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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ALBANIA**

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

***(Approved by Law no. 10 019, dated 29 December 2008,  
amended by Law no. 74/2012, dated 19 July 2012  
Law no. 31/2015, dated 2 April 2015 and  
Law no. 101/2020, dated 23 July 2020)***

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## **TABLE OF CONTENTS**

### **PART I GENERAL PROVISIONS**

#### **CHAPTER I PURPOSE, DEFINITIONS AND PRINCIPLES**

Article 1	Aim and purpose
Article 2	Definitions
Article 3	General principles
Article 4	Appointment and duties of the liaison officer
Article 5	Prohibition on the use of Special Forces and structures

#### **CHAPTER II OBSERVERS**

Article 6	Right to appoint observers
Article 7	The rights and duties of observers

#### **CHAPTER III THE ELECTORAL PERIOD AND ELECTION DATE**

Article 8	The electoral period
Article 9	Setting the election date for the Assembly
Article 10	Setting the election date for local government bodies
Article 11	Voting hours

### **PART II INSTITUTIONS FOR THE PREPARATION AND ADMINISTRATION OF ELECTIONS**

#### **CHAPTER I CENTRAL ELECTION COMMISSION (CEC)**

Article 12	Composition of the CEC
Article 13	Mandate and working hours of the CEC members
Article 14	Election of CEC members
Article 15	Election of the CEC Chair
Article 16	Deputy Chair of the CEC
Article 17	Rights and duties of a CEC member
Article 18	Early termination of the mandate of a CEC member
Article 19	Replacement of CEC members
Article 20	Powers of the Chair and Deputy Chair of the CEC
Article 21	Powers of the CEC
Article 21/1	Special powers of the CEC
Article 21/2	Rules of procedure for the use of information technology in Elections
Article 22	CEC meetings
Article 23	CEC acts and their entry into force
Article 24	CEC decision-making
Article 25	The Secretary General and administration of the CEC
Article 26	Electoral subjects representatives to the CEC

**CHAPTER II  
ELECTORAL ADMINISTRATION ZONES (EAZ)  
AND COMMISSIONS OF ELECTORAL ADMINISTRATION ZONES (CEAZ)**

Article 27	Electoral Administration Zones
Article 28	Establishment of the Commissions of Electoral Administration Zones
Article 29	Composition of the CEAZ
Article 30	Incompatibilities with the office of a member and of a secretary of the CEAZ
Article 31	Requirements for the appointment of a member and a secretary of a CEAZ
Article 32	Discharge and release from duty of members and of a secretary of a CEAZ
Article 33	Duties of the CEAZ
Article 34	Duties of the CEAZ secretary
Article 35	Meetings and decisions of the CEAZ

**CHAPTER III  
THE VOTING CENTRE COMMISSION (VCC)**

Article 36	Composition of the VCC
Article 37	Incompatibilities with the office of a member and of a secretary of the VCC
Article 38	Requirements for being appointed a member and a secretary of the VCC
Article 39	Discharge and release from duty of members and of a secretary of the VCC
Article 40	Duties of the VCC
Article 41	The duties of the secretary of the VCC
Article 42	Meetings and decisions of the VCC
Article 43	The composition and responsibilities of special VCCs

**PART III  
VOTERS AND COMPILATION OF THE VOTER LIST**

**CHAPTER I  
CONTENT, COMPILATION AND APPROVAL OF THE VOTER LIST**

Article 44	Criteria for inclusion of voters in the voter lists
Article 45	Electoral components
Article 46	The voter list
Article 47	Compatibility with the NCSR
Article 48	Content and format of the voter list

**CHAPTER II  
THE PROCESS OF COMPILING THE VOTER LIST**

Article 49	The body that compiles the voter list
Article 50	Methodology and supervision of voter lists compilation
Article 51	Publication of the extract of electoral components
Article 52	Written notification of voters
Article 53	Causes and procedures for changes to the extract of electoral components

- Article 54 Administrative procedures for revision and changes to the extract of electoral components
- Article 55 Judicial appeal against the refusal of requests for changes
- Article 56 Preparation and posting of the voter list.
- Article 57 Court decisions after the compilation of the voter list

### **CHAPTER III SPECIAL VOTERS**

- Article 58 Special voters
- Article 59 The voter list for partial, early or repeat elections
- Article 60 Making voter lists and extract of electoral components available to electoral subjects and the public
- Article 61 Supervision by the CEC of the voter lists compilation

### **CHAPTER IV POLLING UNIT**

- Article 62 Establishment and location of polling units

### **PART IV REGISTRATION OF ELECTORAL SUBJECTS**

- Article 63 Electoral subjects and candidates
- Article 64 Registration of political parties in elections
- Article 65 Registration of electoral coalitions
- Article 66 Identification of electoral subjects
- Article 67 The list of candidates of parties and party coalitions
- Article 68 Supporting lists of political parties and
- Article 69 Candidates proposed by voters for elections to the Assembly
- Article 70 Candidates proposed by voters for elections for local government bodies  
Procedure for collecting signatures
- Article 72 Candidacy documents
- Article 73 Verification of documentation

### **PART V ELECTORAL ZONE AND NUMBER OF SEATS FOR EACH ZONE**

- Article 74 The electoral zone for the Assembly
- Article 75 Criteria and procedure for determining the number of seats
- Article 76 The procedure and the period for the allocation of seats

### **PART VI THE ELECTORAL CAMPAIGN AND THE MEDIA**

- Article 77 The period of the campaign and of electoral silence
- Article 78 Rights and obligations of electoral subjects during the campaign
- Article 79 Propaganda materials
- Article 80 Electoral campaign of electoral subjects on the Public Radio and Television<sup>42</sup>
- Article 81 News broadcasts of the Public Radio and Television
- Article 82 Free airtime for the CEC
- Article 83 Broadcasting schedule
- Article 84 Electoral campaign on private radio and television stations
- Article 84/1 Coverage of the electoral campaign in local elections

Article 85	Electoral campaign monitoring
Article 85/1	Establishment of the Media Monitoring Board

## **PART VII**

### **ELECTION AND CAMPAIGN FINANCING**

#### **CHAPTER I ELECTION FINANCING**

Article 86	Funds for the preparation and conduct of elections
------------	--

#### **CHAPTER II**

#### **FINANCING OF ELECTORAL SUBJECTS**

Article 87	State Budget funds to finance parties participating in elections
Article 87/1	Financing sources for the electoral campaign
Article 87/2	State Budget funds for the electoral campaign
Article 87/3	Calculation of advanced funds
Article 88	Prohibition on using public resources to support electoral subjects
Article 89	Financing of electoral subjects through non-public funds
Article 90	Registration of non-public funds
Article 91	Auditing of electoral campaign funds and expenses
Article 92	Selection of auditors by the CEC

## **PART VIII**

### **PREPARATION OF THE ELECTION INFRASTRUCTURE AND OF THE COUNTING TEAMS (CT)**

#### **CHAPTER I**

#### **LOCATION OF THE VOTING CENTRES, CEAZ HEADQUARTERS, BALLOT COUNTING CENTRES AND THE COUNTING TEAMS**

Article 93	Location of the Voting Centres, CEAZ Headquarters and Ballot Counting Centres. <sup>52</sup>
Article 94	Location and preparation of the Ballot Counting Centres
Article 95	Establishment of Counting Teams (CT)
Article 96	Procedure to determine the parties that propose counting team members

#### **CHAPTER II**

#### **PREPARATION OF ELECTORAL DOCUMENTATION AND SENDING OF THE ELECTION MATERIAL**

Article 97	Ballot papers
Article 98	Content of the ballot papers
Article 99	Delivering election materials from the CEC to the CEAZ
Article 100	Delivering election materials from the CEAZ to the VCC

## **PART IX VOTING**

#### **CHAPTER I**

#### **PROCEDURES FOR OPENING OF THE VOTING**

Article 101	Preliminary actions of the VCC
-------------	--------------------------------

Article 102	Opening the voting and the presence of the VCC members and secretary
Article 103	Stamping the ballot

## **CHAPTER II PROCEDURES DURING VOTING**

Article 104	Number of ballot boxes
Article 105	Presentation of voters at the voting centre
Article 106	Voting
Article 107	Spoiled ballot papers
Article 108	Voters who cannot vote themselves
Article 109	Order and orderly voting
Article 110	Persons present at the voting centre
Article 111	Abrogated

## **CHAPTER III CLOSING OF THE POLLS AND COUNTING OF BALLOTS**

Article 112	Closing of the polls
Article 113	Actions performed after closing of the polls
Article 114	Accompaniment of the ballot boxes and voting materials to the Ballot Counting Centre

## **CHAPTER IV DELIVERY OF VOTING MATERIALS AND COUNTING OF BALLOTS**

Article 115	Receipt of voting materials by the CEAZ
Article 116	Counting the ballots
Article 116/1	Opening of the boxes with voting materials
Article 117	Types of votes and criteria for evaluating a vote
Article 118	Evaluation of votes
Article 119	Tabulation of the election result by the Counting Team
Article 120	Order of counting for local government elections
Article 121	Persons present during the vote counting process
Article 122	Issuance of the Aggregate Table of Election Result by the CEAZ
Article 123	Tabulation of results by the CEC

## **PART X**

### **ADMINISTRATIVE COMPLAINTS OF THE DECISIONS OF ELECTION COMMISSIONS**

Article 124	The right to complain
Article 125	Calculation of deadlines
Article 126	Form and content of a complaint against decisions of a CEAZ and decision of the CEC to declare the election result
Article 127	Registration of administrative complaints by the CEC
Article 128	Abrogated
Article 129	Verification of completion of the form and content of the administrative complaint
Article 130	Object of preliminary verification
Article 131	Content of the decision to accept for review the administrative complaint
Article 132	Joining administrative complaints
Article 133	Parties to the administrative review

Article 134	Administrative review
Article 135	The opening of the session for the review of an administrative complaint
Article 136	Submission of claims and request for evidence
Article 137	Obligation for other bodies to make evidence available
Article 138	Examination of election material
Article 139	Universally known facts and expert testimony
Article 140	Rebuttals of evidence
Article 141	Closing of the administrative investigation
Article 142	Withdrawal of claims or their renunciation
Article 143	Type of CEC decisions after examining complaints and deadlines
Article 144	Content of CEC decisions

## **PART XI**

### **COURT APPEALS AGAINST CEC DECISIONS AND INVALIDATION OF ELECTIONS**

#### **CHAPTER I**

#### **COURT APPEALS AGAINST CEC DECISIONS**

Article 145	The right to appeal to court
Article 146	Composition of the Electoral College of the Court of Appeals in Tirana
Article 147	The term of office and sessions of the Electoral College
Article 148	Criteria for the exclusion of judges from the drawing of lots
Article 149	Immunity of the Electoral College judges
Article 150	Invalidity of secondment
Article 151	Excluding a judge from hearing a case
Article 152	The deadline for a court appeal
Article 153	Form and content of the appeal
Article 154	Preliminary actions related to the court complaint
Article 155	Procedures for examining the court complaint
Article 156	Rights of the parties in the proceedings
Article 157	Deadline for adjudication by the Electoral College
Article 158	Types of decisions of the Electoral College
Article 159	Content of decisions of the Electoral College

#### **CHAPTER II**

#### **INVALIDATION AND REPETITION OF ELECTIONS**

Article 160	Invalidation of elections in a Voting Centre
Article 161	Repetition of elections

## **PART XII ALLOCATION OF SEATS**

#### **CHAPTER I**

#### **SEATS FOR THE ASSEMBLY**

Article 162	Calculation of seats of the electoral subjects
Article 163	Allocation of seats within a coalition
Article 164	Interruption of a mandate and filling in the vacancy

**CHAPTER II  
ELECTION SYSTEM FOR LOCAL GOVERNMENT BODIES**

Article 165	The system of local elections
Article 166	The election of local government bodies

**CHAPTER III  
DECLARATION OF THE FINAL ELECTION RESULT**

Article 167	The final election result
-------------	---------------------------

**PART XIII RESPONSIBILITIES AND SANCTIONS**

Article 168	Responsibility of persons charged with the administration of elections
Article 169	Failure to cooperate with the CEC
Article 170	Abrogated
Article 171	Administrative sanctions
Article 172	Sanctions for violating the principles of the Code
Article 173	Sanctions related to campaign financing
Article 174	Violation of the electoral silence
Article 175	Sanctions related to gender equality
Article 176	Execution of administrative sanctions

**PART XIV  
FINAL AND TRANSITIONAL PROVISIONS**

Article 177	Abrogated
Article 178	Retention of records
Article 179	The Action Plan on the use of information technology in elections
Article 179/1	Measures for application of new information technology in the 2013 elections to the Assembly
Article 180	Division of Electoral Administration Zones
Article 180/1	
Article 181	Election of the CEC members
Article 182	Interruption of mandate of existing CEC members
Article 183	Partial renewal of CEC members
Article 184	Issuance of secondary legislation
Article 185	Abrogations
Article 186	Entry into force

**ANNEX I**

Electoral Administration Zones

**ANNEX II  
COUNTING AND EVALUATION OF BALLOTS THROUGH THE ELECTRONIC  
COUNTING SYSTEM (ECS)**

Section 1	Scope
Section 2	Electronic Counting System (ECS)
Section 3	Preliminary testing of ECS.
Section 4	Persons responsible for the counting and the supervision of the process

- Section 5 Verification of the ECS accuracy at the counting centre  
("a posteriori" verification)...
- Section 6 Counting of ballot papers
- Section 7 Evaluation of votes and issuance of the result through the ECS...

**ANNEX III**  
**USE OF TECHNOLOGY FOR THE VERIFICATION AND REGISTRATION OF VOTER**  
**PARTICIPATION ON VOTING DAY (EVS)**

- Section 1 Scope
- Section 2 Voter Verification and Registration Electronic System (EVS).
- Section 3 Use of reading devices in the voting centre and staff.
- Section 4 Data processing, reports and system administration
- Section 5 Procedures at the voting centre

PART I  
**GENERAL PROVISIONS**

CHAPTER I  
**PURPOSE, DEFINITIONS AND PRINCIPLES**

Article 1  
**Aim and purpose**

1. The aim of this Code is to specify rules for preparing, conducting, administering, and supervising elections to the Assembly of Albania, local government elections and referenda, as well as for declaring their results.

2. This Code regulates:

- a) the determination of electoral zones;
- b) the deadlines, procedures and competencies for the registration of electoral subjects;
- c) the organization and functioning of the electoral administration and electoral commissions;
- ç) the deadlines, procedures and competencies for the preparation of the voter list;
- d) the financing of electoral subjects;
- dh) the conduct of the electoral campaign;
- e) the voting procedure and the procedure for declaring the results;
- ë) the examination of appeals and the imposition of administrative and criminal sanctions;
- f) other rules related to elections.

Article 2\*  
**Definitions**

For the purposes of this Code, the following terms shall have these meanings:

1. "Election date" is the voting date, as determined by a decree of the President of the Republic.

2. "Special institutions" are prisons, places of pre-trial detention, as well as hospitals or other healthcare institutions that accept patients for more than three days.

3. A "candidate presented by a group of voters" is a candidate for deputy or for mayor of a municipality or for a municipal council, who is not supported by any political party and who is proposed by the voters, in accordance with this Code.

4. A "candidate" is an Albanian citizen registered as a candidate for deputy or for mayor of a municipality or for a municipal council, in accordance with this Code, who is to be voted on in the elections.

5. A "coalition" is a grouping of two or more political parties to run together in elections in accordance with the rules defined in this Code.

6. A "VCC" is a Voting Centre Commission.

7. The "CEC" is the Central Election Commission, which is the highest permanent state body charged with the administration of elections in accordance with the rules defined in this Code.

8. A “CEAZ” is a Commission of an Electoral Administration Zone, which is established and functions in accordance with this Code for the elections to the Assembly of Albania and for local elections.

9. “Voter lists” are official documents of the voters which originate from the National Civil Status Register for each polling unit, compiled in accordance with this Code.

10. A “multi-name list” is a list of candidates for deputies or for councils of municipalities, compiled and registered in accordance with this Code.

11. A “close relationship by marriage” is the relationship created by marriage 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 sister or brother of the spouse.

12. A “parliamentary party” is a political party that has obtained and holds at least one Assembly seat from the preceding elections.

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

14. A “representative of an electoral subject” is a person authorized by an electoral subject to represent their interests and to participate in meetings of electoral commissions, in the name of and on behalf of the electoral subject.

15. An “electoral period” is the period of the year determined in this Code during which periodic elections are held for the Assembly of Albania and for local government bodies.

15/1. “Evidence” is a legal instrument that serves to prove the existence or inexistence of a claimed fact in the administrative investigation and that is taken in compliance with this Code.

16. A “voting centre” is the premises designated for conducting the vote in accordance with this Code.

17. The “National Electronic Civil Status Register” is the electronic database of citizens compiled in accordance with the provisions of the law on civil status.

18. The “final elections result” is the result declared by the CEC in accordance with this Code and includes:

a) the number of votes, the number of seats and the list of names of the deputies elected for each subject in the electoral zone, as well as nationwide, in accordance with the rules of this Code;

b) the result of the vote for candidates for municipal mayor, directly elected in the respective electoral zone;

c) the number of votes obtained by each subject nationwide, based on the result of the votes obtained by each electoral subject during the vote for local government councils; and

ç) the result of the vote for each alternative in a referendum, in accordance with the provisions of this Code.

19. A “revision of the lists” is the process of deleting or adding names or of changing data on voter lists, in accordance with this Code.

20. “Electoral subjects” are political parties, coalitions and candidates proposed by the voters, as well as candidates for mayor of local government bodies, who have registered in accordance with this Code.

#### 21. *Abrogated*

22. “Partial elections” are the vote to fill the seat of a mayor of a municipality, as well as for the election of a new local council in case of dissolution.

23. “Elections” are the vote for the Assembly, for local government units and referenda.

24. A “polling unit” is a geographical zone within the territory of a municipality or electoral zone established in accordance with this Code.

25. An “electoral zone” is an administrative-territorial division of the region

for the elections to the Assembly, and the municipality for local government elections.

26. "Under-represented gender" is the gender with the traditionally lower number of its members at the Assembly or local councils nationwide, as applicable.

27. "Electronic identification" is the voter identification through verification of biometric data reading in the equipment against the electronic voters list database of the voting centre, as well as recording of dactyloscopy prints in the device.

28. "Electoral campaign expenses" are the expenses incurred by or on behalf of an electoral subject, including the candidates and/or its branches, or an independent candidate, which are incurred to promote their campaign or thwart the campaign of another subject, regardless of the date incurred.

29. "Voting for third parties" is when the voter votes in the name and on behalf of other persons who are present or not at the voting centre. Except for cases of assisted voting provided for in this law, voting for third parties shall be illegal and punishable under the Criminal Code.

30. "Family voting" is a form of voting for third parties and occurs when a family member, usually the head of household, votes in the name and on behalf of the other family members.

31. "Static propaganda materials" are all materials that serve the electoral subject to promote the electoral campaign and that are installed or displayed in public spaces or in premises accessible to the public, such as light posts, facades of buildings, squares, front part of shops or building, along the streets/roads in cities, interurban roads, etc.

### Article 3 General principles

1. Elections are periodic.

2. Elections are conducted through free, secret, equal and direct voting, according to the rules provided for in this Code. Voters exercise freely their right to vote.

3. Every Albanian citizen, who has reached the age of 18, including on Election Day, without distinction according to race, ethnicity, gender, language, political conviction, religious belief, physical ability or economic condition, has the right to vote and to be elected in accordance with the rules provided for in this Code.

4. Each voter has the right to only one vote for the election of an electoral subject.

5. Electoral subjects are free to present their electoral programmes in any lawful manner and form.

5/1 Electoral subjects shall benefit public and non-public financing to support their campaign, in line with the relevant legal provisions. Electoral subjects bear the obligation for transparency and disclosure of income and expenses in elections to the CEC, to persons entrusted with auditing or monitoring, and to the public.

6. Electoral commissions provided for in this Code fulfil their functions in conformity with the law and in an impartial and transparent manner.

7. Except as otherwise provided for by law, it is prohibited to provide for the use of electoral subjects any means, funds or different materials that are public property, as well as human resources of the public administration of any level.

8. Institutions of public administration of any level shall not impair the conduct of the elections with their activity. The State Police shall exercise its duties

serving elections in full impartiality towards the electoral subjects. Its activity shall be conducted according to the rules laid down in this law and the sub-legal acts approved by the CEC.

#### Article 4

### **Electoral law and gender equality**

1. This law shall guarantee the respect of principle of gender equality, in line with the provisions dedicated to this principle in the effective legislation of the Republic of Albania. The direct and active participation in the political and public life of the less represented gender construes a fundamental instrument in the consolidation of the democratic system. None of the provisions of this law shall be implemented or interpreted to be in breach or violation of this principle.

2. The obligation to respect the principle of gender equality shall rest on the electoral subjects, electoral administration and courts. The Central Election Commission shall be entitled to intervene at any time on the powers that electoral subjects have under this law and demand that electoral subjects cease violation of this principle and, in case of omission, intervene proactively to ensure restoration of this principle.

3. The Electoral Law shall promote gender equality for the elected bodies and the electoral administration through these steps:

a) establish gender quotas for the less represented gender of not less than 30% of the composition of the Assembly of Albania and the bodies of basic LGUs;

b) establish gender quotas for the less represented gender of not less than 30% for the composition of all levels of the electoral administration;

c) take measures to reduce and eliminate voting for third parties, family voting, as well as to preserve and guarantee vote secrecy;

ç) elaborate and make public operational statistics on the participation of the less represented gender on election day, in order to raise awareness and take appropriate measures to further promote this participation.

#### Article 5

### **Prohibition on the use of special forces and structures**

1. Commando forces and other forces of the military are prohibited from being used during the entire electoral campaign, except in case the Minister in charge of public order and the Minister of Defence issue a written order when such forces are needed for guarding objects of particular importance, for replacing State Police officials or for meeting international obligations. A copy of the written order is provided to the CEC immediately.

2. The use of commando forces and other forces of the military for the guarding of objects related to the elections is prohibited.

3. During the entire electoral campaign, the armed forces are prohibited from conducting military exercises or manoeuvres outside their bases or places of deployment.

4. In all kinds of elections the use or participation of the employees or structures of the State Information Service is prohibited.

## CHAPTER II OBSERVERS

### Article 6\*

#### **Right to appoint observers**

1. Any political party or candidate that is proposed by the voters and is registered with the CEC as an electoral subject has the right to appoint one observer to the CEAZ, the VCC and to each table of the Ballot Counting Centre after the registration of the candidate/s for the respective electoral zone, or after the submission of a multi-name list. When the political parties participate in the elections as a coalition, the right to appoint observers rests solely with the coalition. The coalition may appoint no more than three representatives per coalition. The candidates of the political parties may not appoint observers.

2. Albanian and foreign non-governmental organizations, international organizations specialized or engaged in the area of good governance and democratization, as well as representatives of foreign countries and of the media have the right to send observers to the elections.

#### *3. Abrogated*

4. The accreditation of observers to electoral commissions is done on the basis of individual data for each observer. The accreditation may include one or more voting centres, or one or more electoral zones. An Albanian non-governmental organisation or a coalition of such organisations, a political party or a candidate proposed by voters, may not have more than one observer present at the same time in a voting centre. Any foreign non-governmental organisations and international organisations may not have more than two foreign observers at the same time in a voting centre. When political parties participate in elections as a coalition, the right to appoint observers rests solely with the coalition. The coalition may appoint no more than three representatives per coalition.

5. Requests by Albanian observers for accreditation are submitted to the CEC no later than 15 days before the election date. The CEC approves the requests no later than 5 days after their submission. Requests by foreign observers are submitted to the CEC no later than 72 hours before the election date. The CEC approves the requests of foreign observers within 24 hours from their submission. An appeal against a refusal or failure to grant accreditation may be filed according to the procedures provided for in this Code.

6. The CEC has the right, by a special instruction, to delegate to the CEAZs the competency to grant accreditation to observers according to points 1 and 3 of this article.

### Article 7

#### **The rights and duties of observers**

1. While performing their duties, observers have the following rights:

- a) to observe without hindrance all aspects of the preparation and conduct of elections and all the phases of the electoral process;
- 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; ç) other rights provided for in this Code or in secondary legislation issued for its implementation.

2. Observers have the following duties:

- a) to respect the requirements of this Code and the instructions of the CEC on election observation;
- b) to act in an impartial manner and not to make propaganda for any candidate, party or coalition 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 recognized 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 obstruct the voting process and the administration of the election.

### CHAPTER III THE ELECTORAL PERIOD AND ELECTION DATE

#### Article 8 The electoral period

General elections for the Assembly or for local government units are conducted simultaneously, in the entire territory of the country, within the period lasting from 15 April until 15 May or from 15 October until 15 November. The cases provided for in points 5, 6, 7 and 8 of article 9 of this law are exempt from this rule.

#### Article 9 Setting the election date for the Assembly

1. The date of the elections for the Assembly is set by a decree of the President of the Republic according to the rules provided for in article 65 of the Constitution. Elections for the Assembly are to be conducted on one Sunday within the electoral period determined in article 8 of this law.
2. For the purpose of setting the election date, duration of the Assembly's mandate shall be calculated until the same date of the same month of the fourth year following its first meeting.
3. Between the election date and the Assembly mandate termination must be a difference of at least 30 days. If this difference is less than 30 days, then the election date shall be brought closer to that number of weeks needed to meet the condition in this paragraph, despite whether the election date falls before the election period starts.
4. The President of the Republic issues the decree to set the date of elections for the Assembly no later than 9 months from the termination of Assembly's mandate.
5. Pursuant to Article 87, paragraph 5 of the Constitution, the President of the Republic issues a decree to set the Elections date no later than 24 hours after the dissolution of the Assembly. Elections take place no earlier than 30 days and no later than 45 days after the Assembly's dissolution. The date of Assembly's dissolution is the date of the fifth voting, according to Article 87, paragraph 5 of the Constitution, when the Assembly fails to elect a new President.
6. Pursuant to Article 96, paragraph 4 of the Constitution, when the Assembly fails to elect the new Prime Minister, no later than 24 hours after the vote envisaged in paragraph 3 of the same article, the President of the Republic decrees the Assembly's dissolution and set the Elections date. Elections take place no earlier than 30 days and no later than 45 days after the Assembly's dissolution.

7. Pursuant to Article 104, paragraph 2 of the Constitution, the elections take place not earlier than 30 days and not later than 45 days after the Assembly's dissolution.

8. When the Assembly dissolves itself for other reasons than those mentioned in this Article, then the President of the Republic sets the Elections date no later than 24 hours after its dissolution. The Assembly is dissolved on the day when voting for its dissolution. Elections take place no earlier than 30 days and no later than 45 days after the Assembly's dissolution.

#### Article 10

#### **Setting the election date for local government bodies**

1. The election date for local government bodies is set by a decree of the President of the Republic. For setting the election date for the local government bodies, the President complies with the rules provided for in points 1 and 2 of article 9 of this Code.

2. For the purposes of this Code, the mandate of local government bodies shall end on the same date of the same month of the fourth year after the date the CEC declares its decision on the election results nationwide for local government bodies.

3. In case of interruption of a mandate for causes provided for in article 115 of the Constitution, elections are to be held no earlier than 30 days and no later than 45 days from the date of notification of the interruption of the mandate. In case of an appeal by the dissolved or discharged body, elections are to be held no earlier than 30 days and no later than 45 days from the expiry of the deadline provided to the dissolved body to appeal the decision of the Council of Ministers to the Constitutional Court, when such a right has not been exercised, or the date of the decision of the Constitutional Court if the appeal to the latter has been made within the time limit provided for in point 2 of article 115 of the Constitution. In any case, the President of the Republic is to issue the decree no later than 48 hours from the notification of the interruption of the mandate.

4.

#### Article 11

#### **Voting hours**

1. When the election date is set in the election period from 15 April to 15 May, the voting centres open at 700 and close at 1900.

2. When the election date is set in the election period from 15 October to 15 November, the voting centres open at 700 and close at 1800.

3. Nobody may vote after the closing time of the voting centres, except voters who are waiting to vote at the time of closing, in accordance with the procedures provided for in this Code.

PART II  
**INSTITUTIONS FOR THE PREPARATION AND ADMINISTRATION OF  
ELECTIONS**

CHAPTER I  
**CENTRAL ELECTION COMMISSION (CEC)**

Article 12  
**Composition and functioning of the CEC**

1.The Central Election Commission is the institution responsible for the organization and administration of the elections and referendums, which leads and oversees the activity of the election administration, monitors the activity of electoral subjects, State bodies and institutions and media concerning the elections, and administratively settles requests or complaints related to the electoral process.

2.The CEC steering bodies shall consist of:

- a)State Election Commissioner;
- b)Regulatory Commission; and
- c)Appeals and Sanctions Commission.

3.The State Election Commissioner (Commissioner) is a monocratic body vested with executive powers to manage the CEC administration, and represents the CEC in relations with third parties.

4.The Regulatory Commission (the Regulator) is the competent body with authority to adopt legislative acts in the field of elections and establish election rules. The Regulator shall operate part-time and shall conduct its activity in open public meetings called [convened] by the Commissioner. If the Commissioner fails to engage [punt into motion] the Regulator or the ASC for cases under their subject-matter jurisdiction, these bodies shall self-convene upon the request of any member. For their participation in meetings, the members of the Regulator shall receive remuneration equal to 50% of the Commissioner's monthly salary, but not more than 80% of the annual salary of the latter.

5.The Appeals and Sanctions Commission (ASC) is the competent body to examine complaints by electoral subjects and impose sanctions for violations of the Electoral Law. The ASC shall operate part-time and shall exercise its activity in public administrative examination hearings called by the Commissioner, with the participation of interested parties. If the Commissioner fails to engage [punt into motion] the Regulator or the ASC for cases under their subject-matter jurisdiction, these bodies shall self-convene upon the request of any member. For their activity during the period which starts 48 hours after the decreeing of the general elections for the Assembly, elections for local government bodies, or partial elections, until the completion of the administrative review of electoral complaints or the expiry of time-limits for election complaints, the ASC members shall be remunerated with the sum of five monthly salaries of the Commissioner. For activities outside this period, the ASC members shall receive remuneration equal to 50 percent of the monthly salary of the Commissioner.

