EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

ALBANIA

LAW N° 118

ON SOME ADDITIONS AND AMENDMENTS TO LAW NO. 10019, DATED 29.12.2008 ELECTORAL CODE OF THE REPUBLIC OF ALBANIA AS AMENDED *

* Unofficial translation

LAW No. 118/2020

ON SOME ADDITIONS AND AMENDMENTS TO LAW NO. 10019, DATED 29.12.2008, "ELECTORAL CODE OF THE REPUBLIC OF ALBANIA," AS AMENDED

Based on articles 81 and 83, point 1, of the Constitution, upon proposal from a group of deputies,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:

To make the following additions and amendments to Law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania, as amended:

Article 1

Article 2 shall be amended as follows:

1. In point 7, the words "the highest permanent state body" shall be replaced with the words "state institution."

2. Point 22 shall read: "Partial elections" are the elections held in one or more local government units for the mayor or for the municipal council, when the post of mayor becomes vacant or when the municipal council is dissolved prematurely.".

Article 2

Article 6 shall be amended as follows:

1. In the first sentence of point 1 the words "political party or candidate proposed by voters, registered with the CEC as an electoral subject," are replaced with the words "electoral subject".
2. In point 6 the words "according to points 1 and 3" shall become "according to point 1."

Article 3

Article 10 shall be amended as follows:

1. In point 1 the words "points 1 and 2" become "points 3 and 4".
2. Point 2 shall be amended as follows:

"For the purpose of setting the date of the elections, the duration of the mandate of the local government bodies is calculated as of the same date of the same month of the fourth year following the date of announcement by CEC decision of the election results for local government bodies at country level.".

Article 4

Article 12 shall be amended as follows:
1. In the third sentence of point 4, the words "or CAS" are removed. [Commission on Appeals and Sanctions]
2. In the third sentence of point 5, the words "Regulator or" are removed.

Article 5

In Article 51, point 2, the number "200" becomes "300".

Article 6

In Article 65, point 3 shall be added with the following content:

"At the moment of registration, the coalition must declare the leading political party of the coalition. For the needs of the implementation of this law, all the rights and obligations of electoral subjects stipulated in this law shall be fulfilled by the leading party of the coalition. The relations between/among member parties of the coalition and mutual obligations between/among them shall be regulated in the coalition agreement, which is part of the documentation submitted by the coalition to the CEC.".

Article 7

In Article 67, points 1 to 5 are amended as follows:

"1. The political party or electoral coalition, in the meaning of Article 65, which is registered with the CEC as an electoral subject for the elections to the Assembly, shall submit to the CEC the multi-name list of its candidates for each electoral zone no later than 50 days before the election date.

For the elections for local government bodies, the candidate for mayor of the local government unit and the list of candidates for local councils shall be registered in the CEAZ covering the local government unit within the deadline fixed in this point. The CEAZ shall submit a copy of the list to the CEC within 48 hours.

2. Pursuant to the second paragraph of point 1 of this Article, the subject's list shall be deposited with the CEC where the territory of the local government unit is not covered by a single CEAZ.

3. The candidate for deputy, registered in a multi-name list for an electoral zone, or the candidate for mayor or for municipal council member, may not be registered as such for another electoral zone, even on behalf of another party or coalition, or as a candidate proposed by a group of voters. Exception to this rule is the chairperson of a party or the chairperson of the party leading the coalition, who may register in up to four electoral zones in the elections to the Assembly. After the distribution of mandates under this law, he may not hold more than one mandate, which he chooses of his own free will.

4. The names in the multi-name list of the electoral subject are presented in numerical order, starting from number one. The number of candidates in the multi-name list may not be less than the number of seats to be elected in the respective electoral zone, plus two. In any case, the number of candidates on the multi-name list must be divisible by the number three. For coalitions, the party the candidate is running for shall be indicated next to the name of the candidate.

5. The electoral subject may not change the ranking of the candidates on the list after its registration. Candidates are re-ranked only as required by the procedures of this law for the calculation of winning seats based on the preferential voting and legal requirements on the gender quota.

Article 8

In point 3 of Article 68, the phrase "last 6 months" shall be replaced with the phrase "6 months before the expiry of the mandate of the Assembly or the body of the local government unit, based on the self-declared political party affiliation by mandate holders in the relevant institution."

Article 9

At the end of point 3 of Article 88 the following sentence shall be added:
"For member parties in the coalition, the number of own valid votes is calculated by adding the average of the votes for mandate for each candidate elected from their ranks."

Article 10
The second sentence of point 2 of Article 90 is repealed.

Article 11
Point 4 of Article 98 shall be amended as follows:

"4. The ballot paper for elections to the Assembly shall feature the special space for marking the preferential vote for the candidates of the electoral subject. The manner of preferential voting is determined by the CEC, depending on the number of subjects participating in the elections, provided the information conveyed by the ballot paper is not overloaded, the configuration of the ballot is clear and understandable to the voter, and the voter may easily orient him/herself when voting for the electoral subject and preferred candidate. ".

