections did not take place in Zone 86 and at a number of polling stations in Zones 2, 4, 22, 49, and 61, due to the disruption of election preparations by ZEC or VCC members. Polling in Zone 60 only took place after the intervention of the CEC the previous night.

During the second round, police maintained a high visibility throughout election day and, on occasion, interfered in the election process. Some of this interference was serious as in the instance when the police took away without justification a ballot box at a polling station in Zone 35. Also, reports of alleged police harassment and detention of some ZEC and VCC members, mainly from the DP were of concern.

Voting in the third round on 22 July took place in 11 zones. It was again largely peaceful and assessed positively at most polling stations. However serious violations were reported in a number of polling stations. These included ballot stuffing by commission members at the only polling station where voting took place in Zone 22 where by 17:00 when the polling station closed early, 98% of eligible voters were registered as having voted, despite observers witnessing only a light turnout. Ballot stuffing by a commission member was also reported to have taken place in VCC 202 in Zone 40 where voting was suspended for a time when it was discovered that five more ballot papers had been issued than signatures on the voter list. At one polling station in Zone 4, there could have been no legal voting because the station had not opened by 15:00 hours, which is a requirement of the Electoral Code. However, observers later witnessed commission members from this polling station arriving at the ZEC with a ballot box containing some 290 ballot papers. The CEC decided to repeat voting in all polling stations in Zone 49, but the Constitutional Court decided to reduce the number of polling stations where voting would be repeated. As a result on the eve of the third round the UV

decided to boycott the election in the zone. Observers reported problems in the zone during voting on 22 July, including questionable signatures on the voter register in VCC 46.

During the third round, observers reported that the conduct of police in most zones was appropriate. No police interference in the process was reported, although police presence was excessive around some polling stations in Zones 2, 14, 18, 22 and 86.

B. COUNTING

The conduct of the counting was generally satisfactory, although technical procedures were frequently not followed correctly. Problems observed included the presence of unauthorised persons, a failure of a few VCCs to complete result protocols in ink and the refusal of some VCC members to sign the results protocol. Written complaints were submitted by some VCC members. After counting had been completed VCCs generally transferred the results promptly to the ZECs.

In the first round on 24 June, observers reported tension in some polling stations during the count and in a small number of cases reported that VCC members obstructed the process. However, a violent incident was noted only in one polling station and no cases of intimidation of VCC members were reported. In the second round, observers reported that the atmosphere during counting was noticeably tenser than during voting and were concerned with the relatively high number of invalid ballots in some polling stations.

On 22 July during the third round, in a serious incident at VCC 14 in Zone 2, observers arrived at the polling station at 15:45 to find that counting had already started and was being directed by an armed man who was not a member of the VCC. Also, on 22 July, in another serious incident in Zone 4, the Secretary of the ZEC required an observer to hand back the protocol that had been obtained from VCC 2 in the zone.

C. TABULATION OF ELECTION RESULTS

The tabulation of results was generally slow and sometimes problematic. While most ZECs announced results within the legal deadline of two days after the date of the elections and transmitted the results promptly to the CEC, a number of ZECs failed to meet the deadline.

During the first round, the tabulation of results in a number of zones raised serious concerns. The ZEC in Zone 40 accepted a polling station results protocol presented by the SP representative instead of the result protocol found in the ballot box. The ZEC in Zone 11 presented to the CEC two protocols from the zone, one indicating a first round victory for the SP, another indicating the need for a second round contest. Different protocols for the same polling station and other irregularities raise concern about the tabulation of results in the single mandate elections in Zones 19, 24, 25, 33, 40 and 67. In each of these instances, the different protocols, a result of tampering with VCC protocols, suggested different results. The ZEC results protocol in Zone 33 did not reflect the result for VCC 50 recorded by an EOM observer at the vote count.