6.Regulator and ASC members shall not hold simultaneously other duties within the bodies, institutions or entities falling under the executive branch.

7.The activity of the CEC, steering bodies and election administration shall be guided as applicable by this law and its bylaws, and by law no. 44/2015 "Administrative Procedure Code of the Republic of Albania".

Article 13  
**State Election Commissioner**

1. The Commissioner shall be elected by the Assembly of the Republic of Albania for a renewable 7-year term, according to the procedure laid down in this law.

2. The right to run or be nominated for commissioner shall be enjoyed by Albanian citizens from among former political functionaries or cabinets, former senior management officials, or former leaders of non-profit organizations in the field of elections and human rights.

3. The selection of the Commissioner shall be based on previous successful tenure in management, demonstrated or proven compliance with law in the discharge of his/her duties or public office, and the candidate's public reputation. The probative documents or references for the candidate's success and compliance with the law in the discharge of duties shall span to an uninterrupted activity period of at least 3 years.

4. Persons running or nominated to be Commissioner shall not be included in the list of candidates when at the time of candidacy /nomination they were political functionaries, member of cabinet, senior management officials or leaders of non-profit organizations, or when the Assembly's relevant commission [committee] creates the conviction that they ended their employment relationship because of their candidacy or nomination for commissioner.

5. A person running or nominated to be Commissioner shall not be included in the list of candidates to be voted by the Assembly, if he/she is an active member of any political party or has private, perceivable or acknowledged interests whose fulfilment depends on the government at central or local level.

6. The salary and privileges of the Commissioner shall be the same as the salary and privileges of the President of the High Court.

The Commissioner shall be subject to the provisions of the effective legislation on declaration and audit of assets and conflict of interest.

Article 14  
**State Election Deputy Commissioner**

1. The State Election Deputy Commissioner (Deputy Commissioner) shall be elected by the Assembly of the Republic of Albania for a 4-year term with the duty to monitor implementation of the technology for electronic identification and recruitment and training of election officials.

2. The Deputy Commissioner shall be responsible for the implementability and leads efforts for the implementation of the project on voter electronic identification. He shall co-chair with the Commissioner with equal rights and has the powers to select, monitor and implement voter electronic identification technology.

Article 15  
**Regulatory Commission**

1. The Regulator shall consist of five members from whom one discharges the duty of Chair. The Chair and the Regulator members shall be elected by the Assembly of the Republic of Albania for a five-year term, in accordance with the procedure laid down in this Law on the Commissioner.

2. Candidates for Chair or members of the Regulator must meet the conditions and criteria for being a Commissioner. The criterion of successful management experience shall be substituted for the candidate for Regulator

member with the criterion of successful experience in drafting, reviewing and technical opposition to legal acts. The probative documents or references for the candidate's success and compliance with the law in the discharge of duties shall span to an uninterrupted activity period of at least 3 years.

3. The functioning of the Regulator and the examination and adoption procedures for acts shall be defined in the Meetings Regulation of the Regulator.

4. The Regulator members shall abide by the provisions of the effective legislation on conflict of interest.

#### Article 16

### **Appeals and Sanctions Commission (ASC)**

1. The ASC shall consist of five members to be elected by the Assembly of the Republic of Albania for a 9-year term, in accordance with the procedure laid down in this law.

2. The right to run or be nominated for ASC member is enjoyed by Albanian citizens from among former judges, advisors to the Constitutional Court or High Court, former members of the CEC, former senior management officials, or legal professional in free profession with experience in administration adjudications.

3. The selection of the ASC members shall be based on previous successful tenure in management, demonstrated or proven compliance with law in the discharge of his/her duties or public office, and the candidate's public reputation. The probative documents or references for the candidate's success and compliance with the law in the discharge of duties shall span to an uninterrupted activity period of at least 3 years.

4. Persons running or nominated to be ASC members shall not be included in the list of candidates to be voted when at the time of candidacy, he/she was a judge, advisor in Constitutional Court or High Court, member of the CEC or senior management officials, or when the Assembly's relevant commission [committee] creates the conviction that they ended their employment relationship because of their candidacy or nomination for ASC member.

5. A person running or nominated to be an ASC member shall not be included in the list of candidates to be voted, if he/she is an active member of any political party or has evident or acknowledged interests whose fulfilment depends on the government at central or local level.

6. Functioning of ASC and case examination procedure shall be defined in the ASC's Regulation.

7. The ASC members shall abide to the provisions of the effective legislation on conflict of interest.

#### Article 17

### **Election of the Commissioner, members of the Regulator and members of the ASC**

1. The Commissioner, the members of the Regulator and the members of the ASC shall be elected by the Assembly of the Republic of Albania by no less than three-fifth of the votes of all MPs.

2. Submission of candidacies shall be done proactively or by proposal of parliamentary groups or particular MPs.

3. For the examination and selection of candidacies, the Assembly shall set up an ad hoc parliamentary committee with proportionate representation by each

parliamentary group. The nomination and candidacy selection procedure shall be according to the provisions of the Assembly's Rules of Procedure on election to constitutional bodies or those established by law, unless otherwise provided in this article.

4. The ad hoc parliamentary committee shall assess with points the candidates who meet the conditions and requirements, as applicable, in Article 13, Article 15 or Article 16 of this law. The Commission shall present to the Assembly the list of candidates with the names of up to 20 shortlisted candidates with the highest score. For each candidate in the list, it shall be noted the proposing entity and the supporting organizations or political parties, if any.

5. In the event the Assembly fails to elect the Commissioner or certain members of the Regulator or the ASC by the required majority of votes stipulated in the first paragraph of this Article, the Assembly administration shall draw a lot among all candidacies submitted for voting to the Assembly for the respective vacancy. The winner shall be notified to the Assembly and the Speaker of the Assembly shall declare him/her as elected in the plenary.

#### Article 18

### **Dismissal of Commissioner and members of the Regulator and ASC**

1. The Commissioner shall be dismissed only based on the same grounds (conditions and criteria) for which they would be ineligible for election in the relevant office. The grounds for dismissal must have occurred after taking office and must be proven by the state authorities with the responsibility to examine such grounds.

2. The members of the Regulator and the ASC shall be dismissed only based on the same grounds (conditions and criteria) for which they would be ineligible for election in the relevant office, or for failure to exercise the duty without reasonable cause for at least three consecutive meetings or hearings. The conflict of the member with the conditions and criteria that construe grounds for dismissal must have occurred after taking office and must be proven by the state authorities with the responsibility to examine such grounds.

3. In the dismissal procedure, the Assembly's competent committee may not examine the dismissal grounds, but shall only administer the official documents of final form that prove the existence of dismissal grounds.

4. The dismissal procedure shall be carried out in accordance with the provisions of the Assembly's Rules of Procedure on the dismissal of members of bodies established by law, unless otherwise provided in this Article.

5. The Commissioner, members of the Regulator and members of the ASC shall be dismissed provided no less than three-fifth of all MPs vote in favour of the dismissal.

6. When the Commissioner or members of the Regulator or the ASC are dismissed, or when their position becomes vacant for any other reason, the new members shall be elected in office in full term.

#### Article 19

### **Powers of the Commissioner**

1. The Commissioner shall have these powers:
  - a) lead the institution and represent it in its relations with third parties;
  - b) manage and supervise directly or through the CEC administration, the activity of the election administration during elections and referenda;
  - c) engage the Regulator and the ASC whenever matters under their legal remit emerge; prepare Regular and ASC meetings and hearings; and

oversees the writing and publication of legal acts. The Commissioner cannot decide on matters that are under the remit of the Regulator or the ASC;

- ç) appoint and dismiss CEAZ officials;
- d) conclude, on behalf of the CEC, agreements and contracts with third parties and monitor or check on their implementation
- dh) ensure that this law is implemented fairly, strictly, accurately and uniformly by all institutions, entities or persons tasked with duties and obligations, in accordance with the law;
- e) organize and administer the electoral processes in public institutions and entities, when entrusted this duty by the law;
- ë) monitor, through the CEC administration or contracted entities, the election campaign and expenses of electoral subjects and media coverage of the campaign;
- f) monitor, through the CEC administration or contracted entities, the conduct of public institutions during the campaign and the use of public resources;
- g) attend to voter education, information and awareness-raising;
- gj) lead the training and qualification process for the election administration, training of financial officers of electoral subjects training of monitors and auditors, and training of NGO representatives who observe and monitor campaign financing aspects;
- h) inform the public on CEC activities, decision-making, campaign, voting process and election result;
- i) approve the allocation of mandates in the elections for the Assembly and local councils, and distribute the mandate to each MP and to Mayors of municipalities whose territory is divided into more than one EAZ;
- j) produce and publish statistical data on elections over the years, election statistics along gender lines, administers such data, both in the run-up and post-election period, as well as data on lists of candidates for both the Assembly and local government bodies;
- k) manage the CEC budget in accordance with applicable rules;
- l) prepare the draft annual budget and the election budget according to the applicable law, and determines the structure of budget expenditure subsequent to approval of such budget by law;
- ll) report to the Assembly on the activity of the institution;
- m) prepare and submit for approval to the Assembly the organigram and set-up of the CEC administration both full time and part time;
- n) follow up on the implementation by the CEC of duties assigned by special laws, and any other powers that this law does not explicitly recognise to the Regulator or ASC.

2. The fundamental administrative acts of the Commissioner in discharging his/her duties shall be the decisions, orders and instructions.

## Article 20 Powers of the Regulator

1. The Regulator shall review and approve the draft legislative acts prepared by the CEC administration or its members, on:

- a) detailed rules on the organization and administration of elections and referenda, duties of the election administration and procedures applicable in elections;
- b) rules and instructions on the consolidation and improvement of electoral practices, as well as on the activity of public institutions in the service of elections;
- c) rules on reporting public activities of public institutions, agencies and/or

State enterprises, categories of activities prohibited during the campaign, as well the CEC procedure on the prohibition enforcement;

ç) rules on the media monitoring methodology, on the report reviewing procedure and on imposing abjuration and punitive measures;

d) Regulator's regulation on meetings and the ASC's regulation on hearings;

dh) rules on the registration of out-of-country voters and their voting procedures, on the administration and counting of out-of-country votes and their inclusion in the overall result of Assembly elections;

e) type and technical characteristics to be fulfilled by the information technology systems or equipment that are procured and used on elections in the Republic of Albania;

ë) rules on the use of information technology systems or equipment necessary to ensure their lawful, regular, transparent, efficient and sustainable use;

f) rules on the financial reporting of electoral subjects, their independent monitoring and audit, and administrative investigation of information, requests, proposals, complaints or reports on violations related to the campaign financing or expenses;

g) rules on supply and administration of electoral materials;

gj) manuals or handbooks in service of the electoral administration, electoral subjects and voters;

h) service fees on the organization and administration of election processes of public institutions and organizations, when entrusted this duty by the law.

2. The regulator shall review and approve draft acts prepared by the CEC administration on:

a) boundaries of electoral administration zones, in compliance with this law;

b) number of mandates for each electoral zone in the Assembly elections;

c) use of information technology systems or equipment to cover specific aspects or procedures of the election process or their decommissioning;

ç) development of out-of-country voting for the first time, based on the Commissioner's reporting on the technical-organizational measures accomplished to enable the voting;

d) final election result at country level, in accordance with this law."

3. Fundamental administrative acts of the Regulator in discharging its duties shall be the decisions. The decisions shall be made when at least four members vote in favour of it, except for decisions under letters 'b' and 'd', paragraph 2 of this Article, which shall be adopted by simple majority.

## Article 21

### **Powers of the ASC**

1. Pursuant to the provisions of this law, ASC shall exercise these powers:

a) decide on declaring elections invalid in one or more voting centres, in one or more electoral zones or countrywide, and on partial or full repetition of elections;

b) review and resolve - in administrative channels - the complaints of electoral subjects against the Regulator's decisions;

c) review and resolve - in administrative channels - the complaints of electoral subjects against the CEAZ decisions;

ç) assess the performance of election officials in matters it reviews;

d) upon the Commissioner's request, impose disciplinary measures on election officials in cases where – following the *a posteriori* check of the electoral material – finds violations or irregularities in administration;

dh) upon the Commissioner's request, impose administrative sanctions on people or electoral subjects and/or their candidate that carry out administrative offences related to elections.

2. Any ASC member has the right to *ex officio* obtain during the administrative investigation – without debate and without voting – evidence that is administered by the CEC.

3. Fundamental administrative acts of the ASC shall be the decisions. Decisions shall be valid when at least three members vote in favour, except for a decision under letters 'a', 'b' or 'c', paragraph 1, where the scope of the appeal is to challenge the Aggregate Table of Results in the Electoral Zone. In this case, the decision shall be valid when at least four members vote in favour of it.

4.

## Article 22

### **CEC powers concerning technology in elections**

1. The CEC shall have the power to explore, experiment and decide to introduce the use of information technology systems and/or equipment in elections, in order to cover specific aspects and/or procedures of the electoral process, engage foreign consultancy for this purpose and procure information technology systems or equipment and also their operation service. CEC shall have the obligation to introduce the use of information technology systems and/or equipment in elections via pilot projects in which each implementation phase includes no less than 10 percent of the number of voters.

2. The CEC shall have the power to install and use video-monitoring systems in voting centres, as well as when manual ballot counting is done at BCC, in order to monitor and prove the regularity of the process in their internal premises. The video-monitoring system shall not be installed in voting centres in a way that infringes or jeopardizes the secret voting. If not carrying it out itself, the CEC shall have the right to procure the installation or also the operation of the video-monitoring system.

3. The use of information technology systems or equipment shall be carried out in compliance with the specific rules on special procedures and aspects of the process that are covered by information technology system or equipment. Procedural rules for this purpose shall be approved by CEC in a legislative act.

4. Information technology systems or equipment that CEC decides to use in elections must seek first of all to ensure the electronic identification of voters and their post-election verification, voting with and through electronic equipment, and machine/device-assisted counting of cast ballots, and that are applicable for at least five consecutive electoral processes.

5. The identification, selection, and use of information technology systems or equipment shall be subject to the principles of legality, transparency, inclusiveness, security, efficiency and sustainability.

6. Prior to each electoral process, information technology systems or equipment shall be subjected to operational testing by the CEC in public sessions and according to a precise and detailed procedure, selecting randomly from each electoral zone not less than three percent of equipment to be used, and simulating with them electoral operations for a number of voters not lower than 50.

7. Following each electoral process, after the announcement of the final election results and the establishment of the elected bodies, the CEC shall, in public sessions and according to a detailed procedure, carry out the verification of information technology systems or equipment used to vote and count ballots

in elections, by manually counting the ballots in no less than 10 percent of voting centres and comparing the result to the result produced by the information technology systems or equipment. The voting centres shall be selected randomly by the CEC from each electoral zone.

8. The results of pre-election testing and post-election verification of information technology systems or equipment shall condition the CEC decision-making on the future use of technology. The pre-election testing and the post-election verification results may become subject of criminal investigation in the event they disclose information and raise suspicions on the commission of criminal offences through misuse of information technology systems or equipment in elections.

#### Article 23

##### **Procedure on the introduction of technology in elections and decision-making process**

1. Information technology systems or equipment shall be [introduced] put into operation by CEC qualified staff employed for this purpose, unless the Regulator decides that its operation is to be provided by private operators contracted in accordance with the legislation in force on service procurement. Service procurement may be part of the procurement contract for information technology systems or equipment and may be carried out also by the supplier of the latter.

2. The use of the information technology systems or equipment shall comply with the technical operation regulation which, besides the rules stemming from their user manual, shall also include rules on pre-election testing, on documentation of operational procedures, on identification and reporting of glitches, on breaches or violations during operation, on suspension of operations by or through systems or equipment and conduct of procedures manually, as well as on completion of operational tasks by and through information technology systems and equipment, and reporting of results. The technical regulation on the use of information technology systems and equipment shall be approved by CEC in a legislative act.

3. In case the pre-election testing finds that the information technology systems or equipment display glitches or operational inaccuracies which might jeopardize their integrity or the integrity of procedures, the CEC may decide to conduct procedures manually and decommission the systems or equipment from use in the next elections.

#### Article 24

##### **CEC powers related to out-of-country voting**

1. The CEC shall lead and monitor the preparations to ensure conditions and implementation of measures that enable the out-of-country voting in the Assembly elections, for voters whose permanent residence is out of the territory of the Republic of Albania, and have their out-of-country permanent residence address registered in the National Civil Status Register and request from CEC to be equipped with the voting documentation abroad.

2. Out-of-country voting shall be organized and administered by the CEC, in all its components, after the Regulator has approved all sublegal acts required for the out-of-country voting, pursuant to this Law.

3. The CEC must take a decision to include the out-of-country voting for the first time in the ordinary voting procedures. In the upcoming elections, out-of-country voting shall become automatically a constituent part of the voting procedures.

4. Detailed procedures of the out-of-country voting shall be approved by the CEC in a legislative act.

#### Article 25

##### **Out-of-country voting procedure**

1. Regardless of the voting procedure, manual or electronic, the out-of-country voters' ballots shall be administered by the CEC, safeguarding the voting integrity and secrecy of vote from any tempering with the ballot papers or the electronic voting information administered by it.

2. Out-of-country voting shall be considered open from the day the CEC starts the procedures of sending out the voting documentation or the instruction document addressed to out-of-country voters, as applicable. Out-of-country voting shall be closed on the voting [election?] day at the time determined by this law to close voting in voting centres. Upon closing the out-of-country voting, the CEC shall not accept and or count any ballots arrived later. If the out-of-country voting is carried out electronically, the electronic voting system shall be closed at the time determined by this law to close voting in voting centres.

3. Rules on the administration of the election material or the voting information recorded and stored in information technology systems concerning out-of-country voting and pre-election testing and post-election system verification shall be part of the general rules that the CEC approves on the administration of the election material or use of information technology system in elections. Legal safeguards on the observation, monitoring and access to the CEC during the administration of out-of-country ballots and on the testing, verification and safety of election material or information technology systems which are used for this voting shall not be to a lesser extent than those in in-country voting.

#### Article 26

##### **Electoral subjects representatives to the CEC**

1. Political parties or coalitions of political parties which register to participate in the election, through its/their person responsible for communication the CEC, may appoint by authorization one representative to the CEC and one substitute to that representative who have representation powers over the entire period until announcement of the final result. The representatives of the parliamentary parties shall exercise their representation powers also outside the period mentioned in the first sentence of this paragraph.

2, The electoral subjects' representatives to the CEC shall be entitled to:

- a) to submit requests and proposals to the CEC;
- b) to obtain copies of CEC acts;
- c) to have access to and obtain information on all aspects of the electoral process, without obstructing the activity of the CEC, without infringing upon the secrecy of the subsequent administrative inquiries/investigations or the activity of other electoral structures.

ç) have access and obtain a copy of the election documentation approved by the CEC;

d) participate in the meetings of the Regulator, discuss in upholding the legitimate interests of the subject, present amendments to the draft acts under scrutiny and take the floor to elaborate on their proposed amendments;

dh) when duly legitimated by the subject, appear as a party to the ASC hearings and protect the subject's interests.

2. All actions carried out by electoral subjects' representatives to the CEC are considered as if they are made by the by the electoral subjects themselves

3. Electoral subjects' representatives shall be obliged to respect the CEC regulations and the ethical norms of meetings and communication. In case of a breach, measures as provided for in the regulations shall be taken.

CHAPTER II  
**ELECTORAL ADMINISTRATION ZONES (EAZ) AND  
COMMISSIONS OF ELECTORAL ADMINISTRATION ZONES  
(CEAZ)**

Article 27<sup>†</sup>  
**Electoral Administration Zones**

1. Electoral Administration Zones (EAZ) are established and function in accordance with this Code for every kind of election and referendum.

2. The territorial jurisdiction of an EAZ, as a rule, is the same as the administrative territory of the municipality according to the law regulating the administrative-territorial organization in the Republic of Albania. Municipalities that have more than 80 thousand citizens with the right to vote shall be divided by the CEC into more than one Electoral Administration Zone based on the following criteria:

a) the inseparability of the territory of the administrative unit, except for those with more than 80 thousand voters;

b) the contiguity and compactness of the territory, while avoiding the geographical barriers;

c) good possibilities for transportation within the territory; ç) approximate number of voters.

3. No Electoral Administration Zone may geographically expand into two or more regions.

4. For the Municipality of Tirana, each administrative unit that formerly were municipal units shall constitute a separate Election Administration Zone of its own.

5. No later than 9 months before the end of the Assembly mandate, the CEC shall approve the Election Administration Zones, based on the number of citizens with the right to vote on the last date of the electoral period for setting the election date, according to the information given by the General Directorate of Civil Status. No later than 10 months before the end of the Assembly's mandate, the General Directorate of Civil Status shall send the data to the CEC, broken down by local government units and the administrative units they are comprised of.

6. The CEC, no later than 5 months before the election date, may change the boundaries of an EAZ in accordance with the requirements of this article only if there is a change in the criteria for their establishment according to points 2 and 3 of this article.

Article 28  
**Establishment of the Commissions of Electoral Administration  
Zones**

1. The decision to establish a Commission of an Electoral Administration Zone (CEAZ) is taken by the CEC no later than 90 days before Election Day.

2. In case of by-elections or early elections, the CEAZ shall be established no later than 10 days from the date the President issues the decree on setting the election date.

Article 29\*  
**Composition of the CEAZ**

1. The CEAZ shall be composed of 7 members and a secretary, who shall be appointed by the CEC according to the following procedure:

a) two members shall be proposed by the main party of the parliamentary majority, two members shall be proposed by the main party of the parliamentary opposition, one member shall be proposed by the second party of the parliamentary majority and one member shall be proposed by the second party of the parliamentary opposition. If political balance is not reached in accordance with this letter, the respective group shall be compensated with the candidacies of the main party until a political balance between the majority and opposition is reached;

b) in half of the CEAZs, the seventh member shall be proposed by the largest party of the parliamentary majority, while in the other half this member shall be proposed by the largest party of the parliamentary opposition, according to objective criteria based on:

i) random selection;

ii) equal distribution in the electoral territory;

c) the secretary of the CEAZ must have a degree in law and shall be proposed by the party that proposes the Deputy Chair of the CEAZ.

ç) 30 per cent of the members proposed respectively by the largest party of the majority and by the largest party of the opposition, nationwide, must be from each gender.

2. The Chair and Deputy Chair of the CEAZ shall be appointed by the CEC upon the proposal of the CEAZ. In those CEAZs where the seventh member belongs to the main party of the parliamentary majority, one of the CEAZ members representing the main party of the parliamentary majority shall be elected Chair, while for the other half, one of the members of the CEAZ representing the main party of the parliamentary opposition shall be elected Chair. The Deputy Chair shall be of the opposite political affiliation to that of the Chair.

3. CEAZ members shall not work full-time. The CEC shall determine the working hours of the CEAZ during the election period and outside it. For the work performed, the members shall receive remuneration in an amount specified in a CEC decision.

4. The ranking of the parties for the purpose of allocating the seats on the CEAZ, in accordance with the specifications of this article, shall be carried out based on the number of seats won by the political party in the previous elections to the Assembly. In the event of local elections, the ranking shall be determined in accordance with the number of votes received nationwide by the parliamentary parties for local councils in the previous elections.

In the event that two or more parties have the same number of seats and it is not possible to specify the beneficiary party, their ranking shall be determined based on the number of votes received nationwide. In the event two or more parties have the same number of votes, their ranking shall be determined by lot drawn by the CEC.

5. If the political parties of the parliamentary majority and the parliamentary opposition that have the right to submit their candidacies for CEAZ fail to exercise this right by the deadline established in point 2 of article 28 of this Code, this right shall be automatically transferred to the parties next in rank according to the number of seats in the Assembly, within the respective grouping. When this is not possible, proposals are made according to letter "a" of point 1 of this article. If these parties fail also to propose members, the CEC appoints the CEAZ members upon its own initiative until the required number of

members for decision-making is reached.

The members appointed upon the CEC's initiative stay in office until the appointment of members proposed by political parties, in accordance with this article. The replacement shall take place no later than 30 days from the election date. In the event of early elections, the replacement takes place no later than 5 days from the election date. Procedures for the selection and training of citizens that may be appointed on CEC's own initiative are set out in a special instruction of the CEC.

6. In case of partial or early elections, the CEAZ shall be established no later than 10 days after the date the President issues a decree setting the election date.

7. In the event that the seat of a member of the CEAZ becomes vacant, it shall be filled, in compliance with the rules provided for in this article, within 15 days from the date the vacancy is created. During the election period, vacant seats shall be filled within 3 days.

8. In the event that the seat of a member or secretary of the CEAZ becomes vacant on the Election Day, the proposal to the CEC must be submitted no later than 3 hours from the moment the vacancy is created. If the subjects entitled to make the proposal fail to submit their candidacies to the CEC, this right is transferred to the political parties of the same grouping next in rank in the Assembly according to the number of seats in the Assembly received in the previous elections. If these parties also fail to propose members, the CEC shall appoint CEAZ members on its own initiative until the required number of members for decision-making is reached.

#### Article 30

#### **Incompatibilities with the office of a member and of a secretary of the CEAZ**

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

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

#### Article 31

#### **Requirements for the appointment of a member and a secretary of a CEAZ**

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

- a) has the right to be a voter;
- b) has completed higher education and, in the case of the secretary, has a degree in law;
- c) has the registered domicile within the respective electoral zone;
- ç) has not been convicted by a final court decision for committing a crime;
- d) no disciplinary measures have been taken against them in previous electoral processes.

## Article 32

**Discharge and release from duty of members and of a secretary of a CEAZ**

1. A CEAZ member and a secretary shall 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 CEAZ duties;
- b) are convicted by a final court decision for committing a crime;
- c) are absent without a reasonable cause for more than three consecutive CEAZ meetings, or are not present, without cause, for more than 2 consecutive days during the electoral period; or
- ç) do not participate in the training or do not pass the tests organized by the CEC.

2. The members and the secretary of the CEAZ shall be released from duty by a CEC decision when they:

- a) have a close relationship by marriage, or family relations, to the fourth degree, with any of the candidates running in that zone;
- b) have employment relations with any of the candidates included in the multi- name list of a party or a coalition running in that zone;
- c) no longer meet the criteria of being a voter;
- ç) no longer have their domicile in the electoral zone;
- d) the electoral subject that has proposed them requests their substitution.

3. The member and the secretary of the CEAZ shall be released/discharged from duty by the CEC, upon its own initiative or upon the proposal of the electoral subjects, only for the reasons provided for in this article. In any case, the request for release or discharge from duty should also contain the arguments and facts concerning the alleged violation. In the case provided for in letter "d" of point 2 of this article, this rule shall not be applicable and the request shall be accepted in any case.

## Article 33

**Duties of the CEAZ**

The CEAZ performs these duties:

- a) is responsible for the administration and conduct of elections in the EAZ, in accordance with the provisions of this Code and the secondary legislation issued by the CEC;
- b) appoints the Chair, Deputy Chair, members, secretaries of the VCCs and members of the counting teams included in the jurisdiction of the EAZ, in accordance with this Code;
- c) registers information or claims from electoral subjects in the zone in the Meeting Records Book and verifies them, on a case-by-case basis;
- ç) 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;
- d) administers the budget allocated by the CEC;
- dh) ensures the timely distribution of voting materials;
- e) receives the voting materials and ballot boxes submitted by VCCs;
- ë) prepares and approves the aggregate table of the elections result for each electoral subject in the EAZ and sends it, together with other necessary materials, to the CEC, in accordance with article 122 of this Code.
- f) registers the electoral subjects and the candidates for the elections for local government bodies;
- g) declares the winning candidates for mayor of the local government unit.

Article 34  
**Duties of the CEAZ secretary**

The secretary of the CEAZ performs the following duties:

- a) is responsible for the technical administration and the working conditions of the CEAZ;
- b) keeps record of the requests, complaints and notices submitted to the CEAZ;
- c) retains the archived election documentation;
- ç) prepares, in accordance with the Chair's instructions, materials for CEAZ meeting and distributes them to the members;
- d) keeps minutes of CEAZ meetings;
- dh) transcribes the decisions of the CEAZ and stamps them;
- e) registers the decisions of the CEAZ in the official records and forwards them immediately to the interested subjects;
- ë) gives certified copies of CEAZ decisions or of the minutes of its meetings to the electoral subjects or to third persons, free of charge and within 24 hours from the submission of their request;
- f) records in a register the receipt of the election materials sent by the CEC in accordance with article 99 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, issues a certification on whether a voter's name is or is not found on the final voter lists of the respective Electoral Administration Zone;
- gj) records in the register remarks that observers submit to the commission.
- h) coordinate with State Police the public order measures in elections, and administer official documentation on the Police interventions in restoring public order when – outside the voting centre - public order is jeopardized or regular voting process is hampered.

Article 35\*  
**Meetings and decisions of the CEAZ**

1. The meetings of a CEAZ are public.
2. The meetings of a CEAZ are valid when the majority of all CEAZ members participate. Decisions of a CEAZ are taken by a majority vote of all the CEAZ members. The secretary does not have the right to vote.
3. The decisions of the CEAZ are signed by all members who took part in the vote. Beside his/her signature, each of the members of the commission shall declare his/her vote "in favour" or "against" and the respective reasoning.
4. The vote of members who have a conflict of interest, as provided for in point 2 of article 32 of this Code, and who have not been released from duty in compliance with that article, is invalid and is not taken into account in determining a quorum.
5. If the CEAZ fails to reach a decision by the respective deadline, the case shall be sent, within 24 hours, to the CEC for review by the CEAZ Chair, or by at least two of its members, or it may be appealed to the CEC by an interested electoral subject. The CEC decision is binding for the CEAZ.

CHAPTER III  
**THE VOTING CENTRE COMMISSION (VCC)**

Article 36\*  
**Composition of the VCC**

1. The VCC is composed of 7 members; one of its members exercises the duty of the secretary. The VCC is established in accordance with the manner and criteria provided for in article 29 of this Code for all types of elections, except for letter “ç” of point 1 of article 29 of this Code.

2. The members and the secretary of the VCC are appointed only for the period of the elections. Proposals for the VCC members and the secretary are submitted no later than 30 days prior to the election date and, in case of partial or early elections, 20 days prior to the election date. The CEAZ 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 37 and 38 of this Code. In any case, the members and secretary are appointed no later than 20 days prior to the election date.

