



**REPUBLIC OF ALBANIA**

**THE ASSEMBLY**

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

**Tirana, 2005**

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

**(Approved by Law no. 9087, dated 19 June 2003 and amended by Law no. 9297 dated 21 October 2004 and Law no. 9341, dated 10 January 2005 and Law no. 9371, dated 14 April 2005)**

# THE ELECTORAL CODE OF THE REPUBLIC OF ALBANIA

## PART ONE

### DEFINITIONS AND PRINCIPLES

#### Article 1

##### **Purpose of this Code**

The purpose of this Code is the specification of rules:

- a) for voting in elections to the Assembly, to organs of local government and in a referendum;
- b) for the organization and functioning of the election commissions;
- c) for the preparation and revision of voter lists;
- ç) for the determination of electoral zones;
- d) for the registration of electoral subjects and their financing;
- dh) for the coverage of electoral campaigns by the media;
- e) for the organization and validity of referenda;
- ë) for procedures of voting and of issuing election results;
- f) 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 determined by a decree of the President of the Republic.
2. “Special institutions” are prisons, places of pre-trial detention, hospitals or other healthcare 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 for a municipal or communal council, who is not supported by any political party.
5. A “coalition” is a grouping of two or more political parties registered with the CEC that submit a candidate for deputy, a candidate for mayor of a municipality or commune, or a multi-name list for the elections to the Assembly or the municipal or communal council.
6. “VCC” is a Voting Centre Commission.
7. “CEC” is the Central Election Commission, created according to article 154 of the Constitution.
8. “LGEC” is the Local Government Election Commission.
9. “ZEC” is the Zonal Election Commission.
10. “Voter lists” are official documents of the registration of voters for each polling unit provided in accordance with this Code.
11. A multi-name list” is a list of the candidates of one political party or coalition that is to be approved by the CEC and serves for the determination of deputies from supplemental

mandates for the Assembly or for the determination of members of the councils of local government units.\*

12. A “joint multi-name list” is a list of a coalition’s candidates, which appears as a single subject on the ballot paper.

13. A “composed multi-name list” of a coalition is a multi-name list that is composed of particular lists of the coalition parties, which appear separately on the ballot paper.

14. An “electoral unit” is either an electoral zone, or a municipality or commune in the case of local elections.

15. A “political party” is a party registered in accordance with Law no. 8580, dated 17 February 2000, “On Political Parties.”

16. The “election period” is the period beginning 30 days before the election date and ending with the final announcement of the voting results.

17. A “representative of an electoral subject” is a person authorized by a candidate or a registered political party to represent their interests and to participate in meetings of electoral commissions, in the name of and on account of the candidate or the party.

18. A “voting centre” is the premises designated for holding the voting, in accordance with this Code.

19. A “constitutional referendum” is a referendum held pursuant to section 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 section 4 of article 108 of the Constitution.

22. “The National Registry of Voters” is an aggregate of the voter lists prepared in accordance with the respective rules in this Code.

23. “Revision of the lists” is the process of deleting or adding names, or changing the data, on the voter lists.

24. A “student” is any voter registered as a full-time student in an educational or vocational training program in Albania of at least three months duration and whose residence for purposes of this education or vocational training is a place other than his domicile.

25. “Electoral subjects” are political parties, coalitions registered with the CEC, their candidates as well as independent candidates registered with a ZEC or LGEC.

26. Abrogated.<sup>†</sup>

27. Abrogated.<sup>‡</sup>

28. A “voter” is each Albanian citizen with the right 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, for representative organs of local government or in a referendum.

31. “Partial elections” are the voting to fill the seat of an independent candidate elected in single-member zones or the seat 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.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 1)

† Amended by Law no. 9341, dated 10 January 2005 (article 1)

‡ Amended by Law no. 9341, dated 10 January 2005 (article 1)

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.

34. "The final election result" is the result declared by the CEC and includes:

a) the result of voting for the candidates for deputy or for mayor of a municipality or commune, who are directly elected in the respective electoral units; and

b) the number of seats obtained by each political party or coalition, according to the calculations provided in this Code; or

c) the result of voting in a referendum, according to the provisions of Part Nine of this Code.\*

35. "Close in-law relationship" is the in-law relationship between a commission member and a candidate when one of them is the parent of the other's spouse or the sister or brother of the other's spouse or the spouse of the brother or sister of the spouse.†

### 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 by including in each one an approximately equal number of voters.

6. Each 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.

9. Ministries and other institutions of public administration have the obligation to guarantee the inviolability of the general principles stated in this article and to take all the necessary measures in order that the administration and conduct of free, fair, democratic, and transparent elections are not damaged or hampered by their activity.

### Article 4 Subjects of the Principle of Inviolability of the Electoral Process

The principle of the inviolability of the electoral process applies to all levels of institutions of public administration in Albania at national and local levels. This principle applies to all employees or political officials during their activity in the name of and on behalf of the institution.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 1)

† Added by Law no. 9341, dated 10 January 2005 (article 1)

Article 5  
**Prohibition on Use of Public Resources in Support of Candidates,  
Political Parties or Coalitions**

1. Except as otherwise provided for by law, no resource of any ministry, or other institution of the public administration at a national or local level, can be used or applied in support of a candidate, political party, or coalition in an election.

2. For the purposes of this article, “resource” shall include tangible and intangible items as defined in article 142 of the Civil Code as well as every human resource of the institution. “Human resources” means the utilization of the administration of the institution during working hours for electoral purposes. The hiring, dismissal from employment, revocation of assignment, reassignment and transfer with the exception of justified cases, are also considered as activities of the institution of the public administration.

Article 6  
**Appointment and Duties of the Liaison**

1. The administration of the Council of Ministers and the Prime Minister’s Office, all the ministries, prefectures and municipalities have the obligation, no later than 24 hours after the setting of the election day, to appoint a liaison responsible for the exchange of information with the CEC on activities that are related to the administration or conduct of free, fair and democratic elections.

2. A written notice of the appointment, including the liaison’s name, position or title, office address, and telephone and facsimile numbers shall be provided to the CEC concurrently with the appointment. If any of these institutions fails to appoint a liaison in accordance with the requirements of and within the time set in this article, then the head of the respective institution shall be deemed to have taken the function of the liaison.

3. The liaison shall provide the CEC with complete written information on orders of the head of the institution for every activity that might affect or damage the administration or conduct of free, fair, democratic and transparent elections. This information shall be provided in writing to the CEC no later than 10 days before the activity is scheduled to commence.

4. The liaison shall have access to the highest level of the institution for the purpose of exchanging information with the CEC.

5. If the CEC determines that the activity of the institution is likely to damage or hamper the administration or conduct of free, fair, democratic and transparent elections, then the CEC shall inform in writing the appropriate liaison no later than 5 days before the activity is scheduled to commence.

Article 7  
**Setting the Election Date**

1. The date of the elections is set by a decree of the President of the Republic, according to the rules provided in articles 65, 109, 115, 151 section 3, 152 section 3 and 170 section 6 of the Constitution.

2. For the purposes of this code, the mandate of the Assembly expires on the same day of the same month, of the fourth year after the date of its inaugural meeting. The mandate of local government organs expires on the same day of the same month of the third year after the date of the declaration by a CEC decision at a national level of election results for local government organs.

3. No later than 75 days before the expiry of the mandate of the Assembly, the President of the Republic sets the date of the elections. Upon the decision of the Assembly, the closing of the legislative session and the dissolution of the legislature are to take place no earlier than 45 days from the date set for the elections and no later than 3 days prior to this date.

4. Pursuant to article 87 of the Constitution, no later than 24 hours after the Assembly's dissolution, the President of the Republic sets the date for the elections. Pursuant to article 65 of the Constitution, the elections are to be conducted no later than 45 days after the dissolution of the Assembly. The date of the dissolution is the date of the fifth vote according to section 7 of article 87 of the Constitution, when the Assembly fails to elect a new President.

5. Pursuant to section 4 of article 96 of the Constitution, when the Assembly fails to elect a new Prime Minister, the President of the Republic decrees the dissolution of the Assembly and, no later than 24 hours after the vote provided in section 3 of the same article, sets the election date. Pursuant to article 65 of the Constitution, the elections are to be held no later than 45 days after the dissolution of the Assembly.\*

6. When the Assembly dissolves itself for reasons other than those mentioned in sections 3, 4 and 5 of this article, the President of the Republic no later than 24 hours after the Assembly's dissolution sets the date of the elections. The Assembly is to be dissolved on the day it votes to dissolve itself. Pursuant to article 65 of the Constitution, the elections shall take place no later than 45 days after the dissolution of the Assembly.

7. In any case, the elections for the Assembly shall take place on the Sunday nearest to the forty-fifth day after the date of the decree setting the election date.

8. The 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 by 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 section 3 of the Constitution. The other time limits are applied in an analogous manner.

9. The presidential decree setting the date of elections contains the date and the type of the elections.

## Article 8 Voting Hours

1. When the date of the elections is on or between March 31 and October 15, the voting centres open at 7<sup>00</sup> and close at 19<sup>00</sup>.

2. When the date of elections is on or between October 16 and March 30, the voting centres open at 7<sup>00</sup> and close at 18<sup>00</sup>.

3. No one may vote after the closing time of the voting centres, except voters who are waiting to vote at the time of closing.

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\* Sections 3, 4, and 5 amended by Law no. 9341, dated 10 January 2005 (article 2)



## PART TWO

### VOTERS, ELECTORAL SUBJECTS, AND OBSERVERS

#### CHAPTER I

#### VOTERS

##### Article 9

##### **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 conditions provided in this Code, has the right to vote in elections to the Assembly, to local government organs and in referenda.

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

##### Article 10

##### **Voting Place**

Voters vote in the voting centre in the zone where they are registered on the voter list.

##### Article 11

##### **Voters Who Live in Another State**

Voters who live in another state have the right to vote only in the territory of the Republic of Albania in accordance with the procedures provided in this Code.

##### Article 12

##### **Voters in Special Locations**

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

#### CHAPTER II

#### CANDIDATES

##### Article 13

##### **Conditions for Being a Candidate**

1. In addition to the conditions for being a voter, a candidate also must meet the conditions of section 3 of article 45 and article 69 of the Constitution.

2. A candidate for 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 sections 1 and 2 of this article.

#### Article 14

### **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, his seat is filled by a new deputy elected by the voters of the same electoral zone. The President of the Republic, on the basis of the immediate notification by the Speaker of the Assembly, sets by decree a date no later than 45 days from receipt of the notification for partial elections in that zone. A deputy elected to fill a vacant seat serves until the end of the mandate of the deputy who departed.

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 next candidate on the multi-name list of the respective electoral subject. If during this period the mandate of an independent deputy ends prematurely, he is not replaced.\*

4. 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 for the election of 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 next candidate of the respective multi-name list.

5. 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 among its members a new mayor to serve until the end of the mandate.

6. Partial elections are held according to the same procedure as general elections.

## CHAPTER III

### POLITICAL PARTIES

#### Article 15

### **Registration of Political Parties**

1. Each 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 to be registered with the CEC as an electoral subject no later than 40 days prior to the day of elections. Political parties or coalitions whose member parties have obtained jointly more than 20% of the votes in the previous general elections, have the obligation to nominate candidates in all 100 electoral zones.

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;

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\* Amended by Law no. 9341, dated 10 January 2005 (article 3)

- b) the official name, initials and address of the party;
- ç) a copy of the party's seal;
- c) the name and address of the financial officer of the party;
- e) the name and address of the person responsible for communication with the CEC.

#### Article 16\*

### **Electoral Coalitions**

1. Two or more political parties registered with the CEC according to article 15 of this Code may be registered with the CEC as an electoral coalition by submitting, 35 days prior to the elections date, the respective coalition agreement. The agreement must define whether the parties composing the coalition will appear separately on the ballot paper in the proportional voting or the coalition will appear as a single subject.

2. Within the time limit provided by article 78 of this Code, the registered coalitions shall deposit the multi-name lists with the CEC, in accordance with articles 84 and 85 of this Code.

3. Coalition agreements are to be implemented directly by the CEC when they include:

a) the date of the establishment, data on the composition and the name of the coalition;

b) a composed multi-name list when parties in coalition appear separately on the ballot paper, or a joint multi-name list in case the coalition appears as a single subject.

4. The CEC may not accept or apply agreements on formulas for the allocation of votes among coalition member parties.

5. Political parties may not participate in more than one coalition.

#### Article 17

### **Identification of Electoral Subjects**

If two political parties or coalitions have names, initials or logos that are the same, or similar to an extent that may create confusion or mislead the voters, then the CEC decides which party or coalition has the right to use the respective name, initials or logo for electoral purposes, taking into consideration the date of the legal foundation of parties or that of the first registration of a coalition with the CEC. In order to establish the date of the first registration of coalitions, the CEC shall refer also to past elections.

## CHAPTER IV

### OBSERVERS

#### Article 18\*

### **The Right to Appoint Observers**

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\* This article is amended by Law 9341, dated 10 January 2005 (article 4)

\* Amended by Law no. 9341, dated 10 January 2005 (article 5)

1. Albanian and foreign non-governmental organisations, as well as international organisations specialised or engaged in the area of protection of human rights, representatives of foreign countries and of the media have the right to send observers to the elections.

2. Each political party registered with the CEC as an electoral subject has the right to appoint an observer to the ZEC, LGEC, VCC and the Ballot Counting Centre after the registration of a candidate for the respective electoral unit or the submission of a multi-name list. If the political parties appear in the elections as a coalition, the right to appoint observers rests with the coalition only. The candidates of the political parties and coalitions do not have the right to appoint observers.

3. Independent candidates in their respective zones are entitled to appoint an observer to the ZEC, LGEC, VCC and the Ballot Counting Centre.

4. The accreditation of the observers to electoral commissions is made on the basis of individual data for each observer. The accreditation may include one or more voting centres, or one or more electoral units. An Albanian non-governmental organisation, political party, coalition or independent candidate may not have more than two observers at the same time present in a voting centre. Foreign non-governmental organisations and international organisations may not have more than two foreign observers present at the same time in a voting centre.

5. Requests by Albanian observers for accreditation are to be submitted to the CEC not earlier than 45 days and not later than 15 days before the election date. The CEC approves the requests no later than five days after their submission. An appeal against a refusal or failure to grant accreditation may be filed according to the procedures provided in this Code. Requests by foreign observers are to be submitted not later than 72 hours before the election date.

6. The CEC has the right, by a special instruction, to delegate to the ZECs, or as appropriate to LGECs, the competency to grant accreditation to observers according to sections 2 and 3 of this article.

## Article 19

### **The Rights and Duties of Observers**

1. While performing their duties, observers have these rights:

a) to observe without hindrance 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;

c) to look at or examine the documentation or materials of the electoral process.

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, coalition or referendum alternative at the voting centres or at other places prohibited according to this Code;

c) to present themselves at the election commissions with the authorization issued by the CEC and an identification document accepted by the CEC;

ç) not to bear distinctive signs that serve as means of propaganda or that might influence the voters' will;

d) not to violate the right of the voter to a secret ballot and not to hamper the process of voting and the administration of the election.

## PART THREE

### ORGANIZATION AND FUNCTIONING OF THE CEC

#### CHAPTER I

##### THE CENTRAL ELECTION COMMISSION (CEC)

###### Article 20

###### Criteria for Membership of the CEC

1. Every Albanian citizen eligible to vote and who meets the requirements of this article can be selected as a member of the CEC.
2. A member of the CEC should meet the following requirements:
  - a) to have higher education;
  - b) not to have been convicted of a crime by a final court decision;
  - c) not to have been a member of the steering organs of any political party at the central and local level during the last 5 years;
  - ç) not to have been a member of the State Information Service or of the State Police in the last 5 years;
  - d) not to have been dismissed from the public administration for a violation of the law.
3. A member of the CEC must have a working experience of no less than 5 years, in at least one of the following fields:
  - a) in the field of law;
  - b) in public or electoral administration;
  - c) in associations and non-profit organizations that operate in the field of the protection of human rights;
  - ç) in the field of public relations;
  - d) in the field of statistics;
  - dh) in the field of political science.

###### Article 21

###### General Principles for the Election of CEC Members

1. Members of the CEC are selected pursuant to article 154 of the Constitution. The members of the CEC collectively shall satisfy, at all times, the requirements of article 20 of this Code.
2. The members of the CEC have a 7-year mandate and can be re-elected only once.
3. The beginning and the end of the mandate of CEC members are determined in this Code.
4. Membership in the CEC is incompatible with any other state or political activity.
5. Before taking office, an elected member of the CEC takes an oath in front of the President of the Republic in a public ceremony. The text of the oath is: **"I swear on my honor that I shall commit myself with all my strength to the realization of fair, free and democratic elections in the Republic of Albania, I shall guarantee and protect the integrity and secrecy of the vote, I shall maintain impartiality in discharging my duty**

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\*Amended by Law no. 9341, dated 10 January 2005 (article 6)

**as a member of the Central Election Commission and shall demonstrate professionalism in this discharge".\***

## Article 22

### **The Procedure for the Election of CEC Members**

1. The Assembly of Albania elects two members of the CEC upon the respective proposals from the left and right spectrum of its political composition, excluding the largest political party of either political spectrum. The number of candidates presented to the Assembly of Albania shall not be more than two for each vacancy. The candidacies within the groups are selected with consensus or according to the number of supporting votes of the deputies belonging to the same spectrum as the proposing party, excluding the largest political party of the respective spectrum. A deputy cannot support more than one list of candidates. The proposed candidates are presented to the Assembly by the Speaker.

2. The President of the Republic appoints two members of the CEC upon the respective proposals of the two largest political parties of the majority and the opposition. The number of the proposed candidates is not higher than two for each vacancy in the CEC.

3. The High Council of Justice selects three members of the CEC according to this procedure:

a) two members of the CEC are approved from among two candidates for each vacancy proposed respectively from the two largest parties;

b) the third candidate is selected by the High Council of Justice according to this procedure: the two largest parliamentary groups propose four candidates who are jurists by profession. Each of the parliamentary groups selects two of the four candidates from the other group. The four selected candidacies are voted on by the High Council of Justice no later than 48 hours after having been deposited;

The High Council of Justice decides with two-thirds of the votes of all its members;

In the case that none of the candidates obtain the required majority, a second round takes place on the same day, between the two candidates who received the highest number of votes in the first round;

If, in the second round as well, no candidate obtains two-thirds of the votes of all members of the High Council of Justice, a third round takes place on the same day, between the candidates of the second round. In the third round, the candidate who obtains 50% plus one of the votes of all members of the High Council of Justice wins.

## Article 23

### **The Immunity, Rights and Duties of a Member of the CEC**

1. A CEC member may be criminally prosecuted only with the approval of the Assembly.

2. A CEC member may be detained or arrested only if apprehended while committing a crime or immediately after its commission. The competent organ shall notify the Constitutional Court immediately. If the Constitutional Court does not consent within 24 hours to bring the arrested member of the CEC before a Court, the competent organ is obliged to release him.

3. CEC members enjoy the salary and privileges of a High Court judge. The salary of the Chairman and the Deputy Chairman is ten percent higher than a CEC member salary.

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\* Added by Law no. 9341, dated 10 January 2005 (article 7)

4. A CEC member is to exercise his function in an independent manner. He is to vote in compliance with the law.

5. A CEC member is not to participate in the examination of and voting on an issue when:

a) he has close in-law or family relations to the fourth degree with any of the candidates who have submitted a complaint to the CEC; or

b) he has one of the obstacles provided in article 37 of the Code of the Administrative Procedures.

The recusal from examining and voting on an issue is to be declared in writing by a CEC member or may be requested by any representative of electoral subjects or by other Members of the CEC. The withdrawal from the examination and voting on an issue or the decision of the CEC to exclude a member from the examination and the result of voting is to be recorded in the official records.\*

6. Abrogated.

7. Abrogated. †

#### Article 24

### **Dismissal of a CEC Member**

1. A CEC member is to be dismissed when:

a) he performs state or political activity at the same time he exercises the duties of a CEC member;

b) by acting or failing to act, he threatens the activity of the CEC concerning the preparation, supervision, direction and verification of all aspects that pertain to elections and referenda, as well as to the declaration of their results.‡

3. The dismissal of the CEC member can be proposed by 33 deputies or by the CEC.

4. A CEC member is dismissed by the Assembly with two-thirds of the votes of all its members.

5. An appeal against the decision to dismiss can be filed with the Constitutional Court within 5 days after the decision of the Assembly. The Constitutional Court shall reach a decision not later than 10 days from the filing of the appeal.

#### Article 25

### **Abrogated\***

#### Article 26†

### **Renewal of the Composition and Replacement of Members of the CEC**

1. The composition of the CEC is renewed every three years and it is carried out in two stages, following the modalities and procedures specified in article 22 of this Code.

2. Four members of the CEC are to be replaced during the first stage:

a) one member selected by the Assembly;

b) one member selected by the President of the Republic;

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\* Sections 4 and 5 amended by Law no. 9341, dated 10 January 2005 (article 8)

† Sections 6 and 7 abrogated by Law no. 9341, dated 10 January 2005 (article 8)

‡ Amended by Law no. 9341, dated 10 January 2005 (article 9)

\* Abrogated by Law no. 9341, dated 10 January 2005 (article 10)

† Amended by Law no. 9297, dated 21 October 2004 (article 1)

- c) two members selected by the High Council of Justice.
- 3. Three members of the CEC are to be renewed during the second stage:
  - a) one member selected by the Assembly;
  - b) one member selected by the President of the Republic;
  - c) one member selected by the High Council of Justice.
- 4. The new members of the CEC are to be elected no later than 30 days from the date of the end of the mandate of the outgoing members.
- 5. In the case of a premature termination of the mandate of a member of the CEC, in accordance with article 25 of this Code, the body that has selected the outgoing member is to appoint a replacement member within 30 days of the date the vacancy is announced. The replacement member remains in office until the end of the constitutional and legal mandate that belonged to the outgoing member according to the act selecting the member whose mandate was prematurely terminated.
- 6. Regardless of section 4 of this article, the composition of the CEC may not be changed during the electoral period. In this case, the current members are to be replaced within 30 days after the end of the electoral period. If the mandate of a member of the CEC ends prematurely during the electoral period, he is to be replaced by the respective body as soon as possible, but no later than 48 hours after the creation of the vacancy.

#### Article 27

#### **CEC Chairman and Deputy Chairman**

- 1. The chairman is elected by a secret ballot by the CEC according to this procedure:
  - a) the seven names of the CEC members are written on seven ballot papers;
  - b) each of the members votes making the respective mark for one of the names that are in the ballot papers;
  - c) the member who has received five votes is considered to be elected Chairman;
  - ç) in case none of the members has obtained the required number of votes, a second vote takes place between the two candidates who received the largest number of votes;
  - d) in case that in the second vote as well, none of the candidates receives five votes, then the member who has received the largest number of votes will perform the functions of the chairman for a period of not longer than six months;
  - dh) at the end of this period, a new vote takes place. In this vote the CEC member elected as chairman should receive five votes. In case none of the members receive the required number of votes, a second round of voting takes place among the members who have received the largest number of votes. In the second round, the member who receives the largest number of votes is elected Chairman.
- 2. The CEC Chairman is elected for a period of 3.5 years, with the right to be re-elected and this is included in his mandate as a member.
- 3. The CEC Deputy Chairman is elected by secret ballot from among the CEC members proposed by the opposite political spectrum of that of the chairman and according to the following procedure:
  - a) the names of members are written on a ballot paper according to section 3 of this article;
  - b) each of the members votes by making the respective mark for one of the names listed on the ballot paper;
  - c) the member who has received the majority of votes of all the members is elected Deputy Chairman of the CEC;
  - ç) in case none of the members receives the required majority of votes, a second round of voting takes place between the two candidates who received the largest number of



votes. The member who receives the largest number of votes during the second round is elected CEC Deputy Chairman.

4. The Deputy Chairman is elected for a period of 3.5 years, with the right to be re-elected and this is included in his mandate as member.