The integrity of the nationwide proportional result from the 24 June was generally acceptable, although there were a few cases that raised concern. The UV presented protocols from a number of VCCs in Zone 33, including a ZEC tabulation form indicating that small numbers of votes were transferred to DAP by tampering with the protocols. A representative of the SP formally complained that, in Zone 13, votes for the SP were allegedly re-allocated to the AP. The tabulation forms, for Zone 13 are available at the CEC and differ from those presented to the Constitutional Court in relation to the appeal on the outcome for the vote on 24 June. While the front page of the document presented to the Constitutional Court is not completed at all, the front page of the purportedly same document presented to the CEC is completed, but the turnout figures do not balance, in some cases significantly. However, the contents of the inner pages, including the party votes, of the respective documents are identical.

In the first and second rounds, both the SP and the DP prematurely announced "election results" before any ZEC had completed tabulating the results. During the second round in Zones 35, 49, and

69 and the third round in Zones 4, 40 and 49, ZECs stopped working once all the ballot boxes and results were received, and postponed the tabulation process.

D. REPEATED POLLING FOR THE PROPORTIONAL BALLOT

Following the first round, the CEC decided to repeat, on 8 July, polling for the proportional ballot in some polling stations in six zones. The CEC reasoned that no elections had taken place in these polling stations on 24 June. The CEC also ordered repeat polling for all polling stations in Zone 60 (Lushnje), where due to the interruption by police on 23 June of the distribution of election materials on the instructions of the SP Deputy Chair of the ZEC for reasons that remain unclear, no polling took place on 24 June.

In principle, voting for the proportional ballot should take place on a single, nationwide voting day. As a consequence of the CEC decision, some 36,500 voters were asked to cast ballots two weeks after their fellow citizens. The SP called upon its supporters to vote for the HRUP, the DAP and the AP, in an attempt to raise their total national vote above the 2.5% legal threshold required for representation in Parliament. Each of these parties was close to the threshold after the first round of voting, but none had passed it. The CEC had already announced the preliminary, partial results for the proportional ballot. Thus, without violating the letter of the law, the SP was able to pursue a strategy which if successful, would significantly alter the composition of Parliament in favour of its former government coalition partners. In addition, through the repeat polling in Zone 60, the voters in Lushnje were in a position to exercise a disproportionate influence on the outcome of the election as their votes could decide whether the HRUP, DAP, and AP would have members in Parliament.

These circumstances led to a highly contested election in Zone 60 on 8 July. On election day, the presence of dubious protocols of unclear origin undermined confidence in the integrity of the process. The ZEC in Zone 60 could not agree on the results protocol and ultimately failed to complete the protocol. Instead, on 11 July the ZEC of Zone 60 issued a decision acknowledging "the impossibility of declaring the result of the two kinds of elections" and requesting from the CEC to "repeat the elections in this zone".

On 12 July, the ZEC of Zone 60 submitted some material to the CEC, including some VCC protocols of results for the proportional ballot. Many of these contained identical or similar names of VCC members. On 13 July, at a session of the CEC, representatives of political parties presented opinions and findings regarding Zone 60. The UV, SDP and Democrat Party alleged that various irregularities had taken place in Zone 60 on election day and the days following, and were strongly opposed to the CEC proposal to tabulate the results itself. The SDP submitted a written complaint to the CEC that its representatives in the VCCs in Zone 60 were refused copies of VCC protocols. Against this, the HRUP, DAP and AP argued in favour of the CEC proposal to process the results on the basis of the available data.

On 14 July, the CEC, by a vote of 5 to 2, decided to (i) abrogate the 11 July ZEC decision to invalidate the results of the proportional ballot, (ii) dismiss and request the prosecution of five ZEC members and the Secretary, and (iii) start tabulating the results itself.

On 22 July, after lengthy debate, the CEC began the process of calculating the result for Zone 60, by opening the ballot boxes, removing the protocols and aggregating the individual results. The CEC decided to repeat polling in six polling stations due to irregularities and in two where no polling had taken place. According to CEC documents recording the material found in the box, 25 ballot boxes did not contain the results protocol forms for the proportional contest. Other major irregularities were also noted by the CEC. These included 27 ballot boxes lacking the number of the polling station to which they correspond, unsealed ballot boxes, opened sacks of used ballot papers, missing voter lists and missing valid ballots. Nevertheless, the CEC was determined to pronounce a result for this zone and thus used all protocols in its possession, including those which were dubious and of unclear origin, to calculate the final result. The result of the proportional contest in this zone raised the HRUP, DAP, and AP over the 2.5% threshold and into Parliament with three seats each. While disputing the proportional result in Zone 60, the opposition did not present any polling station

protocols with different results to those used by the CEC to calculate the final result.¹⁸

E. RECOUNTS

Some second round contests were decided by close margins, with the number of ballots considered invalid sometimes greater than the margin of victory. After the second round, local district courts in five zones began to recount ballots as provided for in the Electoral Code. In three of these zones the results raise concerns.