3. The VCC Chair and secretary are selected by the CEAZ. In those VCCs where the seventh member belongs to the main party of the parliamentary majority, a member of the VCC representing the main party of the parliamentary majority is appointed as the Chair. In the rest of the VCCs, one of the members representing the main party of the parliamentary opposition is appointed as the Chair. The VCC secretary is of the opposite political affiliation to that of the VCC Chair.

4. When the seat of a VCC member or the secretary becomes vacant, it is filled within 3 days, but no later than 24 hours prior to the opening of the polls. The replacement of members, who leave<sup>∞</sup> on Election Day or do not report to work on the Election Day, is done no later than 2 hours from the notification of their absence.

5. When the VCC has no quorum due to the absence of its members and, upon the expiry of the deadline established in point 4 of this article, members have not been replaced according to point 4 of this article, the CEAZ orders the continuation of procedures and take measures to fill the vacant position on its own initiative. The VCC makes the relevant annotations in the Meeting Records Book and proceeds to carry out its duties, regardless of the quorum.

6. As a rule, VCC members and the secretary are replaced by persons who have been trained in electoral legislation.

Article 37

**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 deputies 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 Intelligence Service structures; or
- ç) members or secretaries of another election commission.

Article 38

**Requirements for being appointed a member and a secretary of the VCC**

1. Any person may be appointed as a member and a secretary of a VCC if they meet the following requirements:

- a) has the right to be a voter;
  - b) has completed at least secondary education;
  - c) has the registered domicile within the respective electoral zone;
  - ç) has not been sentenced by a final court decision for committing a crime; and
  - d) no disciplinary measures have been taken against them in previous electoral processes.
2. The secretary of the VCC, as a rule, must have completed higher education.

#### Article 39\*

#### **Discharge and release from duty of members and of a secretary of the VCC**

1. A VCC member and a secretary are dismissed from duty by a decision of the CEAZ if they:
- a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning VCC duties;
  - b) are sentenced by a final court decision for committing a crime;
  - c) are absent for more than 2 consecutive days without a reasonable cause; or
  - ç) 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 shall be released from duty by a decision of the CEAZ if they:
- a) have a close relationship by marriage, or family relations to the second degree, with any of the candidates running in that electoral zone for the local government bodies;
  - b) have employment relations with any of the candidates running in that zone;
  - c) resign from duty;
  - ç) no longer meet the criteria of being a voter.

#### Article 40

#### **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 elections in the voting centre, by performing the duties provided for in this Code and secondary legislation enacted on the basis of and pursuant to this Code.

#### Article 41

#### **The duties of the secretary of the VCC**

VCC;

The secretary of the VCC performs the following duties:

- a) is responsible for the technical administration and working conditions of the
- b) keeps record of the requests, complaints and notices submitted to the VCC;
- c) retains the archived election documentation;
- ç) prepares the materials for the VCC meeting and distributes them to themembers, in accordance with the Chair's instructions;
- d) keeps minutes of the VCC meetings;
- dh) transcribes the decisions of the VCC and stamps them;
- e) registers the decisions of the VCC in the Meeting Records Book and forwards them immediately to the interested subjects;

ë) provides certified copies of VCC decisions and of minutes of its meetings to electoral subjects or to third persons, free of charge, and within 24 hours of the submission of their request;

f) records in the register the receipt of election materials from the CEAZ, according to article 100 of this Code, and is responsible for administering and retaining them in conformity with the requirements of this Code;

g) records in the register remarks that observers submit to the VCC;

gj) is responsible for enclosing the election materials in the Box of Voting Materials and for sealing the box with seals with security codes.

#### Article 42\*

### **Meetings and decisions of the VCC**

1. The meetings of the VCC are public.

2. Decisions of the VCC are made by a majority vote of all VCC members. When the VCC discharges its duties without the required quorum, according to point 5 of article 36 of this Code, the decisions are considered as valid.

3. The decisions of the VCC are signed by all members who participate in the voting. Along with the signature, in the decision, each of the members of the commission shall state their vote "in favour" or "against" also providing the respective reasoning.

4. The VCC decides on:

a) the opening of the voting;

b) the suspension of the voting;

c) the request of assistance from the State Police to restore order at the voting centre;

ç) the departure of the police forces after order has been restored at the voting centre;

d) the removal of certain persons from the premises of the voting centre, according to article 110 of this Code;

dh) the determination of the number of persons who have voted in the voting centre in case of an objection, in accordance with point 2 of article 113 of this Code.

e) the closing of the polls.

5. In the event that the VCC fails to reach a decision by the respective deadline, the case is sent immediately for review to the CEAZ by the Chair or by at least two members of the VCC, or it may be appealed to the CEAZ by an interested subject. The decision of the CEAZ is carried out by the VCC.

#### Article 43

### **The composition and responsibilities of special VCCs**

In accordance with this Code and the instructions of the CEC, the CEAZ proposes to the CEC the establishment of special VCCs in special institutions. These commissions have the same composition and the same responsibilities as the VCC.

PART III  
**VOTERS AND COMPILATION OF THE VOTER LIST**  
 CHAPTER I  
**CONTENT, COMPILATION AND APPROVAL OF THE VOTER LIST**

Article 44\*

**Criteria for inclusion of voters in the voter lists**

In order to be included in the voter list, a person must meet the following criteria:

- a) hold Albanian citizenship;
- b) be 18 years old, including those who reach this age on the election date;
- c) ~~[be not found incapable to act by a final court decision] [Repealed];~~
- ç) be registered with the National Civil Status Register (hereinafter NCSR);
- d) have the registered domicile in the territory of one of the polling units;
- dh) be registered as a voter in the voter list of only one polling unit.

Article 45†

**Electoral components**

1. A voter is identified in the NCSR through the electoral components. Electoral components consist of the following civil status components:

- a) first name;
- b) father's name;
- c) mother's name; ç) surname;
- d) date of birth;
- dh) personal identification number;
- e) citizenship;
- ë) code of domicile;
- f) gender.

2. The electoral components established in letters "a", "b", "c", "ç", "d" and "ë" are published in compliance with articles 51 and 56 of this Code. The list used by the VCC during the voting process contains the components specified under letters "a", "ç", "d", "dh" and "f" of point 1 of this article.

Article 46\*

**The voter list**

1. The voter list is compiled for each polling unit and includes all the voters with their domicile registered in the NCSR of that polling unit. The inclusion of voters in the list is done on the basis of their code of domicile.

2. A polling unit has no less than 300 and no more than 1,000 voters with their domicile in its territory.

3. The out-of-country voters list shall include only voters with domicile abroad who declare their willingness to exercise their right to vote, in line with rules implementing Article 24 of this law

Article 47\*

**Compatibility with the NCSR**

1. The voter list is extracted from the NCSR.

2. The NCSR enables the administration, processing and updating of electoral components and their extraction at any time and in compliance with the provisions of this Code.

3. Changes to civil status components, which are electoral components, in compliance with the legal provisions on the civil status, are automatically made in the NCSR.

4. Processing, alteration, modification, additions or removal of names or other data from the list, outside the NCSR and in breach of procedures set out in this law shall constitute criminal offence punishable under Article 248 of the Criminal Code.

#### Article 48<sup>†</sup>

### **Content and format of the voter list**

1. The voter list contains the name of the electoral zone, local government unit, administrative unit, type and date of elections, number of the voting centre and the electoral components of voters, according to point 2 of this article.

2. The voter list is compiled in the following formats:

a) a voter list in print form for publication, according to the specifications of article 56, broken down by voting centre, which contains the electoral components specified in letters “a”, “b”, “ç”, “d” and “e” of point 1 of article 45 of this Code;

b) a voter list in print form for use by the VCC during the voting process, broken down by voting centre, which contains the electoral components specified in letters “a”, “ç”, “d”, “dh” and “f”, of point 1 of article 45. This format shall also have a reserved blank space for recording the voter's identification document number and for the voter's signature during the voting process;

c) an aggregate list of voters in electronic format, printed by the General Directorate of Civil Status per electoral administration zone by type of elections, containing the electoral components specified in letter “a” of this article, which is used by the CEAZ for voter information purposes;

ç) an aggregate national voter list to be published in the official website of the CEC and the ministry responsible for the civil status service, broken down by region, districts of a region, local government units and voting centres.

3. Voters in the voter list are listed alphabetically by their surname.

4. The voter list, according to article 56, shall also be kept electronically. An electronic copy, according to letter “ç” of point 2 of this article, is sent to the Central State Archive by the General Directorate of Civil Status no later than 10 days from the posting of the voter list.

## CHAPTER II

### **THE PROCESS OF COMPILING THE VOTER LIST**

#### Article 49<sup>\*</sup>

### **The body that compiles the voter list**

1. Each civil status office is responsible for preparing the voter lists of the polling units in the areas under its jurisdiction, in compliance with the secondary legislation issued by the minister of the relevant ministry responsible for the civil status service. The civil status office shall have full access to the NCSR regarding the electoral components of the citizens in that local government unit, both individually and collectively, and shall be fully responsible for the accuracy of their administration and change.

2. The civil status office, after the start of voter lists compilation, shall report to the mayor of the local government unit once a month on the number and type of changes made to the electoral components, increase or decrease of the number of voters, and shall deliver the voter list to the mayor for posting.

3. The lists compiled by the civil status office shall be posted by the mayor of the local government unit that has jurisdiction over the relevant civil status office. Every page of the published list shall bear the signature and stamp of the head of the civil status office. In the event that the mayor fails to fulfil this obligation within the deadline, the civil status office shall immediately notify the General Directorate of Civil Status, which shall post the lists.

#### Article 50\*

### **Methodology and supervision of voter lists compilation**

1. The minister responsible for the civil status service issues orders and instructions on:

a) keeping, processing, updating, changing, extracting and publishing the NCSR's electoral data;

b) procedures and deadlines for compiling and posting the lists and extracts of electoral components, voter notification, as well as making voter lists available to the subjects envisaged in this Code;

c) administration of polling units in compliance with article 62, splitting or merging of voter lists, as well as any other aspects related with the compilation of voter lists pursuant to this Code and the civil status legislation.

ç) templates and forms used in the process of voter lists compilation.

2. The General Directorate of Civil Status supervises and monitors all the actions taken at the NCSR, instructs and manages in terms of methodology the work of the civil status offices, requests them to verify and redress problems identified in the NCSR, takes disciplinary action against civil status employees who violate procedures on electoral component administration, and proposes to the CEC to undertake disciplinary measures against mayors who violate the rules established in this Code.

3. The CEC supervises the process of the voter lists compilation, the administration of the polling unit areas and number of voters per voting centre. The CEC requests information from the General Directorate of Civil Status and from local government units. The CEC imposes sanctions on the heads of the relevant institutions, in compliance with this Code, in the event of observed violations and failure to provide information.

#### Article 51\*

### **Publication of the extract of electoral components**

1. The General Directorate of Civil Status, no later than 5 days from the date the election date is decreed, orders the civil status offices to start compiling the extract of electoral components in compliance with this Code. No later than 15 days from the date of the decree, the civil status office electronically issues the extract of electoral components of all citizens eligible to vote as of the election date, except for those citizens who have turned 100 years old before this date.

2. When the extract of a polling unit has less than 200 voters, the NCSR shall not allow the compilation of the extract for the respective polling unit. In this case, the civil status office notifies the mayor of the local government unit and the General Directorate of Civil Status no later than 48 hours from the moment this fact is identified. The mayor of the local government unit fulfils the obligations stemming from points 6 and 7 of article 62 of this Code. The computer software allows for changes to the voting centre and the respective extract after a merge according to this point.

3. When the number of voters in a polling unit exceeds 1,000, the extract

of voters shall be split equally according to the number of the voting centres that shall be established for that polling unit, in accordance with article 62. The split lists are assigned to the voting centres in accordance with the ordinal number of voters, where the first part pertains to the voting centre with the basic number. In this case, the NCSR computer programme automatically splits the list based on the number of the voting centre assigned to each voter. Voters with the same surname may not be assigned to different lists.

4. No later than 30 days from the decree of the election date, upon approval by the mayor of the local government unit, the civil status offices print and post the extract of electoral components for all citizens domiciling in the polling units under the jurisdiction of every office. The extract is posted in the premises of the civil status offices or in their vicinity in a free-access area for the general public.

5. No later than 30 days from the decree of the election date, the ministry responsible for the civil status service and the CEC publish the extract of voters nationwide on their respective official websites.

6. Citizens' data, according to points 3, 4 and 5 of this article, are posted grouped by polling units and are sorted alphabetically by their surname. When they are posted according to point 5 of this article, the relevant websites shall provide a search function for citizens' electoral components.

7. The publication according to point 4 of this article is done periodically every 30 days until the posting of the voter list. Each publication shall reflect any changes to electoral components in the NCSR from the preceding publication until the new publication.

#### Article 52\*

#### Written notification of voters

1. Within 60 days from the publication of the extract of the electoral components of voters, according to points 1, 2 and 3 of article 51, the mayor of the local government unit issues a written notice for every voter included in the extract of electoral components of the voting centres in the respective local government unit. *[Citizens, who according to the NCRS data have reached the age of 100, are also notified about the reason for which they were not included in the list]. [Sentence repealed]*

2. The written notice specifies the voting centre, its location and address, as well as the voter's ordinal number on the voter list of his/her voting centre.

3. The mayor of the local government unit assigns the responsibility for carrying out the notification to the neighbourhood liaisons or, on a case-by-case basis, to the village elders who are part of the respective local government unit and, when necessary, even to other officials of the local government unit administration.

4. The persons assigned to notify voters shall deliver the notice to the voter in person or, in the absence of the voter, to an adult member of his/her family, who is present at the voter's domicile, who signs to confirm the receipt of the notice. The mayor of the local government unit reports on the fulfilment of this obligation according to the instruction of the minister responsible for the civil status service.

5. Expenses for the notification, according to this article, are covered by the ministry responsible for the civil status service. The respective fund is allocated to local government units commensurate to the number of voters in each local government unit.

6. The Mayor shall report at least once a week and whenever required by the CEC, on compliance with provisions in this Article. Modalities of communication with the CEC and the amounts of administrative fines applicable

on the Mayor in case of failure to report as well as the fine enforcement shall be defined in a CEC decision.

#### Article 53\*

### Causes and procedures for changes to the extract of electoral components

1. The extract of electoral components is subject to additions, changes or deletions, when, from the publication of the electoral components to the posting of the voter list, a person who has turned or turns 18 years old on the election date:

- a) has acquired or relinquished Albanian citizenship;
- b) is found incapable to act by a final court decision;
- c) dies;
- ç) one or more civil status components, which constitute electoral components, are changed;
- d) is registered more than once in the list; dh) is assigned to the wrong voting centre;
- e) is not assigned to any voting centre;
- ë) the polling unit is merged with another unit or the list is split in compliance with article 62.

2. If one or more electoral components of a voter need to be added, changed or deleted, the request is made to the relevant civil status office in compliance with the law on civil status and legal acts issued for its implementation, as follows:

a) in the case of letters “ç”, “d”, “dh” and “e” of point 1 of this article, the request for changes to the electoral components is submitted by the citizen or an adult member of his/her family;

b) in the case of letters “a”, “b” and “c” of point 1 of this article, the request to add or delete the electoral components may be submitted by the citizen when he/she has acquired citizenship, an adult member of the person's family, the legal custodian or the General Directorate of Civil Status on its own initiative or based on the documentation submitted by third parties;

c) in the case of letter “d” of point 1 of this article, the General Directorate of Civil Status has the right to request the relevant civil status office to delete the duplicate electoral component or the component that does not match the domicile as registered in the National Civil Status Register. Procedures for the identification and verification are established by an instruction of the minister responsible for the civil status service, using all the state data in compliance with the legislation in force;

ç) in the case of letter “ë” of point 1 of this article, the change is made directly by the civil status office on the basis of a decision made in compliance with article 62 by the mayor of the local government unit.

*3. Citizens who are not included in the extract of electoral components because they have turned 100 years old, are included in the voter list of the polling unit of their registered domicile, according to letter “e” of point 1 and the procedure established in letter “a” of point 2 of this article. [Repealed]*

## Article 54\*

**Administrative procedures for revision and changes to the extract of electoral components**

1. Except for the case specified in point 2, letter “c” of article 53, the requests for changes to the extract of electoral components may not be submitted later than 60 days prior to the election date.

2. The request for changes, according to letters “a” and “b” of point 2 of article 53, consists of a special application form, which is submitted to the civil status office of the voter’s domicile. One copy of the form, with the notation of the date of receipt and signature of the official who received the application, is kept by the applicant. The application form contains:

- a) full name and address of the applicant;
- b) reason for requesting the change;
- c) documents that prove the reasons for requesting the change.

3. Upon submission of the request, the civil status office carries out the respective verifications and, no later than 2 days from the submission of the request, either makes the requested change or rejects the request in a written form. The rejection act is drafted in at least three copies; one copy is sent to the applicant no later than 3 days from the date the decision is taken, one copy is sent to the General Directorate of Civil Status at the end of the revision period, and the third copy is kept by the relevant civil status office.

4.

## Article 55\*

**Judicial appeal against the refusal of requests for changes**

1. Against the non-acceptance of a request for changes to electoral components for causes envisaged under article 53 and pursuant to procedures specified in article 54 of this Code, an appeal may be filed by the applicant to the district court having jurisdiction in the relevant local government. The appeal is filed no later than 5 days from the receipt of notification on the decision or the expiry of the deadline for the civil status office to make a decision on the request. The court complaints, according to this article, are exempt from the court service tax payment.

2. The court examines the case and makes a decision within 5 days from the submission of the court complaint. If the plaintiff or his/her legal representative is not present in the trial, the court shall dismiss the case. If the defendant does not appear in trial, then the case will be tried *in absentia*. The court must notify the absent party of the decision in conformity with the respective provisions of the Code of Civil Procedure within 24 hours from the date the decision is announced. The civil status office is obliged to execute the court decision within 48 hours from receiving the notification, without needing the plaintiff to request the issuance of an execution order. In any case, the court shall make its reasoned decision in writing available to the parties the same day the decision is announced.

3. The claim shall be substantiated with the same documentation and evidence that had substantiated the request to the civil status office.

## Article 56\*

**Preparation and posting of the voter list**

1. The civil status office compiles the voter list for each polling unit, no later than 40 days prior to the election date, by extracting from the NCSR all citizens who will have turned 18 years old on or before the election date and with

domicile in the polling unit under its jurisdiction. The list is approved by the mayor of the relevant local government unit.

2. The voter list is compiled in compliance with the criteria for the number of voters established in point 2 of article 46 of this Code.

3. No later than 35 days prior to the election date, the voter list shall be sent to the CEAZ in three formats listed under letters “a”, “b” and “c” of point 2 of article 48. The CEAZ, on a case-by-case basis, posts the list at the respective voting centre, in a place of free access for the voters and sends to the VCC its copy of the voter list for use during voting.

4. If the mayor of the local government unit fails to exercise the competences provided herein, obligations deriving from this article shall be fulfilled immediately by the General Directorate of the Civil Status.

5. The voter list shall not change under any circumstance or for any reason after the deadline, envisaged in point 1, expires. The computer software is designed so as not to allow any change to the voter list despite changes to civil status components in the NCSR.

6. The General Directorate of the Civil Status sends a printed copy of all voter lists to the Central State Archive for retention, within 10 days from the expiry of the deadline set out in point 1 of this article.

#### Article 57\*

### **Court decisions after the compilation of the voter list**

1. When a voter finds that his/her electoral components are inaccurate, or that he/she is not registered in the voter list of the polling unit of his/her domicile or in any of the voting lists of his/her domicile’s local government unit, he/she has the right to submit a request to the respective district court until 24 hours before the election date. This request, based on this point, shall be exempt from court tax payment.

2. When the voter changes the domicile after the posting of the voter list, the voter list shall not be changed and the voter shall vote in the voting centre where his/her name appears on the approved voter list. If the voter submits a request to the court under the conditions set out in this point, the request shall be rejected.

3. District courts examine and decide on requests, according to point 1 of this article, on the last day before the Election Day, as well as on the Election Day, but no later than 6 hours before the closing of the polls. In case the court decision changes electoral components, the electoral component subject to change is clearly specified. When it specifies the voting centre or the voter is added to the list, the court decision shall specify the voting centre where the voter shall vote and the number of the identification document.

4. The name of the voter who comes to vote with a court decision shall be written by the VCC in a special register and the court decision shall be attached to it. The number of the identification document used for voting shall also be registered in this register. The same procedure shall apply when a decision is made in accordance with article 55, but it is not reflected in the voter list.

## CHAPTER III **SPECIAL VOTERS**

### Article 58\* **Special voters**

1. VCC members vote at the voting centre where they serve as

commission members, regardless of whether their name appears on the voter list of that voting centre. The voting of persons specified in this point as well as their written statement that they have not voted in the voting centre of their domicile are recorded in the minutes of the meeting.

2. CEAZ members and secretary vote at the nearest voting centre to the CEAZ location established by CEAZ decision, regardless of whether their name appears on the voter list of that voting centre. The persons specified in this point are provided with a specific attestation by the CEAZ secretary that bears the number of the VC that the CEAZ has decided.

3. When the names of the persons specified in points 1 and 2 of this article do not appear on the list, their names are registered in the special register kept in accordance with point 4 of article 57 of this Code.

#### Article 59\*

### **The voter list for partial, early or repeat elections**

1. In case of partial or early elections, the civil status offices in co-operation with the General Directorate of Civil Status, compile the voter lists no later than 5 days from the issuance of the decree setting the election date.

2. Within 48 hours from the completion of the update, the mayors of local government units approve and post the voter lists, in compliance with article 48 of this Code.

3. Changes to the voter list are made in conformity with article 57 of this Code.

4. In case of repetition of elections, according to article 161 of this Code, the voter list does not change.

#### Article 60\*

### **Making voter lists and extract of electoral components available to electoral subjects and the public**

1. Voter lists and the extract of electoral components are made available to electoral subjects, or on a case-by-case basis, to political parties, upon their request and free of charge, by the mayor of the respective local government unit and/or by the General Directorate of Civil Status.

2. Upon request and free of charge, the electoral subjects registered with the CEC or political parties may receive from the General Directorate of Civil Status an electronic copy of the voter lists or the extract of electoral components at national level, as well as any updated and published copy according to article 51 of this Code. The electronic copy shall allow for searching and crosschecking data.

3. Voter lists are made available to the abovementioned electoral subjects no later than 3 days after the date of the submission of their request.

4. In case the electoral subjects request more than one copy of the voter lists, they are made available against a fee. In this case, the fee for the voter lists shall cover only the administrative costs for their reproduction.

5. The voter lists, envisaged under letter "ç" point 2 of article 48, are posted electronically on the official website of the Central Election Commission and the ministry responsible for the local government. The electronic format must allow for multiple searches of voter list components by any interested person through the internet.

## Article 61\*

**Supervision by the CEC of the voter lists compilation**

1. The CEC supervises the voter lists compilation by requesting information from the General Directorate of Civil Status and local government units on the process of the establishment of the polling units and the number of voters for each voting centre in accordance with the rules envisaged in this Code and the law on civil status.
2. No later than 30 days from the issuing of the decree setting the election date, the CEC appoints, by a decision, two technical auditors to verify the transactions in the database of the NCSR. The right to designate auditors shall be with the Commissioner and Deputy Commissioner. The technical auditors may not be discharged from duty except for infringements set out in point 9 of this article. His/her replacement is appointed no later than 5 days following the same procedures and criteria stipulated in this article.
3. The technical auditors shall have a university degree and expertise in the field of information technology or statistics, and shall be knowledgeable in the process of voter lists compilation and/or civil status. Statutory auditors shall be assisted by not more than 2 assistants who are designated by the CEC upon the proposal of the audit. Special rules on the terms of the contract and audit procedures are established in a normative act of the CEC.
  4. The technical auditors check for the compliance of the transactions performed by the civil status offices and the General Directorate of Civil Status with the rules established in this Code, the law on civil status, and other legal acts issued for their enforcement by the CEC and the minister responsible for the civil status service. The technical auditors shall also perform other duties as defined in this Code and CEC acts.
  5. Each technical auditor shall have access to the electronic system, database, and documents of the NCSR and to local registry/status offices to enable the reading and comparison of civil status components, changes to them, time when these changes were made by the users or administrators of the system, as well as any other reports generated by the electronic system, which trace all changes to the electoral components in the NCSR over the period under review, including the report generation methodology. The technical auditor shall have the right to obtain information or examine the register data that is used to allocate the mandates for electoral zones. The auditor's access to the NCSR, in any case, shall be no less than the access of the Director General of the Civil Status Service.
  6. The auditors have the right to visit the General Directorate of Civil Status as many times as they deem it fit, but at least once a month. They may not make or order transactions in the database of the NCSR. The General Directorate of Civil Status officials are bound to co-operate with the technical auditors and provide any information or explanation regarding what is requested by them in order to carry out the duty, including details on changes made in the NCSR and on persons who have either made or authorized them. The General Directorate of Civil Status is obliged to provide adequate working conditions for the auditors them to be able to work independently.
  7. The technical auditors present a monthly report to the CEC on their findings in line with the duties assigned by the CEC or remarks or issues related to the enforcement of the legislation on the register of the civil status. Each of the technical auditors may submit an individual report if he/she has an opinion or comment that is different from the other auditor.
  8. The CEC forwards the findings and recommendations of the technical auditors to the General Directorate of Civil Status within 48 hours, asking also

for explanations about them. The audit reports and GDCS explanations shall be [publicly] disclosed by the CEC. The duty of the technical auditors concerning oversight of the compilation of voters list shall be fulfilled with the submission of the final report on voters list, following its announcement.

9. The technical auditors are obliged to treat the data learned or administered during the exercise of their duty, only for the purposes of reporting to the CEC and in compliance with the legislation on personal data protection. The technical auditors may not pass the data, which may not be published according to the law, to third parties. A violation of this obligation is punishable under provisions of the applicable legislation.

## CHAPTER IV POLLING UNIT

### Article 62<sup>†</sup>

#### **Establishment and location of polling units**

1. A polling unit shall be part of a compact and contiguous geographic territory and the number of voters in each voting centre shall not be lower than 300 and larger than 1,000 voters.

2. Special institutions constitute a special polling unit. A voting centre in such institutions is established when there are more than 15 voters.

3. The existing boundaries of the polling unit do not change, except when the change is necessary, because the requirements specified in point 1 of this article are not met. The CEC, upon a special instruction, assigns the polling units unique numbers nationwide.

4. The voting centre is located at the same address as in previous elections, except when this is not possible for objective reasons or the reasons set forth in article

93. The location of the voting centre may not change during the last 40 days prior to the election date, unless the CEC decides otherwise, due to *force majeure*.

5. The mayor of the local government unit determines and publishes the location of the voting centre, no later than by the deadline set forth in point 4 of article 51 of this Code, in compliance with the criteria set forth in point 4 of this article.

6. When a polling unit has more than 1,000 voters and the list is split according to article 51 of this Code, the mayor of the local government unit decides to establish an additional voting centre within the same unit. In this case, the new voting centre is established, when possible, in the same building as the existing voting centre and is numbered according to the unique national system of numbering the voting centres.

7. When a polling unit has fewer than 300 voters, the mayor of the local government unit decides to merge it with the nearest polling unit with the highest number of voters, which is also accessible by road. As a rule, the new voting centre shall not be farther than 5 km from the polling unit that is being merged in rural areas. If both these criteria cannot be met, the criterion of the minimal number of voters shall prevail. The number of the merged voting centre is suspended, and this suspension does not affect the existing numbering of the other voting centres. The CEC establishes by a normative act the criteria and procedures for the merging of the voting centres in accordance with this point.

#### *8. Abrogated*

9. No later than 10 days from the establishment of the voting centre, according to this article, the mayor of the local government unit shall notify the

CEC. The notification on the location is accompanied also with the blueprint, the type of premises, and additional information set forth in the CEC normative act.

10. Based on the information received by the mayors of local government units pursuant to this article, the CEC creates and updates the polling units map and establishes a database on the location of the voting centres. The representatives of the political parties accredited to the CEC have the right to access them at any time.

11. Within the deadlines envisaged in this article, on its own initiative or upon a complaint by party representatives to the CEC, the CEC intervenes to apply the requests and criteria related to the voting centre, number of voters and their location. The voting centre does not change after the decision of the CEC.

12. In case of refusal to apply the orders of the CEC related to the voting centres, the CEC fines the mayor of the local government unit from ALL 50,000 to 100,000 and notifies the prefect on the execution of the decision for the establishment of the voting centres. The fine constitutes an executive title and is executed according to the Code of Civil Procedure.

#### PART IV REGISTRATION OF ELECTORAL SUBJECTS

##### Article 63\* Electoral subjects and candidates

1. An electoral subject is a political party or a coalition of political parties that submit a list of candidates according to the rules provided for in this Code.

2. An electoral subject may also be an Albanian citizen with the right to vote who is proposed as a candidate for deputy or for local government bodies by a group of voters according to the rules set out in this Code.

3. A candidate is a citizen who fulfils the criteria provided for in article 45 and article 69 of the Constitution and is registered as a candidate for deputy with the CEC, or as a candidate for mayor of municipality or local council with the CEAZ.

4. In addition to the conditions envisaged in point 3, the following persons may not run as a candidate or be elected unless they first resign from duty:

- a) judges, prosecutors;
- b) military in active service;
- c) police and national security employees; ç) diplomatic representatives;
- d) mayors of municipalities in the case of elections for the Assembly; dh) deputies, when running in elections for local government bodies;
- e) prefects when they carry out their functions for elections for the Assembly and local government bodies;
- ë) chairs and members of election commissions;
- f) President of the Republic;
- g) high officials of the public administration envisaged by law.

5. When the elections for the Assembly and the local government bodies are held simultaneously, candidates shall register only for one of the elections.

##### Article 64\* Registration of political parties in elections

1. Each political party shall submit a request to the CEC for being registered as an electoral subject no later than 70 days before the election date.

2. For being registered as an electoral subject for any kind of elections, a political party shall submit to the CEC:

a) an attestation proving that the party is registered with the District Court of Tirana;

b) name, surname and address of the Chair of the party, who is the authorized person to present candidates;

c) official name, acronym and address of the party headquarters; ç) specimen of the party stamp;

d) name, surname and address of the finance officer of the party; and

dh) name, surname and address of the person responsible for communication with the CEC.

e) the written statement signed by the Chair of the political party which mentions the solemn commitment to reject involvement in any vote-buying practices, accepting unlawful financing or benefits, particularly those coming from criminal activities, and the solemn commitment to compete in elections with honesty and integrity. The text of the statement shall be defined by the CEC.