5. The meeting for the election of the Chairman, in case the Deputy Chairman is missing, is chaired by the CEC member with the highest age and the election procedures are performed in the presence of a notary.

6. Abrogated\*

#### Article 28<sup>†</sup>

##### **The Rights and Duties of the Chairman and Deputy Chairman of the CEC**

1. The CEC Chairman has the following competencies:

a) to chair CEC meetings and represent the CEC in relations with other institutions;

b) to perform the duties of the executive director of the institution. Pursuant to his competencies according to this letter, the Chairman of the CEC issues internal orders on the basis of and for the implementation of CEC decisions.

2. The Deputy Chairman of the CEC performs the duties of the Chairman when the latter is absent.

#### Article 29\*

##### **The Competencies of the CEC**

The CEC performs the following duties:

1. Within its jurisdiction, based on and for the purpose of implementing the law, issues decisions and instructions with general juridical applicability in the entire territory of the Republic of Albania.

2. Makes decisions to unify electoral practices.

3. Directs and checks, through its members and structures, the pre-electoral and electoral processes.

4. Declares through a decision the final results of elections on the national level, based on the results declared by the ZEC, or as appropriate the LGEC, and after the court examination of appeals has been completed. The declaration is to be made no later than 3 days from the date when the CEC receives all official data from the election commissions and court decisions, as provided in this Code. The decision is to be published in the Official Journal no later than 3 days after it has been made.

5. Announces the winning candidates for deputy from the multi-name lists.

6. Conducts training courses at its own expense no later than 30 days after the appointment of ZEC or LGEC members and at the conclusion gives them, upon completion of testing, the respective certificate. For VCC members, the CEC conducts at its own expense qualification sessions on electoral legislation. The CEC also takes measures and organises voter education programmes of citizens.

7. Appoints and dismisses, in accordance with this Code, members of ZECs and LGECs and supervises them in fulfilling their duties.

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\* Abrogated by Law no. 9341, dated 10 January 2005 (article 11)

† Amended by Law no. 9341, dated 10 January 2005 (article 12)

\* Amended by Law no. 9341, dated 10 January 2005 (article 13)

8. Publishes the election bulletin, which contains the results of elections for each electoral unit and voting centre, as well as a report on electoral expenses; and also publishes the reports according to 145/1 of this Code.

9. Presents to the Assembly, by the month of February of each year, an annual report on the activity in the previous year.

10. Prepares, according to the respective law, the annual draft budget for the functioning of the institution and, after the approval by law of the budget, defines in a general manner the structure of the budget expenses.

11. Prepares the draft budget for anticipated elections and administers funds allocated from the state budget and from other lawful sources for the purpose of the elections, while deciding on the structure of budget expenses and various donations for the elections.

12. Examines and resolves claims of electoral subjects on the conduct of the electoral process, in accordance with the rules of this Code;

13. Compiles and distributes electoral complaint forms in accordance with the rules of this Code.

14. Determines the amount of remuneration for members of the electoral commissions and Counting Teams.

15. Imposes administrative sanctions against persons who commit administrative infractions related to elections, as well as filing criminal charges for criminal offences related to the elections.

16. Approves the structure, personnel needs, and salary structure of the CEC administration.

17. Appoints civil servants of the CEC administration in compliance with the law "On the status of the civil servant". During certain periods, the CEC may decide to employ on a temporary and part-time basis, employees of different levels.

18. Approves the Rules on the Organization and Functioning of the CEC, including the manner in which meetings are to be conducted, at least 6 months prior to the end of the Assembly's mandate.

19. Performs other duties stemming from this Code or from other laws.

#### Article 30\*

### **CEC Meetings and Decision-making**

1. CEC meetings are called by the Chairman, Deputy Chairman or by at least two members of the CEC. In any case, the notice of a meeting must also include the agenda of the meeting.

2. During the period from the determination of the election date until the declaration of the final election result, the CEC meets regularly every day. CEC sessions end with the determination of the agenda for the following meeting.

3. The notice for the meeting together with the agenda are to be publicly posted at the entrance of the CEC head offices and, when appropriate, at the head offices of the ZECs or LGECs interested in the matter, at least 24 hours prior to the time set for the meeting.

4. At the beginning of each meeting, each electoral subject registered to participate in the elections or any other interested persons, have the right to speak only once and for a time period of no longer than 7 minutes about issues not included in the agenda for that day.

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\*Amended by Law no. 9341, dated 10 January 2005 (article 14)

5. CEC meetings are valid when no fewer than four CEC members participate in the meeting, except cases when, according to section 6 of this article, a qualified majority is required for making a decision.

6. The declaration of the voting results for multi-name lists for the Assembly, decisions related to complaints against a decision of the ZEC or LGEC regarding election results, as well as decisions on requests to declare elections invalid are approved when no fewer than 5 CEC members vote in favour. Other decisions are made by a majority of the votes of all CEC members.

7. CEC decisions are to be signed by all the members that have participated in the voting. Each of the Commission members declares his vote *for* or *against* next to his signature on the decision. The minority opinion is part of the decision and is transcribed along with it. Members in a minority must file the reasoning of their opinions in writing no later than 24 hours after the decision has been made.

8. Each meeting of the CEC starts according to the specifications made in section 4 of this article. Only members of the CEC, representatives of electoral subjects according to article 33 of this Code and, with the permission of the CEC, other persons connected to the preparation and administration of elections, have the right to discuss and give opinions at CEC meetings.

9. Meetings of the CEC are open to the public.

#### Article 31

#### **CEC Acts and Their Entry into Force**

1. Based on and for the implementation of the law, the CEC can issue only these acts:

- a) decisions;
- b) instructions.

2. Every normative act of the CEC is voted on three times, in the following order:

- a) it is voted on in principle;
- b) it is voted on article by article or, as appropriate, section by section;
- c) at the end, it is voted on as a whole.

3. Any CEC decision is transcribed within 24 hours after it is made. The original copy of the decision is retained in the CEC archive, which notes the date and time as well as signatures for the receipt of the CEC decision.\*

4. The secretary of the CEC, upon the request of any person, shall provide certified copies of CEC decisions free of charge and within 24 hours after a request has been submitted.

5. The normative acts of the CEC enter into force after their publication in the Official Journal, while other acts enter into force immediately.†

#### Article 32

#### **The CEC Secretary and Administration**

1. For the functioning and fulfillment of duties arising out of the Constitution and this Code, the CEC has its own administration composed of civil servants. The procedures for the recruitment, transfer, promotion, parallel movement and dismissal are carried out in

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\* Amended by Law no. 9341, dated 10 January 2005 (article 15)

† Sections 4 and 5 added by Law no. 9341, dated 10 January 2005 (article 15)

compliance with the provisions for independent institutions in the Law “On the status of the civil servant”. ‡

2. The secretary of the CEC is the highest ranking civil servant in the administration of the CEC and is appointed by a decision of the CEC.

3. The secretary of the CEC should have no less than five years of work experience in the area of law or of public administration.

4. The secretary of the CEC performs the following duties:

a) takes measures for the organization of the meetings of the CEC, prepares materials for these meetings and makes relevant notifications;

b) takes measures for the publication of CEC acts and for making them available to the public;

c) takes measures, in compliance with this law and the secondary legislation issued by the CEC, for providing working conditions for CEC members according to their requests;

ç) is responsible for, directs and organises the work for the implementation of the internal orders of the CEC Chairman, according to article 28 of this Code.

d) follows the implementation of the budget and takes the necessary measures for it;

dh) proposes for approval at the CEC the Rules for Internal Organisation and Functioning of the CEC Administration;

e) performs other tasks as provided in this Code.\*

#### Article 33<sup>†</sup>

### **Representatives of Electoral Subjects to the CEC**

1. Any political party may appoint one representative to the CEC. Coalitions are represented by the representatives of the coalition member parties.

2. The representatives of the parliamentary parties have permanent status at the CEC. They are entitled to participate in all the meetings organized by the CEC, even outside the election period. Representatives of other political parties are entitled this status from the moment of the registration as an electoral subject at the CEC and exercise it until the declaration of the final elections result. The authorisation for representation is given by the chairman of the party.

3. Representatives according to sections 1 and 2 of this article have no right to vote. They have the right to attend the meetings of the CEC, to discuss and present proposals and requests according to the rules established in this Code and in the Rules for the Organisation and Functioning of the CEC, to receive copies of CEC acts, request information on all aspects of CEC activity and observe them.

4. Representatives are obliged to respect the Regulations of the CEC and the ethical norms of meetings and communication.

## CHAPTER II

### ZONAL ELECTION COMMISSIONS (ZEC)

#### Article 34\*

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‡ Amended by Law no. 9341, dated 10 January 2005 (article 16)

\* Amended by Law no. 9341, dated 10 January 2005 (article 16)

† Amended by Law no. 9341, dated 10 January 2005 (article 17)

\* Amended by Law no. 9341, dated 10 January 2005 (article 18)

## Composition of the ZEC

1. A ZEC is composed of seven members and a secretary, who are appointed by the CEC according to the following procedure:

a) one member is proposed by the main party of the parliamentary majority, one member is proposed by the main party of the parliamentary opposition and two members are proposed respectively by the second and the third party of the parliamentary majority and two members are proposed respectively by the second and the third party of the parliamentary opposition;

b) in half of the ZECs, the seventh member is proposed by the main party of the parliamentary majority, while in the other half, the seventh member is proposed by the main party of the parliamentary opposition. The respective ZECs are established by the CEC according to objective criteria based on:

i) random selection; and

ii) equal distribution in the electoral territory;

c) the secretary of the ZEC shall be a jurist and shall be proposed by the party that proposes the deputy chairperson of that ZEC.

2. The Chairperson and Deputy Chairperson of the ZEC are appointed by the CEC on the proposal of the ZEC. In the first half of ZECs, where the seventh member belongs to the main party of the parliamentary majority, one of the ZEC members representing the main party of the parliamentary majority is elected chairperson, while for the other half, one of the members representing the main party of the parliamentary opposition is elected chairperson. The deputy chairperson is of the opposite political affiliation to that of the chairperson.

3. The ZEC members do not work full-time. The CEC determines the working hours of the ZEC during the election period and outside the election period. For the work performed, the members receive remuneration in the amount provided by a CEC decision.

4. The ZEC is established in accordance with the final results of the last parliamentary elections not earlier than 8 months and not later than 6 months prior to the end of the mandate of the Assembly. The ranking order of the parties, for the purpose of allocating the seats of the ZEC, according to the definitions of this article, is based on the number of votes received by each party in the proportional vote.

If two or more parties participated in the last parliamentary elections as an electoral coalition with joint multi-name lists, for the purpose of establishing the ZEC, the ranking order of these parties will be based on the number of votes they received on a national scale in the elections preceding the establishment of the ZEC, regardless of the type of these elections. If two parties have received the same number of votes, then the ranking order is decided with the votes for the Assembly prevailing. If it is still impossible to decide the ranking order, then a lot will be drawn.

5. The CEC appoints the ZEC members not later than 15 days after the submission of the proposals, if it finds that the proposal is in conformity with articles 34/1 and 34/2 of this Code.

6. If the political parties of the parliamentary majority and the parliamentary opposition that have the right to submit their candidacies for ZECs do not exercise this right within the time limit provided in section 1 of this article, this right automatically will be transferred to the next parties in the ranking order according to the number of seats in the Assembly, within the respective grouping. When this is not possible, the proposals will be made according to section 2 of this article.

7. In case of partial or of early elections, the ZEC is to be established not later than 10 days after the issuing of the decree determining the election date.

8. When the seat of a member of the ZEC is vacant, it is to be filled within 30 days after the vacancy has been created, in compliance with the rules provided in this article. During the election period, vacant seats are to be filled within three days.

#### Article 34/1\*

### **Incompatibilities with the Office of a Member and of the Secretary of the ZEC**

A member and a secretary of a ZEC may not be:

- a) deputies or candidates for deputy to the Assembly;
- b) mayors of municipalities or communes;
- c) military personnel, members of structures of the State Police or of the State Information Service; or
- ç) members or secretaries of another election commission.

#### Article 34/2†

### **Requirements for Being Appointed a Member and a Secretary of a ZEC**

Any person who meets the following requirements may be appointed a member and a secretary of the ZEC:

- a) he or she has the right to be a voter;
- b) he or she has completed higher education and, in the case of the secretary, has a degree in law;
- b) he or she resides within the territory of the respective electoral zone;
- ç) he or she has not been convicted of a crime by a final court decision.

#### Article 35‡

### **Discharge and Relief from Duty of Members and of a Secretary of the ZEC**

1. A ZEC member and a secretary are to be discharged of duty by a CEC decision when they:

- a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning ZEC duties;
- b) no longer meet the criteria for being voters;
- c) no longer live in the electoral zone;
- ç) are convicted by a final court decision of committing a crime or are arrested for committing a crime;
- d) are absent without a reasonable cause for more than three consecutive ZEC meetings, or are not present without cause for more than two consecutive days during the election period; or
- dh) do not participate in the training or do not pass tests organised by the CEC.

2. The members and the secretary of the ZEC also are relieved of duty by a CEC decision when:

- a) they have close in-law or family relations to the fourth degree with any of the candidates running in that zone;
- b) they have employment relations with any of the candidates running in that zone; or
- c) the electoral subject that has proposed them requests their replacement.

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\* Added by Law no. 9341, dated 10 January 2005 (article 19)

† Added by Law no. 9341, dated 10 January 2005 (article 19)

‡ Amended by Law no. 9341, dated 10 January 2005 (article 20)

Article 36\*  
**Duties of the ZEC**

A ZEC is responsible for conducting elections to the Assembly in its respective electoral zone and performs these duties:

1. It is responsible for the administration of the elections in the zone in accordance with the provisions of this Code and the secondary legislation issued by the CEC.
2. It appoints the chairperson, deputy chairperson, members and the secretary of the VCCs in accordance with this Code.
3. It verifies the documentation of the candidates.
4. It registers information or claims from electoral subjects in the zone in the Records Book of Meetings, and when appropriate, verifies them.
5. It posts in a visible place the final voter lists, the decree setting the election date and other data related to the conduct of elections in the zone.
6. It administers the budget allocated by the CEC for elections in the zone.
7. It ensures the timely distribution of voting materials.
8. It receives the voting materials and ballot boxes submitted by VCCs.
9. It prepares the tabulation of election results in the zone and forwards it together with other necessary materials to the CEC, in accordance with article 109/7 of this Code.
10. It declares the results of the elections in the zone, according to the specifications of article 109/7 of this Code, as well as the winning candidate in the zone.

Article 37\*  
**The Duties of the ZEC Secretary**

The secretary of the ZEC performs these duties:

- a) he is responsible for the technical administration and the working conditions of the ZEC;
- b) he keeps a register of the requests, complaints and notices submitted to the ZEC;
- c) he retains the archived election documentation;
- ç) he prepares, in accordance with the chairperson's instructions, the materials for the ZEC meeting and distributes them to the members;
- d) he keeps the official records of the ZEC meetings;
- dh) he transcribes the decisions of the ZEC and stamps them;
- e) he registers the decisions of the ZEC in the official records and forwards them immediately to the interested parties;
- ë) he gives certified copies of the ZEC decisions or of the official records of meetings to the electoral subjects or to third persons, free of charge and within 24 hours of the submission of their request;
- f) he records in a register the receipt of the election materials by the CEC in accordance with article 93 of this Code, and is responsible for administering and retaining them in conformity with the requirements of this Code;
- g) upon a request from voters, he issues certification whether a voter's name is or is not to be found on the final voter lists of the respective electoral zone;
- gj) he records in the register the remarks that observers submit to the commission.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 21)

\* Amended by Law no. 9341, dated 10 January 2005 (article 22)

Article 38<sup>†</sup>  
**Meetings and Decisions of the ZEC**

1. The meetings of a ZEC are public.
2. The meetings of a ZEC are valid when more than half of all the ZEC members participate. Decisions of a ZEC are made by a majority vote of all the ZEC members. The secretary does not have the right to vote.
3. The decisions of the ZEC shall be signed by all the members that took part in the voting. Beside his signature, each of the members of the commission declares his vote *for* or *against* and his respective explanation.
4. The vote of the members who have a conflict of interest as provided by article 35, section 2, of this Code, and who have not been relieved of duty in compliance with that article, is invalid and is not taken into account in determining a quorum.
5. If the ZEC fails to reach a decision within the respective time limit, the case is to be sent within 24 hours for examination at the CEC by the chairperson, or by at least two members of the ZEC; or it may be appealed to the CEC by an interested electoral subject. The CEC decision is to be applied by the ZEC. If the case has been sent by the chairperson of the ZEC, or at least by two members of the ZEC, the CEC is to decide in conformity with article 30, sections 5 and 6, of this Code. If the appeal is submitted by an interested subject, the CEC is to decide in conformity with the provisions of chapter one in part twelve of this Code.

Article 39\*  
**Abrogated**

CHAPTER III

LOCAL GOVERNMENT ELECTION COMMISSION (LGEC)

Article 40<sup>†</sup>  
**Composition of the LGEC**

1. An LGEC consists of seven members and a secretary, who are appointed by the CEC according to the following procedure:
  - a) One member is proposed by the main party of the parliamentary majority, one member is proposed by the main party of the parliamentary opposition and two members are proposed respectively by the second and the third party of the parliamentary majority and two members by the second and the third party of the parliamentary opposition;
  - b) In half of the LGECs, the seventh member is proposed by the main party of the parliamentary majority, and in the other half by the main party of the parliamentary opposition. The respective LGECs are established by CEC according to objective criteria based on:
    - i) random selection; and
    - ii) equal distribution in the electoral territory;
  - c) The secretary shall have higher education and shall be proposed by the party that proposes the deputy chairperson of that LGEC.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 23)

\* Abrogated by Law no. 9341, dated 10 January 2005 (article 24)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 25)



2. The chairperson and deputy chairperson of the LGEC are appointed by the CEC on the proposal of the LGEC. In half of the LGECs, where the seventh member belongs to the main party of the parliamentary majority, one of the members of the LGEC representing the main party of the parliamentary majority is elected chairperson, while one of the members representing the main party of the parliamentary opposition is elected the chairperson of the other half. The deputy chairperson is of the opposite political affiliation to that of the chairman.

3. The LGEC members do not work full-time. The CEC determines the working hours of the LGEC during the election period and outside the election period. For the work performed, the members receive remuneration in the amount provided by a CEC decision.

4. The LGEC is established in accordance with the final results of the last elections for the local government organs, not earlier than 8 months and not later than 6 months prior to the end of the mandate of the local government unit. The order of the parties for the purpose of allocating the seats on the LGEC, according to the definitions of this article, is based on the total number of votes received by each party on a national scale in the voting for the councils.

5. The CEC appoints the LGEC members not later than 15 days after the submission of the proposals, when it finds that the proposal is in conformity with the requirements of articles 40/1 and 40/2 of this Code.

6. If the political parties of the parliamentary majority and of the parliamentary opposition that have the right to submit their candidates for an LGEC, do not exercise this right within the time limit provided in this article, this right is automatically transferred to the following parties within the respective grouping, according to the number of seats in the Assembly. When this is not possible, the proposals are made according to section 2 of this article.

7. In case of partial and early elections, the LGEC is established not later than 10 days after the issuing of the decree determining the election date.

8. When the seat of a member of the LGEC is vacant, it is filled within 30 days after the vacancy has been created, in compliance with the rules provided in this article. During the election period, vacant seats are to be filled within 3 days.

#### Article 40/1\*

#### **Incompatibilities with the Office of the Member and of the Secretary of the LGEC**

A member and a secretary of an LGEC may not be:

- a) deputies to the Assembly;
- b) candidates or elected persons in elected local government bodies;
- c) military personnel, members of structures of the State Police or of the State Information Service; or
- ç) members or secretaries of another election commission.

#### Article 40/2\*

#### **Requirements for Being Appointed a Member and a Secretary of the LGEC**

Any person who meets the following requirements can be appointed a member and a secretary of an LGEC:

- a) he or she has the right to be a voter;

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\* Added by Law no. 9341, dated 10 January 2005 (article 26)

\* Added by Law no. 9341, dated 10 January 2005 (article 26)

- b) he or she has completed higher education and, in the case of the secretary, when possible, has a degree in law;
- c) he or she resides within the territory of the respective electoral zone; and
- ç) he or she has not been convicted of a crime by a final court decision.

#### Article 41<sup>†</sup>

##### **Discharge and Relief of Duty of Members and of the Secretary of the LGEC**

1. An LGEC member and a secretary are to be discharged from duty by a CEC decision when they:

- a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning LGEC duties;
- b) no longer meet the criteria for being voters;
- c) no longer live in the electoral zone;
- ç) are convicted by a final court decision of committing a crime or are arrested for committing a crime;
- d) are absent without a reasonable cause for more than three consecutive LGEC meetings, or are not present without cause for more than two consecutive days during the election period;
- dh) do not participate in the training or do not pass the tests organised by the CEC.

2. The members and the secretary of the LGEC also are relieved of duty by a CEC decision when:

- a) they have close in-law or family relations to the fourth degree with any of the candidates running in that zone;
- b) they have employment relations with any of the candidates running in that zone; or
- c) the electoral subject that has proposed them requests their replacement.

#### Article 42\*

##### **Duties of the LGEC**

An LGEC is responsible for conducting elections for the local government bodies within its respective local government unit and performs these duties:

1. It is responsible for administrating the elections in the local government unit in accordance with the provisions of this Code and the secondary legislation issued by the CEC.
2. It appoints the chairperson, deputy chairperson, members and the secretary of the VCCs in conformity with this Code.
3. It verifies the documentation of the candidates.
4. It registers in the Records Book of Meetings, and when appropriate, verifies the information and claims of the electoral subjects of the electoral unit.
5. It posts in a visible place the final voter lists, the decree setting the election date and other data related to the conduct of elections in the local government unit.
6. It administers the budget allocated by the CEC for elections in the local government unit.
7. It ensures the timely distribution of voting materials.
8. It receives the voting materials and ballot boxes submitted by the VCCs.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 27)

\* Amended by Law no. 9341, dated 10 January 2005 (article 28)

9. It prepares the tabulation of election results in the local government unit and submits it together with other necessary materials to the CEC, in accordance with article 109/7 of this Code.

10. It declares, according to definitions of article 109/7 of this Code, the result of the elections in the local government unit related to the winning candidate for mayor of the municipality or commune and to members of the municipal or communal council.

#### Article 43<sup>†</sup>

##### **The Duties of the Secretary of the LGEC**

The secretary of the LGEC performs these duties:

- a) he is responsible for the technical administration and the working conditions of the LGEC;
- b) he keeps a register of the requests, complaints and notices submitted to the LGEC;
- c) he retains the archived election documentation;
- ç) he prepares, in accordance with the chairperson's instructions, the materials for the LGEC meeting and distributes them to the members;
- d) he keeps the minutes of the LGEC meetings;
- dh) he transcribes the decisions made by the LGEC and stamps them;
- e) he registers the decisions of the LGEC in the Records Book of Meetings and forwards them immediately to the interested parties;
- ë) he gives certified copies of the LGEC decisions and of minutes of its meetings to the electoral subjects or to third persons, free of charge and within 24 hours of the submission of their request;
- f) he records in the Records Book of Meetings receipt of the election materials by the CEC in accordance with article 93 of this Code, and is responsible for administering and retaining them in conformity with the requirements of this Code;
- g) upon a request from voters, he issues certification whether a voter's name is or is not to be found on the final voter lists of the respective local government unit;
- gj) he records in the register the remarks that observers submit to the commission.