In Zone 29, the local district court failed to adequately scrutinize ballots declared invalid by VCCs, ignored the CEC instruction on how to determine ballot validity, and ignored the recount provisions of Article 106 of the Electoral Code. The Constitutional Court also failed to adequately investigate the case with the result that there is doubt concerning the election outcome. Additionally, credible reports of a threat by a SP Member of Parliament against the UV candidate were not fully investigated by the authorities.

In Zone 35, a local district court recount reversed the original result. The security of the electoral material during the period between the original count and the court recount was questionable. In Zone 36, a local district court recount significantly reduced the margin of victory for the UV candidate. In this case, the ballot boxes were seen by an observer to be split open. No recount occurred in Zone 28 where ballot stuffing was reported by observers on 8 July, where the margin of victory for the SP candidate was 628 votes, with 412 invalid votes.

XI. DEVELOPMENTS AFTER 22 JULY WHEN THE EOM ENDED

On 29 July, elections were re-run in Zone 13 following a decision of the Constitutional Court, in eight polling stations in Zone 60, three polling stations in Zone 4, and 17 polling stations in Zone 21. The OSCE/ODIHR did not observe these elections, but the OSCE Presence in Albania coordinated nine observer teams from resident diplomatic missions, European Union Monitoring Mission (EUMM), and the Council of Europe. The election in Zone 4 failed to take place due to serious differences between the party representatives on the ZEC.¹⁹ After a Constitutional Court decision, a fifth day of voting was required, on 19 August, to complete polling in Zone 82 where voting took place in four disputed polling stations.

Twelve elections or partial elections took place on or after 22 July, of which the opposition disputed the results of 8 zones.²⁰ The OSCE/ODIHR has specific concerns regarding either the conduct of the poll or the appeal process in Zones 2, 13, 49 and as already specified in Zone 60. Additionally, a recount never took place in Zone 14 as requested by the UV, and in Zone 18 where the UV allege a series of election violations affecting the final result.

In other developments, the Constitutional Court awarded the mandate for Zone 35 to the DP, overturning a CEC decision to award the mandate to the SP candidate. In Zone 82, the Constitutional Court overturned a CEC decision to declare the UV candidate victorious (based on partial results) and ordered the polling to be repeated in four polling stations. This took place on 19 August. Finally, the SP candidate was declared the winner, securing an extremely narrow margin of victory.

XII. COMPLAINTS AND APPEALS

The OSCE/ODIHR received almost 1,000 written and verbal complaints and reports of irregularities from political parties, candidates and members of election commissions. The OSCE/ODIHR followed up on many cases and found most to be unsubstantiated. However, some credible cases were appealed to courts or to the CEC. The volume of complaints was unusually high, indicating both the polemical nature of the contest and the degree to which parties used the available legal mechanisms to seek redress. However, on some important issues, political parties did not appeal CEC decisions.

A. HANDLING OF POST ELECTION COMPLAINTS AND APPEALS BY THE CEC

After the 24 June election, political parties often disputed zone results and filed a large number of complaints with election commissions and the courts. At times, the election complaints procedure did not provide an effective means of redress and in many cases the CEC chose not to fully investigate allegations of serious irregularities and fraud, including irregularities as serious as differing protocols for the same polling station. The CEC claims it does not have sufficient powers and means to conduct proper investigations. Due to the failure of the CEC to fully investigate the irregularities, many cases were pending in various courts by 8 July, creating uncertainty as to which zones would hold second round elections.

Some zones where irregularities were alleged or observed were in politically sensitive constituencies, where senior politicians were candidates. The CEC was divided on several of these controversial cases and apparently came under undue political pressure, resulting in credible allegations that some mandates were not properly allocated and that some second round contests that should have taken place were prevented.