#### Article 65\*

### **Registration of electoral coalitions**

1. Two or more political parties registered as electoral subjects with the CEC, according to article 64 of this Code, may register with the CEC as an electoral coalition nationwide no later than 60 days before the election date.

2. A political party that is a member of a coalition may not participate in another coalition, nor may it present candidates or a multi-name list of candidates outside the coalition.

#### Article 66

### **Identification of electoral subjects**

If two political parties or coalitions have names or logos that are the same, or similar to an extent that may create confusion or mislead voters, then the CEC decides which party or coalition has the right to use the respective name 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 refers also to past elections.

#### Article 67†

### **The list of candidates of parties and party coalitions**

1. A political party that is registered with the CEC as an electoral subject for the elections for the Assembly submits its multi-name list of candidates to the CEC for each electoral zone no later than 50 days before the election date.

For elections for local government bodies, the candidate for mayor of the local government unit and the list of candidates for local councils are registered with the CEAZ that has jurisdiction over that local government unit by the deadline set forth in this point. The CEAZ submits a copy of the list to the CEC within 48 hours.

2. A political party participating in a coalition submits its multi-name list of candidates to the CEC for each electoral zone no later than 50 days before the election date.

For elections for local government bodies, the list of candidates is registered with the CEAZ that has jurisdiction over that local government unit within the deadline set forth in this point. The CEAZ submits a copy of the list to the CEC within 48 hours.

3. Pursuant to the second paragraph of point 1 and the second paragraph

of point 2 of this article, the candidate for mayor and the lists for the municipal council which territory is not subject to a single CEAZ are registered with the CEC.

4. A candidate for deputy, who is registered on a multi-name list in one electoral zone, or a candidate for municipal council, may not be registered as such for another electoral zone, nor as a candidate of another party or coalition or as a candidate proposed by a group of voters.

5. Names on the multi-name list of the electoral subject shall be listed in numerical order, starting from number one. The number of candidates on the multi-name list shall not be less than the number of seats assigned to a respective electoral zone, plus two. In any case, the number of candidates on the multi-name list shall be fully divisible by three. For the parties that are members of a coalition and run by special multi-name lists, the number of candidates on the multi-name list shall not be less than half of the number of seats assigned to the respective electoral zone plus two. In any case, the number of candidates on the multi-name list of the party shall be fully divisible by three .

6. For each electoral zone, in the elections for the Assembly, not less than one in any three names on the multi-name list shall belong to the less represented gender, whereas for the elections for Municipal Councils, one in any two consecutive names on the ranking [list] shall belong to the same gender.

7. In case of non-compliance with any of the conditions provided for in this article related to the composition of the multi-name list, the CEC imposes the sanctions set forth in article 175 of this Code.

#### Article 68\*

### **Supporting lists of political parties and coalitions**

1. The lists of candidates for the Assembly submitted by political parties, which do not have seats in the Assembly, shall be supported by no fewer than 5,000 voters nationwide. In case of an electoral coalition, the lists in their entirety must be supported by no fewer than 7,000 voters nationwide. This rule does not apply to coalitions where the participating parties together hold a number of seats in the Assembly not smaller than the number of parties participating in the coalition.

2. Candidates for the bodies of local government units, presented by political parties that do not have any seats in the Assembly or in the bodies of the respective local government units, shall be supported by no less than 1 per cent of the voters of that unit, but, in any case, by no more than 3,000 and no fewer than 50 voters. This rule does not apply to coalitions where the participating parties together hold a number of seats in the Assembly, or in the respective municipal council, not smaller than the number of parties participating in the coalition.

3. For the purpose of this article, the political party or the coalition submits a written attestation issued by the Assembly or the local government unit, certifying the holding of a seat for at least the last 6 months.

#### Article 69\*

### **Candidates proposed by voters for elections to the Assembly**

1. A group of voters in one electoral zone have the right to propose for that electoral zone a candidate who meets the criteria provided for in article 45 of the Constitution and article 63 of this Code, no later than 50 days before the

election date,

2. A candidate proposed by a group of voters may not be part of any party or coalition that is running in the elections, nor can he/she openly or indirectly support any other subject or candidate running in the elections.

3. For the submission of a candidate by the voters, an initiating committee is established, which shall be composed of no fewer than 9 voters from the respective electoral zone, who are tasked with organizing the work for gathering the supporting signatures for the candidate in accordance with this Code. No later than 70 days before the election date, the initiating committee registers with the CEC by submitting the names of the committee's members. The committee may register a candidate for deputy only if it has gathered support for the candidate from no less than 1 per cent of the voters registered in the list of that electoral zone, but in any case no more than 3,000 voters, according to the procedures provided for in this Code.

4. The candidates proposed by the voters shall be exempt from the obligation envisaged in point 3 of this article if they are deputies. In this case, the candidate submits a written attestation signed by the Assembly certifying the holding of the seat for at least the last 6 months.

#### Article 70\*

#### **Candidates proposed by voters for elections for local government bodies**

1. A group of voters domiciling in an electoral zone have the right to propose a candidate for mayor or a candidate for local councils no later than 50 days before the election date.

2. A candidate proposed by a group of voters may not be part of any party or coalition that is running in that electoral zone, nor can he/she openly or indirectly support any other subject or candidate running in that electoral zone.

3. For the submission of a candidate by the voters, an initiating committee is established, composed of no fewer than 9 voters from the respective electoral zone, who are tasked with organizing the work for gathering the supporting signatures for the candidate. No later than 70 days before the election date, the initiating committee registers with the CEAZ by submitting the names of the committee's members. The committee may register a candidate for mayor of municipality only if it has gathered support for the candidate from 1 per cent of the voters registered in the list of that electoral zone, but, in any case, no fewer than 50 voters, according to the procedures provided for in this Code.

4. Candidates proposed by voters are exempt from the obligation provided for in point 3 of this article if they are mayors of municipality, members of local government unit council, or deputies. In this case, the candidate submits a written attestation issued by the Assembly or the local government unit respectively certifying the holding of the seat for at least the last 6 months.

#### Article 71\*

#### **Procedure for collecting signatures**

1. The CEC, no later than 100 days before the election date, approves and provides the subjects specified in articles 68 and 69 of this Code with a template form for the collection of the supporting signatures for the candidates proposed by a group of voters or for the parties and coalitions.

2. Voters deposit their signatures in the form individually. The form shall contain the full identity of the voter, his/her birthday and phone number. In addition to signing, each voter shall submit a photocopy of a valid ID card, signed

by him/her, which is attached to the list. Pursuant to article 69 of this Code, the voter shall be registered in the respective electoral zone.

3. The signatures for elections to the Assembly are verified by the CEC administration, and for elections for local government bodies are verified by the respective CEAZ, verifying 5 per cent of the list of supporters required by law, and whether the voters have their domicile in the respective electoral zone when they submit the signatures. Upon verification, the administration presents a detailed report on the identified irregularities. The report is reviewed in a public hearing where the interested party is present. The CEC decides to accept or reject the supporting list. The list shall be accepted when the number of supporting signatures, excluding the number of irregular signatures, equals at least the minimum number required according to this Code.

4. The signature verification procedure shall be public and in compliance with the modalities defined by the CEC in a legislative act.

5. Upon completion of the signature verification process, the CEC shall approve the relevant administrative act which can be challenged by the interested subject in an appeal to the ASC within 3 days.

#### Article 72\*

### **Candidacy documents**

1. Candidacy documents shall be in compliance with the requirements of this Code and in the format specified in CEC instructions.

2. Candidacy documents shall contain the following information:

a) full list of candidates with the respective order, signed by the Chair of the party, or the proposal from the initiating committee of a group of voters;

b) name, father's name, surname, date of birth, gender, and address of the candidate, as well as a copy of his/her identification document;

c) a declaration from the candidate stating the right and will to run as a candidate, which includes, on a case-by-case basis, a statement of resignation from the functions envisaged in article 63 of this Code and the copy of the resignation statement filed with the relevant institution;

ç) declaration by the candidate proposed by a group of voters stating that he/she will not be supported or shall not support any electoral subject in the elections;

d) list signed by the voters of the respective zone supporting the candidate or party in accordance with articles 69, 70 and 71 of this Code.

3. For elections for local government bodies, the requirement in letter "a" of point 2 of this article may be signed also by a person authorized by the party Chair.

#### Article 73\*

### **Verification of documentation**

1. The CEC or, depending on the case, the CEAZ, verifies the regularity of candidacy documentation and, in case of irregularities or non-compliance with the requirements of this Code, returns them to the electoral subjects for correction no later than 45 days before the election date.

2. The corrected documentation is submitted no later than 42 days before the election date. A decision to approve or reject the final documentation is made within 48 hours from submission.

3. The CEC publishes the full list of candidates in the media, and on its official website. A copy of the list for each electoral zone is sent to the Prefect, the Regional Council and CEAZs, which publish it in the local media and post it in public places in the respective zone, in accordance with the instructions

received from the CEC.

4. Names on the multi-name lists and their order may not be changed after their final approval by the CEC or, when applicable, by the CEAZ, in accordance with point 2 of this article.

5. No later than 24 hours from the final approval of the list, the CEAZ submits one copy of the list for the councils of municipalities to the CEC.

6. No later than 90 days from the election date, the CEC specifies in a special instruction the rules for the verification of the candidacy documentation and the timeframe for the implementation of point 3 of this article.

## PART V ELECTORAL ZONE AND NUMBER OF SEATS FOR EACH ZONE

### Article 74 The electoral zone for the Assembly

1. The electoral zone corresponds to the territory of the region and serves as an electoral unit for the election of a specified number of seats in accordance with the rules set in this Code.

2. Administrative boundaries of the regions are decided by the law on the administrative and territorial division of the Republic of Albania.

### Article 75 Criteria and procedure for determining the number of seats

1. The number of seats for each electoral zone is determined in proportion to the number of citizens in each electoral zone. Each seat represents an approximately equal number of citizens.

2. The total number of citizens, according to the National Civil Status Register, is divided by the number 140 of the Assembly seats, thus determining the average number of citizens for each Assembly seat.

3. The number of seats for each electoral zone is determined by dividing the number of citizens with domicile in the electoral zone by the average number obtained according to point 2 of this article.

4. Each electoral zone is initially allocated a number of seats equal to the full number obtained through the division in accordance with point 3 of this article.

5. If, upon the conclusion of the calculation made in accordance with point 4 of this article, one or more seats remain unallocated; these seats are allocated to the zones based on the largest decimal remainder obtained from the division under point 3 of this article. The allocation of the remaining seats is carried out in descending order, starting from the zone with the largest decimal remainder.

6. If, even after the application of point 5 of this article, the decimal remainder of two or more zones is the same, the last seat is allocated to the zone that, according to the calculations of point 3 of this article, has the largest remaining number of citizens who have not produced a full seat.

7. If, even after the application of point 6 of this article, two or more electoral zones have the same number of citizens who have not produced a full seat, the seats are allocated by a lot drawn by the CEC. The drawing of the lot is always made public and is carried out in the presence of the subjects who have permanent representatives to the CEC.

## Article 76

**The procedure and the period for the allocation of seats**

1. As a rule, 4 months before the starting date of the electoral period, which precedes the end of the Assembly's mandate, the General Directorate of Civil Status, on the request of the CEC, sends the total number of citizens, as well as the number of citizens for each region, based on the National Civil Status Register.
2. Calculation and approval of the number of seats for each electoral zone shall be made no later than 15 days from obtaining the data according to paragraph 1 of this Article.
3. In any case, the number of seats for each electoral zone is approved no later than 6 months before the end of the Assembly's mandate. The number of seats for each electoral zone shall not be revised in case of early elections.

## PART VI

**THE ELECTORAL CAMPAIGN AND THE MEDIA**

## Article 77

**The period of the campaign and of electoral silence**

1. The electoral campaign begins 30 days before the election date and ends 24 hours before the election date.
2. The day prior to the election date and the election date until the hour of the closing of the polls constitute the period of electoral silence. During the period of electoral silence no electoral campaign through media outlets, as well as rallies or other electoral activities, is allowed.

## Article 78\*

**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 every lawful manner.
2. Relations of electoral subjects with radio-television operators concerning the coverage of their campaign activities, election messages or ads of the subject shall comply with the rules, conditions and limitations set out in this law.
3. Rules, conditions, and limitations set out in this law aim to guarantee equality among electoral subjects in the race, ensure neutrality of radio-television operators towards the campaign and certain electoral subjects, and to protect electoral subjects from practices of deformation of electoral message(s), censorship and unlawful use of media.
4. The results of electoral polls may not be made public during the last 5 days before the election date and on the election date until the closing of the polls.
5. The publication of electoral poll results must also include the name of the pollster, its sponsor, the number of persons interviewed, the margin of error, and the time period during which the poll was taken.
6. Electoral campaigning in public institutions is prohibited.
7. Electoral subjects and candidates shall be forbidden and held criminally liable if they offer or give money, material goods, promise jobs or other favours, in whatever form, to the voter or other related persons, with a view to obtaining the signature for nominating a candidate for election, to vote in a certain way, to participate or not participate in voting, or in exchange for engagement in illegal activities to support a candidate or political party.

8. Electoral subjects and their candidates through the electoral subjects, shall bear the obligation for transparency of income and expenses as per the rules in this law and its implementing legislation.

9. The electoral subjects and their candidates are forbidden from organizing, incurring or covering expenses - themselves or through third parties – for concerts, cultural and entertaining events or charity activities, regardless whether these are carried out during or related to electoral rallies or as campaign activities or outside the campaign.

10. It shall not construe breach and electoral subjects and candidates are allowed to offer items and printed materials for the campaign provided that their value is less than 500 ALL per item or material. The CEC shall maintain and update the list of allowed items and materials for the campaign, with the maximum value for each of them.

#### Article 79

### **Posting of propaganda materials**

1. No later than 35 days prior to election date, the Mayor, in a fair and impartial manner, shall specify the public places in the territory of the relevant municipality to be used for posting of propaganda materials by political parties and electoral subjects. The places designated for this purpose must be located in environments that ensure public visibility and adequate space where all electoral subjects participating in elections can present their electoral programs and messages. The decision of the Mayor shall be published on the municipality's webpage immediately upon approval.

2. During the electoral campaign, the use and display of any other static electoral propaganda materials, including flags and posters, shall be permitted at a distance of only up to 5 meters from the electoral office of a political party or electoral subject.

3. Any visual propaganda materials used in campaign shall bear the note: "Produced under the legal responsibility of ... (name of electoral subject).

4. The use of static propaganda materials in violation of the provisions in paragraphs 2 and 3 of this Article shall be forbidden.

5. The Municipal Police and/or State Police shall guarantee compliance with the provisions of this Article by immediately removing any propaganda materials of electoral subjects that are incompliant with the provisions in paragraphs 1 and 2 of this Article

#### Article 80\*

### **Electoral campaign of electoral subjects on the Public Radio and Television**

1. During the electoral campaign, the Public Radio and Television provides to registered political parties and to the CEC free airtime for campaigning, which is allocated according to the following rules:

a) a total of two hours is provided to the CEC according to the time slots it requests. At least two-thirds of this time shall be between 18:00 and 22:00;

b) for parliamentary parties that received more than 20 per cent of the seats in the last elections to the Assembly, the CEC allocates equal airtime of no less than 30 minutes on the Public Television and the same airtime on the Public Radio; for the rest of the parliamentary parties, this airtime is no less than 15 minutes. If airtime is increased for one party or one respective coalition, the time allotted to another party or coalition shall be proportionally increased;

c) each party that does not hold a seat in the Assembly, but runs in elections is allocated 10 minutes of airtime on the Public Television and 10

minutes of airtime on the Public Radio;

ç) the respective electoral subject must be clearly identifiable on any political programme or advertisement for purposes of electoral propaganda. If the political programme or advertisement is not clearly identifiable, the CEC orders the immediate suspension of its broadcast until the subject is rendered identifiable according to the requirements in this point.

2. The Public Radio and Television covers the electoral campaign through news or informative programmes in compliance with the principles of impartiality, completeness, truthfulness, and pluralism of information set forth in the legislation that regulates electronic media. The free airtime allocated to political parties in accordance with point 1 of this article may not be allocated as part of news or information programming.

3. The Public Radio and Television broadcasts free political advertising by calculating the broadcasting time within the allocated airtime in accordance with point 1 of this article.

4. During the electoral campaign, advertisements of central and local public institutions are prohibited except for those serving to raise the awareness of voters on election-related aspects and/or other announcements envisaged by law.

#### Article 81\*

#### **News broadcasts of the Public Radio and Television**

1. During the political airtime of news broadcasts, the Public Radio and Television must apply an equal time ratio to all parliamentary parties that in the last elections to the Assembly, obtained up to 20 per cent of the seats in the Assembly. The parties that obtained more than 20 per cent of the seats in the Assembly 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 per cent of the seats in the Assembly.

2. In case of violation of the ratio of coverage in favour of one party or coalition, the Central Election Commission orders the reduction by the same airtime at the disposal of that political party or coalition, or the compensation of other political parties or coalitions with additional airtime within 48 hours.

3. The broadcasting of the activities of the central or local public institutions is calculated as part of the airtime of the electoral subject that the head of the institution adheres to when this activity is for electoral purposes. An activity is for electoral purposes when it promotes the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject.

4. To cover the activities of the non-parliamentary parties, the public Radio and Television applies the professional criteria for news. The airtime allocated to them shall be no f than the airtime allocated to the parliamentary parties, which have obtained not less than 20 per cent of the seats in the Assembly.

5. Propaganda, political comments or political stances by journalists of the Public Radio and Television are prohibited during the news programmes.

6. In case of violation of the requirements specified in this article, the CEC, depending on the case and the level of responsibility, fines the journalist who has prepared the report with ALL 20,000, the editor responsible with ALL 30,000, the News Director with ALL 35,000 and the Director General with ALL 60,000.

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

Article 82  
**Free airtime for the CEC**

In addition to the time provided under letter “a” of point 1 of article 80 of this Code, the CEC is provided with a total of 90 minutes of free time for voter information by the Public Radio and Television each year. This airtime is to be determined in accordance with letter "a" of point 1 of article 80 of this Code.

Article 83  
**Broadcasting schedule**

1. No later than 30 days before the election date, the Steering Council of the Public Radio and Television, based on the information on registered parties provided by the CEC, determines the time available for each party and, under the supervision of the CEC, organizes a lottery for the allocation of time slots to each registered party.

2. The airtime provided to political parties is allotted in the time slot from 18<sup>00</sup> to 22<sup>00</sup> each day of the electoral campaign until 24 hours before the beginning of the voting.

Article 84\*  
**Electoral campaign on private radio and television stations**

1. Private radios and televisions cover the electoral campaign only during normal and special news editions. Private radios and televisions shall not allocate airtime to political subjects for their electoral campaign. Electoral campaign information prepared and transmitted during the news editions based on the materials made available by the electoral subjects should be clearly identifiable in compliance with the CEC instructions.

2. During normal and special news editions, private radios and televisions shall respect the following conditions:

a) the political airtime of the news editions is divided on time ratios as established by point 1 of article 81 of this Code. In case the coverage ratios are violated in favour of one party, the CEC, on its own initiative or upon the proposal of the CEAZs, fines the local radio/television with ALL 1,500,000 and the national radio/television with ALL 3,000,000. 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. If the violation is repeated, the CEC orders the regulatory entity for audiovisual media to debar the transmissions of that radio/television broadcaster for 48 hours, starting no later than 18:00 of the following day;

b) the airtime covering activities of the central or local public institutions shall be calculated as part of the airtime allocated to the electoral subject that the head of the institution adheres to when this activity has electoral purposes. An activity has electoral purposes when it aims to promote the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject;

c) to cover the activities of non-parliamentary parties and candidates proposed by voters, private radios and televisions apply professional criteria;

ç) propaganda, political comments or stances by journalists are prohibited during news programmes. In the case of a violation, the CEC fines the perpetrating local radio/television with ALL 1,000,000 and the national radio/television with ALL 2,500,000. 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. If the violation is repeated, the CEC orders the regulatory entity for audiovisual media to debar the transmission of the local radio/television broadcaster for 48 hours, starting no later than 18<sup>00</sup> of the following day.

d) Audiovisual media shall prepare news in full editorial freedom. Where, for objective reasons, the media is unable to cover certain election activities, it shall be allowed to use and select footage from full footages provided by the electoral subjects, on the condition that the news is accompanied by the note "footage provided by the electoral subject."

3. Private radios and televisions have the right to organize electoral debates between the competing political parties or candidates. In these debates, the private radio/television broadcasters shall preserve the balance between the political parties participating in the debate.

In the case of violations, the CEC orders the regulatory entity for audiovisual media to debar the transmission of the radio/television broadcaster for 48 hours, starting no later than 1800 of the following day.

4. Only those electoral subjects registered for elections are entitled to broadcast political advertisements during the electoral period on private radio, television or audio-visual media, be they digital, cable, analogue, satellite or any other form or method of signal transmission. Political advertisements of electoral coalitions are calculated within the time of the political parties that are members of the coalition according to an individual agreement between each party and the radio or television broadcaster. The political advertisement must clearly identify the commissioning subject. If the political advertisement does not clearly identify the commissioning subject, the CEC orders the immediate suspension of its transmission until its verification according to this point.

5. The total airtime for political advertisements during the entire election campaign on each private radio and television station may not exceed 90 minutes for each party registered in elections. In any case, radio and television broadcasters apply the same fees for the same time slot throughout the campaign. Five days before the beginning of the electoral campaign, the radio and television broadcasters shall submit the fees for each time slot to the CEC. The fees are published on the official website of the CEC.

6. For elections to the Assembly, private national and satellite radios and televisions that accept paid advertisements in accordance with this article are obliged to make available to the electoral subjects, free of charge, half of the total airtime for advertisement provided for in point 5 of this article. The cost for making the free airtime available to the electoral subjects by private radio and televisions is calculated as a deductible expense for taxation purposes. The CEC, the regulatory entity for audiovisual media and the Minister of Finance are responsible for issuing the respective instructions.

7. Political advertisements of electoral subjects are broadcast from 15<sup>00</sup> to 18<sup>00</sup> and from 21<sup>00</sup> to 24<sup>00</sup> of the daily programme.

8. Advertisements for candidates for mayors of local government units are included in the time of the political subject they represent.

9. Private radios and televisions make available extra airtime for the advertisements of non-parliamentary parties and candidates proposed by the voters, in addition to the airtime applied according to point 5 of this article. The airtime for the advertisements of each non-parliamentary party and candidates proposed by voters shall not exceed 10 minutes for the entire electoral campaign. For non-parliamentary parties and candidates proposed by the voters, the same rates as for parliamentary parties as well as the same criteria for the free time in accordance with point 6 of this article shall be applied. In the case of a violation, the CEC fines the local radio/television broadcaster with ALL

2,000,000 and the national radio/television broadcaster with ALL 3,500,000. 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 case of a violation, the CEC orders the regulatory entity for audiovisual media to debar the transmission of the local radio/television broadcaster for 48 hours, starting no later than 18<sup>00</sup> of the following day.

10. Advertising by central and local public institutions, 4 months before the Election Day, is prohibited, unless it serves to raise the awareness of voters related to aspects of the electoral process or other announcements envisaged by law.

#### Article 84/1<sup>s</sup>

### **Coverage of the electoral campaign in local elections**

1. In elections for local government bodies, a political party registered as an electoral subject has the right to ask the CEC to approve by a decision the ratios of the time allotted to the respective electoral subject according articles 80, 81 and 84 of this Code, according to the proposal of the subject itself. The party has the right to determine the time ratio allotted for covering the campaign for the councils and the campaign of its candidates for mayors of local government units. The respective request is filed with the CEC no later than 15 days before the beginning of the electoral campaign.

2. The CEC publishes the time allocation for each electoral subject on its official website. These time allocations are applied by the radio/television broadcaster no later than 10 days before the beginning of the electoral campaign.

#### Article 85\*

### **Monitoring election campaign on media**

1. . Election campaign monitoring on radio and television shall be conducted by the regulatory entity that regulates and oversees the audio and audio-visual broadcasting services. Monitoring shall be conducted across the entire electoral territory.

2. The Regulatory Entity that regulates and supervises the activity of radio and television operators shall monitor the compliance with the rules of this law and the acts of legislative nature issued by CEC - by radio and television broadcasters and electoral subjects.

3. No later than 3 months prior to the election date, the CEC shall approve and publish the Media Monitoring Methodology.

4. The Regulatory Entity shall present its findings in detailed reports, at least weekly, which it shall submit to the CEC for competence. Reports shall, where appropriate, be accompanied by proposals for administrative sanctions. The media monitoring reports shall be published on the CEC's website immediately upon submission to CEC. Representatives of electoral subjects shall have the right to submit comments and proposals to the CEC which shall be examined together with the report.

5. The CEC shall order the correction of conduct by radio and television operators or electoral subjects, or, where appropriate, imposes administrative sanctions on them, based on its findings of monitoring reports or the information, complaints or third-party denunciations verified by her. The CEC decisions are subject to appeal in accordance with the procedures set forth in this Law. The appeal does not suspend the execution of the CEC decision.

6. Public and private radios and televisions are obliged to register all their

broadcasts during the period of the electoral campaign. These registrations are retained for a period of three months after the conclusion of elections and are made immediately available to the commission on the request of the CEC. These records shall be kept for a 10-month period after the end of the elections and shall be made available to the CEC immediately upon request.

Article 85/1§  
**Establishment of the Media Monitoring Board**  
 [Repealed]

The Media Monitoring Board is composed of 7 members. Each of the CEC members appoints one Media Monitoring Board member from the list proposed by national non-for-profit media organisations, according to the following procedure:

no later than 4 months before the beginning of the electoral campaign, the CEC asks the District Court of Tirana a list of non-for-profit organizations that operate in the media sector, which have been registered at least 1 year before the date of the upcoming elections;

no later than 80 days before the beginning of the electoral campaign, the CEC sends to the non-for-profit organizations, which are identified according to letter "a" in this article, a request to propose members for the Media Monitoring Board;

within 30 days from the request of the CEC, each of these non-for-profit organizations proposes no fewer than three candidates for board members. The proposed candidates shall be journalists, analysts or media researchers, by profession or experience;

ç) no later than 45 days before the beginning of the electoral campaign, each member of the CEC chooses one name from the submitted proposals, according to letter "c" of this article, for the board member, and presents it to the CEC. The CEC approves the Media Monitoring Board in compliance with the deadline of point 1 of article 85. In case a vacancy rises in the board, the respective member of the CEC immediately proposes to the CEC for a new member of the board one of the names in the proposed list, according to letter "c" of this article.

PART VII  
**ELECTION AND CAMPAIGN FINANCING**

CHAPTER I  
**ELECTION FINANCING**

Article 86\*  
**Electoral campaign financing sources**

The sources for financing the campaign of electoral subjects are the following:

a) advanced funds given by the State Budget for political parties registered as electoral subjects;

b) income generated by the electoral subject itself, in accordance with the legislation in force;

c) gifts to the electoral subject and its candidate in monetary value, in kind or services rendered, according to article -92/1 of this Code;

ç) borrowing or loans taken by the political parties or their candidates in accordance with the law. The value of a borrowing or loan shall not exceed the amount of funds defined in point 2 of article 92/1 of this law.

CHAPTER II  
**FINANCING OF ELECTORAL SUBJECTS**

Article 87\*

**Funds for the preparation and conduct of elections**

1. The budget of the CEC constitutes a separate item in the State Budget.
2. In the budget of an election year, the Assembly allocates the CEC and other relevant institutions funds for the preparation, conduct, supervision, as well as for other aspects of the electoral process.
3. When the budget year is not an electoral year, sufficient funds are allocated to the CEC for its functioning and exercise of responsibilities in accordance with the law.
4. The CEC administers the funds designated for the conduct of elections according to the rules provided for in this law.
5. In case of early elections, the Council of Ministers allocates to the CEC the funds, no later than 5 days from the day of the dissolution of the Assembly or of the respective local government body.

Article 88

**State budget funds to finance parties running in elections**

Political parties participating in the elections, which have received no less than 1 per cent of votes nationwide, in the last elections of the same type are entitled to State Budget funds, based on the number of votes of each party in those elections. This fund is determined through a decision of the Assembly and comprises a separate item in the State Budget for the respective electoral year. This fund may not be lower than the aggregate sum allocated to political parties in the previous elections.

1. Within 10 days from the declaration of the final result at national level, the CEC determines, by a decision, the monetary value of a valid vote, dividing the adopted general fund by the overall number of valid votes received by the political parties that participated in the last elections which have received no less than 1 per cent of valid votes at national level. For elections for local government bodies, the calculation is based on the number of votes received for the local councils at national level.

2. The CEC calculates the amount due to each party, by multiplying the monetary value of one valid vote, as defined in point 2 of this article, with the number of valid votes received by each party in the previous elections of the same type.

3. From the amount calculated according to point 3, the CEC deducts the financial sanctions, which are imposed on respective parties according to this law, and have become executive titles.

4. The resultant amount after calculations of point 4 is the amount that the party that participates in elections is entitled to from the State Budget.

5. Funds earmarked to be distributed under this Article shall be given to each party no later than 5 days from the registration of the multi-name lists or candidates for mayor of local government units of the relevant party. Political parties benefits State budget funds and the CEC shall, before distributions of these funds, sign an agreement in which the political party acknowledges to accept the funds, use it in compliance with all conditions and obligations laid down in this law, accept monitoring of expenses incurred by the [electoral] subject and its candidates, and respect all prohibitions laid down in this law for them. The CEC shall further define in its sublegal act additional modalities of the agreement signed between the parties.

6. When the amount, based on point 5 of this article, is higher than the total expenses in the electoral campaign, reported by the political party or is established as such by the CEC following independent audits or inquiries, the political party shall return the difference to the CEC.

7. If the political party fails to comply with paragraph 7 of this Article, it shall lose the right to benefit public funds for a period not less than 5 years, unless it pays the obligation together with fines [late payment interests].