Article 12
Point 3 of Article 101 shall be repealed.

Article 13
Point 4 of Article 103 shall be repealed.

Article 14

The second sentence of letter "d" of point 1 Article 105 shall be repealed.

Article 15
Item 1 of Article 106 shall be amended as follows:
"1. After receiving the ballot paper, the voter shall enter the secret ballot box alone and mark the ballot paper, in the place allotted to the electoral subject and / or the preferred candidate of the electoral subject, with an "x" or "+" or another sign that clearly indicates the voter's choice. ".

Article 16
Article 117 shall be amended as follows:

1. Point 2 shall be amended as follows:

"2. Valid votes shall be the ballot papers, in which only one of the electoral subjects and/or only one their candidate has been clearly voted for. Where more than one candidate of the same electoral subject has been voted for, the vote shall be counted only for the relevant electoral subject. ".

2. The letter "e" shall be changed as follows:
"e") has been voted for one electoral subject and the candidate of another electoral subject".

3. After the letter "e" the letter "e / 1" shall be added with the following content:
"e /1) it is not clear who was voted for; or ".

Article 17
Article 118 shall be amended as follows:

1. The second sentence of point 3 shall be repealed.

2. After point 6, point 6/1 shall be added with this content:
"6/1. For elections to the Assembly, after the completion of procedures under point 6 of this Article, the preferred votes for each candidate of the electoral subject shall be counted according to the same procedure. "

Article 18
Article 147 shall be amended as follows:

"1. The Judicial Electoral College shall operate for all types of elections and referendums during its 4-year term of office.

2. The Judicial Electoral College shall be convened by the President of the High Judicial Council no later than 50 days before the elections. The College shall meet until the end of the adjudication of appeals or the expiry of the appeal deadlines for the respective election process.

3. The College shall be re-convened by the President of the High Judicial Council no later than 48 hours after the decree of partial elections or referendums. The College shall meet until the end of the adjudication of the appeals or the expiry of the appeal deadlines for these elections or the referendum.".

Article 19
In Article 149, point 1, letter "b", the phrase "or promotion" shall be repealed.

Article 20
The second sentence of point 1, Article 162, shall be amended as follows:

"For elections to the Assembly, electoral subjects receiving less than 1 percent of the valid votes
countrywide shall be excluded from the distribution of mandates."

Article 21
Article 163 shall be amended as follows:

"Article 163
Distribution of mandates to the winning candidates of the list

1. Immediately after the completion of the calculation of the result under Article 162 of this Code, CEC shall calculate the distribution of mandates for the winning candidates for each subject.

2. Distribution of mandates begins in descending order, based on the candidates' rank on the list submitted according to Article 67 of this Code, starting from ordinal number one, and the number of preferred votes for each candidate pursuant to the following procedures and criteria.

3. In the beginning, the candidates who have received a number of preferential votes greater than the quotient resulting from the division of the number of votes for the subject with the number of mandates won by the same subject, under Article 162 of this Code, shall receive mandates. In any case, the quotient may not be larger than 10,000 votes. If the quotient obtained from the division is a decimal number, the nearest whole number is taken as the quotient.

4. The candidates with a higher number of preferential votes than the quotient, under point 3 of this Article, shall successively replace the candidates on the list with a lower number of preferential votes, who would have, otherwise, won the mandates.

5. This rule does not apply if the candidate with the fewer votes belongs to the least represented gender. In this case, the replacement shall pass to the other candidate ranked immediately higher in terms of vote number, until the list is exhausted according to the same

criteria. When the candidate with the larger number of votes than the quotient belongs to the same gender, the provisions of point 4 of this Article shall apply.

6. After the exhaustion of the replacement of the candidates according to points 3 and 4 of this Article, the distribution of mandates continues with the remaining candidates according to the ordinal number of the list.

7. The remaining candidates on the list, who do not receive mandates according to points 2 to 6 of this Article, are re-ranked based on the number of preferred votes starting from the highest number of votes. Where the number of votes is equal, the ranking is determined bylot. Reordering according to this point shall apply in accordance with Article 164 of this Code.

8. The calculation and distribution of mandates, according to Article 162 and this Article, for each electoral zone is approved by decision. Decisions are issued for each electoral zone separately. Administrative appeals may be lodged with KAS against any of these decisions. ".

Article 22
Item 5 of Article 164 shall be repealed.

Article 23
Point 3 of Article 165 shall be amended as follows:

"3. "Electoral coalitions shall present only one joint candidate for mayor and one list of candidates for the municipal council."

Article 24
Item 3 of Article 166 shall be amended as follows:

"The mandates of the local councils are divided by the CEC on the basis of the proportional system, according to the same procedures provided in Article 162 of this Code. Nominal seats of local councils are divided based on the list of candidates in descending order, starting from ordinal number one. "

Article 25
Article 179/1 shall be repealed.

Article 26
This law shall enter into force 15 days after its publication in the Official Journal.

CHAIRMAN
Gramoz RUÇI

Approved on 5.10.2020