On two occasions, the CEC met ZEC members behind closed doors, in apparent contravention of the Electoral Code. Results from controversial zones were in some cases decided during late-night sessions of the CEC, impacting negatively on the transparency of the process.

The CEC handling of complaints improved after the second round. In particular, the CEC became more engaged in investigating allegations of irregularities or fraud. In contested cases, the CEC generally consulted with the ZEC of the respective zone. Thus, the CEC was better informed of the relevant issues. However, the CEC was divided on most of these cases and its decisions were appealed to the Constitutional Court.

B. HANDLING OF POST ELECTION COMPLAINTS AND APPEALS BY THE COURTS

Following the 24 June election, 28 cases were submitted to the Constitutional Court, of which only 12 were decided by the second round on 8 July. Following the second round, a further nine cases were submitted. In many cases, the Court ultimately decided upon election results. However, Court rulings were not always based on standards that were clearly set out or consistently applied. For example, in apparently similar cases, the Constitutional Court decided that second round runoffs were required in Zones 25 and 40, but not in Zones 19, 24, 57, 63, and 67.²⁴

In some cases, the courts seemingly failed to investigate adequately or take fully into account the circumstances or the evidence presented. For example, in Zone 19, the Constitutional Court stated that "both tabulations are signed by the same members of the commission ...", while the copies of the two versions of the tampered protocol of VCC 6, Zone 19, provided to observers in the early hours of 25 June, indicated clearly that this was not the case. The Constitutional Court chose to rely not on protocols prepared at the polling station by the VCC, but decided instead to recount ballots that may not have been adequately safeguarded before the court case. However, there was no protocol in the box and the safety envelopes were opened.

Transparency in court proceedings was sometimes an issue. For example, the OSCE/ODIHR was unable to obtain in a timely manner complete documentation related to the Constitutional Court decision to repeat the elections in Zone 13, where the first round victory of the UV candidate appeared convincing.

An element of bias seemed to creep into some decisions, for example in Zones 19, 24 and 67. There were reports of very serious irregularities in Zone 25 on 24 June and again on 8 July. The failure of the courts to provide redress on complaints submitted before the second round and the fact that the new chairperson of the ZEC in Zone 25 (appointed three days before the second round) is a close relative of the eventual victor, leaves serious doubt regarding the credibility of the process in Zone 25. However, following the second round, the losing candidate chose not to seek redress.

XIII. RESULTS

Following the 24 June election, the CEC decided 31 SP candidates, 16 UV candidates, and one independent candidate, Llesh Zef Kola (in Zone 13) had been elected. Forty-five zones required second round contests because no candidate received more than 50% of the vote and seven zones were required to repeat the first round partially or fully because of irregularities. However, 28 appeals against CEC decisions on the results of the first round were presented to the Constitutional Court. The Court issued its last decision on these zones on 17 July, overturning or partially abrogating 7 CEC Decisions. Thus, after the adjudication process was complete for the first round disputes, the SP had won 32 seats and the UV coalition had won 15 seats in the single member ballot.

In the second round, following the completion of recounting of ballots by local district courts, the SP had won 67 mandates and the UV 21 mandates. One independent candidate, Agron Duka was elected in Zone 25 where fraud was verified by observers. Following voting on 22 July, 29 July and 19 August, the SP gained 73 seats, the UV 25 seats and two independent candidates had been elected.

On 21 August, the CEC announced that of the 40 "compensatory" mandates, the UV would be awarded 21 seats, the Democrat Party 6 seats, the SDP 4 seats, the HRUP 3 seats, the AP 3 seats and the DAP 3 seats.²¹ Thus, altogether the UV gained 46 seats.

The SP victory in these elections was not disputed, only the extent of its victory came under question.

XIV. RECOMMENDATIONS

The 2001 parliamentary elections saw the SP gain sufficient seats to form the next government and the opposition fared better than expected. The elections also saw serious irregularities in a limited number of zones and institutional concerns that must be addressed. These serious irregularities were due more to insufficient political will than technical deficiencies in the Electoral Code. The following recommendations suggest possible remedies. In addition, the legal process is not yet exhausted. Aggrieved candidates and political parties with evidence of irregularities should use the legal process and seek further redress, including at the European Court of Human Rights in Strasbourg.