#### Article 89

### **Post-election financial compensation**

Electoral subjects participating in elections which have not benefited funds under Article 88 of this law provided that they obtain not less than 1% of valid votes nationwide, the CEC shall no later than 30 days from the announcement of the election final result, compensate these funds against the amount resulting from the multiplication of valid votes won by them to the vote/ballot monetary value defined as per paragraph 1, Article 88 of this law.

#### Article 90

### **Handling of donations/gifts, borrowings and loans**

1. The CEC shall define in a decision the rules and modalities required to calculate the monetary value of in-kind donations or delivered services, according to the market value at the moment of their provision.

2. For the purpose of this Law, donations in monetary values, in kind or in the form of services provided to candidates of electoral subjects, as well as borrowings or loans by candidates to finance the campaign, shall be considered as contributions to the political party for which they are standing. For candidates proposed by coalitions, the political parties participating in a coalition shall determine in their coalition-establishment agreement which party will declare the candidate's expenses.

3. The electoral subject shall take measures for the coordination of information by its candidates during the electoral campaign, and shall determine rules and sanctions for income and revenue reporting by the candidate to the electoral subject, so that no donor, lender or creditor exceeds the donation limit set out in Article 92/1, paragraph 2 of this Law."

4. The electoral subject shall be held liable as per this law for violation of conditions and obligations concerning financing by its own candidates, except when the administrative investigation establishes that it was impossible for the electoral subject or despite efforts could not prevent or correct the violation committed by the candidate. In this case, the administrative liability and sanctions for the violation shall rest with the candidate.

#### Article 91

### **Prohibition on using public resources to support electoral subjects**

1. Except when otherwise provided by law, resources of central or local public bodies or entities, or of any other entity where the state holds capital or shares or/and appoints the majority of the supervisory or administrative body of the entity, regardless of the source of the capital or ownership, may not be used or made available to support candidates, political parties or coalitions in elections.

2. For purposes of this article, current and fixed assets provided for in article 142 of the Civil Code, as well as any human resources of the institution, shall be

considered as “resources”. Use of "human resources" shall mean the obligatory use for electoral purposes of the institution's administration within the work hours, as well as the obligatory and organized use of students of the pre-university system within the lesson hours, in the electoral campaign. Use of human resources shall also include promise or provision of benefits to public employees or students to participate in election campaign-related activities outside working or learning hours, as well as pressure on them for this purpose.

3. During the electoral campaign, the recruitment, dismissal, release, movement or transfer in duty in public institutions or entities is prohibited, except for legally-justified cases. Legally-justified cases shall refer to cases when movement or release from duty occurs when the respective legislation is violated, or when recruitment by the public institution or entity, in fulfilling their mission, is carried out within the organisation's staffing and structure in force before the electoral campaign. This does not apply to cases of emergencies arising from unanticipated events, which dictate recruitment.

4. Four months before the election date until establishment of the new government after the elections, it shall be prohibited to propose, approve or issue legal acts or bylaws which award benefits to certain categories of population, such as acts awarding increases in salaries, [retirement] pensions, economic and social aid, tax reduction or removal, fiscal amnesty, privatization or awarding assets or remunerations, etc., unless when such initiate is called for by a natural disaster.

5. The CEC shall issue detailed guidelines to specify the use and misuse of public resources.

## Article 92

### **Activity of public institutions in campaign**

1. Central and local public institutions and/or State agencies or enterprises shall be bound to report to the CEC all activities of a public character that they plan to conduct in the four months prior to the election date until election day. Public activities shall be those that are open for public participation and media, and those having a public information agenda, in the period from four months from the election date until the election day.

2. Reporting shall be the personal responsibility of the person responsible for the administrative management of public institutions, agencies and state-owned enterprises (the institution's secretary-general, or, where appropriate, the general director or executive director). Reporting must be completed no later than five days before the scheduled activity.

3. Reporting under paragraph 1 of this Article shall be carried out through the interface used to report public activities, which shall be maintained and administered by the CEC. The responsible persons shall receive personalized access to this interface and enter data on the date and time of the event, its type, theme, highest level of participation, guests of honour, scheduled speakers and media coverage. The information under this paragraph shall be accessible to all interface users from the moment of data entry until the announcement of the final election result.

4. In case the CEC, ex officio or upon third-party request, finds from the information referred to in paragraph 3 of this Article that the activity may constitute an abuse of State resources, it shall order the prohibition of its development. Prohibition shall be effectuated by placing the note "Prohibited by the CEC" in the reporting interface, in the section pertaining to the activity. The note "Prohibited by the CEC" shall be placed no later than 24 hours after the reporting. The information under this paragraph shall be accessible to all interface users from

the moment of data entry until the announcement of the final election result.

5. Activities prohibited by the CEC shall not be allowed to be aired or featured in news editions or radio and TV programs dedicated to campaign coverage. Their broadcasting or featuring in breach of this paragraph shall result in the radio-television broadcasters with liability under this law.

6. Failure to report scheduled activities with a public character by public institutions, State agencies and/or enterprises, or the conduct of such activities despite the CEC prohibition, shall be cause for liability of the responsible person and the head of the relevant institution, whenever he/she obstructs the compliance with this provision.

7. Rules for the examination ex officio or upon request of the cases that may constitute misuse/abuse of State resources under paragraphs 1 and 4 of this Article shall be adopted by the CEC in a normative/legislative act.

#### Article 92/1

### **Financing of electoral subjects through non-public funds**

1. Electoral subjects and their candidates may receive funds for the purposes of their electoral campaigns only from domestic natural or legal persons. For the purposes of this law, an Albanian citizen who resides outside the territory of the Republic of Albania shall also be considered a domestic natural person.

2. The amount that each natural or legal person may give to an electoral subject including its candidates, may not be larger than ALL 1 million or the equivalent value in kind or services. The amount in the first sentence shall be indexed by the CEC each five years against the inflation rate.

3. Donation of funds by a legal person or any of its shareholders is prohibited if one of the following conditions applies:

a) has received public funds, public contracts or concessions in the last 3 years, exceeding ALL 10 million. This prohibition shall also apply to sub-contracting or public-private partnership contracts;

b) exercises media activity;

c) has been a partner with public funds in different projects;

ç) has monetary obligations towards the State Budget or any public institution. This obligation is not applicable if the shareholder owns these shares as a result of a public offer.

4. Natural or legal persons which/who have donated to a political party or candidate in elections shall not receive public contracts, public-private partnership contracts, or in any other way, funds with a total value exceeding ALL 10 million, including as a sub-contractor on a public contract/concession, for up to 3 years following the Election Date.

5. The electoral subject shall be obliged to disclose and provide full and uninterrupted access to third persons to its database where it records/enters the donations, loans or borrowings benefited by the electoral subject and its candidates, for any amounts equal to and above 50 thousand ALL.

#### Article 92/2

### **Registration of non-public funds**

1. Each electoral subject must register the amount of funds received for each natural or legal person, as well as other data related to the clear identification of the donor, lender or creditor, in a special register which is approved as a template by a CEC decision. At the moment of donation, the donor signs a declaration affirming that none of the circumstances specified in

article 92/1 of this law applies to him/her and that he/she bears personal responsibility for false declaration. The form and content of the declaration is approved by the CEC and its signing is obligatory for all donations.

2. Non-public funds exceeding ALL 50,000 shall be donated only through a special bank account of the electoral subject. . The accounts shall be declared upon registration under Article 64 of this law. The declaration form shall include that CEC and its assignees are authorized to obtain account statements at any time directly from the bank. The electoral subject shall not use any bank accounts other than those declared to receive donations for the election campaign, even for amounts less than 50 thousand ALL.

3. Candidates of electoral subjects planning to receive donations for their campaign which are over 50 thousand ALL shall open a designated bank accounts for such non-public donations. The accounts shall be declared upon registration under Article 64 of this law. The declaration form shall include that CEC and its assignees are authorized to obtain account statements at any time directly from the bank. The candidate of the electoral subject shall not use any bank accounts other than those declared to receive donations for the election campaign, even for amounts less than 50 thousand ALL.

4. The total expenses made by a political party, including its candidates, for an electoral campaign shall not exceed **3 times** the highest amount that an electoral subject has received from public funds for electoral purposes, according to Article 88 of this Law. Any expense for the electoral campaign shall be documented and carried out in compliance with the fiscal legislation in force. For the purpose of this Law, "campaign expenses" shall mean any expenditure incurred by a party or its candidates for electoral campaign purposes, regardless of the date it is incurred.

5. Obligations provided for in this article are also applicable to candidates proposed by voters who are registered in accordance with articles 69 and 70 of this law. The total amount that a candidate proposed by voters may spend shall not exceed 50 per cent of the highest amount that an electoral subject has obtained from public funds, according to article 88 of this law.

#### Article 92/3

#### **Declaration and publication**

1. Electoral subjects are obliged to submit an electoral campaign Financial Report to the CEC within 60 days from the announcement of the final election result..

2. Financial reports shall be prepared according to a template approved by the CEC. As a rule, the report shall include information on:

a) Every donation, loan or borrowing made to the electoral subject (including its branches and candidates) during the election campaign and six months prior to the campaign and the source thereof, including in-kind donations and services.

b) Income for the purposes of electoral campaigning from all other permitted sources.

c) All items of expenditures for the purpose of electoral campaigning as defined in the CEC decision and in Article 92/2, point 4 of this law.

ç) The balance sheet of assets and liabilities of the political party for the period between the decree on the announcement of the Election Date and the Election Date.

3 Any political party participating in elections shall keep and maintain in its archives for a period of 7 years, complete and detailed documentation of its financial standing and of all its branches for the period covered by this report, including:

- a) accounting books, kept in line with the legislation in force, indicating all the income by source and amount, identifying how the payment was made, as well as all payments made to third persons, the purpose of payments and how each payment has been effectuated;
- b) documentation of all expenditures incurred;
- c) situation and movements in its bank accounts;
- ç) complete documentation of immovable properties owned by the political party, as well as any contract concluded for hiring, renting, commissioning, or sale of movable and immovable properties.
- d) Registry of donors, creditors and lenders according to the model/template set out in paragraph 1, Article 92/2.

#### Article 92/4

### **Electoral campaign monitoring**

1. No later than six months prior to the election date, the Central Election Commission shall appoint an adequate number of persons to monitor that electoral subjects comply with the obligations concerning campaign financing and other obligations under this Chapter.
2. The CEC shall define in a special instruction the selection criteria for monitors [observers] and the scope of their monitoring. The monitoring shall be limited to easily verifiable observation that electoral subjects comply with obligations concerning election campaign, including compliance with the prohibitions and limitations of certain forms of campaign and misuse of State resources.
3. Monitoring shall not expose monitors to unnecessary risks.
4. Monitoring does not require monitors to calculate total election campaign expenses incurred by the electoral subject or various financial variables that call for collection of extensive metadata.
5. If a monitor notes violations during the monitoring process, he/she shall inform the CEC in the way defined by CEC on the same day that the observation is made.

#### Article 92/5

### **Portal to report about financing**

1. The CEC shall establish and maintain an online portal with free access for anyone to report/denounce potential violations of this law by electoral subjects or their candidates concerning campaign financing.
2. The detailed criteria and procedures on the operation and maintenance of the portal, and the administrative investigation procedures and its deadlines, as well as the conclusions to be reached at the end of it, shall be defined by a CEC normative act.

#### Article 92/6

### **Auditing of electoral campaign funds and expenses**

1. No later than 5 days after the declaration of the final election result for each political party registered as an electoral subject or for the candidates proposed by the voters, the CEC appoints by lot one or more certified accounting experts, selected in accordance with article 92/7 of this law, to perform an audit of the funds received and spent for the electoral campaign. The audit report shall be submitted to the CEC by the deadline provided for in the appointment decision. The report may not include personal data of donors under the value

provided for in points 2 and 3 of article 92/2 of this law.

2. The electoral subjects specified in point 1 of this article shall make available to the auditor appointed by the CEC all information, documents or data that are related to the financing and expenses of the electoral campaign in accordance with this law.

3. The electoral subjects that are being audited shall make available all the information they have from the banks, institutions or third persons related to the audit, or authorize the auditor to obtain such information from third parties. The CEC shall make available to the auditor the information it receives from third parties about the subject being audited, at each phase of the auditing process.

4. The CEC shall publish the audit reports for electoral subjects no later than 30 days from the date the report has been submitted, or depending on the case, from the date the respective verifications have been completed.

5. Failure by electoral subjects or donors to comply with the rules provided for in this Chapter, when it does not constitute a criminal offence, shall constitute an administrative offence and is sanctioned according to the provisions of Part XII of this law.

6. The CEC shall have the right to directly verify electoral campaign income and expenses of any political party registered as an electoral subject, or candidates proposed by voters, or to verify the audit report, pursuant to paragraph 1 of this article, as well as any other information relevant to the case that it becomes aware of. The CEC, for the implementation of this article, shall have the right to request data, documents or information from electoral subjects or third parties, who must respond to the CEC request within 15 days from its receipt. Failure to cooperate or refusal to cooperate, annihilation of documents, delays or inappropriate behaviour, in the verification process conducted by the CEC shall be reported to the prosecutor's office as a criminal offense, pursuant to Article 248 of the Criminal Code, and shall be administratively punished in compliance with Article 173 of this law.

#### Article 92/7

### **Selection of auditors by the CEC**

1. The CEC selects by competition a list of licensed accounting experts at the beginning of the electoral year.

2. The list should contain at least 20 experts who have been exercising this profession in the last 5 years.

3. Procedures, criteria for the selection of the preliminary list and their appointment are determined by instruction of the CEC. In any case, one auditor may not audit the same electoral subject for two consecutive elections.

4. The budget for elections should envisage the fund needed for auditing the electoral subjects and monitors of electoral campaign expenses. The CEC shall define by decision the contractual terms on this.

PART VIII  
**PREPARATION OF THE ELECTION INFRASTRUCTURE AND  
OF THE COUNTING TEAMS (CT)**

CHAPTER I  
**LOCATION OF THE VOTING CENTRES, CEAZ HEADQUARTERS,  
BALLOT COUNTING CENTRES AND THE COUNTING TEAMS**

Article 93\*

**Location of the Voting Centres, CEAZ Headquarters and  
Ballot Counting Centres**

1. Voting centres, CEAZ headquarters and Ballot Counting Centre are established, to the extent possible, in public buildings with free access.

2. Voting centres, CEAZ headquarters and Ballot Counting Centre may not be established in:

a) private buildings without prior approval of the CEC. In any case, a voting centre may not be established in a private dwelling;

b) buildings used by the public administration, except for educational, cultural and healthcare institutions;

c) buildings used or owned, partially or totally, by a political party, candidates or their relatives, or that have served as electoral offices during the electoral campaign.

3. The CEC may establish a voting centre in a private building when there are no objective possibilities to use a public building in the polling unit or in a neighbouring polling unit. The proposal for their designation is submitted for two alternative buildings, together with the respective blueprint or pictures of the building, a description of facilities offered by the building for the normal conduct of elections and evidence that it meets the criteria set out in this article. This does not apply in case when it is not possible to find an alternative building.

4. Upon the request of one of its members, the CEC orders its administration to conduct the respective verification on the ground; the administration submits a report on the fulfilment of the criteria stipulated in this Code or in other acts. The decision is made in consultation with the representatives of [political] subjects accredited to the CEC. A copy of the CEC decision is visibly displayed at the entrance of the respective voting centres or ballot counting centres on the election date.

Article 94†

**Location and preparation of the Ballot Counting Centres**

1. No later than 60 days prior to the election date, the prefect of the region submits to the CEC a complete list of buildings within the territory of the region, that meet the criteria specified in points 1 and 2 of article 93 and of this article. No later than 40 days from the election date, the CEC designates, by a decision, the Ballot Counting Centre.

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\* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

2. In designating the Ballot Counting Centre, the CEC may select the municipality that is the centre of the region even if it is located outside the territorial jurisdiction of the EAZ, or a municipality within the territory of the EAZ, or even the largest administrative unit, if the municipalities do not meet the criteria specified in article 93 and in this article. In

selecting the location of the BCC, the CEC gives priority to the logistical facilities related to road transportation, the distance from the voting centres and the space of the potential premises. As a rule, the Ballot Counting Centre does not change from one election to another.

The Ballot Counting Centre is designated in large rooms or in gymnasiums. The Ballot Counting Centres are placed at the disposal of the CEAZs no later than 10 days prior to the election date. The CEAZ, no later than 5 days before the election date, invites the electoral subjects and VCC members to get to know the Ballot Counting Centre. In selecting the location, the CEC should also take into consideration the possibility of applying the supporting technology for counting the votes in accordance with point 4 of this article.

3. Before introducing the Ballot Counting Centre to the relevant electoral subjects and respective VCCs, the CEC prepares the necessary logistical infrastructure for the counting centre, including uninterrupted lighting for the beginning and successful execution of the vote counting process according to a model of arrangement approved by the CEC and the respective instructions of the CEC. For this purpose, the CEC arranges work tables for each Counting Team, ensuring that they have sufficient space for conducting the vote counting process. The work tables are arranged in such a way that they are visible for the CEAZ members and observers, candidates or media representatives, and that they allow the application of the supporting technology in accordance with point 4 of this article. The observers remain in front of the Counting Teams at a short distance from the work tables, or, if the technology in accordance with point 4 of this article is used, in front of the screen. The observers must not have physical contact with the voting materials. The work tables of the Counting Teams, as well as the seats of the CEAZ members, must be in the same room where the vote counting process takes place. A Ballot Counting Centre cannot have fewer than 3 and more than 10 work tables. The details for the organisation of work and the number of counting tables for each Ballot Counting Centre shall be established in a normative act of the CEC.

4. The logistical equipment necessary for the vote counting process are provided by the CEC in co-operation with other central or local bodies.

5. The CEC decides on the use of registration cameras and screens for displaying the ballot papers before their evaluation. High resolution cameras are installed above the counting table in such a way as to make possible the recording of the evaluation of each ballot paper. The film recording is transmitted in real time on screens placed in front of the observers of electoral subjects. The filming of the process is recorded electronically and is delivered to the CEC together with the other election materials. The CEC or, when it is possible, the CEAZ as well, shall make reproduction copies of them and put them at the disposal of the electoral subjects against payment of a tariff that covers the reproduction cost.

#### Article 95\*

### **Establishment of Counting Teams (CT)**

1. For the purpose of counting the votes at the EAZ level, Counting Teams are established 10 days prior to the election date by a decision of the CEAZ.

There are two Counting Teams for each counting table, in accordance with point 2 of article 94 of this Code. The members of the Counting Teams must meet the criteria provided for in articles 30 and 31 of this Code. The proposals for the appointment of their members shall be submitted to the CEAZ at least 12 days prior to the election date.

2. The Counting Teams are composed of four members, where in any case one member is appointed on the proposal of the party to which the Chair of the CEAZ belongs, one member is appointed on the proposal of the political party to which the Deputy Chair belongs, whereas the third member is proposed by the parties of the ruling majority and the fourth member is appointed on the proposal of the opposition parties that have the right to propose members of the Counting Teams for the respective EAZs, according to the procedure specified in article 96 of this Code.

In its decision to appoint the Counting Team, the CEAZ appoints one of the members as the First Counter and one member as the secretary. In half of the Counting Teams, the First Counter is proposed by the largest party of the majority and in the other half by the largest party of the opposition. The secretary of the Counting Team belongs to the political party opposite to the party that proposes the First Counter. The CEC defines by an instruction the procedure for drawing the lots.

3. In case an electoral subject does not submit its proposals within the deadline specified in point 1 of this article, the CEAZ determines the replacement members by lot among the members of the VCCs who belong to the same electoral subject at the level of the electoral zone. If it is not possible to complete the number of Counting Team members, it functions with no fewer than two members.

4. A Counting Team counts not fewer than 5 voting centres and not more than 10 voting centres. At the end of this process, the Counting Team is replaced by the other Counting Team in accordance with point 1 of this article.

5. The CEC specifies by a normative act the criteria for the number of Counting Teams for each Ballot Counting Centre, the working methods, the division of duties among the Counting Team members and the rules on the order of actions.

#### Article 96\*

#### **Procedure to determine the parties that propose Counting Team members**

1. The political parties that have the right to propose the third and the fourth member of the Counting Teams, with the exception of parties that propose the Chair and deputy Chair of the CEAZ, are determined by drawing lots at the CEC between the list of political parties of the parliamentary majority and the list of parties of the parliamentary opposition that are registered in the elections and that have won no fewer than two seats in the preceding elections to the Assembly. In each case, after the drawing of lots for each EAZ, the right to propose the two members of the Counting Teams belongs to one party of the parliamentary majority and to one party of the parliamentary opposition.

1/1. If none of the political parties with the right to propose a third and fourth member meets the requirement established in this article, the right to propose is transferred, on a case-by-case basis, to the political party that proposes the Chair or Deputy Chair of the CEAZ within the same political grouping.

2. No later than 30 days before the election date, the CEC organizes the drawing of lots for each EAZ in the presence of the interested political parties. The procedures for drawing lots are determined by a special instruction of the CEC.

CHAPTER II  
**PREPARATION OF ELECTORAL DOCUMENTATION AND  
 SENDING OF THE ELECTION MATERIAL**

Article 97<sup>†</sup>  
**Ballot papers**

1. For elections to the Assembly, a voter shall vote with one ballot paper of the same colour and form for all electoral zones.
2. For elections for local government bodies, a voter shall vote with two ballot papers of the same form and in different colours, one for the mayor of the local government unit and the other for the municipal council.
3. *Abrogated*
- 3/1. The ballot paper for local government elections shall have the same colour on both sides.
4. The number of ballot papers is equal to the number of the voters, with 2 per cent added.

Article 98\*  
**Content of the ballot papers**

1. The ballot papers for elections are prepared by the CEC. The ballot papers shall be of paper, with such colour, thickness or configuration elements that do not allow the reading of the vote on the reverse side, and they shall also feature security elements, in accordance with the provisions of a CEC normative act.  
 The ballot paper shall feature technical elements in the form of codes that identify the electoral zone, voting centre and other identification elements that cannot be read with a naked eye.
2. The ballot papers are produced in blocks without stubs. The serial number of the ballot papers' block is noted on the document that accompanies the enwrapped block, in accordance with CEC specifications.
3. The names of the electoral subjects appear on the ballot paper according to a random order, as drawn from the lots. The logo, initials and name of the party Chair are placed next to the name of the party. Each subject listed on the ballot paper has a dedicated space for the voter to mark the vote.
4. Parties participating in an electoral coalition are listed one after the other on the section of the ballot paper dedicated to the electoral coalition. The name of the party, logo, initials and the name of the party Chair are placed for each of the political parties in a coalition. Each political party participating in an electoral coalition has a dedicated space for the voter to mark the vote. They are ranked randomly by drawing lots.
5. Immediately following the completion of the registration of multi-name list at the CEC or, as the case may be, at the CEAZ, the CEC organises the drawing of lots for obligations arising from this article. The rules for drawing lots shall be established by a normative act of the CEC.

Article 99\*  
**Delivering election materials from the CEC to the CEAZ**

1. The CEC sends the following election materials divided into separate boxes for each voting centre to the CEAZ headquarters no later than 3 days before the election date:
  - a) the necessary number of ballot papers, in compliance to the number of

voters registered in that voting centre, together with the additional ballot papers. As a rule, ballot papers are delivered enwrapped in blocks of 100 ballot papers, together with the document that indicates the respective serial number of the ballot papers block;

b) the stamp of the VCC;

c) the official records of the voting centre, including the templates of the official records and of the decisions for the sealing of the ballot boxes, the opening of the voting centre, the suspension of voting, a request for police assistance and police departure, as well as the closing of the polls;

ç) the Meeting Record Book of the VCC;

d) an envelope marked "SPOILED BALLOT PAPERS"; dh) an envelope marked "UNUSED BALLOT PAPERS";

e) an envelope marked "ENVELOPE FOR THE RECORD OF SEALING", and

è) the special ink to mark the voter and the equipment for checking it.

2. Apart from the boxes with the election materials, according to point 1 of this article, the CEAZs are also provided with the following:

a) ballot boxes for each voting centre, in compliance to the requirements of this Code;

b) a sufficient number of security codes, according to the CEC decision;

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 stamps for the VCC Chairs; and dh) other equipment necessary for the voting process.

3. The CEC delivers to the CEAZ the seals packaged in accordance with article 100 of this Code enclosed in security packaging, and without identifying the serial number of the seal.

4. Apart from the materials for the VCCs according to point 1 of this article, the CEC also deliver to the CEAZ the Meeting Record Book of the CEAZ, the Tables for VC Results by the Counting Teams, the Tables of Election Results for the Electoral Administration Zone, the stamp of the CEAZ, as well as other materials necessary to it for the administration of elections.

The equipment and technological materials specified in point 4 of article 94 and in Annex III of this Code are sent and installed in accordance with the procedures specified by a special instruction of the CEC.

#### Article 100\*

#### **Delivering election materials from the CEAZ to the VCC**

1. No later than 15 hours prior to the opening of the polls, the CEAZ delivers the election materials to the VCCs under its jurisdiction. The Chair and the secretary of the VCC, accompanied by any other member upon request, shall go to the CEAZ headquarters and receive the following:

a) the box with election materials, in accordance with point 1 of article 99 of this Code;

b) the ballot box/es;

c) the voter list;

ç) the voting booths;

d) seals with the security codes; and

dh) other equipment necessary for the voting process.

2. The Chair of the VCC receives the stamp of the Chair from the CEAZ. The Chair of the respective VCC, in the presence of the CEAZ members, performs the following actions in turn:

a) randomly takes a stamp from the relevant pile of packaged stamps;

b) tears the wrapping of the stamp;  
 c) stamps, on a white sheet of paper, a sample for the comparison of the stamp; and

ç) writes, under each stamp, his/her name and surname by hand and signs in the presence of the CEAZ members.

3. The white paper with the sample for the comparison of each stamp, in accordance with point 2 of this article, is signed on its reverse by the CEAZ members and is kept safely by the secretary of the CEAZ.

4. The seals with the security codes are handed over with a separate official record, where the security codes for each seal are noted. The VCC receives as many seals with security codes as are needed to seal the ballot boxes and the box with election materials, as well as three additional seals to be used only in the event they get damaged. The additional seals must be of a different colour from those that, as a rule, are to be used for sealing the ballot box. One copy of the official record where the security codes are noted, including the additional security codes, is kept by the CEAZ and one copy is given to the VCC.

5. The stamps of the VCCs and those of the VCC Chairs, each separately, are produced and delivered to the CEC in a security package. The number of the stamps produced for the VCCs and the VCC Chairs are equal to the number of the VCCs and VCC Chairs nationwide.

## **PART IX VOTING**

### **CHAPTER I**

#### **PROCEDURES FOR OPENING OF THE VOTING**

##### **Article 101\***

##### **Preliminary actions of the VCC**

1. The VCC, under the direction of its Chair and secretary and in the presence of the observers of the subjects, one hour prior to the opening of the voting, performs the following 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 in the voting centre and within a range of 150 meters around it;

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

ç) places other materials required by the CEC;

d) checks all materials received;

dh) shows to observers the empty ballot boxes and closes them according to the procedure specified in letter "e" of this point;

e) seals the ballot boxes with the security codes and records the numbers of the security seals in the Record of Sealing of the ballot boxes and in the VCC Meeting Record Book, which are 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 is noted in the VCC Meeting Record Book and the Record of Sealing. The original official record is enclosed within the envelope marked "ENVELOPE FOR THE RECORD OF SEALING," which is put into the ballot box for the electoral subjects 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;

è) clearly writes the number of the voting centre on one of the lateral sides of the box, and places distinguishing signs that make it clear to the voter where

to cast each of the ballot papers.

2. The VCC members, in the presence of the observers, take a decision on opening the voting and sign it.

3. When the Electronic Verification System (EVS) is used, according to Annex III of the Code, the procedures, deadlines and actions with the device before and after the closing of the voting by the personnel in charge for the operation of the electronic devices at the voting centre, shall be defined by a normative act of the CEC.

#### Article 102

### **Opening the voting and the presence of the VCC members and secretary**

1. After performing the duties provided for in article 101 of this Code, the Chair of the VCC declares the voting open, but not before the time prescribed in article 11 of this Code.

2. The secretary of the VCC notes in the VCC Meeting Record Book the time of departure and return of any VCC member who leaves the voting centre. When the Chair leaves the voting centre, he/she shall pass the Chair's stamp to the other member of the same political affiliation, to use it until his/her return. The VCC secretary makes the respective notation in the VCC Meeting Record Book. When the secretary leaves the voting centre, the VCC stamp and the Meeting Record Book shall be transferred for use to the Deputy Chair until the return of the VCC secretary. The respective notation is made in the VCC Meeting Record Book to reflect this fact.

#### Article 103\*

### **Stamping the ballot papers**

1. The ballot papers are stamped on their reverse with the stamp of the VCC and that of the VCC Chair. If one of the stamps is damaged or taken out of the voting centre, the VCC is provided immediately with a spare stamp to replace the stamp rendered out of use. Rules for the administration and delivery of the spare stamp shall be laid down in a normative act of the CEC. The fact that the stamp is rendered out of use, as well as the respective time, are noted in the Records Protocol Book of VCC Meetings. Damaging the stamp intentionally or taking it out of the voting centre constitutes a criminal offence and is punishable according to article 326/a of the Criminal Code.

2. The stamp of the VCC contains the text "VOTING CENTRE COMMISSION" and the number of the respective voting centre. The stamp of the VCC Chair contains the text "CHAIR" and a five-digit serial number. The text of the spare stamp shall be determined by the CEC and shall be unique for each stamp.

3. The stamp of the VCC Chair is used only to stamp the ballot papers; no other election document shall be stamped with it.

4. When the Electronic Counting System (ECS) is used, according to Annex II of this Code, the ballot paper is stamped only with the VCC stamp.