#### Article 44\*

##### **Meetings and Decisions of the LGEC**

1. The meetings of an LGEC are public.
2. The meetings of an LGEC are valid when more than half of all the LGEC members entitled to vote participate. Decisions of an LGEC are made by a majority vote of all the LGEC members. The secretary does not have the right to vote.
3. The decisions of the LGEC shall be signed by all the members that took part in the voting. Beside his signature, each of the members of the commission declares his vote *for* or *against* and his respective explanation.
4. The vote of the members who have a conflict of interest as provided by article 41, section 2, of this Code, and who have not been relieved of duty in compliance with that article, is invalid and is not taken into account in determining a quorum.
5. If the LGEC fails to reach a decision within the respective time limit, the case is to be sent within 24 hours for examination at the CEC by the chairperson or by at least two members of the LGEC, or it may be appealed to the CEC by an interested electoral subject.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 29)

\* Amended by Law no. 9341, dated 10 January 2005 (article 30)

The CEC decision is to be applied by the LGEC. If the case has been sent by the chairperson of the LGEC or at least by two members of the LGEC, the CEC is to decide in conformity with article 30, sections 5 and 6, of this Code. If the appeal is submitted by an interested subject, the CEC is to decide in conformity with the provisions of chapter one in part twelve of this Code.

## CHAPTER IV

### VOTING CENTRE COMMISSION (VCC)

#### Article 45\*

#### **Composition of the VCC**

1. For parliamentary elections, the VCC is composed in accordance with the manner and the criteria provided by article 34 of this Code. For local government elections, the VCC is composed in accordance with the manner and criteria provided by article 40 of this Code.

2. The members and the secretary of the VCC are appointed only for the period of the elections. Proposals for the members and the secretary of the VCC are to be submitted no later than 35 days prior to the election date. The ZEC or, as appropriate, the LGEC appoints the VCC members no later than 5 days after the submission of the proposals, when it finds that the proposal is in compliance with the requirements of articles 45/1 and 45/2 of this Code. In any case, the appointment of the members is to be performed no later than 10 days prior to the election date.

3. In case of partial or early elections, the VCC is to be established no later than 15 days after the issuing of the decree by the President determining the election date.

4. When the seat of a member or of the secretary of the VCC is vacant, it is to be filled within 3 days, but not later than 24 hours, prior to the opening of the voting process. The replacement of a member leaving on election day is to be completed no later than 2 hours from the notification of departure.

5. As a rule, the replacement of the members and of the secretary of the VCC is done with persons who have been trained in election legislation.

#### Article 45/1<sup>†</sup>

#### **Incompatibilities with the Office of a Member and of a Secretary of the VCC**

A member and a secretary of the VCC may not be:

- a) deputies or candidates for deputy to the Assembly;
- b) candidates or elected persons in elected local government bodies;
- c) military personnel, members of the State Police or of the State Information Service structures; or
- ç) members or secretaries of another election commission.

#### Article 45/2\*

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\* Amended by Law no 9341, dated 10 January 2005 (article 31)

<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 32)

\* Added by Law no. 9341, dated 10 January 2005 (article 32)

## **Requirements for Being Appointed a Member and a Secretary of the VCC**

Any person who meets the following requirements can be appointed a member and a secretary of a VCC:

- a) he or she has the right to be a voter;
- b) he or she has, as a rule, completed secondary or higher education;
- c) he or she resides within the territory of the respective electoral zone;
- ç) he or she has not been convicted of committing a crime by a final court decision.

### Article 45/3<sup>†</sup>

## **Discharge and Relief of Duty of Members and of the Secretary of the VCC**

1. A VCC member and a secretary are to be discharged from duty by a ZEC or, as appropriate, an LGEC decision when they:

- a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning VCC duties;
- b) no longer meet the criteria for being a voter;
- c) no longer live in the electoral zone;
- ç) are convicted by a final court decision of committing a crime or are arrested for committing a crime;
- d) are absent for more than 2 consecutive days without a reasonable cause; or
- dh) do not participate in the training or do not pass the tests organised by the CEC.

2. The members and the secretary of a VCC also are relieved of duty by a decision of the ZEC, or as appropriate LGEC, when:

- a) they have close in-law or family relations up to the second degree with any of the candidates running in that zone;
- b) they have employment relations with any of the candidates running in that zone; or
- c) the electoral subject that has proposed them requests their replacement.

### Article 46

## **Duties of the VCC**

1. VCCs are set up and function for every kind of election.

2. Members of the VCC are responsible for the conduct of the elections in the voting centre, while performing the duties prescribed in this Code and secondary legislation enacted on the basis of and for the application of this Code.\*

### Article 47<sup>†</sup>

## **The Duties of the Secretary of the VCC**

The secretary of the VCC performs these duties:

- a) he is responsible for the technical administration and working conditions of the VCC;
- b) he keeps a register of the requests, complaints and notices submitted to the VCC;
- c) he retains the archived election documentation;

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 32)

\* Amended by Law no. 9341, dated 10 January 2005 (article 33)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 34)

- ç) he prepares, in accordance with the chairperson's instructions, the materials for the VCC meeting and distributes them to the members;
- d) he keeps the minutes of the VCC meetings;
- dh) he transcribes the decisions of the VCC and stamps them;
- e) he registers the decisions of the VCC in the Records Book of Meetings and forwards them immediately to the interested parties;
- ë) he gives certified copies of the VCC decisions and of minutes of its meetings to the electoral subjects or to third persons, free of charge and within 24 hours of the submission of their request;
- f) he records, in the register, receipt of election materials, according to article 93/1 of this Code, from the ZEC or, as appropriate, LGEC and is responsible for administering and retaining them in conformity with the requirements of this Code;
- g) he records in the register the remarks that observers submit to the commission;
- gj) he is responsible for enclosing the election materials in the Voting Materials Box and for sealing the box with seals with security codes.

#### Article 48\*

### **Meetings and Decisions of the VCC**

1. The meetings of a VCC are public.
2. The meetings of a VCC are valid when more than half of all the VCC members participate. Decisions of a VCC are made by a majority vote of all the VCC members. The secretary does not have the right to vote.
3. The decisions of the VCC shall be signed by all the members that took part in the voting. Beside his signature, each of the members of the commission declares his vote *for* or *against* and his respective explanation.
4. The VCC makes decisions on:
  - a) the opening of the voting centre;
  - b) the suspension of the voting;
  - c) the request of assistance from the State Police to restore order at the voting centre;
  - ç) the removal of the police force after the order has been restored at the voting centre;
  - d) the removal of certain persons from the premises of the voting centre, according to article 105 of this Code;
  - dh) the closing of the voting process.
5. If the VCC fails to reach a decision within the respective time limit, the case is sent immediately for examination to the ZEC or, as appropriate, to the LGEC, by the chairperson or by two members of the VCC, or it may be appealed to the ZEC or, as appropriate, to the LGEC by an interested subject. The decision of the ZEC or, as appropriate, the LGEC is to be implemented by the VCC.

## CHAPTER V

### SPECIAL VCCs

#### Article 49<sup>†</sup>

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\* Amended by Law no. 9341, dated 10 January 2005 (article 35)

## **The Composition and Responsibilities of Special VCCs**

In accordance with this Code and the instructions of the CEC, a ZEC or, as appropriate, an LGEC may create special VCCs in special institutions. These commissions have the same composition and the same responsibilities as a VCC.

### **PART FOUR**

### **VOTER LISTS**

#### **CHAPTER I**

#### **VOTER LISTS, THEIR CONTENT, COMPILATION AND APPROVAL**

##### **Article 50\***

##### **Registration of Voters on Voter Lists**

1. A voter list is to be compiled for each polling unit. The voter list contains all the voters who are residents in the respective local government polling unit based on the data available in the fundamental registers of citizens as well as in the temporary register of citizens unregistered in the fundamental register of the civil registry offices of their residence, compiled in compliance with the requirements of the article 15, section 6, of Law no. 9296, dated 21 October 2004, "On the verification, identification and registration of citizens by local government units", as well voters according to articles 63, 64 and 64/1 of this Code.

2. A voter is to be registered only on one voter list. Inclusion on the voter list due to a name being found in the temporary register of citizens not registered in the fundamental register of the civil registry offices of their place of residence or as a voter according to articles 63, 64, 64/1 of this Code causes the removal of the voters from the voter list compiled based on the fundamental register of citizens.

##### **Article 51<sup>†</sup>**

##### **The Content of the Voter List**

1. A voter list shall indicate the local government unit that has compiled and approved the voter list, the number or name of the election unit, the type and date of the elections or referenda, as well as the number of the voting centre.

2. The voter list shall indicate for each voter: the ordinal number on the voter list of the respective voting centre, the numeric election address, the name, the patronymic, the surname, and the date of birth. The voter list is ordered according to the surname.

##### **Article 52\***

##### **The Body that Compiles and Approves the Lists**

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 36)

\* Amended by Law no. 9341, dated 10 January 2005 (article 37)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 38)

\* Amended by Law no. 9341, dated 10 January 2005 (article 39)

1. Voter Lists are compiled and approved by the mayor of the respective local government unit.

2. The mayor of the local government unit is responsible for the compilation and the accuracy of the data on the lists, and signs these in compliance with the provisions of this Code and the secondary legislation based on it and for its implementation.

3. Changes to the voter lists are made only on the approval of the mayor of the respective local government unit.

#### Article 53<sup>†</sup>

### **The Electoral Elements of the Fundamental Register of Citizens and their Administration**

1. The name, patronymic, surname, date of birth, Albanian citizenship, and the polling unit number form the electoral elements in the fundamental register. The administration systems of the fundamental register shall automatically update the electoral elements each time the elements in the fundamental register change and extract them from the database at any time.

2. The temporary register of citizens not registered in the fundamental register of the civil registry office of their residence, according to article 15, section 6, of Law no. 9296, dated 21 October 2004, "On the verification, identification and registration of citizens by local government units", has the same electoral elements as the fundamental register.

3. The Minister of Local Government and Decentralisation is to issue secondary legislation regarding the administration and updating of electoral elements in the fundamental register of citizens and the temporary register of citizens.

#### Article 54<sup>‡</sup>

### **Abrogated**

## **CHAPTER II\***

### **THE PROCESS OF COMPILING THE VOTER LIST AND ESTABLISHING THE POLLING UNITS**

#### Article 55

### **The Compilation of Preliminary Voter Lists**

The preliminary voter list is compiled as follows:

1. The General Directorate of the Civil Registry at the Ministry of Local Government and Decentralisation, no later than nine months prior to the end of the mandate of the organs for which the elections are being held, is to send the updated voter lists, according to the polling units included in the respective local government units, extracted from the National Civil Registry, to the mayors of the local government units.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 40)

<sup>‡</sup> Abrogated by Law no. 9341, dated 10 January 2005 (article 41)

\* The title of this Chapter and article 55 are amended by Law no. 9341, dated 10 January 2005 (article 42)



2. Within 2 months after the reception of the list, the civil registry offices, under the authority of the mayor of the local government unit and applying the instructions of the Minister of Local Government and Decentralisation, based on the fundamental registers of the civil registry offices of the respective local government unit, update the list as follows:

a) they register all citizens who have reached the age of 18 after the date of the last elections, including those who are to reach the age of 18 by the last possible date for the election;

b) they list and delete the names of the voters who are no longer found in the fundamental register of the Civil Registry Office because they have died or given up their Albanian citizenship since the previous elections;

c) they check the data for the other voters, making necessary corrections.

3. Within 30 days of the updating of the lists, according to section 2 of this article, the mayor of the local government unit allocates the voters to the polling units of the prior elections and assigns them the respective voting centre number. The mayor of the local government unit specifies the exact location and the full address of the voting centres, prepares the map of the local government unit on which the polling unit boundaries are marked and makes it public in places of free access within the local government unit. The mayor of the respective local government unit keeps the existing location and the address of the voting centres unchanged, except for cases when this is impossible. He may not change the location of the voting centre during the last 10 days before the election day, except in cases of *force majeure*.

4. The preliminary voter lists are to be made public by the mayor of the local government unit, not later than six months prior to the end of the mandate of the organ for which the elections are being held, at the premises of the respective unit and each voting centre, being placed in public areas where citizens have free access. A copy of these lists is sent to the respective civil registry offices, which update, for each voter, the number of the polling unit in the fundamental civil registry. Another electronic copy is sent to the General Directorate of the Civil Registry. This copy also shall include a note which states the source for all names included from the temporary register of citizens unregistered in the fundamental civil registry of their residence.

#### Article 56\*

#### **Written Notification of Voters**

1. Within 30 days from the publication of the preliminary voter lists, the mayor of the local government unit notifies in writing every voter included on the preliminary lists of the respective local government unit voting centres.

2. The written notification contains the voting centre, its location and address, as well as the voter's ordinal number on the voter list of his voting centre.

3. The mayor of the local government unit assigns the responsibility for completing the notification to neighbourhood administrators or to the heads of the villages that are located in the respective local government unit and, when necessary, to other local government unit officials.

4. The persons assigned to notify voters are to deliver the notification to the voter in person or, in the absence of the voter, to an adult member of his family who is present at the voter's home, who is to sign to certify that he has received the written notification.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 43)

## Article 57<sup>†</sup>

### Causes for Changes on the Preliminary Lists

1. The preliminary lists are to be changed when a voter:
  - a) dies;
  - b) has lost the right to vote;
  - c) is registered on more than one list;
  - ç) has transferred his civil registry, or has submitted a request to transfer it according to Law no. 9296, dated 21 October 2004, "On the verification, identification and registration of citizens by local government units" ;
  - d) proves that his personal data are not accurate;
  - dh) is registered in the wrong voting centre;
  - e) is not on the preliminary list of any voting centre;
  - ë) does not meet the age criteria to be a voter on election day; or
  - f) does not meet the citizenship criteria.
2. The preliminary list also is to be changed for causes and procedures provided in articles 63, 64 and 64/1 of this Code.

## Article 58<sup>\*</sup>

### The Procedure for the Revision of and Changes to the Preliminary Lists

1. With the exception of requests for changes to the preliminary voter list that come from the General Directorate of the Civil Registry, requests for changes to the Preliminary Voter List may not be submitted later than 4 months prior to the termination of the mandate.
2. A request for changes to the Preliminary Voter List is to be made by the voter himself or, in his absence, by a member of his family stock, except cases provided by sections 1/a, 1/b of article 57 of this Code, in which case the request may be submitted by any third person. In the case of subsections (ç), (ë), and (f) of article 57 of this Code, the change to the preliminary voter list also may be made by the mayor of the local government on his own initiative, based on information received from the civil registry office.
3. A request for changes to the Preliminary List is to be submitted in writing to the mayor of the local government unit and is to contain:
  - a) the full name and address of the requesting subject;
  - b) the reason for requesting the changes to the list; and
  - c) the documents that prove the cause for which the change is being requested.
4. The mayor of the local government unit is to decide on the request within 5 days of its submission. The decision is to be drafted in no fewer than three copies, of which one is to be sent to the requester no later than 3 days from date the decision is made, one is to be sent to the General Directorate of the Civil Registry at the Ministry of Local Government and Decentralisation at the end of the revision process, and the third copy is to be kept by the decision-making body.
5. The requester can file an appeal against the decision of the mayor of the municipality, commune or local government unit, as well as in cases when he does not receive a decision, at the district court covering that local government unit no later than 5 days after receiving a notification of the decision or after the expiry of the time limit for reaching a decision.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 44)

<sup>\*</sup> Amended by Law no. 9341, dated 10 January 2005 (article 45)

6. The Court is to examine the case and reach a decision within 5 days from the submission of the claim. If the plaintiff or his legal representative is not present during the court proceedings, the court closes the case. If the defendant does not appear before court, then the case proceeds *in absentia*. The court shall notify the absent party of the decision in conformity with the respective provisions of the Code of Civil Procedure within 24 hours from date the decision is announced. The mayor of the respective local government unit is obliged to enforce the decision of the district court within 5 days of receiving the notification, without any need for the plaintiff to request the issuance of an enforcement order. In any case, the court shall make available to the parties its reasoned written decision on the same day the decision is announced.

#### Article 58/1\*

### **Changes to the Preliminary List on the Request of the General Directorate of the Civil Registry**

Changes to the Preliminary List according to article 57 of this Code are made on the request of the General Directorate of the Civil Registry when:

a) based on the verification conducted by the General Directorate of the Civil Registry it is determined that the same voters are included both on the voter list based on the temporary register and on the voter list based on the fundamental register of citizens. In this case, no later than 35 days prior to the election date, the General Directorate of the Civil Registry requires the mayor of the local government unit where the voter is recorded in the fundamental register to delete him from the voter list;

b) voters are included on the voter lists of special institutions and, in compliance with article 63 of this Code, their deletion from the voter list of their residence has been requested;

c) voters are included on the voter lists of the barracks of the armed forces and police forces and, in compliance with article 64 of this Code, their deletion from the voter list of their residence has been requested;

ç) voters are included on the voter lists as students and, in compliance with article 64/1 of this Code, their deletion from the voter list of their residence has been requested.

#### Article 59†

### **Preparation of the Final Voter List**

1. After reflecting the administrative and court decisions concerning changes to the preliminary list, as well as deleting from the preliminary list the persons who are deceased, those who are not 18 on election day and persons who have relinquished Albanian citizenship, the mayor of the local government unit approves the final voter list for each voting centre.

2. The printed Final Voter List is to be sent no later than 25 days before election day to the ZEC, or as appropriate, to the LGEC in three formats, as follows:

a) a voter list divided according to voting centre to be posted for each centre in a public place with free access, no later than 20 days prior to election day. Another copy of this list is to be sent to the General Directorate of the Civil Registry at the Ministry of Local Government and Decentralisation. No later than 30 days after the completion of the voting

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\* Added by Law no. 9341, dated 10 January 2005 (article 46)

† Amended by Law no. 9341, dated 10 January 2005 (article 47)

process, the General Directorate of the Civil Registry is to send a printed copy of all the voter lists to the State Central Archive for storing;

b) a voter list divided according to voting centres, which is to be delivered to the respective VCC together with other voting materials from the ZEC or, as appropriate, from the LGEC, to be used by the latter on election day. This format also contains a place for the voter's signature as well as a place for the serial number of his identity document;

c) a voter list on the level of the electoral zone or, as appropriate, local government unit, listed by the alphabetical order of the voters' surname. This format is to be retained by the ZEC or, as appropriate, the LGEC, and is to be used for informing the voter. In the case of the local government elections for the municipality of Tirana, the mayors of the municipal boroughs also send a copy of the list on a municipal unit level to the LGEC of Tirana Municipality.

#### Article 60\*

##### **Changes to the List after the Posting of the Final List**

1. When a voter finds out that he has not been registered on the final voter list of the polling unit of his residence, he has the right to submit a request to the respective district court until 24 hours before the election date.

2. The district courts review and decide on requests according to section 1 of this article on the last day before the election date as well as on the election date, but not later 6 hours before the closing of the voting process. The decision approving the request includes the permission of the requester to vote in the respective elections as well as the number of the voting centre where the voter who presented the request is allowed to vote.

3. The name of the voter who comes to vote with a court decision is written by the voting centre commission in a special register, to which the court decision and a personal certificate with a photo of the voter, issued by the civil registry office, are to be attached.

#### Article 60/1<sup>†</sup>

##### **Partial or Early Elections**

1. In case of partial or early elections, the General Directorate of the Civil Registry sends the voter lists to the civil registry offices for updating, according to the definitions of article 55 of this Code, no later than 5 days from the issuance of the decree setting the election date. In prisons and pre-trial detention centres, barracks of the armed forces and public order forces, as well as in educational institutions, voter lists are compiled and sent to the mayors of the respective local government unit within 10 days of the issuance of the decree setting the election date.

2. The civil registry offices are to complete the updating of the voter list within 10 days of receiving them. Within 24 hours after the conclusion of the updating, the mayors of the local government units approve and make public the final voter lists in accordance with article 59 of this Code.

3. The written notification of the voters provided by article 56 of this Code is to be organised and conducted after the publication of the final voter list, but not later than 10 days from the election date.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 48)

<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 49)

4. Changes to the final voter list are to be made in conformity with article 60 of this Code.

#### Article 61<sup>•</sup>

##### **Making Voter Lists Available to Electoral Subjects**

1. Voter lists are to be made available by the mayor of the respective local government unit to electoral subjects upon their request and free of charge.

2. The electoral subjects registered with the CEC, upon their request and free of charge, may receive one copy of voter lists on a national scale from the National Directorate of the Civil Registry.

3. The voter lists are to be made available to the above electoral subjects no later than 3 days after the date of the submission of the request.

4. In case the electoral subjects request more than one copy of the voter lists, they are made available upon the payment of a fee. In this case, the payment for the voter list may cover only the administrative expenses necessary for their reproduction.

#### Article 62<sup>†</sup>

##### **Special Voters**

The members and secretaries of the voting centre commissions vote in the voting centre where they are commission members, whether or not their name appears on the voter list of that voting centre. When their name is not on the list, it is to be written in the special register that is kept according to article 60, section 3, of this Code.

#### Article 63<sup>•</sup>

##### **Special Institutions**

1. Special institutions comprise separate polling units. The voting centre in these institutions is to be established even when they house 15 to 100 voters.

2. In prisons and places of pre-trial detention, for general elections and referenda, 40 days prior to the election date, the director of the institution prepares the voter list and delivers it to the mayor of the respective local government unit in whose territory the special institution is located.

3. In prisons and places of pre-trial detention, for local government elections and referenda, 40 days prior to the election date, the director of the institution prepares a list of voters who reside in the electoral unit where the institution is located and delivers it to the mayor of the respective local government unit.

4. The mayor of the local government unit, within 5 days of receiving the list according to section 2 or 3 of this article, includes on the voter list of his unit the names of the voters in prisons and places of pre-trial detention and sends them to the General Directorate of Civil Registry, which within 5 days of receiving them, is to notify the respective local government units of the residence of these voters to delete their names from the voter list of their residence.

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<sup>•</sup> Amended by Law no. 9341, dated 10 January 2005 (article 50)

<sup>†</sup> Amended by law no. 9341, dated 10 January 2005 (article 51)

<sup>•</sup> Amended by Law no. 9341, dated 10 January 2005 (article 52)

5. In hospitals and other healthcare institutions that accept patients for more than three days, the procedures provided in sections 2 and 3 of this article are completed 2 weeks prior to the election date.

#### Article 64<sup>†</sup>

##### **Voters in the Armed Forces and in the Police Forces**

1. No later than four months before the end of the mandate of the Assembly, the Minister of Defence and other competent central institutions, at the request of the Minister of Local Government and Decentralisation, order the commanding officers of the respective bases to prepare a list of voters who will be located at those bases in the period from 60 to 30 days from the end of the mandate of the Assembly. The commanding officers should specify the presence of the voters in the respective bases according to the Sundays included in the above period, as well as the local government unit where the voters reside. The list is to be sent no later than 15 days after receiving the order to the local government unit where the base is located.

2. The mayor of the local government unit includes these voters on the final list of the voting centre in the territory of which the base is located. The order of appearance on the list will be according to the general rules for the compilation of the voter list.

3. Within 5 days of receiving the list from the commanding officer of the respective base, the mayor of the local government unit is to send a copy of the list to General Directorate of the Civil Registry, which, no later than five days after receiving the list, requests that the respective local government units of the residence of these voters remove them from the voter list of their residence, in compliance with the time limits and procedures established by the CEC.

#### Article 64/1<sup>•</sup>

##### **Students**

1. Students are entitled to vote in their place of domicile. The request to be registered according to their domicile is to be submitted to the dean's office of the faculty where the student is registered.

2. No later than 5 months prior to the end of the mandate for the Assembly, the Minister of Education and Science, upon the request of the Minister of Local Government and Decentralisation, requests that the rectors' offices of the universities prepare the list of voters who want to vote according to their domicile and will be present during the period from 60 to 30 days from the date the mandate of the Assembly ends. No later than 5 days after receiving the request, the rectors are to notify the deans' offices of the faculties under their jurisdiction, which in turn announce immediately the beginning of the procedures for registering on the list.

3. Within 30 days of receiving the notification, the dean is to submit the list of students who have applied to vote in their place of domicile to the respective rector's office. The list prepared by the dean's office is to include only students registered in the respective faculty. The deans shall specify the local government unit of the voters' residence.