Despite the criticism in this report, it is now necessary to look forward. The OSCE/ODIHR would welcome a move by political parties in Albania to inquire into the developments and violations in these elections with a view to identifying political remedies and commencing discussions on a review of the electoral framework. A bipartisan parliamentary committee, which could also consider the following recommendations could be a means to accomplish this end.

A. LEGAL FRAMEWORK

1. The election system requires simplification and reform and should be reviewed with a view to introducing a system that involves voting taking place on a single day throughout the country.
2. The Electoral Code should be reviewed in a number of key areas, including the general removal of provisions for temporary resident voting, the election timetable to distinguish between the various stages of the process, the feasibility of holding repeat elections; and the transparency and tabulation of results.
3. All deadlines should be stated clearly in the Electoral Code.
4. Provisions for a recount of ballots should be clarified and transparency enhanced.
5. A clear distinction should exist between protocol forms used by the election administration to tabulate results and the respective protocol forms provided to parties and candidates, e.g. official tabulation should be conducted only on the basis of forms 54 and 55 while form 56 should be the only form provided to party proxies and observers. However form 56 should be signed and stamped so that it can be used in evidence by the courts.
6. The procedure for tabulating the consolidated election results by the CEC requires greater detail. In particular, the CEC should receive a copy of each VCC protocol attached to the ZEC tabulation forms and the ZEC protocol.
7. The deadline for candidate registration should be moved to a date before the campaign begins. This will clarify who are candidates at the time the campaign starts and thereby increase transparency. It will also give the CEC more time to organise the elections.
8. The time-frame for election appeals should be revised in order to avoid fragmentation of the election process.
9. The election disputes resolution process could be reviewed in accordance with guidelines produced by OSCE/ODIHR to clarify the election appeals process, mainstreaming the respective roles of election commissions and courts.²² Deadlines for the adjudication of complaints and appeals should be specified. The investigative powers of the CEC should be clarified.

B. ELECTION ADMINISTRATION

1. Political parties should continue to have representation on election commissions in order to create confidence in the process.
2. ZEC members should not have family or business relations with a candidate to avoid conflicts of interest.
3. ZECs should receive adequate resources including, at a minimum, sufficient workspace, secure premises and a working fax and phone line.
4. Both ZECs and VCCs should receive timely and consistent training to improve adherence to

procedures, particularly relating to the count and to maintain the secrecy of the vote.

5. More secure ballot boxes should be used to make it impossible to tamper with the material inside once polling has started.
6. A record should be kept of the serial numbers of VCC and ZEC protocols distributed with a special, unique and easily identifiable number given to the protocol that is to be placed in the ballot box. Only those protocols inside the ballot box should be used to calculate the result by the ZEC. However, the other copies given to VCC members may be used to present a complaint to the ZEC, CEC or court. These should be taken into consideration in any adjudication.
7. The accuracy of the voter list should be improved.
8. A unique nationwide system for numbering the polling stations, should be introduced.

C. MEDIA AND CAMPAIGN

1. The law on mass media and regulations should be interpreted and applied correctly, particularly with regard to issues such as misuse of press, violations of professional ethics, and the right to reply.
2. Regulations should be implemented in an effective way in order to guarantee free, equal and fair access to the mass media.
3. The requirement for impartiality by both private and public electronic media as outlined in the Electoral Code for public media and in the Reminding Notice on legal, professional and ethical coverage of the electoral campaign for both, ²³ should be fully respected, particularly by the public broadcaster which has the duty to offer impartial and balanced information to citizens.
4. The campaign silence should be maintained by all political parties and the media.
5. The current legislation on campaign financing should be amended to reduce the overwhelming advantage afforded to larger parties and ensure that smaller parties have sufficient funds to purchase minimum airtime for electoral spots on private channels.

D. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

1. Political parties should consider measures to encourage greater participation of women in elections. This should include greater transparency in candidate selection; specific measures to increase numbers of women candidates in higher positions on lists; and increasing numbers of women in central and local committees.
2. Training of VCC members should be undertaken to emphasize that group voting should not be permitted. Voter education programs should explain to women the importance of making a personal choice when casting their vote.

¹This report is also available in Albanian. However the English text remains the only official document.

²The President is elected for a five-year term by Parliament and requires the votes of at least 84 of the 140 Members of Parliament. After five consecutive attempts to elect the President in Parliament, if unsuccessful, new parliamentary elections must be held.

³They were the Democratic Party, the Republican Party, the National Front Party, the Legality Movement Party, and the Liberal Union.

⁴Domestic and international experts assisted the Albanian authorities in drafting the Electoral Code. Following multi-party roundtable discussions that included representatives of the CoE, International Foundation for Election Systems (IFES), United States Agency for International Development (USAID), and the OSCE, the Parliament adopted the Electoral Code on 8 May 2000, incorporating last minute amendments introduced by the SP-led Parliamentary majority. The CEC composition, regulated by the Constitution, and the early appointment of six CEC members before the approval of the Electoral Code, led the DP to reject the Code in its entirety and boycott its adoption in Parliament, even though it had participated in most of the multiparty roundtable discussions.

⁵These were the Socialist Party, Democratic Party, Legality Movement Party, Republican Party, Social Democratic Party, Human Rights Union Party, and the Democratic Alliance Party.

⁶For example, prior to the election, "Rules of Procedures" were adopted and administrative departments re-organised. More ZECs and VCCs received training than previously and reference materials were distributed to nearly all ZECs and VCCs. Greater attention was paid to disseminating public information through TV slots, press releases and media interviews.

⁷The UV secured 45 Chairperson positions and the SP 55.

⁸Contained in Article 32 of the Electoral Code. A common allegation was that a member of a ZEC did not possess a university degree. Another was that the ZEC secretary was not a jurist. There were also complaints that individuals were not qualified due to issues involving criminal convictions, residence, and the holding of a local government position.

⁹The SDP, DAP and HRUP lodged the complaint.

¹⁰However, the Court struck out one paragraph of Article 66 that addressed another issue, the mandate won by a jointly nominated candidate.

¹¹CEC Decision No. 890, 20 June 2001.

¹²CEC Decision No. 905, 22 June 2001.

¹³UNDP Albanian National Women Report (1999).

¹⁴The 1997 Parliament included 155 MPs.

¹⁵The law On Public and Private Radio-Television in the Republic of Albania - No. 8410, dated 30 September 1998 governs TVSH's activity and establishes the Steering Council of the Public Radio and Television broadcaster (RTSH), composed of 15 members nominated by the Parliament, to be responsible for the management of public broadcasters.

¹⁶The NCRT also conducted a monitoring service to oversee the performance of the main media in the country during the campaign.

¹⁷In collaboration with the Center for Free Elections and Democracy (CeSID) from Serbia.

¹⁸The UV could have collected polling station result protocols from representatives it had on the

VCCs.

¹⁹The VCC members appointed by opposition parties failed to participate on 29 July in the repeat polling in Zone 60. The CEC decided not to repeat polling in Zone 4 and announced the final result on the basis of the existing VCC results, with the DP candidate declared the winner.

²⁰Zones 2, 13, 14, 18, 49, 60, 82 and 86. The UV report "2001 Elections in Albania A Report to the International Community", 27 August, 2001, details claims of irregularities and violations in some 15 other zones.

²¹CEC Decision No. 227, 21 August 2001.

²²See "Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System", OSCE/ODIHR Warsaw, 12 July 2000.

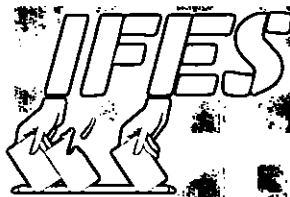
²³Protocol No. 253, issued by NCRT on 26 April 2001.

²⁴The Final Report, issued on 11 October 2001 indicated that the Constitutional Court also decided that a second round run-off should take place in Zone 33. This was incorrect. It was in fact the CEC that decided that a run-off should take place in this Zone.

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