CHAPTER II  
**PROCEDURES DURING VOTING**

Article 104<sup>†</sup>  
**Number of ballot boxes**

1. In elections to the Assembly, only one ballot box shall be placed in the voting centre.
2. In elections for local government bodies, two ballot boxes shall be placed in the voting centre, one for the mayor of the local government unit and one for the municipal council.
3. *Abrogated*

Article 105<sup>\*</sup>  
**Presentation of voters at the voting centre**

1. After entering the voting centre:
  - a) the voter states the name and presents to the VCC one of the following official valid identity documents bearing biometric data:
    - i) identity card; or
    - ii) passport;
  - b) one of the members, assigned by a decision of the VCC, upon the voter' presentation at the VCC and before the voter is given the ballot paper, checks the voter on both hands to determine whether or not he/she has been marked with special ink. If the voter has been marked, the member immediately informs the other members of the VCC, who shall immediately verify it. The name and surname of that voter is recorded in the VCC Meeting Record Book and he/she shall not be given the ballot paper;
  - c) after verifying that the data about the identity of the voter correspond to those on the voter list and that the voter is the same as the person on the identity document, the Chair records the type and serial number of the identity document on the voter list and draws a line through the name of the voter on this list;
  - ç) the voter signs the voter list next to his/her name;
  - d) the ballot paper is stamped on its reverse side with the stamp of the VCC and the stamp of the VCC Chair. When the ECS is decided to be used, according to this Code, the ballot paper is stamped only with the VCC stamp;
  - dh) one of the members of the VCC, assigned by its decision, marks the left hand of the voter with a special ink, visible with a naked eye and indelible for at least 24 hours, in order to avoid voting more than once, and after that the voter is given the ballot paper. If the voter refuses to be marked with the special ink, he/she shall not be given the ballot paper and his/her identity is recorded in the VCC Meeting RecordBook.
2. One of the members assigned by decision of the VCC takes care of the orderly queuing of the voters.
3. In case a voter who is not registered on the final voter list, but has obtained a court decision recognizing his/her right to vote in that voting centre according to article 55 of this Code, appears before the VCC, the VCC records in a special register the voter's name, the number of the identification document and attaches the court decision.

Article 106<sup>\*</sup>  
**Voting**

1. On receipt of the ballot paper, the voter proceeds alone to the voting booth and votes on the ballot paper by marking next to the name of the electoral subject or of the party which is member of a coalition with the sign “x” or “+” or another sign that clearly indicates the voter’s choice.

2. After making his/her mark on the ballot paper, the voter folds the ballot paper so that the mark cannot be seen but at least one of the stamps on the reverse side of the paper is visible. After leaving the voting booth, the voter deposits the ballot paper in the respective ballot box and leaves the voting centre.

3. With the exception of the case specified in article 108 of this Code, a voter shall vote only on his/her own behalf.

4. The VCC members and secretary vote upon completion of the voting by all voters present in the voting centre by the scheduled time for closing the polls. The rules determined by this article are also applicable to the voting by the VCC members and its secretary.

5. The VCC members who have allowed a voter to vote more than once or on behalf of other voters shall be subject to criminal liability in accordance with article 248 of the Criminal Code, except for the case provided for in article 108 of this Code.

Article 107  
**Spoiled ballot papers**

1. If the ballot paper, or at least one of the ballot papers, is marked outside the voting booth, the voter shall not be permitted to deposit the ballot paper(s) in the box. The VCC Chair takes this ballot paper, writes "SPOILED" on its back and places it in the envelope “SPOILED BALLOT PAPERS”. In this case, the voter is provided with another ballot paper of the same type and the case is recorded in the VCC Meeting Record Book. If the voter marks the ballot paper outside the voting booth again, the second ballot paper is also placed in the envelope “SPOILED BALLOT PAPERS” and the voter shall not be 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 as spoiled and is placed into the envelope “SPOILED BALLOT PAPERS” and the voter is given a second ballot paper. The case is recorded in the VCC Meeting Record Book. If the voter again marks or damages the second ballot paper accidentally, the second ballot paper is also placed in the envelope “SPOILED BALLOT PAPERS” and the voter shall not be given another ballot paper.

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

Article 108  
**Voters who cannot vote themselves**

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

2. A person may assist only one voter who cannot vote him/herself.

3. Before marking the ballot paper, a person who assists another voter

makes a statement in the VCC Meeting Record Book that he/she will vote as instructed, will not influence the voter's decision, will not make the vote public and has not voted on behalf of any other voter.

4. Members of the election commissions and the secretary may not help any voter who is unable to vote him/herself.

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 specified in point 1 of this article have the right to request the mayor of the local government unit that prepares the voter list for the respective voting centre to register them as voters who cannot vote themselves. The request for registration is accompanied by the official documentation that proves the type and category of disability. The registration as a voter who cannot vote him/herself is carried out to facilitate the voting process for these voters.

7. In any case, when there are voters registered according to point 6 of this article who have difficulties accessing the voting centre premises, the voting centres shall be designated and organized 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 expense, the mayors of the local government units appoint support personnel or equipment to guarantee free access.

8. In case of blind voters, the mayor of the local government unit notifies the CEC on the number of blind voters and their voting centres. The CEC, in accordance with the procedures and deadlines 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 the ballot paper and to vote independently. A blind voter is informed by the VCC of the manner of voting with special voting devices and is supplied with them upon his/her request. Otherwise, the voter shall vote in accordance with points 1 and 3 of this article.

#### Article 109\*

### **Order and orderly voting**

1. The voting centre is arranged in such a way to facilitate the voting process and guarantee the secrecy of vote. The voting centres are arranged according to a design specified by a CEC instruction.

2. The use of mobile telephony at the voting centre is prohibited and the voter shall not be allowed to vote with a mobile phone in their hands. If a voter attempts to use the mobile phone or any other recording device in the voting booth, the procedure laid down in point 1 of article 107 shall be applied.

3. When order or orderly voting are endangered at the voting centre, the VCC informs the State Police and the CEAZ, as well as fills in the records for the suspension of the voting for that reason. The time of the notification and of the suspension is noted down in the official records. The VCC also notes in the Meetings Records Book the incident, the time the voting was suspended and the time voting resumed.

4. The Chair or any member of the VCC immediately notifies the CEAZ on the incident. The CEAZ is bound to record the notification and the time it was received in the Meeting Records Book. The CEAZ immediately forwards the request to the State Police.

5. Once order is restored in the voting centre, the VCC requests the State Police to leave the voting centre and takes measures to immediately resume voting. This fact is reflected in the records for resuming the voting.

6. At the premises outside the voting centre, at the building's yard, entrance

and internal corridors, shall not be allowed the presence or assembly of persons, except for the voters waiting in queue to vote. By derogation to this rule, it shall be allowed the presence of observers and authorized media representatives and persons tasked with conducting election exit polls, when the organization they represent is authorized for this purpose by the CEC. Interviewing of voters for the purpose of exit polls shall take place outside the surrounding of the building, at interviewing spots with clear distinguishing and explanatory signs displayed, and without hampering in any way or reason the free access and entry-exit of voters in/from the voting centre.

7. The presence of other persons not prescribed in this Article at the premises where electoral administration is carried out or in their surroundings shall be the reason for suspending the process and requesting the intervention of the State Police to restore order. The intervention of the State Police shall be done according to the procedures approved by the CEC and be documented in detail by the election administration.

#### Article 110

##### **Persons present at 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 until they are completed; and
- c) accredited Albanian and foreign election observers.

2. No armed persons shall be allowed to stay within the premises of a voting centre. State Police employees, when carrying out their duty according to article 109 of this Code, as well as prison police employees within the territory of a prison or detention centre where a special voting centre has been established, are excluded from this rule.

#### Article 111

***(Abrogated by Law No. 74/2012, dated 19 July 2012)***

### CHAPTER III

#### **CLOSING OF THE POLLS AND COUNTING OF BALLOTS**

#### Article 112

##### **Closing of the polls**

1. Voting centres close at the hour established in accordance with points 1 and 2 of article 11 of this Code. If, even after the closing time, there are still voters queuing, the VCC collects the identification documents of all the voters present and calls them one by one in order to conduct the voting. No other voter is allowed to vote if he/she was not in the queue at the time identification documents were collected.

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 of the polls. The decision for the closing of the polls and the exact time of closing are recorded in the VCC Meeting Record Book. Afterwards, only the members and secretary of the VCC, as well as the accredited Albanian and/or foreign observers and accredited representatives of the media, may remain in the voting centre.

## Article 113\*

**Actions performed after closing of the polls**

After making the decision to close the polls, the Chair, together with the members of the VCC, perform the following actions according to this order:

1. The Chair, under the observation of all members of the VCC:

a) records the number of the voters who have voted, according to their signatures on the voter list, as well as on the special register, in accordance with article 57 of this Code;

b) states the figure aloud to the other members of the VCC and the observers that are present;

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

ç) orders the secretary of the VCC to record the number of persons who have voted in the voting centre, according to letter “a” of this point, in the Records of the Closing of the Polls and in the VCC Meeting Records Book. In case of an objection to the figure, the claims shall be written in the records. The VCC secretary writes the claim in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

2. The Chair, under the observation of all VCC members, reflects the full number of ballot papers of that voting centre in the Records of the Closing of the Polls and in the VCC Meeting Records Book, based on the data that have accompanied the receipt of the ballot papers from the CEAZ.

3. The Chair, under the observation of all members of the VCC, starts the count of unused ballot papers and, at the end of the count, informs the members of the VCC of this number. When requested by a member of the VCC or any of the observers, the Chair is obliged to restart the count of unused ballot papers. Upon completion of the count, unused ballot papers are enclosed within the envelope marked as “UNUSED BALLOT PAPERS”. The number of unused ballot papers is reflected in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

4. The Chair, under the observation of all members of the VCC, counts the spoiled ballot papers that are found in the envelope for “SPOILED BALLOT PAPERS”. The number of spoiled ballot papers is reflected in the Records of the Closing of the Polls and the VCC Meeting Records Book.

If an observer has objections, they are recorded immediately in the Meeting Records Book or submitted by the observer in writing. The written objections are administered by the secretary and are enclosed inside the box of electoral materials together with the rest of the documentation for that voting centre.

5. At the conclusion of the actions envisaged in points 1 to 4 of this article, the following are enclosed inside in the box of election materials:

a) the envelope marked as “UNUSED BALLOT PAPERS”;

b) the envelope marked as “SPOILED BALLOT PAPERS”;

c) the voter list, including the special register, in accordance with article 57 of this Code;

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

d) the stamp of the VCC;

dh) the stamp of the VCC Chair;

e) seals with the unused security codes;

ë) seals with the damaged security codes; and

f) the VCC Meeting Records Book.

6. The numbers of the security codes to seal the ballot box and the elections material box are first written down in the Records of the Closing of the

Polls and in the VCC Meeting Records Book. After all the data are recorded in the Record of the Closing of the Polls, the exact time of closing the records is noted. The original of the Records of the Closing of the Polls is placed in the ballot box which is sealed immediately with the last security code, whereas its copy is placed in the box of electoral materials, which is then sealed with the respective security codes. Copies of the Records of the Closing of the Polls are given to members of the VCC and to observers of the parliamentary parties.

7. When the seal with the security codes is damaged during the closing of the ballot box, it shall be replaced by one of the spare seals. The number of the security code of the damaged seal is written down in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

8. The Records of the Closing of the Polls is signed by all VCC members. If any of the VCC members has any remarks, they are written in the space dedicated to remarks in the records.

#### Article 114

### **Accompaniment of the ballot boxes and voting materials to the Ballot Counting Centre**

1. Immediately after the completion of the actions specified in article 113 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 94 of this Code. Other materials used during the voting process are submitted to the CEAZ within the deadlines and in the manner specified by the CEC.

2. The ballot box/es 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 and the secretary of the VCC, as well as a police officer, who is charged with guaranteeing the accompaniment and the integrity of the ballot box/es with the ballot papers and of the box with voting materials. The CEC authorizes the CEAZ, while also providing it with the necessary funds, for ensuring the transportation by motor vehicle of the ballot boxes with the ballot papers and the box with voting materials.

3. The police officer, under point 2 of this article, is a permanent police officer of the State Police, except for the criminal police, 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, as well as his/her surname in a legible size.

#### CHAPTER IV

### **DELIVERY OF VOTING MATERIALS AND COUNTING OF BALLOTS**

#### Article 115\*

### **Receipt of voting materials by the CEAZ**

1. The CEAZ assigns one or more receiving teams to receive the ballot box/es with the ballot papers and the box/es with voting materials. The receiving teams consist of two CEAZ members with different political affiliations, proposed respectively by the Chair and Deputy Chair of the CEAZ.

If deemed necessary, the CEAZ may appoint 2 persons for each team to assist the team for receiving the boxes, and who mainly deal with the

arrangement of the boxes under the direction of the CEAZ. The support personnel are selected from the list of the members of the Counting Teams, while guaranteeing, in any case, the political balance between the majority and the opposition. The ballot box/es with the ballot papers and the box/es with voting materials are received as soon as they arrive at the Ballot Counting Centre, according to rules established by the CEC. During the receiving process, the receiving teams:

a) record in the Records of Receipt the numbers of the security codes of the seals, with which the ballot box with the ballot papers and the box with voting materials has been closed;

b) verify immediately whether the numbers of the security codes of the seals with which the ballot box with the ballot papers and the box of voting materials are closed match the numbers of the security codes, according to the records kept for this voting centre, in compliance with article 113 of this Code. If these codes do not match, the receiving team informs the CEAZ about the discrepancy and requests it to mark the box as an "IRREGULAR BOX". The CEAZ verifies the discrepancy immediately and makes a decision, in accordance with point 4 of this article. The discrepancies found are recorded in the Records of Receipt and the CEAZ Meeting Records Book.

2. 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 have been 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 immediately informs the CEAZ about the irregularity and

requests it to mark the box as an "IRREGULAR BOX". The CEAZ immediately verifies the irregularity and makes a decision, according to point 4 of this article. The irregularity found is recorded in the Records of Receipt and the CEAZ Meeting Records Book.

3. In cases when receiving teams find irregularities in one of the boxes with ballot papers, in accordance with points 2 and 3 of this article, while receiving the boxes with ballot papers for a voting centre, then that box is considered an "IRREGULAR BOX" and is sent to the corner of irregular boxes, whereas the box with voting materials, and in the case of local elections, the other box with ballot papers, are subject to procedures in accordance with articles 116 to 119 of this Code.

If, in the case of local elections, 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 the opening and counting procedures along with the ballot boxes with the ballot papers.

4. The ballot boxes defined as an "IRREGULAR BOX" shall not be opened at any time and for any reason by the CEAZ and shall not be forwarded to the Counting Team. They are sent together with the box of voting materials to the CEC for administrative investigation purposes, in accordance with article 136 and point 4 of article 138 of this Code.

5. The CEAZ keeps a Record of Findings, in which it notes data about the ballot boxes with ballot papers or boxes with voting materials declared as irregular, in accordance with points 2, 3 and 4 of this article, as well as data on the inaccuracies and irregularities found during the application of the procedures

of article 116 of this Code. Copies of the Record of Findings are given to the CEAZ members and to observers of parliamentary parties.

6. The members of the receiving team, the Chair, Deputy Chair and secretary of the VCC, as well as the police officer assigned with the duty of accompanying, sign the Records of Receipt. The original Records of Receipt is administered by the CEAZ, which gives a copy respectively to the Chair, Deputy Chair of the VCC and to the police officer assigned with the duty of accompanying. The police officer shall leave immediately after receiving a copy of the Records of Receipt, which is delivered together with the service report to his/her respective command structure.

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

8. The ballot boxes with the ballot papers and the boxes of voting materials, received by the receiving teams, are placed in the place designated in advance for that purpose by the CEAZ. This place shall be in the same premises where the count of ballots takes place and shall be secured from any interference by unauthorised persons.

9. The ballot boxes with the ballot papers received as regular shall, in any case, be subject to procedures for opening and counting at the Ballot Counting Centres in accordance with the provisions of this Code. Refusal to count leads to immediate discharge of persons responsible for counting or, as the case may be, of the CEAZ. Refusal to count a box received as regular constitutes a criminal offence and is punishable according to article 330/a of the Criminal Code.

#### Article 116<sup>†</sup>

### Counting the ballots

1. The CEAZ shall make a decision to start the counting of votes only after having received all boxes with the ballot papers and boxes of voting materials from all the voting centres under its jurisdiction.

2. The Counting Team members take from the stack of ballot boxes, one after the other and in ascending order of the ordinal numbers of the voting centres, the ballot boxes with the ballots of only one voting centre and place them by the table of the respective Counting Team. Next, the Counting Team members receive from the secretary of the CEAZ the sample of the VCC Chair stamp, deposited in compliance with point 2 of article 100 of this Code.

3. Then, the First Counter places the ballot box with ballot papers on the table and opens it, by breaking the seals with the security codes. Initially, the Counting Team verifies the data in the Records of the Closing of the Polls.

4. If the Records of the Closing of the Polls is found in the box and is filled in accordance with article 113 of this Code, the counting will continue in accordance with procedures set out in this article. If the Records of the Closing of the Polls is missing, or if the data under article 113 of this Code are not filled in, the procedure specified in article 116/1 shall apply.

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<sup>†</sup> Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

the CEAZ about them. The notification is done by raising one's hand and without moving from own place. The raising of the hand suspends any further action of the Counting Team until the CEAZ is informed of the issue and verifies it. If the CEAZ confirms the irregularity, it reflects it in the Records of Findings. The CEAZ makes a decision to continue the procedures for the counting of votes by the Counting Team only after recording the inaccuracy or irregularity in the Records of Findings. The Counting Team is informed immediately about the decision of the CEAZ.

5. After the Records of the Closing of the Polls is taken out, or after the Records of Findings is filled in, the First Counter and members of the Counting Team take the ballot papers and the envelope with the Records of Sealing out the box, unfold the ballot papers and place them on the table with the reverse of the sheet facing up.

6. The stacked ballot papers are counted by the First Counter, who, at the conclusion of the count, declares the figure to the Counting Team members and the observers of electoral subjects. The declared figure is checked against the figure on the voter turnout that is written down in the Records of the Closing of the Polls. If the figures do not match or if requested by any of the Counting Team members, the First Counter shall recount the ballot papers.

7. If the verification reveals discrepancies, then the Counting Team or any of the observers of the electoral subjects who identifies the discrepancies, notify immediately

#### Article 116/1<sup>§</sup>

#### **Opening of the boxes with voting materials**

1. The box with voting materials shall be opened during the counting process at the Ballot Counting Centre only when the Records of the Closing of the Polls is missing from the box with ballot papers, or when the data according to article 113 of the Code are not recorded in the Records of the Closing of the Polls.

2. In this case, the Counting Team or any of the observers of the electoral subjects, who identifies this, notifies immediately the CEAZ about it. The notification is done by raising one's hand and without moving from own place. The raising of the hand suspends any further action of the Counting Team, until the CEAZ is informed of the issue and verifies it. If the CEAZ confirms the inaccuracy or irregularity, it reflects it in the Records of Findings. The CEAZ makes a decision to continue the procedures for the verification of the voting material and the suspension of the counting of votes by the Counting Team only after recording the inaccuracy or irregularity in the Record of Findings. The Counting Team is informed immediately about the decision of the CEAZ.

3. The box with ballot papers, the counting of which is suspended, is placed by the counting table and the First Counter takes the box with voting materials of the respective voting centre. Then, the Counting Team opens the box with voting materials, by breaking the security seals. First, it is verified whether the Records of the Closing of the Polls is found in the box, [and whether it is] filled in according to the requirements of the Code. In this case, the Records of Findings is filled in and the Records of the Closing of the Polls is given to the CEAZ. Next, the box is closed with security seals and the Counting Teams continues the counting of the ballots, according to procedures set out in point 5 and onward of article 116 of the Code.

4. When the Records of the Closing of the Polls is not found in the box with voting materials or it is not filled in according to article 113, the Counting Team fills in the Records of Findings and then performs the following

procedures:

- a) it verifies whether the following are found in the box:
  - i) the envelope marked as “UNUSED BALLOT PAPERS”;
  - ii) the envelope marked as “SPOILED BALLOT PAPERS”;
  - iii) the voter list, including the special register, in accordance with article 57 of this Code;
  - iv) original copies of VCC decisions and unused templates for VCC decisions;
  - v) the stamp of the VCC;
  - vi) the stamp of the VCC Chair;
  - vii) seals with the unused security codes;
  - viii) seals with the damaged security codes, if any;
  - ix) the VCC Meetings Record Book; and
  - x) the accompanying documentation of ballot papers with the respective serial numbers;
- b) initially, the First Counter compares the stamp of the VCC Chair with the sample stamp and presents the finding to the team members;
- c) the First Counter counts the unused ballot papers and, at the conclusion of the counting, declares the figure to the Counting Team members and the observers of the electoral subjects. If any of the members of the Counting Team requests a recount, the First Counter shall recount the unused ballot papers;
- ç) the First Counter counts the spoiled ballot papers and, at the conclusion of the counting, declares the figure to the Counting Team members and the observers of electoral subjects. If any of the members of the Counting Team requests a recount, the First Counter shall recount the spoiled ballot papers;
- d) the First Counter counts the voters who have voted, according to the signatures on the voter list, including those in accordance with article 57 of this Code, and, at the conclusion of the count, declares the figure to the members of the Counting Team. If the figures do not match, or if any of the members of the Counting Team requests a recount, the First Counter shall recount the voters who have voted. The remarks are written down in the Records of Findings;
- dh) the First Counter records the data on the total number of ballot papers delivered to the VCC, according to their accompanying documentation;
- e) then the box is sealed with security codes and the Counting Team continues with counting of ballots in accordance with the procedures set out in point 5 and onward of article 116 of this Code.

5. At the conclusion of the counting and tabulation of the EAZ result, boxes with voting materials shall be sent to the CEC together with the ballot boxes. Boxes with voting materials shall be opened by the CEC during the examination of complaints, in accordance with article 136 and/or point 1 of article 138 of the Code, if the requested evidence is administered according to this Code, in the box with voting materials.

#### Article 117\*

### **Types of votes and criteria for evaluating a vote**

1. Ballot papers are divided into valid and invalid votes.
2. Only ballot papers on which a vote has been clearly cast for only one of the electoral subjects or for a political party which is a member of a coalition on the respective ballot paper are valid votes.
3. Invalid votes are the ballot papers where:
  - a) the ballot paper does not have the same size, colour or format as the

ballot paper approved by the CEC;

b) the stamps provided for in article 103 of this Code are missing from the ballot paper;

c) notations or signs are made on the ballot paper that make the evaluation of the vote impossible;

ç) notations in favour or in disfavour of certain electoral subjects are made on the ballot paper;

d) there is a vote for more than one of the electoral subjects on the ballot paper; dh) no electoral subject is voted for on the ballot paper;

e) it is not clear for whom the vote is cast; or

ë) the voter has voted for a person or a subject that is not on the ballot paper.

4. The evaluation of votes aims at identifying, as much as possible, the voter's intent. Pursuant to this article, the CEC shall draft special guidelines to facilitate the work and unify the practice of evaluation of the ballot papers by commissions and persons tasked under this Code for the counting and evaluation of votes.

#### Article 118<sup>\*</sup> Evaluation of votes

1. The evaluation of votes begins immediately after the completion of the counting of ballot papers. The First Counter of the Counting Team unfolds completely every ballot paper, evaluates it aloud, and acts in the following order:

a) he/she verifies whether the ballot paper has the same size, shape and colour as the ballot paper approved by the CEC; if not, he/she evaluates the vote as invalid;

b) he/she verifies whether the ballot paper carries the stamp of the VCC and the stamp of the VCC Chair; if not, he/she evaluates the vote as invalid;

c) he/she verifies whether there is any of the other reasons for declaring the vote invalid, as described in letters "c" to "ë" of article 117 of this Code; if one of these reasons exists, he/she evaluates the vote as invalid.

2. If none of the circumstances described in point 1 of this article applies, the First Counter of the Counting Team gives his/her evaluation and then proposes to the other members to evaluate which political party or candidate the vote has been cast for. The First Counter shall show the ballot papers to the members of the Counting Team, as well as make possible the reading of the ballot paper by the recording camera in accordance with point 4 of article 94 of this Code.

If the members of the Counting Team and observers of the electoral subjects at the count agree with the First Counter's evaluation, the ballot paper is categorised according to the evaluation and the First Counter proceeds with the next ballot paper.

If any of the members of the Counting Team or any of the observers of electoral subjects does not agree with the First Counter's evaluation, the latter places the contested ballot paper in a special place designated for contested ballot papers and proceeds with the next ballot paper.

3. In accordance with the evaluation described in point 1 of this article, the ballot papers are divided on the work table into specific and separate places in groupings of votes for each electoral subject, invalid votes and contested votes. In case of coalitions, the valid votes for each of the member parties of the coalition are grouped separately and near each-other, thus identifying the votes for each of the member parties of the coalition.

4. At the end of counting of the ballot papers for each ballot box, the

Counting Team re-evaluates the contested ballot papers, in accordance with the third paragraph of point 2 of this article.

If there are still contested ballot papers after the re-evaluation, the First Counter or each member calls the CEAZ for the evaluation of the contested votes of that box. The CEAZ makes immediately an evaluation of each of the contested ballot papers and takes a decision on it. The result declared by the CEAZ is noted in the record book of CEAZ and is included in the respective table of results of the VC which is compiled by the Counting Team.

5. For each contested ballot paper, the First Counter of the Counting Team notes clearly on its reverse side the reasons for contesting it.

A special official record shall be kept for contested votes, in accordance with a form determined by a decision of the CEC, in which the total number of contested ballot papers for the respective VC is reflected. Upon the tabulation of the result, according to article 119 of this Code, the contested ballot papers and the respective official record shall be enclosed in the envelope marked as "CONTESTED BALLOTS".

6. After the counting and evaluation of the votes, according to this article, the First Counter counts the votes for each electoral subject, for each box with ballot papers, starting according to the order of the subjects on the ballot paper. After each count, he/she makes the figure known to the Counting Team members and to observers of electoral subjects. If requested by any of the members of the Counting Team, the First Counter shall restart once again the counting of the votes for that electoral subject.

If there are still objections after this second count, the First Counter of the Counting Team or the objecting member informs the CEAZ by raising his/her hand. Raise of the hand suspends any further action of the Counting Team until the CEAZ makes a decision. The CEAZ counts on the spot the votes for the electoral subject, which are subject to contestation, and orders the Counting Team to record the figure decided by it in the table of results for that Voting Centre.

7. The First Counter and the secretary of the Counting Team are responsible for implementing the obligations arising from the contestation of the ballot paper, according to this article. Failure to comply with this obligation is punishable by a fine according to article 171 of this Code.

#### Article 119\*

#### **Tabulation of the election result by the Counting Team**

1. At the conclusion of the procedure specified in article 118 of this Code, the First Counter, together with the other members of the Counting Team, completes the table of results for that voting centre according to the template form prescribed by the CEC.

2. The original table of voting results, according to point 1 of this article, including contestations, if any, by a member of the Counting Team, is delivered immediately in person to the CEAZ by the Counting Team. A copy of the table of results is given to each member of the Counting Team and to the observers of electoral subjects. If any of the observers of electoral subjects has contestations regarding the tabulated results, they are recorded immediately in the CEAZ Book of Records.

One copy is immediately sent electronically to the CEC. The CEC publishes immediately on the web page the official results for each voting centre, upon official receipt from the CEAZ. The publication shall clearly state that this is a preliminary result.

3. After the completion of the procedures specified in points 1 and 2 of this

article, the ballot papers are put in separate envelopes by electoral subjects, except for the contested ballot papers, whereas the invalid ballots are put in the envelope marked with "INVALID VOTES". The envelopes with the ballot papers for the electoral subjects, the envelope with the invalid ballot papers, the envelope with the contested ballot papers, and the envelope with the Records of Sealing, are put inside 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.

One copy of the Records of Sealing, together with the Records of the Closing of the Polls, is given to the CEAZ secretary, who is responsible for their administration. The box is sealed with seals with new security codes. A copy of the Records of Sealing is given also to observers from electoral subjects.

After that, in the case of local elections, the box is placed near the table of the Counting Team and the box with the ballot papers for the council is taken. In the case of local elections, for the ballot boxes with the ballot papers for the political parties or electoral coalitions, the Counting Team performs the same actions specified in articles 116 to 119 of this Code.

4. The Counting Team takes the ballot boxes with the ballot papers of the next voting centre from the stack of the ballot boxes only after it has sent the processed boxes to the designated place inside the room of the Ballot Counting Centre and has handed over the respective table of results for the counted voting centre to the CEAZ.

5. Counting continues uninterruptedly until the completion of counting of all ballot boxes received as regular by the CEAZ. Counting may be interrupted by a CEAZ decision only for reasons that do not depend on the election administration and that hamper the normal counting process. The reasons are justified in the CEAZ Meeting Records Book, including the decision to resume counting.

#### Article 120<sup>†</sup>

### **Order of counting for local government elections**

1. For the elections for local government bodies, the CEAZ groups the ballot boxes by the respective body.

2. For each municipality, the counting starts with the counting of the votes for the mayor and then with the counting of the votes for the respective council.

3. Vote count for one body shall not start unless all the ballot boxes for the preceding body are counted.

4. Upon completion of the counting of a box, the table of its results is filled according to article 122 of this Code. The table of results for the voting centre contains also a column for votes for other bodies, but miscast in that box, which clearly specifies the number of miscast ballots in that box divided by the body for which the votes are cast.

5. When such ballots are found, the Counting Team sets them apart, folded, and does not evaluate them. At the conclusion of the counting for that box, these ballot papers are put in the envelope marked with "MISCAST VOTES" in separate envelopes for the body for which the votes were cast. The number of miscast votes found in that box is recorded in the special column the table of results. The next box is opened only after procedures are completed and the previous box is sealed.

6. After the respective Counting Team completes the counting of the last box, the First Counter fills in the Records of Findings, writing down the number of miscast ballots for each body found in each envelope. The envelopes with the miscast votes are sealed and delivered to the CEAZ along with the Records of Findings. The CEAZ opens the envelopes, makes the relevant annotations in the Meeting Records Book, and places these votes in special boxes, without

opening the ballot papers. These boxes are the same as ballot boxes, and are opened and closed according to the procedures for the ballot boxes specified in this Code. The CEAZ has one box for miscast votes for each body for which elections are held in its territory.

7. Upon completion of the counting of all boxes for one body, the CEAZ compiles the Preliminary Aggregate Table of Results for the EAZ reflecting the result for the body for each voting centre. This table does not include the result of the box with the votes for the relevant body which are cast in the wrong box, specified in point 8 of this article.

The result reflected in the Preliminary Aggregate Table of Results for the EAZ is not final. The table and any of its publication shall display the note that this result is not final.