4. No later than 5 days after receiving it, the rector is to send the list to the mayor of the local government unit in the territory of which the university is located.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 53)

<sup>•</sup> Added by Law no. 9341, dated 10 January 2005 (article 54)

5. The mayor of the local government unit is to include these voters on the final voter list of the voting centre designated for this case. The order of appearance on the list is according to the general rules for the compilation of voter lists.

6. Within 5 days of receiving the list from the rector of the respective university, the mayor of the local government unit is to send a copy of the list to the General Directorate of the Civil Registry, which, no later than 5 days from receiving the list, requests that the relevant local government units of these voters' residence remove them from the voter lists of their residence, in accordance with procedures set by the CEC.

#### Article 64/2<sup>†</sup>

### **Transitory Provision for the 2005 Assembly Elections**

1. Within 15 days of the conclusion of the process of the identification and registration of citizens by the local government units, based on Law no. 9296, dated 21 October 2004, "On the verification, identification and registration of citizens by the local government units", the civil registry offices are to send the updated voter lists to the mayors of the respective local government units.

2. The process of the preparation of the voter list for the 2005 elections to the Assembly begins no later than 15 March 2005, with the activities specified in section 3 of article 55 of this Code and the following articles. The preliminary voter list is to be made public no later than 31 March 2005.

3. No later than 15 March 2005 is the mayor of the local government unit to notify in writing the mayors of the respective local government units about voters included on the voter lists of his unit based on the temporary register of citizens unregistered in the fundamental register of the civil registry at their residence, and request them to delete the names of these voters from the voter lists of their local government unit.

#### Article 64/3\*

For the municipality of Tirana, the rights and duties specified in articles 52, 55, 56, 58, 61, 63, 64, 64/1 and 64/2 of this Code are to be exercised by the mayors of the boroughs.

## PART FIVE

### **ELECTION SYSTEM**

#### CHAPTER I

#### ELECTION SYSTEM FOR THE ASSEMBLY

#### Article 65

### **Composition of the Assembly**

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<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 54)

\* Added by Law no. 9341, dated 10 January 2005 (article 43)

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 by the multi-name lists of electoral subjects deposited with the CEC.

#### Article 66

### **Election of Deputies in Single-Member Zones**

1. The candidate who wins the largest number of valid votes of the voters who have taken part in the voting in a single-member zone is considered elected the deputy of that zone to the Assembly.

2. When two or more candidates win an equal number of votes, a drawing of lots is organized to decide the winning candidate. The drawing is organized by the CEC, in a public session with the participation of the candidates. The rules of the drawing are determined by the CEC.

#### Article 67

### **Allocation of Supplemental Mandates**

Forty supplemental seats are allocated to political parties and coalitions of parties, in accordance with the results only of the voting conducted on election day and according to the following rules:

a) Parties that win less than 2.5 percent and coalitions that win less than 4 percent of the valid votes in the whole country do not benefit from supplemental seats. In order to establish the percentage of a coalition that submits a composed multi-name list, the total number of valid votes of the coalition is determined by summing up the votes obtained separately by each party or coalition in the proportional voting section of the ballot paper.

b) The number of valid votes won by each party or coalition meeting the respective threshold is divided by the sum of valid votes they have obtained in the whole country, and the result is multiplied by 140. Each of these parties or coalitions is allocated initially a general number of seats equal to the whole number obtained by the above-mentioned calculation. The remaining seats are allocated to the subjects with the largest remainders. In case the remainders for the last seat are equal, lots are drawn.

c) In order to determine the number of supplemental 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 respective party or coalition keeps only the seats 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 supplemental seats to parties or coalitions for which the difference according to letter (c) is positive:

$N = (A - B) [40 / (40 + C)]$ , where N is the number of supplemental seats gained by 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 they 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 the



excess is added). Each of these parties and coalitions is allocated initially as many seats as the whole number obtained by this calculation. The seats that remain are allocated to the subjects with the largest remainders, in descending order. In case the remainders for the last seat are equal, lots are drawn.

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

dh) If the number of candidates on a multi-name list of a political 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 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 supplemental seats equal to the whole number that results from the above calculation is initially allocated to each of these parties or coalitions. 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.

#### Article 68

#### **Allocation of Supplemental Mandates to the Parties and Coalitions with Composed Multi-name List**

After the calculation of the number of supplemental mandates that a coalition with composed multi-name lists obtains according to article 67 of this Code, the supplemental mandates for each member party of the coalition are allocated in the following manner:\*

a) The number of the valid votes won by each coalition member party is divided by the sum of the valid votes obtained on the national level by the parties and coalitions that reach the respective threshold and the result is multiplied by 140. The result is multiplied by the ratio of the number of seats obtained by the coalition according to the calculations prescribed in article 67, to the number of seats that the coalition could win according to the calculation prescribed in article 67 section 1, letter (b). Each of the parties participating in a coalition is initially allocated a general number of seats equal to the whole number obtained by the calculation above. The remaining seats, up to the number of seats won by the coalition, are allocated to the participating parties with the largest decimal remainders. In case the remainders for the last mandate are equal, lots are drawn;

b) In order to determine the number of supplemental seats obtained by each coalition party, the number of seats in single-member zone won by each of these parties is deducted from the number of seats allocated to the parties according to letter (a) of this article. If the difference is negative or zero, the respective party does not benefit from the allocation of supplemental mandates.

c) If coalition member parties win more seats in single-member zones than they are entitled to on the basis of letter (a), then the allocation of the supplemental seats to coalition member parties for which the difference according to letter (b) is positive, is made according to the following formula:

$N = (A - B) K / D$ ; where:

N is the number of supplemental seats that the party receives; A is the number of seats allocated to the party according to letter (a); B is the number of seats won by them in single-

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\* The title and the first paragraph of this article are amended by the Law no. 9341, dated 10 January 2005 (article 55)

member zones; K is the number of the supplemental seats the coalition receives according to article 67; D is the sum of the positive differences calculated according to letter (b);

ç) Each of these parties is allocated initially a number of seats equal to the full number obtained through the above-mentioned calculation. The remaining seats, up to the completion of the number of seats allocated to the coalition during the allocation of the supplemental mandates, are allocated to these parties according to the largest decimal remainders. In case the remainders for the last seat are equal, lots are drawn.

## CHAPTER II

### ELECTORAL ZONES

#### Article 69

#### **Single-Member Electoral Zones**

1. For the purpose of the elections to the Assembly, the territory of the Republic of Albania is divided into 100 single-member electoral zones with an approximately equal number of voters.\*

2. The boundaries of the electoral zones may not be changed during the last 6 months of the mandate of the Assembly.

#### Article 70

**Abrogated**

#### Article 71

**Abrogated**

#### Article 72

**Abrogated**

#### Article 73

**Abrogated**

#### Article 74

**Abrogated**

#### Article 75\*

**Abrogated**

## CHAPTER III

### THE SYSTEM OF LOCAL ELECTIONS

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\* Amended by Law no. 9341, dated 10 January 2005 (article 56)

\* Articles 71, 72, 73, 74, and 75 abrogated by Law no. 9341, dated 10 January 2005 (article 57)

Article 76  
**The 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 votes 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 at 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 77  
**Election of Local Government Organs**

1. The candidate who obtains the largest number of valid votes of the voters of a local unit is elected mayor of the respective municipality or commune.

2. When two or more candidates obtain an equal number of votes, lots are drawn between the respective candidates. The drawing is organized by the CEC in a public session with the participation of the candidates. The rules of the drawing are determined by the CEC.

3. The seats on 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 on the council.

b) The number of valid votes won by every party or coalition, as well as by every independent candidate who failed to obtain a seat according to this section 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 this article has been applied. Each of these electoral subjects wins a number of seats equal to the whole 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 largest decimal 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.

ç) In case 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 additional seats equal to the whole number resulting from the above calculation is initially allocated to each of these parties or coalitions. 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.

## PART SIX

### NOMINATION OF CANDIDATES

#### CHAPTER I

#### CANDIDATES TO BE VOTED ON DIRECTLY

##### Article 78

##### **Submission of the Candidate's Documents**

1. The documentation for the nomination of candidates for deputy, for mayor of a municipality or commune, or for the council of a municipality or commune is to be submitted respectively to the ZEC or the LGEC, as appropriate, no later than 32 days before the date of the elections. The respective commissions verify the accuracy of the documentation submitted no later than 30 days before the date of the elections.

2. If the commissions notice discrepancies or irregularities in the nomination documentation before the end of the time limit for certifying it according to section 1 of this article, the commission gives the candidate the opportunity to correct the discrepancies or irregularities, setting a time limit for the resubmission of the documentation, but no later than 28 days before the date of the elections. The respective commissions make a decision within 24 hours on whether to accept or reject the re-submitted documentation.

3. No later than 4 months before the end of mandate of the Assembly or, as appropriate, the municipal or commune council, the CEC provides the nomination documents to be completed by the candidate along with the form for collecting signatures according to articles 80 and 81 of this Code.

##### Article 79

##### **Requirements for the Validity of Nomination Documents**

1. The nomination documents shall be in compliance with the requirements of this Code and in the form specified in the instructions of the CEC.

2. The nomination documents must contain the following data:

- a) The name, patronymic, 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 80 of this Code;
- d) except in the case of independent candidates, a declaration from the party and/or coalition endorsing the candidate, signed by the chairman of the party as identified in articles 15 and 16 of this Code. In case the coalition is composed of parties that have decided to appear separately on the ballot paper, in addition to that of the coalition, the name of the coalition party that endorses the candidate also must be declared.

##### Article 80

##### **List of Voters who Support the Candidate**

1. For candidates for deputy, the nomination documents are to be accompanied by a list with the signatures of 300 voters who reside in that zone, the names of whom are on the preliminary voter lists of that electoral zone.

2. The candidates of political parties are exempt from the obligation contemplated in section 1 of this article, if a member of the respective party holds at least one seat in the Assembly. For the purposes of this Code, the political party presents a statement in writing signed by the elected person, stating that he is a member of the political party.

3. Independent candidates are exempt from the obligation contemplated in section 1 of this article if they hold seats in the Assembly.

#### Article 81

##### **List of Voters who Support a Candidate in Local Elections**

1. For candidates for mayor of a municipality or commune, the nomination documents are accompanied by the following documentation:

a) for electoral units with up to 5,000 voters, a list with the signatures of 50 voters registered in the preliminary voter lists;

b) for electoral units with between 5,000 and 30,000 voters, a list with the signatures of 100 voters registered in the preliminary voter lists;

c) for electoral units with more than 30,000 voters, a list with the signatures of 300 voters registered in the preliminary voter lists.

2. The multi-name lists of candidates of political parties for the municipal or communal councils must, in addition to the documents contemplated in article 79, section 2, letters (a) and (b) of this Code, for each candidate, be supported by:

a) for electoral units with up to 5,000 voters, a list with the signatures of 50 voters registered in the preliminary voter lists;

b) for electoral units with between 5,000 and 30,000 voters, a list with the signatures of 100 voters registered in the preliminary voter lists;

c) for electoral units with more than 30,000 voters, a list with the signatures of 300 voters registered in the preliminary voter lists.

3. The candidates of political parties are exempt from the obligation contemplated in section 1 of this article, if at least a member of the respective party holds a seat in the Assembly or the council for which the party is running in the elections. For the purposes of this code, the political party is to present a statement in writing, signed by the elected person, declaring that he is a member of the political party.

4. Independent candidates are exempt from the obligation contemplated in section 1 of this article if they are mayors of municipalities or communes or hold seats in the Assembly, or on the council.

5. Political parties are exempt from the obligation contemplated in section 2 of this article, if at least one member of the respective party holds a seat in the Assembly or the council for which the party is running in the elections. For the purposes of this code, the political party is to present a statement in writing, signed by the elected person, declaring that he is a member of that party.

#### Article 82

##### **Substitution of a Candidate**

1. A candidate may withdraw his candidacy within 24 hours of the verification performed 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 time limit for the withdrawal of a candidacy, the respective election commission carries out these duties:

a) it forwards a final list of certified candidates to the CEC;

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.

4. 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 83\*

**Abrogated**

## CHAPTER II

### MULTI-NAME LISTS OF CANDIDATES FOR ELECTIONS TO THE ASSEMBLY

Article 84

#### **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 78 of this Code. This list must be supported by the signatures of 7000 voters registered in the preliminary voter lists. Political parties are exempted from the obligation for signatures contemplated in this article of the Code, if at least one member of the respective party holds a seat in the Assembly. For the purposes of this Code, the political party submits at least one written statement signed by the elected person, declaring that he is a member of the political party.

2. Coalitions of political parties registered with the CEC may submit a multi-name list of candidates. When the coalition is composed of parties that have decided to appear separately on the ballot paper, it submits a composed multi-name list, which comprises individual lists of the coalition member parties, whereas, when the coalition runs as a single subject, it submits a joint multi-name list. The list must be supported by the signatures of 10,000 voters registered in the preliminary voter lists. The coalition is exempted from the obligation for signatures contemplated in this article of the Code, if its member parties hold jointly in the Assembly no fewer seats than the number of member parties. For the purposes of this Code, the coalition submits written statements signed by the elected persons, declaring that they are members of the political parties in the coalition.

3. The order of the candidates on the list is determined by the electoral subject that submits it. In the case of death, resignation or the loss of the right to be a list candidate according to this Code, the candidates listed below move up one place.

4. When there is an agreement of the electoral subject on the final ranking of multi-name list candidates, it is deposited together with the multi-name list. The agreement is implemented directly by the CEC when it contains:

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\* Abrogated by Law no. 9341, dated 10 January 2005 (article 57)

- a) the formula for defining the final ranking of multi-name list candidates.
- b) the agreement shall be signed by the chairman of the party or, as appropriate, by the chairmen of the coalition member parties.

5. The lists are to be signed by the chairman of the party or, as appropriate, by the chairmen of the parties of the coalition. The list is accompanied by a declaration signed by each candidate stating that he is eligible to vote, desires to run and accepts the ranking on the list. The list must be accompanied for each candidate by the documentation contemplated by article 79, section 2, letters (a) and (b) of this Code.

#### Article 85 **Acceptance of the Lists**

When political parties or coalitions submit a list of fewer than 20 candidates, the list is not accepted by the CEC. If the individual lists of the parties of a coalition presenting a composed list have fewer than 10 candidates each, the composed multi-name list is not accepted by the CEC.

#### Article 86 **Verification of Lists by the CEC**

1. The CEC certifies the regularity of multi-name lists according to the time periods and procedures contemplated in article 78 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 post them in public places in their zone according to the instructions received from the CEC.

3. The names on the multi-name lists that have been certified may not be changed.

### CHAPTER III

#### MULTI-NAME LISTS OF CANDIDATES FOR THE ORGANS OF LOCAL GOVERNMENT

#### Article 87 **Conditions for Validity of the Lists**

1. 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 to the respective electoral subject.

c) The list is signed by the chairman of the party or a person authorized by him to endorse candidates.

2. If a list candidate dies, the candidate listed below moves up.

Article 88  
**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 89  
**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 CEC.

PART SEVEN

**VOTING PROCEDURES**

CHAPTER I

BALLOT PAPERS

Article 90\*  
**Ballot Papers**

1. For elections to the Assembly, a voter votes with two ballot papers of different colors: one for the candidates who are competing directly in the zone and the other for the political parties and coalitions that are competing in those elections. The ballot paper for political parties and coalitions is the same in its form and content for all electoral zones.
2. For elections for local government organs, a voter votes with two ballot papers in different colors: one for the candidates for mayor of the municipality or commune and the other for candidates to the municipal or communal council.
3. For local government elections for the capital, four ballot papers in different colours are used: one for the candidates for mayor of Tirana, one for the candidates for mayor of the boroughs, one for the candidates for the municipal council of Tirana, and the last paper for the candidates for the borough councils. The format of the ballot papers is designed according to section 4 of article 91.
4. The number of each type of ballot paper is equal to the number of voters, with 2 percent added.

Article 91<sup>†</sup>  
**Contents of the Ballot Paper**

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\* Amended by Law no. 9341, dated 10 January 2005 (article 58)

† Amended by Law no. 9341, dated 10 January 2005 (article 59)



1. The ballot papers for the elections are to be prepared by the CEC. The ballots must be of paper, with such colour, thickness or configuration elements that do not allow the vote to be read on the reverse side, and shall contain security elements specified by the CEC.

2. The ballot papers are to be produced in blocks with stubs. The serial number is noted only on the stub.

3. The names of candidates for deputy or for mayor of a local government unit are placed on the ballot paper in alphabetical order according to their first name.

4. The following are written on the ballot paper for each candidate:

a) the name, patronymic, and surname of the candidate as it appears in the nomination documentation; and

b) beneath the name of the candidate, the name and initials of the party and/or coalition the candidate represents, or the word “independent”.

5. The order of appearance on the ballot paper for multi-name lists of the parties and coalitions is determined by alphabetical order according to the name of the parties or coalitions. The names of political parties or joint list coalitions are placed on the ballot paper together with their initial letters as well as the initial letter of the name and the [full] surname of the chair of the political party.

6. The member parties of an electoral coalition with a composed list are written on the ballot paper one after the other in the section of the ballot paper corresponding to the electoral coalition. The order of appearance on the ballot paper is determined alphabetically. For each of the parties in a coalition with a composed list, the name of the member party is written along with its initials as well as the first initial and the surname of the chairman of the political party.

#### Article 92 \*

### **Stamping of the Ballot Papers**

1. The ballot paper is to be stamped on the reverse side with the seal of the VCC and the seal of the chairman of the VCC.

2. The seal of the VCC contains the text “VOTING CENTRE COMMISSION” and the number of the respective voting centre. The seal of the VCC Chairman contains the text “CHAIRMAN” and a five-digit serial number.

3. The seal of the VCC Chairman is to be used only to stamp the ballot papers and for no other voting materials.

4. The seals of the VCCs and those of VCC Chairmen, each separately, are produced and delivered to the CEC packaged in security packaging. The number of seals produced for the VCCs and the Chairmen of the VCCs is equal to the number of the VCCs and Chairmen of the VCCs on a national scale.

#### Article 93<sup>†</sup>

### **The Sending of Election Materials from the CEC to the ZEC or LGEC**

1. The CEC sends the following election materials divided into separate boxes for each voting centre to the ZECs or, as appropriate, LGECs, not later than 3 days before the date of the elections:

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\* Amended by Law no. 9341, dated 10 January 2005 (article 60)

† Amended by Law no. 9341, dated 10 January 2005 (article 61)

- a) the necessary number of ballot papers, in accordance with the number of voters registered in that voting centre, together with the additional ballots;
- b) the seal of the VCC;
- c) the forms for voting centre official records, including the templates of the forms and decisions for sealing of the ballot boxes, opening of the voting centre, suspension of voting, request for police assistance and police departure, as well as the closing of the polls;
- ç) Record Book of VCC Meetings;
- d) an envelope marked "SPOILED BALLOT PAPERS";
- dh) an envelope marked "UNUSED BALLOT PAPERS";
- e) an envelope marked "THE ENVELOPE FOR THE RECORD OF SEALING "
- ë) the special ink to mark the voter as well as equipment for verifying it.

2. Apart from the boxes with the election materials, according to section 1 of this article, the ZECs or LGECs are provided with the following:

- a) ballot boxes for each voting centre with voting materials in compliance with the requirements of this Code;
- b) a sufficient number of security codes, according to article 93/1 of this Code;
- c) a sufficient number of voting booths;
- ç) a sufficient number of copies of the Electoral Code and election manuals;
- d) a sufficient number of seals for the VCC Chairmen; and
- dh) other necessary equipment for the voting process.

3. The CEC delivers to the ZECs or LGECs the seals packaged according to article 92, section 4, of this Code, enclosed in security wrapping, with the serial number of the seal unidentified.

4. Apart from the materials for the VCCs according to section 1 of this article, the CEC delivers to the ZECs or LGECs the Records Book of ZEC or LGEC Meetings, the Tables for Results of the Counting Teams, the Aggregate Table of Electoral Unit Results, the seal of ZEC or LGEC, as well as other necessary materials for the administration of elections.

#### Article 93/1\*

#### **The Sending of Election Materials from the ZEC or LGEC to the VCC**

1. The ZEC or LGEC, no later than 15 hours prior to the opening of the polls, is to deliver the voting materials to the VCCs under its jurisdiction. The Chairman, and Deputy Chairman, accompanied by any other member who makes a request, as well as the secretary of the VCC appear at the headquarters of the ZEC or LGEC and receive:

- a) the box with voting materials, according to article 93, section 1, of this Code;
- b) the ballot boxes;
- c) voter lists, according to article 59 of this Code;
- ç) the voting booths;
- d) seals with the security codes; and
- dh) other equipment necessary for the voting process.

2. The Chairman of the VCC receives the stamp of the Chairman from the ZEC or LGEC. The Chairman of the respective VCC, in the presence of the ZEC or LGEC members, performs the following actions in turn:

- a) he takes at random a stamp from the relevant pile of packaged stamps;
- b) he tears the wrapping of the stamp;
- c) on a white sheet of paper, he stamps the sample for the comparison of the stamp;

and

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\* Added by Law no. 9341, dated 10 January 2005 (article 62)

ç) under each stamp he writes his name and surname by hand and signs in the presence of the ZEC or LGEC members.

3. The white paper with the sample for comparison of each stamp, according to section 2 of this article, is to be signed on the reverse side by the ZEC or LGEC members, and is kept safely by the secretary of the ZEC or LGEC.

4. The seals with the security codes are handed over with a separate official record, where the security codes are recorded for each seal. The VCC receives as many seals with security codes as are needed to seal the ballot boxes and the box with the voting materials, as well as three additional seals to be used in case of damage. One copy of the official record where the security codes, including the additional security codes, are recorded is kept by the ZEC or the LGEC and one copy is given to the VCC.

## CHAPTER II

### VOTING CENTRES AND POLLING UNITS

#### Article 94\*

#### **Establishing a Polling Unit**

1. The existing boundaries of a polling unit are also retained for the succeeding elections, except when a change is necessary as a result of the failure to meet the requirements provided by section 2 of this article.

2. The polling unit should be located within a compact territory that is not detached geographically and the number of voters for each voting centre should not be less than 100 nor greater than 1000 voters, except in cases provided in article 63, section 1, of this Code.

3. The mayor of the local government unit, no later than the time limit provided in section 3 of article 55 of this Code, if:

a) a polling unit has more than 1000 voters, decides to establish an additional voting centre within the same polling unit. The mayor of the respective local government unit, in applying the instructions issued by the Minister of the Local Government and Decentralisation, divides the voter list into two parts with an approximately equal number of voters. In this case, the new voting centre is to be established, when possible, in the same building as the existing voting centre and is numbered according to the unique national system of numbering voting centres;

b) a polling unit has fewer than 100 voters, decides that it is to be attached to the nearest polling unit with road access possibilities. As a rule the voters are to live not farther than 5 km from the new voting centre.

If it is not possible to meet both of the above criteria, then the criterion of the minimal number of voters prevails. The number of the suppressed voting centre is suspended and this suspension does not affect the existing numbering of the other voting centres.

4. The location of the voting centre will be established at the same address as in the previous elections, except when this for objective reasons is not possible.

5. For the municipality of Tirana, the responsibilities specified in this article are exercised by the mayors of municipal units.

#### Article 95\*

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\* Amended by Law no. 9341, dated 10 January 2005 (article 63)

## **Location of the Voting Centre, of ZEC and LGEC Headquarters and of the Ballot Counting Centre**

1. Voting centres, the headquarters of the ZECs or LGECs, as well as the Ballot Counting Centre, are to be established, to the extent possible, in public buildings with free access.

2. Voting centres, the headquarters of the ZECs or LGECs, as well as the Ballot Counting Centre may not be set up:

- a) in private buildings without a special authorisation from the CEC;
- b) in buildings used by the public administration, with the exception of educational and health care institutions; or
- c) in buildings used or owned, totally or partially, by a political party, a candidate or his relatives.