8. At the conclusion of the vote counting for all ballot boxes of the EAZ, the CEAZ appoints immediately one of the Counting Teams to evaluate and count the votes cast in the wrong boxes for each body, administered according to this article. These votes are counted in accordance with the procedures specified in articles 116, 117 and 118 of this Code. The box with miscast ballots for one body is opened upon the completion of the counting of boxes for the respective body.

9. The result of the box is entered into a separate table of results for miscast votes, which specifies the body for which the votes are cast. The table is filled in and signed according to the procedures specified in article 119 of this Code.

10. Upon completion of the procedure specified in point 8 of this article, the CEAZ fills in the Aggregate Table of Election Results for that EAZ, reflecting the results of each counted box and the result of the box with miscast votes, filled in according to point 8 of this article.

#### Article 121

##### **Persons present during the vote counting process**

1. Only the members and secretary of the CEAZ, the members of the Counting Teams, the candidates, observers of the electoral subjects, other accredited observers, accredited media representatives, and the technical personnel authorized by the CEC for the maintenance of the camera system, are to be present during the vote counting process at the Vote Counting Centre.

2. The CEAZ takes measures and is responsible for not allowing persons other than those specified in point 1 of this article in the Vote Counting Centre. When persons other than those according to point 1 of this article are present, the CEAZ by decision immediately notifies the State Police officers and the case is recorded in the CEAZ Meeting Records Book, including the precise time of arrival and departure of the State Police officers.

#### Article 122<sup>†</sup>

##### **Issuance of the Aggregate Table of Election Result by the CEAZ**

1. The Aggregate Table of Election Result for the respective Electoral Administration Zone is issued by the CEAZ no later than 22<sup>00</sup> of the day following the Election Day.

2. Immediately after the completion of the counting, in accordance with the procedures provided for in articles 116 to 119 of this Code, the CEAZ completes the Aggregate Table of Election Results for the zone it administers, which reflects the results of each subject for each voting centre, based on the original tables of results of each voting centre filled in by the Counting Teams.

3. The Aggregate Table of Election Results of the EAZ is approved by the CEAZ by decision. If this is not the case, point 5 of article 35 of this Code shall apply. One copy of the Aggregate Table of Results and of the tables of results for each voting centre is immediately sent to the CEC, including by electronic means of communication.

4. Copies of the Aggregate Table of Election Results of the EAZ, of tables of results of the voting centres, and copies of the Record of Findings are given to the members of the CEAZ and to the observers of electoral subjects, whereas their originals, stamps and any other voting materials are handed over to the CEC.

5. In the case of local elections, the CEAZ approves by decision the Aggregate Table of Results of the municipality. In case the territory of a municipality is not subject to a single CEAZ, each CEAZ approves by decision the Aggregate Table of Results for the respective part of the territory of the municipality. In any case, the CEAZ applies the same criteria and procedures specified in this article. The decision may be appealed in compliance with the procedures provided for in Part X of this Code.

6. The original of the Aggregate Table of Results of the CEAZ and the Tables of Results for each voting centre are sent immediately to the CEC to issue the result, in accordance with article 123 of this Code.

#### Article 123\*

#### **Tabulation of results by the CEC**

1. The CEC verifies and tabulates the election results for the electoral zone for the Assembly or local government unit, whose territory is divided into two or more EAZs, based on the table of results issued by each CEAZ of the respective electoral zone. For this purpose, the CEC fills in the Aggregate Table of the Results for the Electoral Zone and approves it by a decision no later than 48 hours from the receipt of all the tables of the Electoral Zone.

2. Before filling in the Aggregate Table of the Results for the Electoral Zone, according to point 1 of this article, the CEC verifies, on its own initiative or upon request of the parties and before making a decision according to this article, whether the tables of the EAZ results for the respective zone include all the tables of the voting centres of that zone. When the CEC finds that the table of results for one EAZ does not include the tables of all the voting centres of that EAZ, whose boxes are received as regular, it orders the CEAZ to fill in immediately the table and resubmit it to the CEC within 24 hours. In case of failure to comply with this deadline, the table is filled in by the CEC. If the votes in a box which is received as regular are not counted, the CEC orders the initial counting of uncounted votes for the Voting Centre that is not included in the table of results. The deadline specified in point 1 of this article starts after the filling in of each table of results for the EAZ according to this point.

In any case, according to this article the Aggregate Table of Results for the Electoral Zone, shall not be approved by the CEC unless all the boxes received as regular according to this Code are counted; otherwise, the decision to approve the Aggregate Table of Results for the Electoral Zone, according to this article, shall be invalid.

3. If the CEC, during the compilation of the table, according to point 1 of this article, upon its own initiative or upon request of the parties, notices discrepancies between the number of votes for the subjects in the table of results for the EAZ and the tables of results of the voting centres, it takes a decision to approve the Aggregate Table of Results with the corrected figures, based on the originals of the tables of the voting centres. One copy of the decision on the

approval of the Aggregate Table of Results for the Electoral Zone is given to all electoral subjects that participated in the elections in the respective electoral zone.

4. The CEC decision on the approval of the Aggregate Table of Results for the Electoral Zone, according to this article, may be appealed to the ASC itself in accordance with the procedures envisaged in Part X of this Code.

5. The CEAZ decision on the approval of the Aggregate Table of Results of the EAZ, any decision taken by the CEAZ during the procedure of the receiving of the electoral material and documentation from the VCC, as well as during the counting and tabulation of the voting result, are interim decisions and can be appealed to the ASC together with the complaint against the decision of the CEC on the approval of the Aggregate Table of Results of the Electoral Zone, taken in accordance with point 1 of this article.

## PART X ADMINISTRATIVE COMPLAINTS OF THE DECISIONS OF ELECTION COMMISSIONS

### Article 123/1 Right to engage the CEC

1. The CEC shall be engaged *ex officio*, at the request of electoral subjects in accordance with the rights vested on them in the present law, as well as at the request of third parties in upholding their legitimate interests and in matters falling within the scope of the CEC powers.

2. Requests or complaints by electoral subjects shall be handled in accordance with the procedure established by this law and its pursuant by-laws. Requests, complaints, information, proposals or denunciations of third parties shall be handled in accordance with the procedure set forth in the Administrative Procedure Code and within the deadlines set by the CEC in its by-law.

3. Where requests, complaints, information, proposals or denunciations by third parties relate to administrative investigations conducted pursuant to this law on activities carried out in elections by electoral subjects, they shall form part of the administrative investigation against the electoral subject.

### Article 123/2 Powers in administrative investigation

1. As a rule, the administrative investigation shall be carried out by the CEC administration, except when, in the investigation of particular issues, the electoral legislation requires the appointment of experts outside the administration.

2. Administrative investigations carried out by external experts shall only become legally valid subsequent to approval by the CEC in accordance with the applicable procedural rules.

### Article 123/3 Public participation in reporting/denouncing facts

1. Any person who becomes aware of facts or circumstances that might construe violation of any legal stipulations of administrative or criminal nature in the area of elections, shall be entitled to directly inform the CEC.

2. Rights and interests of persons who denounce/report according to paragraph 1 of this Article shall be automatically protected in a reliable, effective

and appropriate manner as per the standards set out in the legislation in force on the whistleblowing and the protection of the whistleblowers.

3. The CEC shall approve the reporting/denouncing template in order to facilitate submission of information by the public.

#### Article 124\*

#### **The right to complain**

1. Any political party, whether or not a member of a coalition, and a candidate proposed by the voters have the right to complain to the CEC against CEAZ decisions which affect their legal interests, within three days from the announcement of the decision.

2. The CEAZ decision on the declaration of election results for local government units under its jurisdiction, taken according to article 122 of this Code, may be appealed to the CEC no later than 5 days from the announcement of the decision for the approval of the Aggregate Table of Results of the Electoral Zone. The complaint against the decision may seek the amendment of the Aggregate Table of Results of the Electoral Zone or/and invalidation of the result in one or several Voting Centres, according to article 160 of this Code.

3. The CEC decision on the approval of the Aggregate Table of Results of the Electoral Zone, taken in accordance with article 123 of this Code, may be appealed to the CEC no later than 5 days from the announcement of this decision. The complaint against the decision may seek the amendment of the Aggregate Table of Results of the Electoral Zone or/and invalidation of the result in one or several Voting Centres, according to article 160 of this Code.

4. In any case, the complaint for invalidation, according to article 160, and the complaint for the amendment of the table of results are submitted in the same administrative complaint, according to points 2 and 3 of this article. The complaint specifies the Voting Centres for which the amendment of the result or invalidation is requested.

5. The right to complain, according to point 1 of this article, is granted also to those individuals or political parties whose requests for registering as an electoral subject have been refused, and to those subjects referred to in article 6 of this Code, complaining against the rejection of requests for accreditation as observers, when the accreditation of the observers is delegated to the CEAZs. The CEC decisions for the registration or rejection to register as an electoral subject, taken in accordance with Part IV of this Code, may be appealed to the Electoral College, in accordance with Chapter I, Part XI of this Code.

6. During the examination of the submitted administrative complaints, the CEC examines the entirety of the case therein, including the invalidation of elections in specific voting centres, but not limited to the object of the administrative complaint submitted by the electoral subject.

#### Article 124/1

#### **Administrative appeal by third parties**

1. Albanian and foreign non-governmental organizations, as well as international organizations specialized or engaged in good governance and democratization, representatives of foreign countries and the media, have the right to appeal to ASC against decisions refusing to register observers, within 3 days from the date of the announcement of the decision.

2. The Commissioner's [legislative] acts may be appealed administratively to the ASC by all parties demonstrating a legitimate interest in the subject matter of the complaint. In the period from the President's decreeing of the election date until announcement of the final result, the appeal shall be

filed within 3 days from the taken decision. At other times, the appeal shall be filed within 30 days from issuance of the decision.

Article 125\*  
**Calculation of deadlines**

1. The deadlines, which are specified by hours in Parts X and XI of this Code, are calculated by excluding the hour in which the right to appeal or the administrative obligation arises. Whenever the deadlines in this Code are calculated in hours, the administrative body assigned by this Code is required to mark on an administrative act

the hour when the act was announced. Otherwise, the deadline is calculated beginning at 8<sup>00</sup> of the following day.

2. The deadlines in this Part that are stated 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 deadline, according to point 2 of this article, falls outside the official working hours determined in the CEC decision, 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 end of the deadlines falls on days of rest or on an official holiday, the deadline resumes on the next working day.

5. Deadlines for appeals, according to this Part, cannot be reset.

6. For the purposes of this article, unless otherwise specified by a CEC decision, the official working hours are calculated from 8<sup>00</sup> until 16<sup>00</sup>, and Saturdays and Sundays are days of rest.

Article 126  
**Form and content of a complaint against decisions of a CEAZ  
and decision of the CEC to declare the election result**

1. Electoral complaints against decisions of a CEAZ or against the decision of the CEC, in accordance with article 123 of this Code, is submitted in the form of a administrative complaint and must contain the following elements:

- a) the full name of the electoral subject making the complaint and its address;
- b) reference to the decision which is appealed;
- c) the legal grounds;
- ç) a short description of the violation claimed;
- d) a description of facts, arguments and legal provisions supporting the complaint; dh) an indication of the evidence, requested to be examined during the process of

the review of the complaint, as well as its source; and

- e) the date and the signature of the complainant.

A request for the invalidation of elections contains, to the extent possible, the elements provided for in this point.

2. The complainant electoral subject shall deposit, together with the administrative complaint, the full decision against which the complaint is made, except for when the CEAZ fails to make a decision.

## Article 127\*

**Registration of administrative complaints by the CEC**

1. Administrative complaints are deposited at the headquarters of the CEC. The CEC creates and keeps a special register for the registration of administrative complaints. The Register of Electoral Complaints is valid only for on-going elections.

2. The Register of Electoral Complaints contains:

- a) ordinal number of the administrative complaint;
- b) date and time when the complaint was submitted;
- c) the complaining subject; ç) object of the complaint;
- d) number and type of documents attached to the administrative complaint.

3. After annotations have been made in the register, the complaining subject receives from the CEC an attestation, which bears evidence of the delivery and receipt of the administrative complaint.

4. The CEC shall not refuse, for any reason, to record administrative complaints.

5. The Register of Electoral Complaints is valid only for current elections. The Register of Electoral Complaints for the current elections is opened no later than 24 hours from the declaration of the final result of previous elections. Administrative complaints related to partial elections held between two general elections are also recorded in this register.

## Article 128

*(Abrogated by Law No. 74/2012, dated 19 July 2012)*

## Article 129

**Verification of completion of the form and content of the administrative complaint**

1. The CEC designates, by lot, one of its members as a rapporteur for each administrative complaint recorded. The rapporteur verifies the existence of the formal elements, according to article 126 of this Code, and of the elements stipulated in article 130 of this Code. The verification result is reported at a CEC meeting no later than 24 hours from the moment the administrative complaint has been recorded.

2. The rules for drawing the lot to appoint a rapporteur, according to point 1 of this article, are established by a CEC decision.

3. The CEC performs the preliminary verification of the administrative complaint and decides:

- a) to accept the complaint for review;
- b) not to accept the complaint due to lack of the elements stipulated in article 130 of this Code; or
- c) to send back the complaint for completion of the formal elements stipulated in article 126 of this Code.

4. In the case provided for in letter "c" of point 3 of this article, the complainant shall complete the complaint and resubmit it within 24 hours from the moment this decision is announced. The administrative complaint may be sent back for completion only once. The second verification of the administrative complaint shall be completed within 24 hours of its resubmission.

## Article 130

**Object of preliminary verification**

The CEC makes a decision on whether or not to accept the administrative complaint after it verifies the following elements:

- a) the competency of the CEC to examine the complaint;
- b) the complainant's standing; and
- c) compliance with the legal deadlines for a complaint.

## Article 131

**Content of the decision to accept for review the administrative complaint**

1. In the decision to accept for review an administrative complaint, the CEC shall specify the date and hour of the examination of the case in a public session. The decision is posted for the public at the entrance of the CEC headquarters no later than two hours after it has been taken.

2. The review hearing takes 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 132\*

**Joining administrative complaints**

1. The examination of administrative complaints against the result of an electoral zone, according to article 124, starts only after the deadline specified in points 2 and 3 of article 124 has expired. The CEC, prior to or during the examination of an administrative complaint, decides to examine it jointly with one or more other administrative complaints submitted by various subjects against the same decision of the CEAZ, according to article 122, or, depending on the case, of the CEC, taken in accordance with article 123, on the election result and/or invalidation.

2. When several administrative complaints are submitted to the CEC for the same electoral zone and when at least one of them seeks the invalidation of elections in one or more voting centres, in accordance with article 160 of this Code, the CEC examines first the claim for the invalidation of elections in those voting centres. The CEC decision for the invalidation of one or more voting centres, according to article 160, is an interim decision, and may be appealed to the Electoral College together with the CEC decision that adjudicates the complaint submitted in accordance to article 124 of the Code.

3. The CEC decision to join administrative complaints is final.

4. The CEC decision to join administrative complaints is posted for the public at the entrance of the CEC headquarters no later than two hours after it has been taken.

## Article 133

**Parties to the administrative review**

1. In the CEC's examination of a complaint, only the following have the right to take part by submitting a request, making and refuting claims, as well as submitting evidence:

- a) the complainant;
- b) an interested party. An interested party is any electoral subject whose rights and legitimate interests, be they individual or collective, are or could be violated by a decision that may be made at the conclusion of the administrative procedure.

2. An interested party files a request to participate in an administrative

review no later than by the time set for holding the session. Filing the request beyond this deadline leads to the rejection of the request.

3. The acceptance of a party as an interested party in an administrative procedure is made by a decision of the CEC at the beginning of the respective session and after verifying the participation of the other parties.

4. The parties are entitled to be represented during the administrative procedure by their authorized representatives or by making a declaration in the session. As a rule, the electoral subjects represented at the CEC are represented by their accredited representatives to the CEC.

#### Article 134

### **Administrative review**

1. The administrative review of an administrative complaint is performed by the CEC in a plenary session.

2. The Chair of the CEC chairs the plenary session.

3. The time limits for performing the administrative investigative actions are established by the CEC in consultation with the parties.

4. The review of an administrative complaint in front of the CEC is done verbally, but the parties may present their explanations and claims about the case in writing.

5. During the examination of an administrative complaint, a staff member appointed by the CEC keeps the minutes, and, to the extent possible, an audio and/or video recording of the session is made. The explanations of the parties are summarized in the minutes and the evidence received, as well as orders and intermediate decisions of the CEC, are fully reflected.

#### Article 135

### **The opening of the session for the review of an administrative complaint**

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 is declared open, the procedural standing of the parties is verified, in accordance with article 133 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 rejects the individual statements of the CEC members on the existence of conflicts of interests, according to point 3 of article 17 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 point 4 of article 17 of this Code;

c) decides on the requests of the parties or of the rapporteur 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 deadline for complaints.

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 without interrupting the session. The session is interrupted only when the acquisition of evidence from third parties is necessary.

## Article 136\*

**Submission of claims and request for evidence**

1. At the conclusion of the actions specified in article 135 of this Code, the CEC invites the parties to submit their claims and:
  - a) to provide explanations about the requests specified in the complaint;
  - b) to demonstrate the facts and evidence on which their claims rest. The types of the evidence are provided for in the Civil Procedure Code; and
  - 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 it to be useful for reaching a judgement.
3. The request to obtain evidence, in accordance with letter “c” of point 1 of this article, when endorsed by two CEC members and when the evidence is administered only by the CEC, is accepted immediately without being subjected to debate or voting at the CEC. The CEC is bound to proceed immediately with receiving and examining the requested evidence.
4. The CEC may refuse a request of the complainant or of the interested party to obtain evidence, under letter “c” of point 1 and point 2 of this article, only if it considers that the evidence does not serve the purpose of proving the facts claimed. The CEC’s reasoning for refusing to receive evidence shall be provided in detail in its final decision. The CEC cannot refuse a request for evidence made in accordance with point 3 of this article.
5. The submission of the claims of the parties begins with the complainant and continues with the interested parties, in the order decided by the CEC Chair. This order is retained during the entire proceeding.
6. Regardless of the specifications made in this article, when the CEC assesses that a fact, circumstance or event has occurred, it shall be accepted as evidence regardless of it not being recorded in any electoral document.

## Article 137

**Obligation for other bodies to make evidence available**

1. The CEC requests other bodies of public administration to make available information, documents or any other evidence required or considered necessary for the administrative investigation.
2. Public administration bodies are required to make evidence available, in accordance with point 1 of this article, upon receiving the request from the CEC and by the deadline established in it.
3. If the public administration body, without legal reasons, refuses to fulfil the request or does not fulfil it by the deadline, the CEC, in accordance with article 172 of this Code, shall fine or, as appropriate, file criminal charges against the persons responsible specified in article 4 of this Code.

## Article 138\*

**Examination of election material**

1. For the purpose of administrative investigation, the CEC, when it has accepted the request of the parties or in accordance with the provisions of point 3 in article 136 of this Code, examines the documentation and election material that are found inside the box of election materials and/or ballot boxes and the ballot papers, as well as any other documentation or other election material. If

the election material is inside the boxes with security seals, they shall be opened and resealed according to procedures provided for in this Code for the opening and closing of the boxes, by showing and recording the codes with which the respective boxes are sealed by the CEAZ, as well as the numbers with which they are reclosed.

2. The election material is examined in the presence of the parties and the public. After the examination of the election documentation and/or material, the parties have the right to present their assessments and claims. The evidence found is recorded in the minutes of the CEC meeting.

3. When the CEC, upon the request of parties or upon its own initiative, deems that a recount and/or re-evaluation of certain votes is needed in order to make a decision, it shall recount and/or re-evaluate the votes, in the presence of the parties, and shall reflect the conclusion and its respective decision in the minutes of the CEC meeting. Certain votes are votes identified or contested, according to procedures set out in articles 116 and 118 of this Code, which evaluation or number has been contested during the counting process, as well as the votes of the table of the contested result, according to point 2 of article 119 of this Code. Any member has the right to demand and the CEC shall be obliged to recount and reassess the ballots designated under this procedure.

4. When the object of the complaint are ballot boxes found to be "IRREGULAR BOXES" by the CEAZ, in accordance with article 115 of this Code, the CEC is obliged to conduct an administrative investigation during the examination of the complaint for that electoral zone, according to article 124 of this Code. The investigation is not limited to examining the box externally by evaluating the entire facts and circumstances that have led to the evaluation of the box as an "IRREGULAR BOX", but also whether these irregularities have affected the electoral material. If the CEC, upon its own initiative or upon the request of the electoral subject, makes a decision that the boxes are regular, the CEC conducts the initial counting of the votes in these boxes.

The voting in those voting centres whose box/es have been evaluated as "IRREGULAR BOXES", according to article 115 of this Code, and no complaint has been made against them according to article 124, is considered invalid.

5. The CEC decisions, taken in accordance with points 3 and 4 of this article, may be appealed together with the decision of the CEC.

#### Article 139

#### **Universally known facts and expert testimony**

1. There is no need for verification of universally known facts and facts known to the CEC due to its functions. During the administrative investigation of a case, the CEC confirms in the session its knowledge and the taking into consideration of 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 administrative complaints, the CEC may summon one or more experts.

#### Article 140

#### **Rebuttals of evidence**

1. The parties in an administrative review 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 have the right to submit other

evidence in addition to that required in accordance with article 136 of this Code.

#### Article 141\*

### **Closing of the administrative investigation**

1. If new facts or evidence emerge during the administrative investigation, which the complainant could not have known before the complaint was submitted, the object of the complaint may be added or changed before the CEC ends the administrative investigation, in accordance with point 2 of this article. The request may include the amendment of the table of result or the invalidation of elections in certain voting centres. The CEC is obliged to examine the new claim and reopen the administrative investigation.

2. After the conclusion of the administrative investigation, the CEC asks the parties for any additional requests or evidence useful for the examination of the case; if they are not accepted, the CEC ends the administrative investigation and invites the parties to present their closing arguments.

3. The CEC decides, on a case-by-case basis, whether the parties will present their closing arguments verbally or in writing.

#### Article 142\*

### **Withdrawal of claims or their renunciation**

The complainant has the right to fully or partially withdraw the object of the complaint at any stage of its examination. In this case, the CEC decides to dismiss the case as a whole or the part which has been renounced. After this, the complainant may not resubmit a complaint for which the dismissal of the case was decided.

#### Article 143\*

### **Type of CEC decisions after examining complaints and deadlines**

1. At the conclusion of examining the complaint, the CEC decides, on a case-by- case basis, to:

- a) dismiss the examination;
- b) uphold the CEAZ decision;
- c) amend the CEAZ decision;
- ç) declare the elections invalid in one or several voting centres of the electoral zone or in the entire electoral unit;
- d) uphold or amend the decision on approving the Aggregate Table of Results, in accordance with article 122 or article 123 of this Code.

2. Regardless of what the complainant has requested in his/her complaint, the CEC takes a decision, according to one of the cases provided for in point 1 of this article.

3. No later than 10 days from the date the respective complaint is recorded, the CEC takes a final decision concerning complaints against the decision on the approval of the Table of Election Results. In any other case, the CEC takes a decision no later than two days from the date the complaint was submitted.

Article 144  
**Content of CEC decisions**

1. A CEC decision shall always be in writing.
2. CEC decisions pertaining to electoral complaints shall 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) a section providing the order.
3. A CEC decision shall contain the number, date, respectively the hour when it is announced, as well as the signatures of the CEC members together with the declaration of their vote.
4. In case administrative complaints are joined, deadlines are calculated from the date when the last administrative complaint was recorded.
  4. A decision shall be accompanied by the minority opinion or the concurring opinion signed by the members who support it.
  5. A decision shall also contain the explanation of the right of the parties to make a court appeal against the decision, as well as the time limits for appeals.
  6. In no case shall the CEC issue decisions that do not contain all the elements mentioned in this article.

PART XI  
**COURT APPEALS AGAINST CEC DECISIONS AND  
INVALIDATION OF ELECTIONS**

CHAPTER I  
**COURT APPEALS AGAINST CEC DECISIONS**

Article 145  
**The right to appeal to court**

1. Electoral subjects have the right to appeal to the Electoral College of the Court of Appeals in Tirana against CEC decisions which affect their legal interests, by the deadline established in article 152 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 appeal to the Electoral College against the CEC failure to make a decision by the legal deadline. In this case, the Electoral College shall not judge the case on its merits and, if it accepts the request, shall compel the CEC to make a decision. This rule shall not apply to CEC decisions to reject an administrative complaint in relation to decisions taken in compliance with letters "a", "b", "c" and "ç" of article 24 of this Code.
3. Subjects mentioned in article 6 of this Code, who have been refused a request for accreditation as observers, also have a right to appeal according to this article. If accreditation of observers has been delegated to CEAZs, then the right to appeal according to this point shall begin with an administrative appeal, in accordance with article 124 of this Code.

## Article 146\*

**Composition of the Electoral College of the Court of Appeals in Tirana**

1. The Electoral Judicial College consists of eight judges selected by a drawing of lots conducted by the High Judicial Council, among the judges who have successfully passed the transitional re-evaluation of judges under Law no. 84/2016 by a final decision, from first-instance courts, appellate courts of the Republic of Albania, first-instance administrative courts and Administrative Court of Appeal in Tirana. The judges of the [Special] Court against Organized Crime and Corruption shall be excluded from the lot.

2. The drawing of lots for the selection of the judges of the Electoral College shall be conducted no later than 48 hours after the decree setting the date for the closest elections, as per this law. The lot shall be drawn at the presence of the public, representatives of CEC, political parties and NGOs engaged in the areas of elections and justice..

3. The High Judicial Council shall, no later than 24 hours from the drawn lots, approve by decision the election of the judges as members of the Electoral Judicial College. The members of the Electoral Judicial College shall be seconded to this position with a 4-year term/mandate. Renewal shall comply with the procedures and time-limits of this law ofr selection, secondment, oath and establishment of the Electoral Judicial College.

4. No later than 3 days from secondment in position, the judges of the Electoral Judicial College shall take an oath in a public ceremony, at the presence of the High Judicial Council.. The oath shall have the following content: **“I do solemnly swear that I shall respect, I shall defend, and I shall obey the Constitution and laws of the Republic of Albania, that I shall respect the rights and freedoms of citizens, and I shall fulfil my duties. I swear that I shall discharge my duties to the best of my ability and in an impartial and just manner, and without favouring any person, party or electoral subject”**.

5. The inaugural meeting of the College shall take place immediately after the oath and is convened by the Chair of the High Judicial Council.

6. If vacancies arise in the composition of the Electoral Judicial College, the vacancy shall be filled according to the stipulations made in this Law only among judges who have successfully passed the transitional re-evaluation under Law 84/2016 until the date that the vacancy arised.

7. The Administrative Court of Appeal in Tirana shall make available to the Electoral Judicial Council sufficient working premises, equipment and staff in order to ensure timely and professional discharge of its duties. The Chamber's decision shall be published on the official website of the Administrative Court of Appeal..

8. Upon the request of the Chairperson of the Administrative Court of Appeal in Tirana, the College shall be re-convened any time it receives an appeal against the CEC decision(s), as provided for in Article 145 of this law.

## Article 147

**The term of office and sessions of the Electoral College**

1. The Electoral College of the Court of Appeals in Tirana shall exercise its functions during the whole duration of a legislature of the Assembly resulting from elections for which the drawing of lots was conducted, and it shall function for all kind of elections.

2. The inaugural meeting of the College takes place immediately after the oath and is summoned by the Deputy Chair of the High Council of Justice no later than 45 days before the elections. The College remains in session until the end of the adjudication of appeals or until the expiry of the deadlines for

appeal for those elections.

3. The College shall be re-summoned by the Deputy Chair of the High Council of Justice no later than 48 hours after the decreeing of partial elections and for referenda. The College remains in session until the end of the adjudication of appeals or until the expiry of the deadlines for appeal for those elections.

4. The College shall be re-summoned upon request of the Chair of the Court of Appeals of Tirana every time an appeal against a CEC decision is filed with this court beyond the deadlines specified in points 2 and 3 of this article.

#### Article 148\*

##### **Criteria for the exclusion of judges from the drawing of lots**

1. Judges against whom:

- a) criminal proceedings are underway;
- b) a disciplinary measure is in force;
- c) disciplinary proceedings have been initiated

are not included in the drawing of lots, according to article 146 of this Code.

2. Besides the cases envisaged in point 1 of this article, the incumbent judges of the Electoral College are not included in the drawing of lots.

#### Article 149

##### **Special protection for College's judges**

A judge during the exercise of duty at the Electoral Judicial College, shall not:

- a) be subject to disciplinary investigation or proceedings during the entire term for which the College is constituted.
- b) be transferred from duty temporarily or permanently due to disciplinary grounds, judicial organization or promotion.
- c) be evaluated as "incompetent" for professional and ethical activity and commitment to professional values.

2. By a reasoned request of the judge, the High Judicial Council shall, after having also received the opinion of the Chairperson of the Court where the judge exercises his/her duty, alleviate his-her workload.

3. Upon termination of the secondment to the Electoral Judicial College, the exercise of duty in this College shall be considered added value in experience for promotion purposes..

#### Article 150

##### **Invalidity of secondment**

1. The secondment of judges to the Electoral College is invalid if they have been included in the drawing of lots in violation of the requirements specified in article 146 of this Code.

2. The invalidity of the secondment constitutes grounds for the exclusion of the judge from the adjudication of electoral disputes.

#### Article 151\*

##### **Excluding a judge from hearing a case**

1. The parties to a 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. An exclusion shall take 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 relations or a close relation by marriage to any of the parties, or it turns out that he/she cannot fulfil his/her 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 judges of the Electoral College decide together on the validity of a challenge to any of the judges.

4. The appellant or the interested party shall submit the request for exclusion to the court secretary after the names of the judges who will judge the case are announced.

5. The request for exclusion contains the specific reason why is not suitable for a certain judge of the Electoral College to adjudicate the appeal.

6. Requests for excluding a judge submitted beyond the deadlines and procedures of this article shall not be taken into consideration.

#### Article 152

##### **The deadline for a court appeal**

1. Appeals, according to this Code, are submitted to the Court of Appeals of Tirana, which forwards them to the Electoral College.

2. An appeal against all decisions that the CEC makes during the period that starts 48 hours after the issuance of the decree for partial or general elections until the termination of administrative review of election complaints or expiry of deadlines for election complaints, is made within 5 days after their declaration. The deadline to appeal to the Electoral College against CEC decisions taken outside this period is 30 days.