3. No later than 20 days prior to the date of the elections, upon a proposal of the ZEC or the LGEC, the CEC designates the Ballot Counting Centre within the largest administrative unit contained in the electoral zone. As a rule, the Ballot Counting Centre is designated to be in large rooms or in gymnasiums. The centres for ballot counting are made available for use by ZECs and LGECs no later than 10 days prior to the date of the elections. The ZEC or LGEC, no later than 5 days before the date of the elections, is to invite the electoral subjects and the VCC members to get to know the Ballot Counting Centre.

### Article 95/1<sup>†</sup>

#### **Preparation of the Ballot Counting Centre**

1. Before introducing the Ballot Counting Centre to the relevant electoral subjects and respective VCCs, the ZEC or the LGEC prepares for the counting centre the necessary logistic infrastructure, including non-stop lighting, for the beginning and successful execution of the ballot counting process according to the type of arrangement approved by the CEC and the respective instructions of the CEC. For this purpose, the ZEC or the LGEC arranges work tables for each counting team, ensuring that they have sufficient space for conducting the process of counting the ballots. The work tables are arranged in such a way that they are visible for the ZEC and LGEC members, as well as for the observers, candidates or media representatives. Observers are to remain in front of the counting teams at a short distance from the working table, but at such a distance that they do not have physical contact with the voting materials. The working tables of the counting teams, as well as the seats of ZEC or LGEC members shall be in the same room where the process of counting the ballots takes place.

2. The logistic equipment necessary for the process of counting the ballots is provided by the CEC in co-operation with other central or local organs.

### Article 95/2<sup>\*</sup>

#### **Establishment of the Counting Teams**

1. Upon a decision of the ZEC or LGEC, up to 5 counting teams with seven members and one secretary each are established no later than 2 hours before the closing of the polls,

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\* Amended by Law no. 9341, dated 10 January 2005 (article 64)

† Added by Law no. 9341, dated 10 January 2005 (article 65)

\* Added by Law no. 9341, dated 10 January 2005 (article 65)

according to article 8 of this Code, for the purpose of counting the ballots at the level of the electoral unit. Each counting team counts the ballots in at least 3 voting centres.

The Chairman, Deputy Chairman, the members, and the secretary of the counting teams are appointed according to the procedures and criteria specified for the ZECs or, as appropriate, LGECs. The Chairman of the first counting team is appointed on the proposal of the political subject that has proposed the Deputy Chairman of the ZEC or LGEC and afterwards the Chairman of the second counting team is appointed on the proposal of the political subject that has proposed the Chairman of the ZEC or LGEC, and this alternation continues for the other counting teams.

2. If any of the electoral subjects fails to present a proposal within this time limit, the ZEC or LGEC appoints the replacement members by drawing a lot among the VCC members who belong to this electoral subject at the electoral unit level.

Article 96<sup>†</sup>

**Abrogated**

### CHAPTER III

#### PROCEDURES FOR THE OPENING OF VOTING

Article 97<sup>†</sup>

##### **Preliminary Actions of the VCC**

1. The VCC, under the direction of its Chairman and Deputy Chairman and in the presence of the observers specified in article 18 of this Code, one hour prior to the opening of the voting, performs these duties:

a) arranges the tables, chairs and voting booths in such a manner as to ensure the secrecy of the voting and the free and rapid movement of voters;

b) removes any propaganda material that may be found within the voting centre and within a range of 150 meters around it;

c) posts instructions for voting at a suitable and visible place within the voting centre;

ç) puts into place other materials required by the CEC;

d) checks all materials received;

dh) shows observers the empty ballot boxes and closes them according to the procedure specified in letter (e) of this article.

e) seals the ballot boxes with the security codes and notes the numbers of the security seals in the Record of Sealing of the ballot box, which is signed by all VCC members. If any of the seals with the security codes is damaged during the closing of the box, it is replaced by one of the additional seals. The number of the security code of the damaged seal and that of the additional one are noted in the Record of Meetings of the VCC and the Record of Sealing. The original record is put into the envelope marked "THE ENVELOPE FOR THE RECORD OF SEALING", which is put into the ballot box for the candidates before the beginning of the voting process. Copies of the Record of Sealing with the stamp of the VCC are given to the VCC members and to observers of the parliamentary parties;

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<sup>†</sup> Abrogated by Law no. 9341, dated 10 January 2005 (article 66)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 67)

ë) clearly notes the number of the voting centre on one of the lateral sides of the box, and puts distinguishing signs that make it clear to the voter where he should cast each of the ballot papers.

2. The VCC members in the presence of the observers make a decision on the opening of the polls and sign it.

#### Article 98\*

### **Opening the Polls and the Presence of the VCC Members and Secretary**

1. After performing the duties provided in article 97, but not before the time prescribed in article 8 of this Code, the Chairman of the VCC declares the polls open .

2. The secretary of the VCC notes in the Records Book of VCC Meetings the time of departure and return of any VCC member who leaves the voting centre. When the Chairman leaves the voting centre, he passes the chairman's seal to another member of the same affiliation, to use until his return. The VCC secretary makes a respective note in the Records Book of VCC Meetings. When the secretary leaves the voting centre, the VCC seal and the Official Record of the Meetings are transferred to the Deputy Chairman for use until the return of the VCC Secretary. A respective note is made in the Records Book of VCC Meetings to reflect this fact.

## CHAPTER IV

### PROCEDURES DURING VOTING

#### Article 99\*

### **Number of Ballot Boxes**

1. In elections for the Assembly, two ballot boxes are set up in the voting centre: one for the candidate for deputy in the single-member zones and one for the political parties and/or electoral coalitions.

2. In elections for local government organs, two ballot boxes are set up in the voting centre: one for the candidates for mayor of a municipality or commune and one for candidates to the municipal or communal councils.

In local elections for the capital, four ballot boxes are set up in the voting centre: one for candidates for mayor of Tirana municipality, one for the candidates for mayor of municipal units, one for candidates for the Tirana Municipal Council and one for candidates for borough councils.

3. In voting in a referendum, one ballot box is used for each issue on which there is a vote.

#### Article 100<sup>†</sup>

### **Presentation of Voters at the Voting Centre**

1. After the voter enters the voting centre:

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\* Amended by Law no. 9341, dated 10 January 2005 (article 68)

\* Amended by Law no. 9341, dated 10 January 2005 (article 69)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 70)

a) the voter states his name and presents to the VCC one of the following official identity documents:

- i) birth certificate with a photograph;
- ii) state identity card; or
- iii) passport;

b) one of the members, appointed by a decision of the VCC, upon the voter's presentation before the VCC, checks the voter on both hands [to determine] whether or not he has been marked with the special ink. If the voter has been marked, the member immediately informs the other members of the VCC, who must immediately verify it. The name of this voter is recorded in Records Book of VCC Meetings and he shall not be allowed to vote;

c) after verifying that the data about the identity of the voter correspond to those on the voter list, the Chairman records the serial number of the identity document on the voter list and draws a line through the name of the voter on this list.

If a member of the VCC questions the identity of a voter, the incident is included in the Records Book of VCC Meetings, detailing the name of person who made the objection, the reasons for the objection, the name and the identification number of the voter and the reasons for which the Chairman of the VCC provided that person with a ballot;

ç) the voter signs the voter list beside his name;

d) the ballot is stamped on its reverse side with the seal of the VCC and the seal of the VCC Chairman;

dh) after the voter receives the ballot paper, he is marked on the left hand with special ink by one of the VCC members, in order to avoid persons voting more than once. If the voter refuses to be marked with the special ink, he is not permitted to vote and his identity and the numbers of the ballot papers he has taken, are recorded in the Records Book of VCC Meetings.

2. When a voter who is not registered on the final voter list but has obtained a court decision recognising his right, according to article 60 of this Code, to vote in that polling unit, appears before the VCC, the VCC records the voter's name in a special register and attaches the court decision to it, as well as a personal certificate with a photograph of the voter.

## Article 101\*

### **Voting**

1. On receipt of one ballot paper for the candidate and one ballot paper for the political parties or electoral coalitions, the voter proceeds alone to the voting booth and votes on each ballot paper by marking next to the name of the candidate or of the party or coalition with the sign "x" or "+" or another sign that clearly indicates the choice he has made.

2. After voting, the voter folds the ballot papers so that his mark cannot be seen and leaves the voting booth. The voter deposits the ballot papers in the respective ballot boxes and leaves the voting centre.

3. With the exception of the case specified in article 103 of this Code, a voter is to vote only on his own behalf.

4. The VCC members who have allowed a voter to vote more than once or on behalf of other voters are subject to criminal liability in accordance with article 248 of the Criminal Code.

## Article 102<sup>†</sup>

### **Spoiled Ballot Papers**

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\* Amended by Law no. 9341, dated 10 January 2005 (article 71)

1. If at least one of the ballot papers has been marked outside the voting booth, the voter is not allowed to deposit the ballot paper in the box. The VCC Chairman takes this ballot paper, writes "SPOILED" on its back and places it in the envelope for SPOILED BALLOT PAPERS. In this case, the voter is provided with another ballot paper of the same type and the incident is recorded in the Records Book of VCC Meetings. If the voter marks the ballot paper outside the voting booth again, the second ballot paper is also placed in the envelope for SPOILED BALLOT PAPERS and the voter is not given a ballot paper again.

2. If a voter marks or damages a ballot paper accidentally and requests a second ballot paper, the ballot paper is considered spoiled and is placed into the envelope for SPOILED BALLOT PAPERS and the voter is given a second ballot paper. The incident is recorded in the Records Book of VCC Meetings. If the voter again marks or damages the second ballot paper accidentally, the second ballot paper is also placed in the envelope for SPOILED BALLOT PAPERS and the voter is not given another ballot paper.

3. Under no circumstances are spoiled ballot papers to be placed into the ballot box.

#### Article 103\*

### **Voters who Cannot Vote Themselves**

1. A voter who for physical reasons is unable to perform the voting procedures himself, may request the help of a family member or another voter who is on the list of voters for that polling unit. Both voters must be present in the voting centre when this procedure is used.

2. A person may help only one voter who cannot vote himself.

3. Before marking the ballot paper, a person who assists another voter makes a declaration in the Records Book of VCC Meetings that he will vote as instructed, will not influence the voter's decision, will not make public the vote and has not voted on behalf of any other voter.

4. Members of the election commissions shall not help any voter who is unable to vote himself.

5. The mark on the ballot paper must necessarily be made inside the voting booth.

6. Within the period of the revision of voter lists, voters contemplated in section 1 of this article have the right to request the mayor of the local government unit preparing the voter list for the respective voting centre to register them as voters who cannot vote themselves. The request for registration is to be accompanied by official documentation that proves the type and category of disability. The registration as a voter who cannot vote himself is carried out to facilitate the voting process for these voters.

7. In any case when there are voters registered according to section 6 of this article who have difficulties accessing the environment of a voting centre, the determination of the voting centre and its organisation are done in such a manner as to guarantee free access for this category of voters. If this is impossible, in compliance with the instructions of the CEC and at CEC expenses, the mayors of the local government units appoint assisting personnel to guarantee free access.

8. In the case of blind voters, the mayor of the local government unit notifies the CEC about the blind voters and their voting centres. The CEC, in accordance with the procedures and the time frame for the distribution of the election materials, supplies the commissions of these voting centres with special voting devices that allow the voters to read or understand

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† Amended by Law no. 9341, dated 10 January 2005 (article 72)

\* Amended by Law no. 9341, dated 10 January 2005 (article 73)



the ballot paper and vote independently. The blind voter shall be informed by the VCC of the manner of voting with special voting devices and shall be supplied with them upon his request. Otherwise, the voter votes according to sections 1 and 3 of this article.

Article 104\*

**Order and the Orderly Conduct of the Voting**

1. When order or the orderly conduct of the voting are endangered at the voting centre, the VCC makes a decision on suspending the voting, and also may decide to call in the State Police bodies. The decision to ask for help in restoring order is delivered to the State Police bodies in writing and shall contain a short description of the reasons and circumstances.

2. The Chairman, Deputy Chairman or any member of the VCC immediately notifies the ZEC or LGEC about the incident that has occurred. The ZEC or LGEC is obligated to record the notification and the time it was received in the Records Book of ZEC or LGEC Meetings. The ZEC or LGEC immediately delivers the request to the State Police bodies.

3. When order has been restored in a voting centre, the VCC, with a decision, asks the State Police bodies to leave the voting centre and takes measures for the immediate recommencement of voting.

Article 105†

**Persons Present in the Voting Centre**

1. Only the following persons may stay in a voting centre:

- a) the members and the secretary of the VCC;
- b) voters who are carrying out the voting procedures up to the end of these procedures; and
- c) accredited Albanian and foreign election observers.

2. No armed persons may remain within a voting centre. State Police employees, when they are carrying out their duty according to article 104 of this Code, as well as the prison police employees within a prison or detention centre where a special voting centre has been set up, are excluded from this rule.

Article 106\*

**Abrogated**

Article 107†

**Voters in the Armed Forces and Police Forces**

1. Voters who serve in the Armed Forces or Police Forces vote, according to article 64 of this Code, in elections to the Assembly and in general 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 in local referenda in the polling unit of their residence.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 74)

† Amended by Law no. 9341, dated 10 January 2005 (article 75)

\* Abrogated by Law no. 9341, dated 10 January 2005 (article 76)

† Abrogated by Law no. 9341, dated 10 January 2005 (article 77)

## CHAPTER V

### CLOSING OF THE POLLS AND BALLOT COUNTING

#### Article 108<sup>‡</sup>

##### **Closing of the Polls**

1. Voting centres close at the hour established in article 8 of this Code and in accordance with section 3 of article 8 of this Code.

2. After the last person present has voted, the VCC makes a decision to close the polls by filling in the respective type of form, writing on it also the time of closing. The decision for the closing of the polls and the exact time of closing are to be recorded in the Records Book of VCC Meetings. Afterwards, only the following persons may remain in the voting centre: members of the VCC, the secretary of the VCC as well as the accredited domestic and/or international observers and accredited representatives of the media.

#### Article 109<sup>§</sup>

##### **Actions Performed after Counting the Ballots**

After making the decision on closing the polls, the Chairman, together with the members of the VCC, perform these acts in the following order:

1. The Chairman of the commission, under the observation of all the members of the VCC, seals the ballot boxes with the security code sent by the CEC according to article 93/1 of this Code, on the part where ballot papers are deposited. The serial number of the seal is recorded in the Record of the Closing of the Polls, as well as in the Records Book of VCC Meetings. If the seal with the security codes is damaged while closing the box, it is replaced by one of the additional seals. The number of the security code of the damaged seal, as well as the number of the security code of the additional seal, are recorded in the Record of the Closing of the Polls and in the Records Book of Meetings.

2. The Chairman, under the observation of all members of the VCC:

a) starts the counting of the voters who have voted, according to their signatures on the voter list;

b) states the figure aloud to the other members of the VCC;

c) invites them to verify the figure stated by him; and

ç) records in the Record of the Closing of the Polls as well as in the Records Book of VCC Meetings the number of persons who, according to the voter list, have voted in the voting centre. If there is an objection to this figure, a formal decision is made by the VCC. The secretary of the VCC records the decision reached in this case in the Record of the Closing of the Polls and in the Records Book of Meetings.

3. The Chairman, under the observation of all members of the VCC, starts the counting of unused ballot papers and, at the end of the counting, informs the members of the VCC of this number. If requested by a member of the VCC, the Chairman is obliged to restart the counting of unused ballot papers. At the end of the counting, unused ballot papers are placed in an envelope marked "UNUSED BALLOT PAPERS". The number of unused ballot papers is reflected in the Record of the Closing of the Polls and in the Records Book of VCC Meetings.

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<sup>‡</sup> Abrogated by Law no. 9341, dated 10 January 2005 (article 78)

<sup>§</sup> Amended by Law no. 9341, dated 10 January 2005 (article 79)

4. The Chairman, under the observation of all members of the VCC, determines the number of ballot papers used. In determining this number, the number of unused ballot papers is subtracted from the total number of ballot papers received by the VCC. The number of ballot papers used is verified by comparison to the number of ballot stubs. The number of ballot papers used is reflected in the Record of the Closing of the Polls and in the Records Book of VCC Meetings, and in case of discrepancies with the number of ballot stubs, this fact is also reflected.

5. The Chairman, under the observation of all members of the VCC, counts the spoiled ballot papers that are found in the SPOILED BALLOT PAPERS envelope. The number of spoiled ballot papers is reflected in the Record of the Closing of the Polls and the Records Book of VCC Meetings.

6. At the conclusion of the actions provided in sections 1 to 5 of this article:

a) the UNUSED BALLOT PAPERS envelope along with the ballot stubs;

b) the SPOILED BALLOT PAPERS envelope;

c) the voter list;

ç) the original copies of the decisions of the VCC as well as the unused templates for VCC decisions;

d) the seal of the VCC;

dh) the seal of the VCC Chairman;

e) the seals with the unused security codes;

ë) the seal with the damaged security codes; and

f) the Records Book of the Meetings

are placed into the box for voting materials. The numbers of the security codes with which the box will be closed are first recorded in the Record of the Closing of the Polls and the Records Book of VCC Meetings. After all the data are recorded in the Record of the Closing of the Polls, the exact time of closing the official records is noted. The original of the Record of the Closing of the Polls is placed in the Voting Materials Box, which is sealed immediately with the respective security codes. Copies of the Record of the Closing of the Polls are given to the members of the VCC and to the observers from the parliamentary parties.

#### Article 109/1\*

### **Accompaniment of the Ballot Boxes and Voting Materials to the Ballot Counting Centre**

1. Immediately after the completion of the actions determined by article 109 of this Code, the ballot boxes with the ballot papers and the Box with Voting Materials are sent to the Ballot Counting Centre designated in accordance with article 95 of this Code. Other materials used during the voting process are submitted to the ZEC or LGEC specified within the time limits and according to the method specified by the CEC.

2. The ballot boxes with the ballot papers and the Box with Voting Materials are delivered to the Ballot Counting Centre as early as possible, but no later than 3 hours from the closing of the polls in the voting centre. Their delivery is performed with a motor vehicle in which are seated the members of the VCC, the secretary of the VCC and a police officer, who is charged with guaranteeing the accompaniment and the integrity of the ballot boxes with the ballot papers and of the Box of Voting Materials. The CEC provides authorization to the ZEC or LGEC while also providing the necessary funds for ensuring the transportation by motor vehicle of the ballot boxes with the ballot papers and the Box with Voting Materials.

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\* Added by Law no. 9341, dated 10 January 2005 (article 80)

3. The police officer under section 2 of this article is to be a permanent police officer of the Public Order Police or of the Police for the Protection of Objects charged with the duty of accompanying by the CEC on the proposal of the General Director of the State Police. The accompanying police officer shall wear at all times the uniform of the State Police and, in a visible place, the number assigned by the CEC in addition to his surname in a legible size.

#### Article 109/2<sup>†</sup>

### **Receipt of Voting Materials by the ZEC or LGEC**

1. The ZEC or LGEC assigns one or more receiving teams with no fewer than two of its members each to receive the ballot boxes with the ballot papers and the boxes with voting materials. The ballot boxes with the ballot papers and the boxes with voting materials are to be received as soon as they arrive at the Ballot Counting Centre, according to the rules established by the ZEC or LGEC.

2. During the receiving process, the receiving teams:

a) record in the Official Records of Receipt the numbers of the security codes of the seals that close the ballot box with the ballot papers and the box with voting materials;

b) verify immediately whether the numbers of the security codes of the seals that seal the ballot box with the ballot papers and the box with the voting materials match the numbers of the security codes according to the record kept for this voting centre in compliance with article 93/1. If the codes do not match, the receiving team informs the ZEC or LGEC about the discrepancy in numbers and requests that it mark the box "IRREGULAR BOX". The ZEC or LGEC verifies the discrepancy immediately and makes a decision in accordance with section 4 of this article. The discrepancies found are recorded in the Official Records of Receipt and the Records Book of ZEC or LGEC Meetings.

3. When while receiving the ballot boxes with the ballot papers and the box with the voting materials, the receiving team finds that:

a) one or more seals with security codes are missing or broken;

b) the seals with the security codes are placed in a way that allows space between the box itself and its lid;

c) the box has fissures or cracks in its body or lid that make it possible to insert or retrieve ballot papers or other voting materials; or

ç) the box is of a different type, shape or size from those established by the CEC; then the receiving team informs immediately the ZEC or LGEC about the irregularity and requests that it mark the box "IRREGULAR BOX". The ZEC or LGEC verifies immediately the irregularity and makes a decision according to section 4 of this article. The irregularity found is recorded in the Official Records of Receipt and the Records Book of ZEC or LGEC Meetings.

4. When irregularities are found by the receiving teams according to section 2 or 3 of this article for one of the boxes with ballot papers, then that box is considered an IRREGULAR BOX and is sent to the corner of irregular boxes, while the box with the voting materials and the other box with the ballot papers is subject to procedures in accordance with articles 109/3 -109/6 of this Code. When both boxes with ballot papers are considered irregular, then both boxes with ballot papers and the respective box of voting materials are placed in the corner of irregular boxes. When only the box of voting materials is defined as an IRREGULAR BOX, it is subject to procedures according to article 109/3 along with the ballot boxes with the ballot papers.

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<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 80)

5. The ballot boxes defined as IRREGULAR BOXES are not to be opened at any time and for any reason by the ZEC or LGEC and they are not forwarded to the Counting Team. They are sent to the CEC to meet the needs of administrative investigation.

6. The ZEC or LGEC keeps Official Records of Findings, in which are noted data about the ballot boxes with the ballot papers or boxes with voting materials declared as irregular in accordance with sections 2, 3 and 4 of this article, in addition to data on the inaccuracies and irregularities found during the application of the procedures of article 109/3 of this Code. Copies of the Official Records of Findings are given to the ZEC or LGEC members and to observers from the parliamentary parties.

7. The members of the receiving team, the Chairman of the VCC, the Deputy Chairman of the VCC, the secretary of the VCC and the police officer assigned to accompany them, sign in the Official Records of Receipt. The original Official Records of Receipt are administered by the ZEC, which gives a copy respectively to the Chairman, Deputy Chairman and the police officer assigned to accompany them. The police officer shall leave immediately after receiving a copy of the records.

8. The Official Records of Receipt are prepared by the CEC as a template and shall contain the time of receipt, the number of the voting centre, of seals with the security codes that seal the boxes with the ballot papers and boxes of voting materials, space for describing the discrepancies or irregularities found, as well as a space for signatures.

9. The ballot boxes with the ballot papers and the boxes of voting materials received by the receiving teams are to be placed in the place pre-designated for that purpose by the ZEC. This place shall be in the same premises where the counting takes place and must be secured from any interference by unauthorised persons.

#### Article 109/3<sup>†</sup>

### **Counting of the Ballots**

1. The ZEC or LGEC is to make a decision to start the process of counting ballots only after having received all ballot boxes with the ballot papers and the boxes of voting materials from all the voting centres under its jurisdiction.

2. The Secretaries of the counting teams, in order according to their ordinal numbers, take from the stack of ballot boxes, the ballot boxes with the ballot papers inside and the respective box with the voting materials of only one voting centre and place them near the table of the respective Counting Team. Next, the secretary receives from the secretary of the ZEC or LGEC the sample for comparing the stamp of the Chairman of the VCC, deposited in compliance with article 93/1 of this Code.