#### Article 153

##### **Form and content of the appeal**

1. An appeal shall be submitted in the form of a court complaint and shall contain:

- a) information 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 grounds;
- dh) a description of the alleged violation 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 shall be filed in as many copies as the number of parties in the proceedings and is also accompanied by a copy of the CEC decision and, as appropriate, by a request for excluding a judge.

3. The court complaint shall be recorded upon its submission.

#### Article 154

##### **Preliminary actions related to the court complaint**

1. After recording the court complaint, the Chair of the Court of Appeals in Tirana forwards the case to the Electoral College for examination.

2. The Electoral College shall acquaint itself with the court complaint no later than 24 hours after it has been sent, according to point 1 of this article and

shall:

- a) take a decision on the plaintiff's request to exclude a judge;
  - b) draw lots for the composition of the judicial panel and the rapporteur of the case; and
  - c) set the date and starting time of the judicial examination.
3. Immediately after his/her selection, the rapporteur performs the following preliminary actions:
- a) notifies the parties of the date and time of the judicial examination and the composition of the judicial panel;
  - b) when appropriate, requests the plaintiff to complete the court complaint, no later than 24 hours before the date set for the judicial examination;
  - c) sends the interested parties copies of the court complaint and informs them about their legal right to request the exclusion of a judge of the panel, according to article 151 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 point. Requests, according to this letter, are examined by the Electoral College within 24 hours of the submission of the request;
  - ç) if the CEC has not issued a decision according to article 144 of this Code, he/she requests the CEC to submit its decision to the court no later than 24 hours prior to the date set for the judicial examination.

#### Article 155

### **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 shall apply the rules provided for in the Civil Procedure Code on the adjudication of cases at the first instance.
2. The Electoral College shall judge with a judicial panel consisting of five judges. The panel is presided over by the rapporteur of the case.

#### Article 156\*

### **Rights of the parties in the proceedings**

1. The parties at the judicial examination proceedings of the appeal are entitled to all procedural rights provided for in the Civil Procedure Code, except when this Code provides otherwise.
2. The CEC shall bring in the trial all evidence it administers during the administrative examination, regardless of whether this is requested by the parties, as well as any other evidence requested by the Electoral College.
3. When new facts or evidence have emerged during the judicial investigation, of which the appellant could not be aware of before the appeal was submitted, the scope of the appeal may, upon a request of the appellant, be expanded or amended before the Electoral College ends its judicial investigation. The request may include the amendment of the table of results, or the invalidation of elections for voting centre/s.
4. The absence of one party in the proceedings does not constitute an impediment for the Electoral College to continue the adjudication, unless the College decides otherwise.

## Article 157

**Deadline for adjudication by the Electoral College**

1. The Electoral College adjudicates and decides on an appeal within 10 days of the deposit of the court complaint.
2. For cases provided for in the last sentence of point 2 of article 152 of this Code, the Electoral College decides within 30 days of the deposit of the court complaint.

## Article 158

**Types of decisions of the Electoral College**

1. Depending on the case to be examined, the Electoral College decides to:
  - a) dismiss the case;
  - b) judge the case on its merits; or
  - c) 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 deadlines stipulated in this Code, or that it lacks the competence to adjudicate it. When the Electoral College finds that it lacks competence, it forwards the case to the competent body.
3. In judging the case on its merits, the Electoral College decides on the full or partial acceptance of the appeal, or on its full or partial rejection.
4. The Electoral College compels the CEC to make a decision in compliance with point 2 of article 145 of this Code. In this case, the Electoral College shall set 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.
6. The Electoral College is required to transcribe its decision no later than three days from the day the decision is given.

## Article 159

**Content of decisions of the Electoral College**

1. A decision of the Electoral College consists of an introduction, a descriptive- reasoning section, and a section that includes the court order.
2. The introduction of the decision mentions:
  - 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 plaintiff, defendant, interested party, as well as their representatives;
  - ç) the object of the court complaint; and
  - d) final requests of the parties.
3. The descriptive-reasoning section of the decision mentions:
  - a) the circumstances of the case, as they have been 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.
4. The section of the decision that includes the court order mentions, *inter alia*:
  - a) what the court has decided; and

- b) when appropriate, who is responsible for bearing the court costs.
5. The decision is accompanied by the minority opinion or the concurring opinion signed by the judges who support it.

## CHAPTER II INVALIDATION AND REPETITION OF ELECTIONS

### Article 160\* Invalidation of elections in a Voting Centre

1. The CEC, upon its own initiative or upon the request of electoral subjects, shall declare elections invalid in one or more voting centres when:
  - a) there have been violations of the law, which have seriously affected the electoral process, or when the entirety of the violations of the law in those voting centres, in accordance with this point, may have affected the electoral process to such an extent that the distribution of seats in the electoral zone may have been affected;
  - b) there have been natural disasters of such proportions that the participation of voters in the voting has been hindered; or
  - c) voting has not begun or has been suspended for more than five hours.
2. Electoral subjects, in compliance with the rules and the deadline specified in article 124 of this Code, have the right to request at the CEC the invalidation of elections in specific voting centres.
3. A request for the invalidation of elections shall include the legal causes, a description of cases of violation, and a detailed reasoning of their consequence.
4. Requests are examined in accordance with the procedures specified in Part X of this Code. The CEC, in taking a decision on the invalidity of elections, may consult with the respective CEAZ. The legal causes, the proved cases of violations, and the detailed reasoning of their consequence shall be described in the reasoning of the CEC decision.

### Article 161\* Repetition of elections

1. After the completion of the appeals process, no later than three days from the tabulation of the result of the electoral zone, the CEC, upon its own initiative or upon a request of the subject, declares elections invalid and orders their repetition in an entire electoral zone, if the invalidation that is declared for one or more voting centres, in accordance with article 160 of this Code, impacts the allocation of seats in the electoral zone or nationwide.
2. A case when the number of voters who have voted or could have voted in the voting centre or centres declared invalid is equal to or larger than the number of voters required for the allocation of one seat in the respective electoral zone, based on the calculation of valid votes in the electoral zone, performed in accordance with article 162, shall be considered an impact on the allocation of seats for the elections to the Assembly. For elections of a mayor of a local government unit, a case when the number of voters in centres declared invalid is larger than the difference between the two candidates who have received the highest number of valid votes shall be considered an impact on the result.
3. In the event of invalidation due to a natural disaster, in accordance with letter "b", or failure to start the voting or its suspension for more than five hours, in accordance with letter "c" of point 1 of article 160, the total number of the

voters registered in the voting centre that was declared invalid is taken into consideration.

4. In the event of invalidation due to violations of the law, in accordance with letter “a” of point 1 of article 160, or when the voting is declared invalid in accordance with the second paragraph of point 4 of article 138 of this Code, and in the event the voting process has ended in accordance with this Code, the number of the voters who have voted in the voting centre that was declared invalid is taken into consideration when determining the impact.

5. A repetition of the elections is ordered by the same decision of the CEC that declares them invalid. Elections for local government councils shall not be repeated.

6. Elections declared invalid and which the CEC has decided to be repeated, in accordance with this article, are repeated on the same day for all the electoral zones where their repetition has been decided. The decision for determining the date of repetition of elections is taken by the CEC upon the completion of the appeal procedures, in accordance with this Part, or upon the expiry of the legal deadlines for the appeal provided for in this Part. The repetition of elections shall take place no later than 4 weeks from the date of the decision.

7. An appeal against a CEC decision whether or not to declare elections invalid is made in accordance with the deadlines and procedures set in this Part.

## PART XII ALLOCATION OF SEATS

### CHAPTER I SEATS FOR THE ASSEMBLY

#### Article 162 Calculation of seats of the electoral subjects

1. No later than 3 days from the completion of the appeals process against a decision on the approval of results of the electoral zone or the invalidation of elections, in accordance with this Code, the CEC calculates the allocation of seats for each electoral zone based on the number of valid votes obtained by the subjects in the electoral zone. For elections to the Assembly, parties that run on their own and that have obtained less than 3 per cent, and coalitions that have obtained less than 5 per cent of the valid votes in the respective electoral zone are excluded from the allocation of seats.

2. The number of valid votes in the electoral zone for each subject is divided continuously by consecutive natural numbers, called denominators, starting with the number 1 and ending with the natural number that corresponds to the number of seats allocated to the respective electoral zone. The step from one denominator to the next is

1. If the quotient obtained through the division is a number with a decimal remainder, the nearest whole number shall be considered as the quotient.

3. When the electoral subject is a candidate proposed by the voters, his/her votes are divided only by the denominator 1.

4. The quotients obtained through each division, including also the result of point 3 of this article, are placed on a list ranked from the largest quotient to the smallest one, listing alongside them the subject to which the respective quotient belongs. If the quotient is a number with a decimal remainder, the nearest whole number shall be considered as the quotient. The ranking continues until as many quotients as the number of seats to be allocated in the respective electoral zone are ranked.

5. An electoral subject shall be allocated the number of seats equal to the number of quotients included in the list specified in point 4 of this article. If there are two or more electoral subjects with the same quotient for the allocation of the last seat in the list specified in point 4 of this article, the seat is allocated to the subject that has obtained the largest number of votes and, if they have obtained the same number of votes, then it shall be decided by lot among those subjects. The lot is drawn publicly at the CEC in the presence of the interested subjects.

#### Article 163

#### **Allocation of seats within a coalition**

1. Immediately after the completion of the calculation of the result in accordance with article 162 of this Code, the CEC calculates the allocation of seats within a coalition for each electoral zone, based on the number of valid votes won by each member party of the coalition in the respective electoral zone and on the number of seats won by the coalition in the respective electoral zone.

2. The number of valid votes for each party is divided continuously by odd natural numbers, called denominators, starting with number 1 and by ending with the natural number that corresponds to the double of the number of seats allocated to the respective electoral zone. If the quotient obtained through the division is a number with a decimal remainder, the closest whole number shall be considered the quotient.

3. The quotients obtained through each division are placed on a list ranked from the largest quotient to the smallest one, listing alongside them the subject to which the respective quotient belongs. If the quotient is a number with a decimal remainder, the nearest whole number shall be considered as the quotient. The ranking continues until as many quotients as the number of seats to be allocated within the coalition in the respective electoral zone are ranked.

4. A political party shall be allocated a number of seats equal to the number of quotients included in the list defined in point 3 of this article. If there are two or more subjects with the same quotient for the allocation of the last seat in the list defined in point 3 of this article, the seat is allocated to the subject that has obtained the largest number of votes and, if they have obtained the same number of votes, then it shall be decided by lot among those parties. The lot is drawn publicly at the CEC in the presence of the interested subjects.

5. Immediately after the completion of the procedures for the allocation of seats to each political party in accordance with this article, the CEC determines the nominal seats for each political party based on the ranking of the candidates in the list deposited in accordance with point 4 of article 67 of this Code, in a descending order, starting from the ordinal number one.

6. [A party Chair who has been registered on more than one list, in accordance with point 3 of article 67 of this Code, and who has won a seat in more than one electoral zone, keeps only the seat won in the electoral zone where the winning list has received the smallest number of votes, in accordance with the calculations of articles 162 and 163 of this Code. The other seats won by the party's Chair shall be allocated to the other candidates who rank immediately after him/her on the respective multi- name list.] [Repealed]

7. The allocation of seats for each electoral zone, in accordance with article 162 and this article, is approved by a decision. The decision is taken separately for each electoral zone. This decision may be contested by administrative appeal with ASC

Article 164<sup>†</sup>**Interruption of a mandate and filling in the vacancy**

1. The mandate a deputy won in accordance with Articles 162 and 163 of this law may be interrupted only for the reasons provided for in Article 71 of the Constitution. Preliminary individual or collective agreements or declarations to withdraw from a seat do not constitute reasons for the interruption of the mandate. In the case of letters “a” and “b” of point 2 of Article 71 of the Constitution, the deputy declares publicly, in front of the respective Assembly’s committee, his refusal to take the oath or his withdrawal from the seat. In this case, the Assembly notifies the CEC of the creation of the vacancy within 30 days.

2. The interrupted mandate of a deputy or of a member of the municipal council is transferred to the next candidate on the list of the same political party in the respective electoral zone, except when such vacancy filling with the next candidate on the list reduces the representation the less/under-represented gender. In this case, the vacancy shall be filled with the first candidate in the list belonging to the less represented gender, regardless of the ranking in the list. The other names belonging to that gender go up in the list taking the ranking of the preceding candidate of the same gender. This rule shall not apply when the names of the respective gender are exhausted.

3. The CEC shall take the decision to fill the vacancy at the Assembly. The decision shall be notified to the candidate and is published on the Official Journal. In the event the next candidate in line fails to appear before the Assembly within 30 days from the notification, without legitimate reasons, the mandate passes to the next candidate in the list, in accordance with the procedure specified in point 2 of this Article. The same procedure applies until the exhaustion of the list of candidates of the same political party.

4. The CEC shall take the decision to fill the vacancy at the Municipal Council. The decision shall be notified to the candidate. If the next candidate in line fails to appear before the Municipal Council within 30 days from notice, without legitimate reasons, the mandate shall pass to the next candidate in line according to the procedure set out in point 2 of this Article.

5. If the list of candidates of the political party is a member of a coalition is exhausted, the seat passes to the party of the coalition that has the highest quotient

## CHAPTER II

**ELECTION SYSTEM FOR LOCAL GOVERNMENT BODIES**

## Article 165

**The system of local elections**

1. The mayors of the municipalities, as well as the councils of municipalities, are elected by a direct vote by the voters with a domicile in the territory of the municipality.

2. The members of the councils of the municipalities are elected on the basis of the multi-name lists submitted by the political parties, coalitions or of candidacies proposed by the voters.

3. Political parties registered as a coalition at the CEC propose only one joint candidate for the mayor of a municipality.

## Article 166

**The election of local government bodies**

1. The candidate who obtains the largest number of valid votes of the voters who have voted in the respective local government unit is elected mayor of the respective municipality.

2. When two or more candidates obtain an equal number of votes, lots shall be drawn between them. 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 of the local councils are allocated by the CEC on the basis of the proportional system, in accordance with the same procedures provided for in articles 162 and 163 of this Code.

## CHAPTER III

**DECLARATION OF THE FINAL ELECTION RESULT**

## Article 167

**The final election result**

The final election result is declared by the CEC no later than 5 days from the date of the declaration of results for allocation of the seats for each electoral zone, in accordance with point 7 of article 163 of this Code, and after the procedures on appeals set out by this Code have been completed.

## Article 167/1

**Reporting for criminal investigation**

1. CEC shall request regular information from the police and prosecution authorities on the investigation of electoral crimes. The information is requested with data on criminal cases, persons under investigation, duration of investigation and its conclusion, prosecution requests for trial, duration and conclusion of trial, data on appeal of judicial decisions, grounds of appeal, as well as details of whether the cases were adjudicated at the Appeal Court or the High Court and the outcome of the judgment. Part of the information shall include the execution of sentences.

2. The information according to paragraph 1 of this Article shall be made available to the CEC no later than 15 days from the date of submission of the information request.

3. The CEC shall maintain, update and publish regular statistics on criminal investigations, with all the information specified in paragraph 1 of this Article, and shall inform the Assembly - under a separate section of its periodic or annual reports - on the state of criminal investigations into electoral offences."

## Article 167/2

**Ex post examination of ballot papers and election materials**

1. The ex post examination of the ballot papers and election material may be carried out to verify the regularity and accuracy of the election administration's activity in the course of the process administration as well as ballot evaluation and counting. During the examination, the CEC staff assigned with the examination shall follow the same procedure followed by the Conting Teams when they assess and count ballots.

2. Examination shall be allowed only after the final result has been announced, the appeals procedures have been concluded and the election

completed. This rule shall not apply to examinations in the course of appeals processes as a means of securing evidence.

3. Examination shall be done by the CEC based on random selection, or upon the request of interested parties, with indication [which to examine]. Ex officio examination as a rule, extends to no more than 10% of the voting centres. Regardless of who initiates the examination, the process shall be conducted by the CEC staff at a public hearing, in which the petitioner/applicant and representatives of parliamentary parties at the CEC are invited to participate. The process shall be video-recorded and the video-recording shall be stored in the CEC archive.

4. Pursuant to this Article, the CEC shall verify based on the dactiloscopic data collected by the e-identification devices whether there are any multiple voters and [if any], shall prepare the criminal referral material for the Prosecution office.

5. Where examination takes place at the request of interested parties, the latter shall cover the administrative costs of the process. Examination of ballot papers or election material previously examined - ex officio or at the request of interested parties - shall not be allowed. In the event that an interested party requests the examination of ballot papers or election material previously examined, such request shall be rejected and the interested party shall be forthwith provided with the video-recording of the previous examination.

6. Service fees for the administrative examination and the price of video-recordings shall be set by the Regulator in a normative/legislative act.

7. The examination procedure shall be similar to the procedure followed by the election administration during election activities.

8. In case the examination of the ballot papers or the election materials reveals irregularities or inaccuracies that place guilt on certain election officials, the CEC shall initiate disciplinary proceedings and file a criminal report against the relevant officials.

### PART XIII RESPONSIBILITIES AND SANCTIONS

#### Article 168

#### **Responsibility of persons charged with the administration of elections**

Members of election commissions and public administration employees in the service of these commissions shall bear criminal and administrative liability for violations of the provisions of this Code, according to the legislation in force.

#### Article 169\*

#### **Failure to cooperate with the CEC**

The refusal of the local or central government officials to cooperate with or provide information to the CEC as specified by this Code, is punishable by a fine of ALL 10,000 to 50,000.

Article 170  
(Abrogated by Law No. 74/2012, dated 19 July 2012)

Article 171  
**Administrative sanctions**

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, when it does not constitute a criminal offence, is punishable by a fine of ALL 3,000 to 90,000.

2. Other violations of the provisions of this Code, when they do not constitute a criminal offence, is punishable by a fine of ALL 1,000 to 2,500.

3. The violation of rules provided for in articles 34 and 41 of this Code, respectively by the secretary of the CEAZ or of the VCC, is punishable by a fine of ALL 30,000 to 60,000 or imprisonment of up to 6 months.

4. Persons charged by this law with the preparation and approval of voter lists shall be subject to criminal liability under article 186 of the Criminal Code when they include in these lists false data or when they leave out voters.

5. The violation of other rules and deadlines specified in Part II of this Code, when it does not constitute an abuse of duty according to article 248 of the Criminal Code, is punishable by a fine of ALL 10,000 to 100,000. The fine shall be imposed by the head of the institution; it constitutes an executive title and is executed by the respective finance office.

Article 172  
**Sanctions on the electoral subject for violating the principles of the Code**

1) The electoral subjects shall be considered to have committed administrative offence where prohibitions laid down in this law are violated in their favour and the electoral subjects, after being informed, fail to take immediate action to stop the violation. The administrative offence under this paragraph shall be punishable by a fine of ALL 100,000 to 500,000.

The amount of the fine is determined by the following circumstances:

the risk posed by the violation to the organization and administration of future elections;  
the fact whether the perpetrator of the offence is a member of or is employed by the electoral subject;

- a) the duration and the range of actions that led to the commitment of the offence;
- ç) the fact whether there have been efforts by the electoral subject to hide the violation and the extent of these efforts;  
the stance of the electoral subject upon detection of the offence;
- dh) the fact whether officials have taken part in the commitment of the offence or whether public resources have been used for it;  
the fact whether the violation has been repeated;
- ë) the fact whether it is has been committed in co-operation with others;  
the potential risk to free, fair, democratic and transparent elections.

1. Fines, in accordance with point 1 of this article, are imposed by the CEC.
2. In case the violations specified in point 1 of this article impact on the election results, they shall constitute a criminal offence and are punishable by imprisonment of 6 months to 2 years.

## Article 173

**Sanctions related to campaign financing**

1. A violation of the provisions on electoral campaign financing by the person in charge of finance of a political party is punishable by a fine of ALL 100,000 to 200,000.
2. Obstructing or failure of the electoral subject to cooperate with the CEC auditor shall be punishable by a fine of ALL 2,000,000 to 3,000,000, and suspension of the public financing of the political party for up to 5 years. The same violation committed towards the CEC monitor shall be punishable by a fine of ALL 50,000 to 100,000.
3. Failure to submit a campaign financial report within the legal time-limit shall be punishable by a fine of ALL 2,000,000. Submission of reports in breach of standardized formats approved by the CEC shall be fined from ALL 500,000 to 1,000,000.
4. Non-public funds obtained by a political party, whose donor's identity is not known or is not clearly defined, shall be transferred to the account of the CEC. Failure to do so shall result in forfeiture of the funds obtained and a fine equal to the amount of the funds obtained.
5. Acceptance of private funds worth more than ALL 50,000 ALL through forms other than transfer to the bank account shall be punishable by a fine equal to the amount donated and forfeiture of the funds received to the CEC.
6. Acceptance of funds from prohibited donors, as specified in Article 92, paragraph 3 shall be punishable by forfeiture of the funds received to the CEC, and a fine of up to twice the amount of the funds received.
7. Violation of stipulations made in Article 92/2 of this Law by donors shall be punished by fine up to 30 percent of the donated amount.
8. Failure or refusal to cooperate, destruction of documents, delays or inappropriate conduct during the CEC verification process pursuant to paragraph 6 of Article 92/6, shall be punished by the CEC by a fine from ALL 100,000 up to ALL 3,000,000.
9. Violation of the maximum limit of expenses by an electoral subject shall be punishable by a fine of up to ALL 5,000,000 or a fine equal to the amount which exceeded the limit, whichever is higher.
10. The filed complaint shall not suspend the execution of the decision imposing a fine under this Article. The fine imposed shall constitute executive title and shall be executed within 30 days from the served notice. The CEC shall be excluded from the obligation to prepay the tax or fee for the bailiff service.

## Article 174

**Violation of the electoral silence**

1. The electoral subject which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 500,000.
2. The publisher or radio/television broadcaster which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 2,000,000.
3. An appeal against a CEC decision on a fine shall not suspend its execution.

Article 175<sup>†</sup>**Sanctions related to gender equality**

Failure by the electoral subject to comply with the obligation specified in paragraph 6 of Article 67 of this Law shall result in refusal to register the political party's multi-name list with the CEC, or with the CEAZ in the case of local elections.

## Article 176

**Execution of administrative sanctions**

A fine imposed by the CEC, in accordance with this Part, constitutes an executive title and is executed in accordance with the procedures provided for in article 510 of the Civil Procedure Code.

## PART XIV

**FINAL AND TRANSITIONAL PROVISIONS**

## Article 177

*(Abrogated by Law No. 31/2015, dated 2 April 2015)*

## Article 178\*

**Retention of records**

1. No official records of a VCC, CEAZ or any other electoral commission may be destroyed without the prior consent of the CEC.
2. All official records of a VCC or any other commission established by the CEAZ shall be given to the CEAZ in the manner and at the time established by the CEC.
3. The CEAZ retains one copy of:
  - a) the documentation of candidates and political parties taking part in the election;
  - b) the list of names and addresses of all members of a VCC and other commissions;
  - c) the list of voting centres;
  - ç) the voter lists for the electoral zone;
  - d) the names and addresses for all members of the CEAZ;
  - dh) the map of the electoral zone showing the boundaries of all polling units;
  - e) a written description of the boundaries of all the Electoral Administration Zones; ë) the decree setting the election date, official election notices issued by the CEAZ, the declaration of election results for each voting centre and the final declaration of results;
  - f) a statement of the costs incurred for the administration of the elections.
4. The original documents, referred to in point 3 of this article, shall be forwarded to the CEC within three months from the declaration of the election results. The CEC shall retain one copy and shall forward the original documents to the Central State Archives, in the manner required by it, within 24 months after the declaration of the final results of the elections.
5. Immediately following the declaration of results by the CEAZ, the commission shall forward to the CEC, in the manner specified by it, all sealed ballot boxes with the official records of voting, the stamp of the commission, ballot papers used in the election, as well as unused ballot papers.
6. Six months following the declaration of the final result of elections, in accordance with this Code, the CEC opens all ballot boxes, removes the official records of voting, the tabulations and ballot account statements, the documentation that is put inside the boxes of voting materials and sends them to the Central State Archives in the manner specified by it. All ballot papers are destroyed in the manner specified by the CEC.

## Article 179\*

**Procurement of IT systems and equipment**

1. Information technology systems and equipment to be used in elections shall be implemented by pilot projects which shall include not less than 20% of voters starting from the first elections from the entry into force of this law. In derogation to this rule, in the first Assembly elections following the entry into force of this law, the electronic identification shall extend to 100% of voters.

2. The Council of Ministers of the Republic of Albania shall allocate to the CEC budget the required funds for the procurement, no later than 3 months from the entry into force of this law.

3. Procurement procedures for the purchase and implementation of the technology to be used in elections shall be carried out in line with the provisions in the Public Procurement Law, with one of the most short-time [expedited] procedures allowed by this law for this procurement.

Article 179/1<sup>§</sup>**Measures for application of new information technology in the 2013 elections to the Assembly**

1. No later than 30 days from the entry into force of this law, the CEC shall start the preparation of the project for the establishment of the voter verification and registration system (EVS) and the electronic counting system (ECS). Representatives of the Ministry of Interior shall also be involved in the preparation of the EVS project.

2. The Council of Ministers shall give the necessary endorsement, including financial support, for the consultancy service that is needed to draft the project's terms of reference for the EVS and ECS.

3. The CEC shall prepare the plan for the implementation of the ECS project in the entire Region of Fier for the 2013 elections to the Assembly.

4. The CEC shall prepare the plan for the implementation of the EVS project in the entire Region of Tirana for the 2013 elections to the Assembly.

5. For the purpose of implementing the EVS, the voting centres may not have more than 700 voters. If a polling unit has more than 700 voters, the division criteria shall be the same as those specified in point 6 of article 62 of this Code.

6. The procedures for purchasing the ECS and EVS service and/or devices shall be carried out with well-recognized operators that offer technology that has proven to be successful in the respective areas. The procurement procedures, as a rule, shall end no later than 6 months before the 2013 elections for the Assembly.

7. The CEC shall periodically inform the Assembly regarding the preparation and implementation progress of the projects provided for in this article.

## Article 180

**Transitory provision for State budget financing [public subsidy]**

1. Implementation of Article 88 of this law concerning the election campaign financing in the first general elections following the entry into force this law shall be based on calculations referring to the nationwide results of the 2015 local elections and the 2017 general elections.

2. For each party, the calculation shall refer to the highest number of votes that the party obtained in either of these elections, provided that it is not less 1% of valid ballots in the relevant elections. The calculation shall also include the results of electoral subjects which did not run in those elections, but ran in the following elections and meet the condition set out in Article 88 of this law concerning the threshold 1% for valid votes

won by them.

3. The total State budget fund earmarked for distribution shall be divided to the total ballots won as calculated under para. 2 of this Article. The outcoming result shall represent the value in ALL of a single ballot.

4. In the first elections following the entry into force of this law, the State budget funds to finance the political parties running in the elections shall be twice more than the funds allocated in the 2017 general elections.

#### Article 181\*

### **Election of the Commissioner and members of the Regulator and ASC**

Procedures for the election of the Commissioner, Regulator members and ASC members shall initiate no later than 30 days from the entry into force of this law.

#### Article 182\*

### **Termination of the mandate of CEC members**

1. The CEC members in office at the moment of entry into force of this law shall be released from duty upon the election of the Commissioner under this law.

2. Released members shall benefit from the CEC full salary until the date when their mandate was due. After this date, they shall be treated in compliance with Law no. 8097 dated 21.3.1996 "On State supplementary pensions for persons who discharge constitutional functions and for State officials" as amended.

3. The Commissioner, the Deputy Commissioner, Regulator members and ASC members shall be elected no later than 60 days from the entry into force of this law.

#### Article 183

### **Transitional establishment of steering bodies and election administration**

1. The Commissioner, Regulator members and ASC members shall be elected the first time after the entry into force of this law, in cooperation with the parliamentary parties that came out of the 2017 general elections which have lost parliamentary representation. Election of CEC steering bodies shall follow the order set out in this paragraph.

2. Parties defined in paragraph 1 of this Article shall authorize a representative in the capacity of special envoy to the parliamentary committee that is established pursuant to Article 17 of this Code. The special envoy shall participate in the candidate selection and examination procedure carried out by the parliamentary committee.

3. The parliamentary committee shall select three candidates for commissioner who meet the requirements and criteria in this law for commissioner. The special envoy shall disqualify one of the selected candidates. The other two candidates shall be submitted to the Assembly for voting, the later decides by majority of votes.

4. The special envoy has the right to select three candidates from the list of candidates for deputy commissioner who meet the requirements and criteria in this law for commissioner. The Commission shall disqualify by vote one of the selected candidates. The remaining two candidates shall be submitted to the Assembly for voting, the later decides by majority of votes.

5. The Regulator members shall be selected by a joint list of five names, among candidates who meet the conditions and requirements in the law for Regulator. The special envoy shall have the right to include two names of candidates in this list. The draft decision on the Regulator composition shall be submitted to the Assembly for voting and shall be approved by majority vote.

6. The ASC members shall be selected by a joint list of five names, among candidates who meet the conditions and requirements in the law for ASC. The special envoy shall have the right to include two names of candidates in this list. The draft decision on the ASC composition shall be submitted to the Assembly for voting and shall be approved by majority vote.

7. Three ASC members, in conclusion of the 4-year tenure from their election date, as per this article, terminate their term. The members who terminate their term shall be appointed by lot drawn by the CEC in public hearing [??] no later than 30 days from the termination of their 4-year tenure. Their replacement shall comply with the procedures in this law, and the new members shall be elected at a 9-year term. Members released from duty shall enjoy the right to rerun [for re-appointment].

8. In the first general elections and local elections following the entry into force of this law, the right to propose CEAZ members, VCC members and CT members shall be defined by the 2017 general elections result and the majority-minority configuration of the Assembly at its convening immediately after those elections.

#### Article 184<sup>†</sup>

#### **Issuance of secondary legislation**

1. The CEC shall be tasked with issuing bylaws [implementing legislation] for the implementation of this law no later than six months from its entry into force .

#### Article 185

#### **Abrogations**

Article 180/1, Annex I, Appendix II and Appendix III are repealed

#### Article 186

#### **Entry into force**

This law enters into force 15 days after it has been published in the Official Journal.