3. First, the Counting Team performs the verification procedure of the data in the Record of the Closing of the Polls. To perform this verification, the Counting Team proceeds as follows:

a) The Chairman of the Counting Team takes the Box with Voting Materials, places it on the table and opens it by breaking the seals with the security codes. The Record of the Closing of the Polls is taken out of the box and it is verified whether the following are found in the box:

- i) the UNUSED BALLOT PAPERS envelope along with the ballot stubs;
- ii) the SPOILED BALLOT PAPERS envelope;
- iii) the voter list;

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<sup>†</sup> Added by Law no 9341, dated 10 January 2005 (article 80)

iv) the original copies of the decisions of the VCC as well as the unused templates for VCC decisions;

v) the seal of the VCC;

vi) the seal of the VCC Chairman;

vii) the seals with the unused security codes;

viii) the seals with the damaged security codes; and

ix) the Records Book of VCC Meetings;

b) The Chairman of the Counting Team first compares the stamp of the VCC Chairman to the sample for comparison and presents his opinion to the members of the team;

c) The Chairman of the Counting Team counts the unused ballot papers and, at the conclusion of the counting, informs the Counting Team members of the figure. The Deputy Chairman compares the declared result with that recorded in the Record of the Closing of the Polls. If the figures do not correspond or if any of the members of the Counting Team request a recount, the Chairman is obliged to restart the counting of the unused ballot papers once again;

ç) The Chairman of the Counting Team counts the spoiled ballot papers and, at the conclusion of the counting, informs the Counting Team members of the result. The Deputy Chairman compares the declared result with that recorded in the Record of the Closing of the Polls. If the figures do not correspond or if any of the members of the Counting Team request a recount, the Chairman is obliged to restart the counting of the spoiled ballot papers once again;

d) The Chairman of the Counting Team counts the voters who have voted according to the signatures on the voter list and, at the conclusion of the count, informs the Counting Team members of the result. The Deputy Chairman verifies the declared result with that recorded in the Record of the Closing of the Polls. When the figures do not correspond or any of the members of the Counting Team request a recount, the Chairman is obliged to restart once again the counting of the voters who have voted;

dh) The Chairman of the Counting Team, based on a comparison of the verified figures, calculates and declares the number of the used ballot papers, which is the result of the difference between the total number of ballot papers according to the Record of the Closing of the Polls and the number of unused ballot papers. The Deputy Chairman verifies the declared result according to that recorded in the Record of the Closing of the Polls.

4. After the verification, the Chairman of the Counting Team closes the box of the Voting Materials with seals with security codes, leaving the Record of the Closing of the Polls outside the box. The Deputy Chairman records the numbers of the Codes in the Record of the Counting Team for Closing the Box with Voting Materials. The Box with Voting Materials is placed again near the table of the ZEC or LGEC.

5. Afterwards, the Chairman of the Counting Team places on the table the ballot box with the ballot papers for the candidates and opens it by breaking the seals with the security codes. The ballot box for the political parties and/or electoral coalitions is opened only after the counting and evaluation procedures have been completed and the ballot box with the ballot papers for the candidates has been closed. The Chairman and the Deputy Chairman of the Counting Team take out from the box the ballot papers and the envelope with the Record of Sealing according to article 97 of this Code, unfold the ballot papers and place them on the table with the reverse side of the sheet up. The stacked ballot papers are counted by the Chairman and the Deputy Chairman, who at the conclusion of the counting inform the Counting Team members of the result. They verify the declared figure against the figure that results from the difference between the number of used ballot papers and the number of spoiled ballot papers. If the figures do not correspond or if any of the members of the

Counting Team requests a recount, the Chairman and the Deputy Chairman are obliged to restart the counting of the ballot papers once again.

6. If irregularities or inadequacies are found as a result of the verification conducted in accordance with this article, then the Counting Team or any of the members who identify these irregularities or inadequacies, notifies immediately the ZEC or the LGEC with regard to discrepancies. The notification is made by raising one's hand and without moving from one's place. Raising a hand suspends any further action of the Counting Team until the ZEC or the LGEC has been informed of the issue and verifies it. If the ZEC or the LGEC confirms the inadequacy or the irregularity, it will reflect it in the Record of Findings. Only after recording the inaccuracy or irregularity in the Record of Findings will the ZEC or LGEC make a decision for the Counting Team to continue the ballot counting procedures. The Counting Team is to be informed immediately about the decision of the ZEC or LGEC.

#### Article 109/4\*

### **Types of Ballots and the Criteria for Evaluating a Ballot**

1. Ballot papers are to be divided into valid and invalid ballots.
2. Only the ballot papers on which it clearly has been voted for only one of the candidates, or political parties or electoral coalitions, are valid ballots.
3. Ballot papers are invalid ballots when:
  - a) the ballot paper does not have the same size, colour or format as the ballot paper approved by the CEC;
  - b) the stamps contemplated in article 92 of this Code are missing on the reverse side;
  - c) they bear signs that may disclose the identity of the voter;
  - ç) they bear notes in favour or disfavour of certain electoral subjects;
  - d) there is a vote for more than one of the electoral subjects;
  - dh) no electoral subject is voted for;
  - e) it is not clear for whom the vote has been cast; or
  - ë) the voter has voted for a person who is not on the ballot.

#### Article 109/5\*

### **Evaluation of Ballots**

1. The evaluation of ballots begins immediately after the completion of the counting of ballot papers. The Chairman of the Counting Team unfolds completely every ballot paper and evaluates it aloud, while acting in this order:
  - a) he determines whether the ballot paper has the same size, shape and colour as the ballot paper approved by the CEC; if not, he assesses it as invalid;
  - b) he determines whether the reverse side of the ballot paper carries the stamp of the VCC and the stamp of the VCC Chairman; if not he assesses it as invalid;
  - c) he determines whether any of the other reasons for declaring the ballot invalid, as described in letters (c) to (h) of article 109/4 of this Code, exists; if one of these causes exists, he assesses the ballot as invalid.
2. If none of the circumstances described in section 1 of this article applies, the Chairman of the Counting Team gives his evaluation and then proposes that a collegial

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\* Added by Law no. 9341, dated 10 January 2005 (article 80)

\* Added by Law no. 9341, dated 10 January 2005 (article 80)

evaluation be given as to which candidate, political party or electoral coalition has been voted for. The Chairman shows the ballot papers one by one to each member of the Counting Team.

If all the members of the Counting Team agree with the Chairman's evaluation, the ballot paper is categorised according to the evaluation and the Chairman proceeds with the next ballot paper.

If any member of the Counting Team does not agree with the Chairman's evaluation, the Chairman or the objecting member immediately notifies the ZEC or LGEC about the objection. The notification is to be made by raising one's hand without leaving one's place. The raising of a hand suspends any further action of the Counting Team until the ZEC or LGEC has acquainted itself with the issue and made a decision on it. The Chairman of the ZEC or LGEC writes an ordinal number on the reverse side of the ballot paper, the nature of the problem, as well as the reasoning of the decision in a summarised manner. The number written on the ballot paper, the claim presented about it and the reasoning of the ZEC or LGEC decision are to be noted in the Records Book of ZEC or LGEC Meetings. Any member or observer may add his comments in the Records Book. The decision made by the ZEC or LGEC is made known immediately to the Counting Team, which enters the ballot paper as a ballot in the Tabulation of Results on the basis of the evaluation made by the ZEC or LGEC. After the tabulation of results by the Counting Team, these ballot papers are placed in the Envelope of Contested Ballots.

3. In accordance with the evaluation described in section 1 of this article, the ballot papers are to be divided on the working table into specific and separate places, grouped for each candidate, political party or electoral coalition, as well as for invalid ballots and contested ballots. In the case of coalitions with a composed list, the ballots for each member party of the coalition are grouped separately and near each other, thus identifying the ballots for each of the member parties of the coalition.

#### Article 109/6\*

#### **Tabulation of the Election Result by the Counting Team**

1. After the counting and evaluation, according to articles 109/4 and 109/5 of this Code, for each box with ballot papers for the candidates, the Chairman counts the ballots for each candidate, starting according to the ranking order of the candidates on the ballot paper. After each count, he informs the Counting Team members of the figure. If any of the Counting Team members requests it, the Chairman is required to restart once again the count for that candidate. If there are still objections after this second count, the Chairman of the Counting Team or the objecting member informs the ZEC or LGEC by raising his hand. Raising a hand suspends any further action until a decision has been made by the ZEC or LGEC. The ZEC or LGEC counts on the spot the contested ballots for the candidate and orders the secretary of the Counting Team to record the figure decided by it in the table of results for that voting centre.

2. At the conclusion of the procedure established in section 1 of this article, the Chairman together with the Counting Team members completes the table of results for that voting centre according to the template prescribed by the CEC.

3. The original table of voting results according to section 2 of this article, including the contestations, if there are any, by any member of the Team, is to be delivered immediately in person to the ZEC by the secretary of the Counting Team. A copy of the table

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\* Added by Law no. 9341, dated 10 January 2005 (article 80)



of results is given to each member of the Counting Team and to observers from parliamentary parties.

4. After the completion of the procedures established by sections 1, 2 and 3 of this article, the ballot papers for the candidates are enclosed in envelopes separated by candidate, while the invalid votes are enclosed in the envelope with the note "INVALID BALLOTS". The envelopes with the ballot papers for candidates, the envelope with the invalid ballot papers, the envelope with the contested ballot papers and the envelope with the Record of Sealing are enclosed in the ballot box. The box is sealed with seals with new security codes. The numbers of the codes are recorded in the table of results. After that, the box is placed again near the table of the Counting Team and the box with the ballot papers for the political parties and electoral coalitions is taken. For the ballot boxes with the ballot papers for the political parties or electoral coalitions, the Counting Team performs the same actions established by article 109/3, section 5, to article 109/6 of this Code.

5. Only after it has sent the processed boxes to the designated place inside the room of the Ballot Counting Centre and handed over to the ZEC or LGEC the respective table of results for the counted voting center does the Counting Team take the ballot boxes with the ballot papers and the voting material of the next voting centre from the stack of the ballot boxes.

#### Article 109/7<sup>†</sup>

#### **Tabulation of Election Result by the ZEC or LGEC**

1. The election results for the respective election unit are to be issued by the ZEC or LGEC no later than 17<sup>00</sup> of the day following the election day.

2. To tabulate the result, the ZEC or LGEC completes the Aggregate Table of Election Results where the aggregate of the respective data for each voting centre is reflected based on the original tables of results by the counting teams.

3. The ZEC or LGEC tabulates the result for the respective election unit by approving the Aggregate Table of Election Results through a decision. The electoral subjects have the right to submit a complaint to the CEC against this decision, in compliance with article 146 of this Code.

4. Copies of the Aggregate Table of Election Results and copies of the Official Records of the Findings are given to the members of the ZEC or LGEC, and to the observers of parliamentary parties, and their originals are sent to the CEC.

5. At the conclusion of the procedures to issue the election results, the ZEC or LGEC posts a copy of the Aggregate Table of Election Results and a copy of the Official Records of the Findings in a visible place with free access at its headquarters and the ballot counting centre.

6. At the conclusion of the procedures to tabulate the election results, the ZEC or LGEC delivers to the CEC the Aggregate Table of Election Results, the Record of Findings, the Records Book of the Meetings, the stamp of the commission and any other election material.

#### Article 109/8\*

#### **The Persons Present during the Ballot Counting Process**

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<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 80)

\* Added by Law no. 9341, dated 10 January 2005 (article 80)

1. Only the members and secretary of the ZEC or LGEC, the members and secretary of the Counting Teams, the candidates, and observers including accredited media representatives are to be present during the ballot counting process at the Ballot Counting Centre.

2. The ZEC or LGEC takes measures and is responsible for not allowing persons other than those specified in section 1 of this article at the Ballot Counting Centre. When persons other than those according to section 1 are present, the ZEC immediately notifies the State Police officers through a formal decision and the case is recorded in the Records Book of ZEC or LGEC Meetings, including the precise time of arrival and departure of the officers of the State Police.

Article 110  
**Abrogated**

## CHAPTER VI

### RECOUNT OF BALLOT PAPERS

*Article 111*  
**Abrogated**

Article 112  
**Abrogated**

Article 113  
**Abrogated**

Article 114  
**Abrogated**

Article 115  
**Abrogated\***

## CHAPTER VII

### PROHIBITION OF THE USE OF SPECIAL FORCES AND STRUCTURES

#### Article 116 **The Use of Special Forces and Structures**

1. Commando forces and other forces of the military are prohibited from being used during the entire election period, except where the Minister of Public Order and Minister of Defense issue a written order when such forces are needed for the surveillance of objects

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\* Articles 110, 111, 112, 113, 114, and 155 abrogated by Law no. 9341, dated 10 January 2005 (article 81)

of particular importance or for the replacement of police guard forces. A copy of the written order shall be provided to the CEC immediately upon its issue. The use of commando forces and other forces of the military for the surveillance of objects related to the elections is prohibited.

2. During the entire electoral period, the armed forces are prohibited from conducting military exercises or maneuvers outside their bases or places of their deployment.
3. In all kinds of elections the use or participation of the employees or structures of the State Information Service is prohibited.

## PART EIGHT

### INVALIDATION OF ELECTIONS

#### Article 117\*

#### **Invalidation of Elections**

1. Within 10 days from the date of elections or within 10 days from the date of election reruns, electoral subjects have the right to request of the CEC that it declare invalid the results in individual voting centres, in individual election units or in the entire territory of the Republic of Albania.

2. The CEC invalidates the elections if:

- a) there have been violations of the law;
  - b) there have been natural disasters of such proportions that the participation of the voters in the voting have been hindered; or
  - c) the voting has not begun or has been suspended for more than six hours;
- and for any of these causes the electoral process has been affected to such a degree that it may have impacted the allocation of the mandates in the election units or on a national level or the acceptance or refusal of a referendum.

3. The request for the invalidation of elections shall include the legal causes, description of cases of violations and detailed reasoning with regard to their consequences.

4. The examination of requests for the invalidation of elections begins on the day of the time limit for their submission expires according to point 1 of this article. The examination of the requests is performed in accordance with the procedures established in Chapter I of Part Twelve of this Code. The CEC makes a decision on the invalidity of elections after consultations with the respective ZEC or LGEC. In the reasoning of the CEC decision, the legal cause, the proved cases of violations and detailed reasoning about their consequences shall be described. In its decision to invalidate elections, the CEC may order the rerun of the elections in the electoral unit, in one or more voting centres where the elections have been invalidated or, if appropriate, in the entire territory of the Republic of Albania.

5. Notwithstanding point 4 of this article, the CEC is entitled to decide not to rerun the elections if it proves that it is not possible for the violations to have affected the allocation of the mandates in the electoral unit or on a national level.

6. The invalidated elections for which the CEC has decided a rerun according to this article, are to take place on one single day for all the electoral units for which a rerun has been decided. The decision for setting the date of rerun of elections is to be made by the CEC at the conclusion of the complaint procedures according to Chapter II of Part Twelve of this

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\* Amended by Law no. 9341, dated 10 January 2005 (article 82)

Code or at the expiry of the complaint time limit established in this Chapter. The election rerun is to take place no later than 4 weeks from the date of the decision.

7. A complaint against a CEC decision on declaring or not declaring elections invalid is to be made in conformity with the time limits and procedures established by Chapter II of Part Twelve of this Code.

## PART NINE

### **REFERENDA**

#### CHAPTER I

#### GENERAL PRINCIPLES

##### Article 118

##### **Meaning of Referendum**

1. A referendum is the direct exercise of popular sovereignty, through voting, for a specific issue or law, according to articles 108 section 4, 150, 151, 152 and 177 of the Constitution.

2. Voting on a referendum 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, is considered the winner, unless otherwise provided in this chapter.

##### Article 119

##### **Restrictions on 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 between six months before the end of the mandate of an Assembly and three months after the first meeting of the new Assembly.

3. No local referendum can be held during the period between three months before the end of the mandate of the organs of local government and three months after the first meeting of the local councils.

4. When early elections for the Assembly are announced, the procedure for holding a general referendum is suspended until three months after the first meeting of the new Assembly.

5. When early local elections are announced in a local government unit, the procedure for holding a local referendum in that unit is suspended until three months after the beginning of the mandate of the local government organ.

6. In accordance with section 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 120  
**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 121  
**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 15 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. On 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

SPECIFIC TYPES OF REFERENDA

SECTION 1

CONSTITUTIONAL REFERENDUM

Article 122  
**Types of Constitutional Referenda**

A constitutional referendum, in accordance with section 4 of article 177 of the Constitution, is conducted by a decision of two-thirds of all members of the Assembly that a proposed constitutional amendments be decided by direct popular vote. A constitutional referendum, in accordance with section 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 amendment approved by not less than two-thirds of all members of the Assembly.

Article 123  
**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 section 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 of the deputies, as the case may be) requesting a constitutional referendum to the Constitutional Court and the President of the Republic.

#### Article 124

### **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 section 4 or 5 of article 177 of the Constitution.

#### Article 125

### **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 limit, the President of the Republic sets the date for holding the referendum in compliance with section 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 section 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 section 5 of article 177 of the Constitution are rejected if more than half of all voters registered in the National Registry of Voters 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 126

### **Initiative for a General Referendum**

1. Fifty thousand voters registered in the National Registry of Voters 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 section 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 fewer than 12 initiators who are voters registered in the National Registry of Voters.

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.

5. 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 stated in a clear, complete, and unequivocal manner, and expressed in such a form that voters can answer "Yes" or "No."

#### Article 127

### **Model Forms for Collecting Signatures**

1. Within 20 days of the submission of the request for a general referendum, the CEC provides the initiators, for payment, with forms for the collection of the signatures of 50,000 voters registered 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 in support of the request to hold a general referendum are deposited with the CEC during the period from 1 January to 30 November of each year.

#### Article 128

### **Verification of the Request by the CEC**

1. The CEC verifies signatures and validity of voters' identification documents in accordance with sub-statutory 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 submitted documentation. The decision is made known immediately to the interested persons. A decision not to accept the request must set out clearly the irregularities that led to non-acceptance.

3. Within five days from notification of the decision, the initiating group may declare to the CEC that it is 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 immediately notifies the initiators.

#### Article 129

### **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 119 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 sections 3 and 5 of article 126 within 60 days from the day of receipt of the requests 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 time period 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 130  
**Setting the Date for a General Referendum**

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

Article 131  
**Referenda on the Initiative of the Assembly**

When the Assembly decides on the holding of general referenda in accordance with section 2 of article 150 of the Constitution, the same procedures provided in this section for referenda in accordance with section 1 of article 150 of the Constitution are followed, to the extent necessary or possible.

SECTION 3

LOCAL REFERENDA

Article 132  
**Initiative for a Local Referendum**

1. Ten percent of the voters registered on the voter list of a municipality, 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 contemplated for a general referendum in sections 2 and 5 of article 126, article 127 and section 2 of article 128 of this Code are applied, to the extent possible or necessary.

PART TEN

**ELECTORAL CAMPAIGN AND THE MEDIA**

Article 133\*  
**The Period of the Campaign and of the Electoral Blackout**

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\* Amended by Law no. 9341, dated 10 January 2005 (article 83)



1. The electoral campaign begins 30 days before the election date and ends at 24<sup>00</sup> on the Friday prior to the election date.

2. The Saturday prior to the election date and the election date until the closing of the polls constitute the electoral blackout period. During the electoral blackout period no electoral campaign by the electoral subjects through a media outlet or rallies or other electoral activities is allowed.

#### Article 134

### **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 135

### **Propaganda Materials**

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

#### Article 136

### **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 this time is to be between 18<sup>00</sup> and 22<sup>00</sup>.

b) The CEC allocates to the parliamentary parties that, in the last parliamentary elections, have obtained more than 20% of the seats in the parliament, equal airtime of not less than 30 minutes on Public Television and the same on Public Radio, whereas for the other parliamentary parties this airtime is not less than 15 minutes. The increase of the broadcasting time within a respective group increases proportionally the airtime at the disposal of the other group;

c) Each party not represented in the Assembly participating in elections is entitled to 10 minutes of air time on Public Television and 10 minutes of air time on Public Radio.

ç) The respective electoral subject must be clearly specified on any television or radio program or advertisement for purposes of electoral propaganda.

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, 36 and 41 of Law no. 8410, dated 30 September 1998, "On Public and Private Radio and Television in the Republic of

Albania.” The free air time allocated to political parties in accordance with section 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 put 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 137

### **News Broadcasts of Public Radio and Television**

1. During political airtime of news broadcasts, Public Radio and Television must apply an equal time ratio for all parliamentary parties that in the previous parliamentary elections obtained up to 20 percent of the seats in the Assembly. The parties that obtained more than 20 percent, are entitled to airtime that is allocated equally among them. Each of these parties is entitled double the amount of airtime of a party that has obtained up to 20 percent of the seats in the Assembly.\*

2. In case of violation of the ratio of coverage in favor of one political force or grouping, the Central Election Commission orders the reduction by the same measure of the airtime at the disposal of that political force or grouping, or the compensation of other political forces and groupings with additional airtime, within 48 hours.

3. The airtime for covering government activities that are related to the electoral campaign is included in the airtime of the party to which the head of the institution which organizes the activity belongs.

4. For the coverage of the activities of the non-parliamentary parties, the Public Radio and Television Broadcaster applies professional criteria for news, under the condition that the airtime at their disposal be no greater than the time applied for the parliamentary parties.

5. Propaganda, political commentaries, or political statements by journalists of the Public Radio and Television Broadcaster is prohibited within the news editions.

6. In the case of violation of the requirements defined by this provision, the CEC according to the case and level of responsibility, fines the reporter who has prepared the report 15,000 Lek, the responsible editor 20,000 Lek, the News Director 30,000 Lek and the Director General 50,000 Lek.

7. This CEC decision constitutes an executive title and is implemented by the Finance Department of the Public Radio and Television Broadcaster. An appeal against the decision does not suspend its execution.

#### Article 138

### **Free Air Time for the CEC**

In addition to the time provided under letter (a) of section 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 year. The allocation of free time is done in accordance with letter (a) of section 1 of article 136 of this Code.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 84)

Article 139  
**Broadcasting Schedule**

1. No later than 30 days before the election date, 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 18<sup>00</sup> and 22<sup>00</sup> each day of the electoral campaign, until 24 hours before the beginning of the voting.

Article 140  
**The Electoral Campaign on Private Radio and Television Stations**

1. Private radio and television broadcasters cover the electoral campaign only during the normal and special news editions. Private radio and television broadcasters do not put airtime at the disposal of political subjects for covering their electoral campaign.

2. During normal and special news editions, private radio and television broadcasters must respect the following conditions:

a) The political airtime of the news editions of private radio and television broadcasters is allocated according to the time segments established by article 137, section 1. In case of the violation of the ratio of coverage in favor of one political force or grouping, the CEC, on its own initiative or upon the proposal of ZECs or LGECs, fines a local radio/television broadcaster 1,000,000 Lek and a national broadcaster 2,500,000 Lek. The CEC decision constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. In the case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day;

b) Airtime for government activities that are related to the electoral campaign is included in the time of the political party to which the head of the institution that organizes the activity belongs;

c) In covering the activity of the non-parliamentary parties, private radio and television broadcasters apply professional criteria for news, with the condition that the time at their disposal be no greater than the time allocated to the parliamentary parties.

ç) Political propaganda, commentaries and statements are prohibited during news editions. In the case of violation, the CEC fines the local radio/television broadcaster 1,000,000 Lek and the national radio/television broadcaster 2,500,000 Lek. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. In the case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked no later than 18<sup>00</sup> hours of the following day.

3. Private radio and television broadcasters have the right to organize electoral debates between competing political forces or candidates. In the organization and holding of the debate, private radio and television broadcasters are obliged to keep the balance between political forces.

In case of violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day.

4. Private radio and television broadcasters may prepare and broadcast paid political advertisements. In this case, they are obliged to accept and broadcast advertisements with an airtime ratio equal for all the parliamentary parties that in the previous parliamentary elections obtained up to 20 percent of the seats in the Assembly. The parties that obtained more than 20 percent, are entitled to airtime that is allocated equally among them. Each of these parties is entitled double the amount of airtime of a party that has obtained up to 20 percent of the seats in the Assembly. The total airtime for political advertisements by private radio and television stations may not be more than 30 minutes per day.\*

Spots for candidates are included in the airtime of the political subject they represent.

Private radio and television broadcasters make available extra airtime for the advertisements of non-parliamentary parties and independent candidates, in addition to the airtime applied according to this section. The airtime for the advertisements of non-parliamentary parties and independent candidates must not exceed 10 percent of the airtime programmed and used for electoral advertisement. The same rates as for parliamentary parties are applied for spots of non-parliamentary parties and independent candidates. In case of violation, the CEC fines a local broadcaster 1,000,000 Lek and a national broadcaster 2,500,000 Lek.

The decision of CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution.

In case of repetition of the violation, the CEC orders the National Council of Radio and Television to block the transmission of the radio/television broadcaster for 48 hours. The transmission is blocked not later than 18<sup>00</sup> hours of the following day.

#### Article 141\*

### **Violation of the Electoral Blackout**

1. In case of a violation of the electoral blackout, the CEC fines the electoral subject 500,000 lekë.

2. In case of a violation of the electoral blackout, the CEC fines the publisher or radio/television broadcaster 1,000,000 lekë.

3. The fine under sections 1 and 2 of this article comprises an executive title and is immediately implemented by the office of the bailiff. An appeal against a CEC decision on a fine does not suspend its execution.

#### Article 142

### **Electoral Campaign Monitoring**

1. Ten days before the start of the electoral campaign, the CEC establishes the Media Monitoring Board, which has the task of monitoring the implementation of the provisions of this Code on the electoral campaign by public and private radio and television broadcasters. The Media Monitoring Board exercises its activity in the whole electoral territory. In order to perform the monitoring, the Board uses the NCRT's technical capacities. For local broadcasters that cannot be covered by monitoring tools of the National Council of Radio and Television, local monitors are appointed. Local monitors are placed at the ZEC or LGEC where the radio/television broadcaster to be monitored has its broadcasting station. No later than three months prior to the election date, the CEC and the NCRT sign a memorandum of

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\* The first paragraph is amended by Law no. 9341, dated 10 January 2005 (article 85)

\* Amended by Law no. 9341, dated 10 January 2005 (article 86)

understanding on the rules, modalities and time limits for the use of the technical capacities of the NCRT for the purposes of monitoring.

2. The Board presents its report on its monitoring conclusions for the previous day to the CEC on a daily basis. The report is to be accompanied, as appropriate, by each of its proposals for administrative sanctions. The Board as a collegial body or members is entitled to propose the imposition of administrative sanctions. Local monitors report to the ZEC or LGEC where they are located. A copy of the report, together with the opinion of the ZEC or LGEC, is sent immediately to the Media Monitoring Board and becomes part of the daily report to the CEC.<sup>†</sup>

3. The CEC makes the decision on the approval or rejection of the report and the application, as appropriate, of respective sanctions. The CEC decisions can be appealed in accordance with the procedures provided in this Code.

4. The CEC examines the reports of the Media Monitoring Board not less than once a week. The CEC adopts a decision on the reports every time administrative sanctions are proposed. The CEC decisions can be appealed in accordance with the procedures provided in this Code.

5. The Board is composed of 7 members. Each of the CEC members appoints one Board member. The Board members are to be journalists by profession or work experience, or they are to be media analysts or scholars.\*

## PART ELEVEN

### ELECTION FINANCING

#### Article 143<sup>†</sup>

#### **Financing of Elections**

1. The CEC administers the funds designated for the conduct of elections according to the rules contemplated in this Code.

2. The budget of the CEC constitutes a separate line in the state budget.

3. The funds designated for elections are part of the annual budget of the year when the elections are held and must be available to the CEC 6 months prior to the end of the mandate of the Assembly or the local government units. Otherwise, the funds are part of the previous year's budget.

4. The funds designated by the state budget for the election campaign of the electoral subjects consist of funds for campaign financing, allocated according to letters (a), (b) and (c) of article 145 of this Code, as well as a supplementary sum for the campaign finance funds that is used by the CEC to provide compensatory amounts according to letter (b) of section 2 of article 145 of this Code. The funds for campaign financing shall not be less than the total amount allocated to political parties in the preceding elections.

#### Article 144<sup>‡</sup>

#### **Non-public Resources for Election Campaign Financing**

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 87)

\* Sections 4 and 5 amended by Law no. 9341, dated 10 January 2005 (article 87)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 88)

<sup>‡</sup> Amended by Law no. 9341, dated 10 January 2005 (article 89)

1. Besides State Budget funds, the electoral subjects may benefit in their election campaign from donations by private local natural or legal persons. No natural or legal person shall give donations of more than 1 million lekë or an equal amount in goods or services to the same electoral subject. Electoral subjects are to register and declare, in compliance with article 145/1 of this Code, all donations received in the period from the date of the President's decree setting the election date until the date of the elections.

2. Political parties shall not spend for their election campaign, including that of their candidates, more than ten times the largest amount received by a party according to point 1 of article 145 of this Code.

#### Article 145\*

#### **Allocation and Re-allocation of Funds for Election Campaign Financing**

1. The fund designated by the state budget is to be allocated to electoral subjects by a CEC decision according to the following rules:

a) 10 percent of the amount is to be distributed among all the political parties registered as electoral subjects. This amount is given to these political parties by the CEC no later than 5 days after the registration of their candidates with the ZEC and LGEC. The parties that register, individually or in coalition, fewer than 30 candidates for single member zones or less than 30 percent of the total number of mayors of local government units on a national scale do not benefit from funds allocated according to this letter;

b) 40 percent of the amount is to be allocated among the political parties represented in the Assembly and independent Members of Parliament who run for re-election. This amount is to be given to these political parties by the CEC no later than 5 days after the registration of their candidates with the ZEC and LGEC. For local elections, this amount is divided among the parties that are represented in the councils of municipalities or communes. The amounts, according to this letter, are allocated according to the formula provided in annex 1 of this Code;

c) 50 percent of the total amount is allocated among the parties, that in the preceding elections for the Assembly, or as the case may be for the local government elections, received not less than 2.5 % of the votes, in proportion to the number of votes received on a national scale, according to the formula provided in annex 1 of this Code. This amount is allocated to these political parties by the CEC not later than 10 days after issuance of the President's decree setting the election date.

2. The amounts distributed according to letter (c) of section 1 of this article are recalculated and reallocated according to the formula provided in annex 1, according to the following procedure:

a) within 30 days after the declaration of the final results, the CEC recalculates the designated amounts and determines the amounts that political parties will benefit as compensation or have to return due to the recalculation;

b) the compensatory amounts are given to the political parties entitled to this compensation by the CEC;

c) the CEC requests that the political parties that are required to return amounts are to return the amounts within 30 days of the notification of the decision. Otherwise, the CEC requests the Minister of Finances to order the Treasury Office to deduct the amount from the other budgetary funds that these parties receive and transfer these funds to the CEC budget.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 90)

The Treasury Office, along with the obligation, retains a penalty of 1% monthly of the amount to be paid for every month of delay.

3. Those political parties that, until 1 March 2005, do not return to the State Budget the amounts they owe as a result of the election campaign financing in the previous elections, shall not receive funds from the state budget for the 2005 elections, pursuant to section 1 of this article. If the amount these parties are obliged to return is smaller than the one they benefit, the CEC distributes to the respective political parties, according to section 1 of this article, only the difference between them.

#### Article 145/1\*

### **Declaration of Election Campaign Expenses**

1. No later than 45 days after the election date, all parties or independent candidates are to submit financial reports of their campaign to the CEC, in accordance with the forms and instructions issued by a decision of the CEC.

2. The reports according to section 1 of this article shall be published by the CEC within 90 days after the election date and shall document all the relevant data, necessarily including information about campaign expenses, donations and other non-state funds used in the election campaign. Every donation over 100,000 lekë or an equal amount in goods or services shall be declared, specifying the name of the donor and the amount donated.

3. Parties, coalitions or independent candidates that do not fulfill these reporting obligations or whose reporting is incomplete are subject to administrative sanctions imposed by the CEC, in proportion to the severity of the offence. Sanctions may consist of: the partial or total loss of the funds designated for them by the state, a fine up to double the amount of funds that are not properly justified, or even the loss of the right to register in future elections until the irregularities have been resolved and the relevant sanctions paid.

## PART TWELVE

### **COMPLAINTS AND APPEALS**

#### CHAPTER I

#### ADMINISTRATIVELY APPEALING THE DECISIONS OF THE ELECTION COMMISSIONS

#### Article 146\*

### **The Right to Appeal**

1. Any electoral subject has the right to appeal to the CEC against ZEC or LGEC decisions that damage their legal interests, within two days after the date on which the decision has been declared.

2. The right to appeal according to this article is also granted to those individuals or political parties whose requests for registering as an electoral subject have been refused and to those to subjects, referred to in sections 2 and 3 of article 18 of this Code, appealing

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\* Added by Law no. 9341, dated 10 January 2005 (article 91)

\* Amended by Law no. 9341, dated 10 January 2005 (article 92)

against the refusal of requests for accreditation as observers, when the accreditation of the observers is delegated to the ZECs or LGECs.

3. The requests according to article 117 of this Code on the invalidation of elections are to be examined, to the degree allowed by article 117 of this Code, by the CEC in compliance with the stipulations in this Chapter.

#### Article 146/1<sup>†</sup>

##### **Calculation of Time Limits**

1. The time limits that are established in hours in this Chapter are calculated by excluding the hour at which the right to appeal or the administrative obligation arises. Whenever the time limits in this Code are calculated in hours, the administrative body appointed by this Code is required to mark in an administrative act the hour when the act was declared. Otherwise, the time limit is calculated beginning at 8<sup>00</sup> of the following day.

2. The time limits that in this Chapter are established in days are calculated by excluding the day on which the right to appeal or the administrative obligation arises.

3. If the end of a time limit according to section 2 of this article falls outside the official working hours, then the running of the time is suspended at the close of the official working hours and resumes at the starting time of the official working hours of the following day.

4. If the conclusion of the time limits according to sections 3 and 4 of this article falls on days of rest or on an official holiday, the time limit resumes on the next working day.

5. Concerning time limits for appeals according to this Chapter, the time for the beginning of these limits may not be reset.

6. For the purposes of this article, the official working hours will be calculated from 8<sup>00</sup> until 16<sup>00</sup>, and Saturdays and Sundays are days of rest.

#### Article 147<sup>††</sup>

##### **Form and Content of an Appeal against Decisions of a ZEC or LGEC**

1. Electoral appeals against the decisions of a ZEC or, as appropriate, an LGEC are to be submitted in the form of a request for appeal and shall contain the following elements:

- a) the full name of the electoral subject making the appeal and his address;
- b) reference to the appealed decision;
- c) the legal basis;
- ç) a short description of the violation claimed;
- d) a description of facts, arguments and legal provisions supporting the appeal;
- dh) an indication of the evidence that are requested to be examined during the process of the review of the appeal, as well as its source; and
- e) the date and the signature of the appellant.

2. Based on the requirements of section 1 of this article, the CEC is to prepare and make available a template for requests for appeals on the basis of which the electoral appeal is to be drafted.

3. The appellant electoral subject shall deposit the full decision against which the request for appeal is being made together with the request for appeal.

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<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 93)

<sup>††</sup> Amended by Law no. 9341, dated 10 January 2005 (article 94)



Article 148\*  
**Registration of Requests for Appeals by the CEC**

1. Requests for appeals are to be deposited at the headquarters of the CEC. The CEC establishes and maintains a special register for recording requests for appeals. The Register of Electoral Appeals is valid only for the ongoing elections.

2. The Register of Electoral Appeals contains:

- a) the ordinal number of the request for appeal;
- b) the date and hour the appeal was submitted;
- c) the appealing subject ;
- ç) the object of the appeal;
- d) the number and type of documents attached to the requests for appeals.

3. After the annotations have been made in the register, the appealing subject receives a verification from the CEC, which is evidence of the delivery and the receipt of the request for appeal.

4. The CEC may not refuse for any reason to record the requests for appeals.

Article 149<sup>†</sup>  
**Verification of Completion of the Form  
and Content of the Request for Appeal**

1. For each request for appeal recorded, the CEC designates by lot one of its members as a rapporteur. The rapporteur verifies the existence of the formal elements according to article 147 in addition to elements stipulated in article 150 of this Code. The verification result is reported to a CEC meeting no later 24 hours from the moment the request for appeal is recorded.

2. The rules for drawing the lot to appoint a rapporteur according to section 1 of this article are established by a CEC decision.

3. The CEC performs the preliminary verification of the request for appeal and decides:

- a) to forward the request to be reviewed;
- b) not to accept the request due to lack of elements stipulated in article 150 of this Code; or
- c) to send back the request for completion of the formal elements stipulated in article 147 of this Code.

4. In the case provided in letter (c) of section 3 of this article, the appellant is to complete his request and resubmit it within 24 hours from the moment this decision is announced. The request for appeal may be sent back for completion only once. The second verification of the request for appeal is to be completed within 24 hours of its resubmission.

Article 150\*  
**Object of Preliminary Verification**

The CEC makes a decision on whether or not to accept the request for appeal after it verifies the following elements:

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\* Amended by Law no. 9341, dated 10 January 2005 (article 95)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 96)

\* Amended by Law no. 9341, dated 10 January 2005 (article 97)

- a) the competency of the CEC to examine the appeal;
- b) the appellant's legitimacy; and
- c) the respect of the legal time limits for appeal.

#### Article 151<sup>†</sup>

##### **Content of the Decision to Accept for Review the Request for Appeal**

1. In a decision to accept for review a request for appeal, the CEC shall specify the date and hour of the examination of the case in a public session. The decision is to be posted for the public at the entrance of the CEC headquarters no later than two hours after it has been made.

2. The review hearing is to take place no earlier than 24 hours and no later than 48 hours from the date the decision to accept the request has been announced.

#### Article 152\*

##### **Joining Requests for Appeal**

1. The CEC, prior to or during the examination of a request for appeal, is entitled to decide to examine it jointly with one or more other requests for appeal submitted by various subjects against the same ZEC or LGEC decision. Requests for appeal also are joined when two or more subjects request the invalidation of elections in the same electoral unit. The CEC decides to join the requests for appeal when it considers that their joint examination facilitates the review process, or when the separate review of each of the request for appeal would prejudice the object of the other appeals.

2. When requests for appeal are submitted to the CEC for the same electoral unit and when at least one of them has as its object the invalidity of elections, the CEC examines first the request for appeal with the object of invalidating the elections. The time limits for examining a request for appeal with the object of appealing a ZEC or LGEC decision are suspended until the date on which the CEC decision on the invalidation is announced.

3. The CEC decision to join the requests for appeal is a final decision.

4. The CEC decision to join requests for appeal is posted for the public at the entrance of the CEC headquarters no later than two hours after it has been reached.

#### Article 153<sup>†</sup>

##### **Parties to the Administrative Review**

1. Parties in the process of administrative examination at the CEC are:

- a) the appellants;
- b) the interested parties. An interested party is any electoral subject, whose legal rights and interests, whether they be individual or shared, are likely to be affected by the decision that may be given at the conclusion of the administrative procedure.

2. The parties are entitled to be represented during the process of administrative review by their authorised representatives. The electoral subjects represented at the CEC, as a rule, are represented by their accredited representatives. Independent candidates are represented by persons in possession of a power of attorney.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 98)

\* Amended by Law no. 9341, dated 10 January 2005 (article 99)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 100)

3. The interested parties shall request their inclusion in the review of the case no later than the time established for the conduct of the hearing. Their acceptance as interested parties is determined by the CEC at the beginning of the session, after their declaration in support of or against the request for appeal. The representatives of the electoral subjects in the CEC may participate in the administrative review of the requests for appeal only if they are declared and accepted as interested parties in accordance with this article.

#### Article 154<sup>\*</sup> **Administrative Review**

1. The administrative review of an electoral request for appeal is performed by the CEC in a plenary session.
2. The Chairman of the CEC chairs the plenary session.
3. The time frames for performing the administrative investigative actions are established by the CEC in consultation with the parties.
4. The review of a request for appeal before the CEC is done orally, but the parties may present their explanations and claims about the case in writing.
5. During the examination of a request for appeal, the CEC Secretary prepares official records reflecting the explanations of the parties, the evidence received and the intermediate orders and decisions of the CEC.

#### Article 155<sup>†</sup> **The Opening of the Session for the Review of a Request for Appeal**

1. On the day and at the hour designated, the parties give notice of their presence to the secretariat specifically established by the CEC.
2. Before the session begins, the administration of the CEC summons the parties or their representatives and invites them to take their designated places.
3. After the examination session has been declared open, the procedural legitimacy of the parties is verified in accordance with article 153 of this Code.
4. If one or several of the parties do not appear on the day and at the hour designated, the session is held regardless of their participation.
5. Before the parties present their claims, the CEC:
  - a) accepts or denies the individual statements of the CEC members on the existence of conflicts of interests according to article 23, section 5, of this Code;
  - b) decides on the requests of the parties concerning the exclusion of CEC members due to the existence of a conflict of interests in accordance with article 23, section 5, of this Code;
  - c) decides on the requests of the parties for the CEC not to review the case because of a lack of competence on the part of the CEC or because of the expiry of the time limit for an appeal.
6. After it has made a decision on the preliminary requests of the parties, and if these do not lead to the dismissal of the administrative review, the CEC reviews and decides the case on its merits.

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<sup>\*</sup> Amended by Law no. 9341, dated 10 January 2005 (article 101)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 102)

## Article 156\*

### **The Submission of Claims and the Request for Evidence**

1. At the conclusion of the actions specified in article 155 of this Code, the CEC invites the parties to submit their claims and:

- a) to provide explanations about the requests specified in the appeal;
- b) to demonstrate the facts and evidence on which their claims rest. The types of the evidence are provided in the Code of Civil Procedure;
- c) to request the acquisition of evidence to prove facts, if the preliminary provision of this evidence was impossible for them, while submitting at the same time the reasons why it was not possible for them to secure this evidence.

2. After the submission of the claims of the parties, the CEC, at the request of each of them or on its own initiative, may decide to receive other evidence when it considers that receiving it is useful for reaching a judgement.

3. The CEC may refuse a request for evidence under letter (c) of section 1 and under section 2 of this article only if it considers that the evidence does not serve the purpose of proving the claimed facts. The CEC's reasoning for refusing to receive evidence is to be given in detail in its final decision.

4. The submission of the claims of the parties begins with the appellant and continues with the interested parties, in the order decided by the CEC Chairman. This order is retained during the entire proceeding.

## Article 157<sup>†</sup>

### **Obligation for Other Bodies to Make Available Evidence**

1. The CEC shall request other bodies of public administration to make available information, documents or any other evidence required or considered necessary for the administrative investigation.

2. Bodies of public administration are obliged to make available evidence in accordance with section 1 of this article upon receiving the request from the CEC and within the time limit established in it.

3. If the public administration body refuses without legal reasons to fulfil the request or does not fulfil it within the time limit, the CEC, in compliance with article 179 of this Code, fines or, as appropriate, files criminal charges against the responsible persons as stipulated in article 6 of this Code.

## Article 158\*

### **Examination of the Election Materials**

1. For the purposes of administrative investigations, the CEC has the right to conduct an examination of election materials that are under the administration of the ZECs or LGECs. When the materials are inside the boxes with security seals, the opening and resealing the boxes with new security seals is performed according to the procedures that this Code provides concerning the opening and closing of the boxes by the ZECs or LGECs.

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\* Amended by Law no. 9341, dated 10 January 2005 (article 103)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 104)

\* Amended by Law no. 9341, dated 10 January 2005 (article 105)

2. The examination of the election materials is performed in the presence of the parties as well as of the public. The evidence found is recorded in the official records of the CEC meeting.

3. When the CEC considers that, in order to make a decision, a recount and/or a reevaluation of certain ballots is needed, the CEC conducts, in the presence of the parties, a recount and/or a reevaluation and reflects the conclusion in the official records of the CEC meeting.

#### Article 159<sup>†</sup>

### **Universally Known Facts and Expert Testimony**

1. There is no need for verification concerning universally known facts in addition to facts known to the CEC due to its functions. During the administrative investigation of a case, the CEC confirms during the hearing its knowledge of and plans to consider these facts during the review of the case.

2. When special knowledge in scientific or technical fields is needed for the ascertainment or clarification of facts related to the review of requests for appeal, the CEC may summon one or more experts.

#### Article 160<sup>††</sup>

### **Rebuttals of Evidence**

1. The parties in the administrative examination are entitled to submit their rebuttals to challenge:

- a) the method of obtaining the evidence submitted by other parties;
- b) the facts shown by this evidence; or
- c) the veracity and reliability of the facts that are shown by this evidence.

2. In support of these rebuttals, the parties are entitled to submit other evidence in addition to that required in accordance with article 156 of this Code.

#### Article 161<sup>\*</sup>

### **The Closing of the Administrative Investigation**

1. After the conclusion of the administrative investigation, the CEC asks the parties whether they have any additional requests or evidence that is useful for the review of the case and, if these are not accepted, the CEC ends the administrative investigation and invites the parties to present their closing arguments.

2. The CEC decides case by case whether the parties will present their closing arguments orally or in writing.

#### Article 161/1<sup>†</sup>

### **Renouncing Claims or Waiving Them**

1. In the closing discussion, the interested parties are entitled to renounce the proceedings or any of the claims they have formulated, as well as to waive any of their legal rights and interests.

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 106)

<sup>††</sup> Amended by Law no. 9341, dated 10 January 2005 (article 107)

<sup>\*</sup> Amended by Law no. 9341, dated 10 January 2005 (article 108)

<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 109)

2. Renouncing the claims or waiving the continuation of the proceedings in the closing discussion does not affect the continuation of the proceedings if the CEC considers that the proceedings are in the public interest.

#### Article 161/2<sup>††</sup>

##### **Time Limit for Reaching a Decision**

1. The CEC is to reach a final decision on requests for appeal within 10 days of their being recorded.

2. In cases where requests for appeal are joined, the time limit according to section 1 of this article is to be calculated from the date when the last request for appeal is recorded.

#### Article 161/3\*

##### **Decisions by a Qualified Majority at the CEC**

1. When the request for the invalidation of elections according to article 117 of this Code does not receive at least 5 votes in favour by the CEC members, the request is considered rejected and the plaintiff is entitled to file an appeal at the Electoral College according to Chapter II of Part Twelve of this Code.

2. When a request for appeal against the ZEC or LGEC decision on an election result does not receive at least 5 votes in favour by the CEC members, then the request for appeal is considered rejected and plaintiff is entitled to file an appeal at the Electoral College according to Chapter II of Part Twelve of this Code.

3. When a CEC decision to declare the voting results for the multi-name lists for the Assembly does not receive at least 5 votes in favour by the CEC members, the CEC Chairman, any of its members or the interested electoral subject is to request within 24 hours that the Electoral College make a decision in this case.

#### Article 161/4<sup>†</sup>

##### **Content of CEC Decisions**

1. A CEC decision is always to be in writing.

2. CEC decisions pertaining to electoral appeals consist of:

- a) the parties participating in the administrative review;
- b) the requests of each party;
- c) an indication of any evidence taken under review;
- ç) an explanation of circumstances and facts that have emerged from this evidence;
- d) a legal analysis of the case; and
- dh) the section stating the order.

3. The CEC decision contains the number, date, respectively the hour when it is declared, as well as the signatures of the CEC members together with the declaration of their vote.

4. The decision is to be accompanied by the dissenting opinion or the concurring opinion signed by the members who support it.

5. The decision also contains the explanation of the right of the parties to appeal to the courts as well as the time limits for appeals.

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<sup>††</sup> Added by Law no. 9341, dated 10 January 2005 (article 109)

\* Added by Law no. 9341, dated 10 January 2005 (article 109)

<sup>†</sup> Added by Law no. 9341, dated 10 January 2005 (article 109)

6. In no case shall the CEC issue decisions that do not contain all the elements mentioned in this article.

## CHAPTER II

### COURT APPEALS AGAINST CEC DECISIONS

#### Article 162

#### **The Right to Submit an Appeal to Court**

1. The Electoral subjects are entitled to submit appeals against CEC decisions to the Electoral College of the Court of Appeals of Tirana when these decisions affect their legal interests within the time limit established in article 168 of this Code. Individuals or political parties whose request to be registered as an electoral subject have been rejected also have the right to appeal according to this article.

2. Electoral subjects have the right to submit to the Electoral College an appeal against the CEC for failing to reach a decision within the legal time limit. In this case, the Electoral College does not judge the merits of the case and when it accepts the request, imposes an obligation on the CEC to make a decision.

3. The subjects mentioned in article 18 whose requests for accreditation as observers have been refused also have the right to file an appeal according to this article. When the accreditation for the observers is delegated to the ZECs or LGECs, then the right to appeal according to this section begins with the administrative complaint in accordance with article 146 of this Code.\*

#### Article 163

#### **Composition of the Electoral College of the Court of Appeals of Tirana**

1. The Election College of the Court of Appeals of Tirana shall consist of eight judges selected by a lottery conducted by the High Council of Justice.

2. The names of all judges of all appellate courts of the Republic of Albania, with the exception of judges specified in article 165, shall be included in the lottery to be conducted by the High Council of Justice to select the eight judges who constitute the Electoral College of the Court of Appeals of Tirana.

3. The lottery to select the eight judges of the Electoral College of the Court of Appeals in Tirana shall be conducted no later than five days after the decree setting an election date. The High Council of Justice shall publicly announce, and print in at least three newspapers with the highest circulation no later than 24 hours after the issuing of the decree, the date, time, and location where the lottery will be conducted, and send to the two parliamentary parties of the majority and the two parliamentary parties in opposition which hold respectively the highest numbers of seats in the Assembly, the list of judges to be included in the lottery. The lottery shall be conducted in the presence of the public, representatives of political parties, coalitions, and the media. The lottery shall be conducted by drawing the names of eight judges from a lottery box. Prior to the lottery, the persons who are present, shall be given the opportunity to inspect the lottery box and the names of judges that are placed in it. After the inspection, eight names shall be drawn from the lottery box. Each of the representatives of the two parliamentary parties of the majority and the two

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\* The title of Chapter II and article 162 are amended by Law no. 9341, dated 10 January 2005 (article 110)

parliamentary parties in opposition holding respectively the highest numbers of seats in the Assembly, shall have the right to remove one name from the eight names drawn from the lottery box. No other parties have the right to challenge any names. The procedure of removal of names is secret. The request for removal contains only the name of the judge, without specifying any reason for removal. No later than one hour from the first drawing of lots, the High Council of Justice, after acknowledging the cases of removal, conducts a second drawing of names from the lottery box, in order to replace the names removed by the political party representatives. The remaining eight names shall constitute the Electoral College of the Court of Appeals in Tirana and are seconded in office by the High Council of Justice immediately after the lottery.

4. Within 24 hours of their selection by lottery, the eight judges of the Electoral College of the Court of Appeals in Tirana shall take an oath in the presence of the High Council of Justice and administered by the President of the Republic in a public ceremony. The oath shall be in the following form: **“I do solemnly swear that I will respect, defend, and obey the Constitution and laws of this country, I will respect the rights and freedoms of citizens, and I will fulfill my duties. I swear that I will discharge my duties to the best of my ability and in an impartial and fair manner, and without favoritism towards any person or party”**.

5. The first lottery for the establishment of the Electoral College of the Court of Appeals of Tirana is to be conducted according to the procedures defined by this article, upon the setting by decree of the elections for the local government organs of the year 2003. The term of office of the Electoral College resulting from this lottery will last until the setting by decree of the date of the next elections to the Assembly, for which a new lottery is held.

6. The Court of Appeals of Tirana shall provide sufficient working space, supplies, and personnel to the Electoral College to enable it to perform its duties in a timely and professional manner.

#### Article 164

#### **The Term of Office and Summoning of the Electoral College**

1. The Electoral College of the Court of Appeals of Tirana exercises its functions during the whole duration of a legislature of the Assembly resulting from elections for which the lottery was held.

2. The inaugural meeting of the College is summoned immediately after the oath. The College remains summoned until the end of the adjudication of appeals or until the expiry of the time limits for appeal for those elections.

3. The College is re-summoned by the Deputy Chairman of the High Council of Justice no later than 48 hours after the decree setting the date for partial elections to the Assembly, general or partial elections for local government organs, as well as for referenda. The College remains summoned until the end of the adjudication of appeals or until the expiry of the time limits for appeal for those elections.

4. The College is re-summoned upon request of the Chairman of the Court of Appeals of Tirana, every time an appeal against a CEC decision is filed with this court outside the time-periods contemplated by sections 2 and 3 of this article.

#### Article 165

#### **Criteria for Exclusion of Judges from the Lottery**



The following categories of judges are excluded from the lottery conducted according to article 163:

- a) judges appointed to office according to section 1 of article 20 of Law no. 8436, dated 28 December 1998, “On the organization of the judicial power in the Republic of Albania”;
- b) judges against whom criminal proceedings are underway;
- c) judges against whom there is a disciplinary measure in force;
- ç) judges against whom disciplinary proceedings are underway.

#### Article 166

#### **Invalidity of Secondment**

1. The seconding of judges to the Electoral College is invalid if their inclusion in the lottery is made against the conditions contemplated by article 165.
2. The invalidity of the secondment constitutes grounds for the exclusion of the judge from the adjudication of electoral disputes.

#### Article 167

#### **Immunity of the Judges of the Electoral College**

1. A judge of the Electoral College cannot be subject to disciplinary proceedings during the entire term for which the College is constituted.
2. During this period, judges of the Electoral College of the Court of Appeals of Tirana cannot be removed from the office of judge for reasons contemplated by section 5 of article 27 of Law no. 8436, dated 28 December 1998, “On the organization of the judicial power in the Republic of Albania”, as well as for professional insufficiency. They cannot be given the performance evaluation of “incapable”.

#### Article 167/1\*

#### **Excluding a Judge from Hearing a Court Case**

1. The parties of the case before the Electoral College have the right to request the exclusion of any of the judges of the Electoral College from adjudicating a case.
2. Exclusion takes place if it turns out that the judge has any interests in the case, has been an employer, employee, advisor, representative or attorney of any of the parties, has family or close in-law relations to any of the parties or it turns out that he cannot fulfil his task impartially, fairly and without favouring any of the parties.
3. The exclusion of the judge from adjudicating a case is performed by the Electoral College. All the judges of the Electoral College decide together on the validity of a challenge to any of the judges.
4. The appellant is to submit the request for excluding a judge along with the appeal according to article 169 of this Code, while the interested parties are to submit it within two days of the receipt of the notification according to article 170 of this Code.
5. The request for exclusion is to contain the specific reason why it is not suitable for a certain judge of the Electoral College to adjudicate the appeal.
6. The request for excluding a judge submitted beyond time limits and procedures of this article shall not be taken into consideration.

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\* Added by Law no. 9341, dated 10 January 2005 (article 111)

## Article 168\*

### **The Time Limit for Appealing to Court**

1. Appeals according to this Code are to be submitted to the Court of Appeals of Tirana, which passes them to the Electoral College.

2. An appeal against CEC decisions made during the period that starts 48 hours after the issuance of the decree for partial or general elections until the termination of administrative examination of election complaints or expiry of time limits for election complaints, is to be made within 5 days after their declaration. Concerning decisions that the CEC makes outside this period, the time limit for an appeal to the Electoral College is 30 days.

## Article 169<sup>†</sup>

### **Form and Content of the Appeal**

1. An appeal is submitted in the form of a court complaint and shall contain:

- a) data on the identity of the plaintiff;
- b) an indication of the defendant;
- c) an indication of the interested parties. Interested parties are the parties participating in the administrative review at the CEC;
- ç) the object of the request;
- d) the legal basis;
- dh) a description of the violation alleged and the points of the CEC decision to which the appellant objects; and
- e) facts, arguments and legal provisions supporting the appeal.

2. The court complaint is to be filed in as many copies as is the number of parties in the proceedings and is to be accompanied by a copy of the CEC decision and, as appropriate, with the request for excluding a judge.

3. The court complaint is recorded upon its submission.

## Article 170\*

### **Preliminary Actions Related to the Court Complaint**

1. After recording the court complaint, the Chairman of the Court of Appeals in Tirana passes the case to the Electoral College to be reviewed.

2. The Electoral College acquaints itself with the court complaint no later than 24 hours after it has been sent, according to section 1 of this article and:

- a) makes a decision on the plaintiff's request to exclude a judge;
- b) draws lots for the composition of the judicial panel and the rapporteur of the case; and
- c) sets the date and starting time of the judicial examination.

3. Immediately upon his appointment, the rapporteur performs the following preliminary actions:

- a) he notifies the parties of the date and time of the judicial examination and the composition of the judicial panel;

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\* Amended by Law no. 9341, dated 10 January 2005 (article 112)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 113)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 114)

b) when appropriate, he requests, no later than 24 hours before the date set for the judicial examination, that the plaintiff complete the court complaint;

c) he sends the interested parties copies of the court complaint and informs them about their legal right to exclude a judge of the panel according to article 167/1 of this Code. The interested parties shall submit any request for the exclusion of a judge within 48 hours of receipt of notification according to letter (a) of this section. The requests according to this letter are to be examined by the Electoral College within 24 of the submission of the request;

ç) if the CEC has not issued a decision, according to article 160 of this Code, he requests that the CEC submit its decision to the court no later than 24 hours prior to the date set for the judicial examination.

#### Article 171<sup>†</sup>

### **Procedures for Examining the Court Complaint**

1. During the judicial examination of court complaints concerning all procedural actions that are not regulated by this Code, the Electoral College applies the rules provided in the Code of Civil Procedure on the adjudication of cases at the first instance.

2. The Electoral College judges with a judicial panel consisting of five judges. The rapporteur of the case presides over the panel.

#### Article 172<sup>‡</sup>

### **The Rights of the Parties at the Trial**

1. The parties at the judicial examination proceedings concerning the court complaint have all the procedural rights contemplated in the Code of Civil Procedure, except when this Code provides otherwise.

2. The evidence administered by the CEC during its administrative examination are to be brought by the CEC to the hearing regardless of the requests of the parties for this evidence.

3. The absence of one party during the proceedings does not constitute an impediment for the continuation of the adjudication by the Electoral College, unless the College decides otherwise.

#### Article 173<sup>\*</sup>

### **Time Limits for Judgement by the Electoral College**

1. The Electoral College is to judge and decide on court complaints within ten days of the deposit of the complaint.

2. For cases contemplated in section 4 of article 164 of this Code, the Electoral College decides within 30 days of the deposit of the complaint.

#### Article 174<sup>†</sup>

### **Types of Decisions of the Electoral College**

1. Depending on the cases to be examined, the Electoral College decides:

a) to dismiss the case;

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<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 115)

<sup>‡</sup> Amended by Law no. 9341, dated 10 January 2005 (article 116)

<sup>\*</sup> Amended by Law no. 9341, dated 10 January 2005 (article 117)

<sup>†</sup> Amended by Law no. 9341, dated 10 January 2005 (article 118)

- b) to judge the merits of the case; or
- c) to compel the CEC to make a decision.

2. The Electoral College decides to dismiss the case when it finds that the appeal has been submitted beyond the time limits stipulated in this Code, or that the court lacks the competence to hear it. When the Electoral College finds that it lacks competence, it forwards the case to the competent body.

3. In judging the merits of a case, the Electoral College decides on the full or partial acceptance of the appeal, or on its full or partial rejection, as well as the declaration of the voting results for the multi-name lists for the Assembly in compliance with section 3 of article 161/3 of this Code.

4. The Electoral College imposes an obligation on the CEC to make a decision in compliance with section 2 of article 162 of this Code. In this case, the Electoral College sets a fixed time limit of no longer than 10 days for making a decision.

5. The decision of the Electoral College is final. No appeal may be made against it.

#### Article 174/1\*

### **Contents of the Decisions of the Electoral College**

1. The decisions of the Electoral College are composed of an introduction, a descriptive reasoning section and a section that includes the court order.

The introduction of the decision shall mention:

- a) the court, panel of judges and the secretary;
- b) the time and place the decision was announced;
- c) the parties, indicating their identity and their role as the plaintiff, defendant, interested party, as well as their representatives;
- ç) the object of the complaint; and
- d) final requests of the parties.

The descriptive reasoning section of the decision shall mention:

- a) the circumstances of the case, as they are found during the proceedings and the conclusions drawn by the court;
- b) the evidence and reasons supporting the decision; and
- c) the legal provisions supporting the decision.

The section of the decision that includes the court order shall mention, *inter alia*:

- a) what the court has decided; and
- b) when appropriate, who is responsible for the court costs.

2. The decision is to be accompanied by the minority opinion or the concurring opinion signed by the judges who support it.

## PART THIRTEEN

### **RESPONSIBILITIES AND SANCTIONS**

#### Article 175

### **Responsibility of Persons Charged with the Administration of Elections**

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\* Added by Law no. 9341, dated 10 January 2005 (article 119)

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

Article 176  
**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 177  
**Abandoning of Duty by Members of Election Commissions**

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

Article 178  
**Administrative Penalties**

1. A violation of the provisions of this Code by members of the election commissions or by persons charged with duties according to this Code, if it does not constitute a criminal offense, is punishable by a fine of between 3000 and 90,000 Lek.

2. Other violations of the provisions of this Code, when they do not constitute a criminal offense, are punishable by a fine of between 1000 and 2500 Lek.

2/1. The violation of rules provided by articles 37/1, 43, and 47 of this Code, respectively by the secretary of the ZEC, LGEC or VCC are subject to a fine from 30,000 to 60,000 lekë or imprisonment up to 6 months.

2/2. Persons charged by this law with the preparation and approval of voter lists, when they include in these lists false data, or when they do not include voters, are subject to criminal liability as provided by article 186 of the Criminal Code.

2/3. The violation of other rules and time limits provided in Part Four of this Code, when it does not constitute an abuse of duty, according to article 248 of the Criminal Code, is subject to a fine from 10,000 to 100,000 lekë. The fine is issued by the head of the institution, it constitutes an executive title and is executed by the respective finance office.\*

3. For violations specified in sections 2/1 and 2/2 of this article, as well as when the head of the institution violates section 2/3, the fine is issued by the CEC.†

Article 179  
**Sanctions for Violations of the Principles of the Code**

1. The violation of any one of the general principles specified in articles 3, 4 or 5 of this Code, in cases when these violations have not affected the election result, is an administrative offence and is punishable with a fine of between 100,000 and 500,000 Lek.

2. The amount of the fine is determined on basis of the following circumstances:

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\* Sections 2/1, 2/2 and 2/3 are added by Law no. 9341, dated 10 January 2005 (article 120)

† Amended by Law no. 9341, dated 10 January 2005 (article 120)

- a) the risk posed by the violation to the organization and administration of future elections;
  - b) the fact whether the perpetrator of the offence has benefited from the violation materially or through the violation has affected the taking of a seat from a candidate, political party or coalition;
  - c) the duration and the range of actions that led to the commitment of the offence;
  - ç) the fact whether there have been efforts to hide the violation and the extent of these efforts;
  - d) the attitude of the perpetrator of the offence following its detection;
  - dh) the fact whether officials have taken part in the commitment of the offence or whether public resources have been used for it;
  - e) the fact whether the violation is a repetition;
  - ë) the fact whether it has been committed in co-operation with others;
  - f) the potential risk to free, fair, democratic, and transparent elections.
3. The fine, in accordance with section 1 of this article, is applied by the CEC.
4. The violations, as specified in section 1 of this article, when they have had an impact on the election results, are a criminal offence and are punishable with imprisonment of six months to two years.

## PART FOURTEEN

### **RETENTION OF RECORDS**

#### Article 180

#### **Retention of Records**

1. No official 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 an LGEC or ZEC are given to the LGEC or ZEC in the manner and at the time established by the CEC.
3. The LGEC and ZEC retain one copy each 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 centres;
  - ç) the voters' lists for an electoral unit;
  - d) the names and addresses for all members of the LGEC or ZEC;
  - dh) the map of the electoral unit showing the boundaries of all polling units;
  - e) 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 centre and the final declaration of results; and
  - f) a statement of the costs incurred for the administration of the elections.
4. The original documents referred to in section 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 of the election results by the CEC, forwards the original documents to the Central State Archives in the manner required by it.
5. 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 as well as unused ballots.

6. On receipt of all ballot boxes and unused ballots, and after the time allotted for appeals pursuant to section 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.

## PART FIFTEEN

### FINAL PROVISIONS

#### Article 181\*

#### **Electoral Zones for the 2005 Parliamentary Elections**

1. The division into electoral zones for the 2005 parliamentary elections is to be performed according to the following criteria:

a) the number of voters obtained by the combination of the data of the 2001 census published by the Institute of Statistics; the number of residents of Albanian nationality, including minors, according to the 2001 census; the number of voters registered on the voter lists of 2001 and 2003 and, if possible, the number of voters who participated in the elections in 2000, 2001 and 2003. No electoral zone may be subject to a deviation of more than 10 percent from the average number of voters on a national scale;

b) the continuity of the electoral zone. No electoral zone is not permitted to have discontinuity or intersection with other electoral zones;

c) the compactness of the electoral zone. No electoral zone is permitted to be interrupted by geographic barriers or divisions that are due to demographic or historical developments;

ç) indivisibility of the commune;

d) economic links and common traditional interests;

dh) good possibilities for communication within the electoral zone;

e) of the boundaries of regions. No electoral zone may extend geographically to two or more different regions.

2. The average number of voters per electoral zone is to be established by the division of the total number of voters, obtained according to first sentence of letter (a) of section 1 of this article, by the number of 100 electoral zones.

3. The electoral zones are to be established by law by the Assembly of the Republic of Albania. The Speaker of the Assembly presents to the Assembly the zone divisions in the form of a bill. The bill shall consist of:

a) the average number of voters for an electoral zone;

b) the number of voters for each zone, as well as the difference between this number and the average number of voters for each zone;

c) the map of each electoral zone;

ç) the list of local government units that are included in each zone; and

d) the description of the boundaries for each electoral zone.

4. The Assembly is to review and approve the bill on zone boundaries not later than 14 February 2005. The Assembly may not alter the proposed electoral zone boundaries.

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\*Amended by Law no. 9341, dated 10 January 2005 (article 121)

Article 181/1\*

**Termination of Mandates of CEC Members for the Purpose of Renewing its Composition**

1. The mandate of the CEC members provided in article 26, section 3, of this Code ends on 31 March 2006. The mandate of the CEC members provided in article 26, section 2, of this Code ends on 31 March 2010.

2. The mandate of the CEC member who was initially selected by the High Council of Justice and who is not part of the renewal, in compliance with sections 1 and 2 of article 25 of Law no. 8609, dated 8 May 2000, "The Electoral Code of the Republic of Albania" (abrogated), ends on the day this law enters into force. The replacement member is to be selected by the High Council of Justice in accordance with article 22, section 3, letter (a) of this Code.

3. The mandate of the new CEC member, elected according to section 2 of this article, ends on the same date as that of the other members of the CEC provided in article 26, section 2 of this Code.

Article 182

**Repeals**

Law no. 8609, dated 8 May 2000, "Electoral Code of the Republic of Albania", amended by Law no. 8780, dated 3 May 2001, as well as any other provision not in compliance with this Code, are abrogated.

The LGECs established before the entrance into force of the Law no. 9341, dated 10 January 2005, will continue their functioning until this Code is abrogated. \*

With the entrance into force of this law, Law no. 8746, dated 28 February 2001 "On the establishment of the electoral zones", as well as every legal or sub-statutory act not in compliance with it, is abrogated. †

Article 182/1‡

**Abrogated**

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\* Added by Law no. 9297, dated 21 January 2004 (article 2)

\* Added by Law no. 9341, dated 10 January 2005 (article 122)

† Added by Law no 9341, dated 10 January 2005 (article 123)

‡ Abrogated by Law no. 9371, dated 14 April 2005 (*Article 1*)



## ANNEX 1\*

Based on article 145, section 1, the following formula will be used to determine the distribution of campaign funds among parties:

### *Definitions*

D is the number of deputies of a party in the Assembly at the time of elections. For independent candidates D is 1.

K is the total number of municipal or communal council members of a party at the time of elections.

KP is the total number of municipal or communal council members who represent political parties (i.e., not independent members).

N is the number of parties meeting the requirements of article 145, section 1 (a), of this Code.

T is the total amount of funds available for the political campaign, not considering any additional funds as defined by article 143, section 4, of this Code

$V_1$  is the proportion of the vote obtained by a party in the previous elections for the same body, represented in a decimal form between 0 and 1.

$V_2$  is the proportion of the vote obtained by a party in the election, represented in a decimal form between 0 and 1.

$\Sigma_1$  is the total proportion of votes, represented in decimal form between 0 and 1, obtained in the previous elections for the same body by all parties that received over 2.5 percent of the votes.

$\Sigma_2$  is the total proportion of votes, represented in decimal form between 0 and 1, obtained in elections by all parties that received over 2.5 percent of the votes.

$FA_1$  is the total amount of funds granted to a particular political party prior to elections.

$FA_x$  is an intermediate amount used in calculating a party's entitlement after elections.

$FA_2$  is the total funding to be given to a party on the basis of the election results.

FR is the total funding granted to a political party simply based on the registration of a specified number of candidates, according to Article 145, section 1 (a).

FP is the total funding allocated to a political party, or in the case of parliamentary elections, also to an independent candidate, as a result of representation of that party in the Assembly or in municipal/communal councils

$FV_1$  is the total funding allocated to a political party prior to elections as a result of the vote that a party received in the previous elections.  $V_1$  is represented in decimal form between 0 and 1.

E is the sum of funds received by parties prior to elections and it is not subject to redistribution since redistribution of these funds would require using FP and/or FR for that party; at the beginning of the calculations, E is set at 0.

R is the funding to be distributed to a party after the election in accordance with article 145, section 2 (b).

M is the funding to be collected from a party after the election in accordance with article 145, section 2 (c).

X is the number of independent deputies, who do not rerun in elections for any party, and of deputies from parties that do not run in the elections, if these deputies do not run for any other party.

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\* This Annex is approved by Law no. 9341, dated 10 January 2005

1. The following formula will be used to calculate the funds allocated prior to elections, according to article 145, section 1:

$$FA_1 = FR + FP + FV_1$$

$$FR = (0.1 * T / N)$$

For parliamentary election campaigns,  $FP = (0.4 * T * D / 140)$

If there are independent deputies or parliamentary parties not rerunning in elections,  $FP = (0.4 * T * D / (140 - X))$

For local government election campaigns,  $FP = (0.4 * T * K / KP)$

For parties exceeding 2.5% of the vote in the previous elections,  $FV_1 = (0.5 * T * V_1 / \Sigma_1)$

For parties having received less than 2.5% of the vote in the previous elections,  $FV_1 = 0$ .

2. In accordance with article 145, section 2, funds will be redistributed according to the following formulae:

a. Preliminary calculation of total funds to which a party is entitled after the election:

$$FA_x = V_2 * T / \Sigma_2$$

For parties having received less than 2.5% of the vote in the elections,  $FA_x = 0$ .

b. Calculation of final funds to which a party is entitled after elections ( $FA_2$ ):

If  $FA_x < FA_1$ , and  $FA_1 - FA_x \geq FV_1$ , then  $FA_2 = FP + FR$  and  $FA_1 - FA_x - FV_1$  is added to E.

For all the other parties, the calculation is then made as follows:

$$FA_2 = FA_x * (T - E) / T$$

If, for a party,  $FA_2 < FA_1$ , and  $FA_1 - FA_2 \geq FV_1$ , then  $FA_2 = FP + FR$  and  $FA_1 - FA_2 - FV_1$  is added to E.  $FA_2$  is then calculated for all parties, other than those already set at  $FA_2 = FP + FR$ . This cycle is repeated until  $FA_1 - FA_2 \geq FV_1$  for all parties, or  $FA_2 = FP + FR$  for those parties for which this does not apply.

c. In accordance with article 145, section 2, the following calculation will be used to determine funds to be redistributed to (R) to or collected from (M) political parties after elections:

If  $FA_2 < FA_1$ , then  $R = 0$  and  $M = FA_1 - FA_2$

If  $FA_2 > FA_1$ , then  $M = 0$  and  $R = FA_2 - FA_1$

If  $FA_2 = FA_1$ , then  $R = 0$  and  $M = 0$ .

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