

ALBANIA ELECTION WATCH

Volume 1, May 22, 2013

IN FOCUS

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KEY ELECTION FACTS

Election Day is Sunday, June 23, 2013.

Albania holds national elections for the 140-member unicameral People's Assembly every four years using a closed list, regional proportional representation system.

The country is divided into 12 electoral districts, and the number of parliamentary seats (between 4 and 32) in each is proportional to the citizens in that area.

The Ministry of Interior maintains the National Civil Status Register, which produces a list of eligible voters. The final number of voters is 3,270,936.

The elections are administered by a three-tiered election administration consisting of the seven-member Central Election Commission (CEC), 89 Commissions of Electoral Administration Zones (CEAZs), and 5,506 Voting Center Commissions (VCCs), each serving between 200 and 1,000 voters.



Albania will hold parliamentary elections on June 23, 2013. The National Democratic Institute is analyzing the electoral process through this series of reports, building off its 20 year presence in Albania, including its March 2013 assessment of the pre-election environment, which offered recommendations to enhance the credibility of the election process based on international standards. The information contained in this report is based on in-depth interviews conducted with government and party officials, technical experts, representatives of domestic and international non-governmental organizations, and direct observation of electoral activities. This report covers the period from March 22 to May 21.

SUMMARY

On June 23, 2013, citizens of Albania will vote in the country's seventh parliamentary elections since the country overthrew communism in 1991 and commenced its democratic transition. More than 20 years later, Albania has yet to hold an election that meets international democratic standards. The European Union (EU) and the international community at-large view the conduct of the 2013 parliamentary elections as a crucial test for the country's democratic institutions and political leaders' commitment to democratic principles, as well as an important step towards EU membership.

An amended electoral code, passed in July 2012 with broad support from the two main parties, provides for a stronger legal framework for the upcoming 2013 parliamentary elections. [NDI's March 2013 pre-election assessment findings](#) emphasized that, if the electoral framework as presently constructed is properly, consistently and impartially implemented, the country would be capable of holding an election meriting public confidence and acceptance of results.

However, since NDI's pre-election assessment, the illegal removal of a member of the Central Election Commission (CEC) by the governing coalition in the Parliament, and the subsequent resignation of the opposition-nominated CEC members, has called into question the commitment of Albania's political actors to uphold the electoral code and allow for professional and nonpartisan administration of the elections.

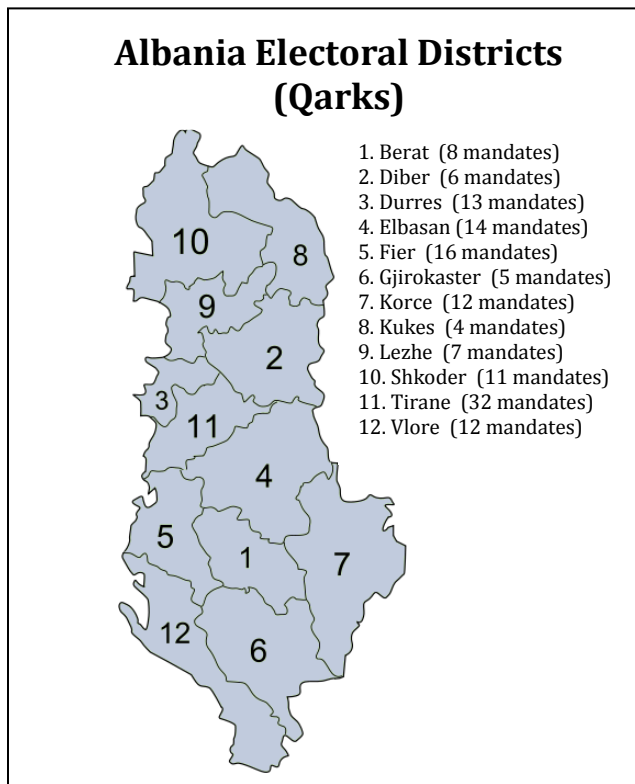
CENTRAL ELECTION COMMISSION AT RISK

International standards require that election administration bodies perform their duties in a professional and impartial manner, independent from any political interests and subject to judicial control. The credible administration of elections builds public confidence and legitimizes the electoral process. However, events over the last two months have undermined the independence of the CEC. In early April, the Socialist Movement for Integration (SMI) left the governing coalition led by the Democratic Party (DP) and joined a pre-electoral coalition led by the Socialist Party (SP). In response, the governing majority voted to remove the SMI-nominated member of the CEC, Ilirjan Muho.

“The degree to which Albania’s citizens view these elections as credible turns largely on the extent to which the entire electoral process is administered in a professional and nonpartisan manner. But a democratic election can also be placed beyond reach if the present level of political polarization and the prospect of political manipulation of the process are not checked.”

- NDI Pre-Election Assessment Delegation

The electoral code provides that the ruling majority nominate three CEC members (two by the largest party and one by smaller parties in the majority) and the opposition nominate another three (two by the largest party in opposition and one by smaller opposition parties) to six-year terms in office. The chair (seventh member) is selected for a four-year term through an open, competitive process. The current CEC was officially constituted on October 18, 2012, when all members took an oath to conduct their duties in a professional and impartial manner.



The DP justified Muho’s removal by citing a 2003 political agreement that stated the CEC should be formed on the principle of political balance. Notably, the electoral code does not provide grounds for the dismissal of a CEC member to maintain perceived political balance. By the time the motion was voted on in parliament, the DP had changed its legal justification, claiming Muho had concealed information during the nomination process that would have disqualified him as a candidate (Article 12.2). Yet, while the justification cited for Muho’s removal would have precluded his nomination as a CEC member in the first place, the code’s provisions for early termination of CEC members (Article 18) does not include conditions on these grounds. On April 15, a DP-majority voted to replace Muho with a Republican Party (RP)-nominated member, Klement Zguri. The international community denounced this action as contrary to the electoral code and a move that directly

undermined the independence and legitimacy of the CEC.

The electoral code requires that a request for the removal of a CEC member originates from the CEC itself - ostensibly to preclude political interference by the Assembly. As the CEC made no such request, Muho’s removal was procedurally and substantively contrary to the law. A few days later, three CEC

members nominated by the opposition resigned in protest over Muho's replacement. The CEC is left with only four members, and the SP has stated that it will not nominate new members unless the entire CEC is recomposed.

The CEC requires five members to make decisions on the validity of Election Day results and the post-election dispute and appeals process. Consequently, the CEC in its current state would have to abrogate its responsibilities requiring intervention by the Electoral College, a body comprised of eight appellate court judges. This potential development could further erode the credibility of the CEC. Opposition parties continue to participate at CEC meetings through their appointed legal representatives, though these representatives have no voting rights. The 89 Commissions of Electoral Administration Zones (CEAZs), which are responsible for forming voting center commissions, were also reconstituted so that their memberships also reflect the new political alignment in Parliament.

PARTY REGISTRATION AND CANDIDATE LISTS

A total of 72 political parties – many of which are represented within two coalitions – and three independent candidates submitted documentation to register for the June 23 elections. The CEC subsequently approved the registration of 66 parties and two independent candidates. Two coalitions have been registered: the governing DP's coalition includes 25 parties, and the SP's coalition counts 37 parties, including the SMI and the Human Rights Union Party (HRUP).

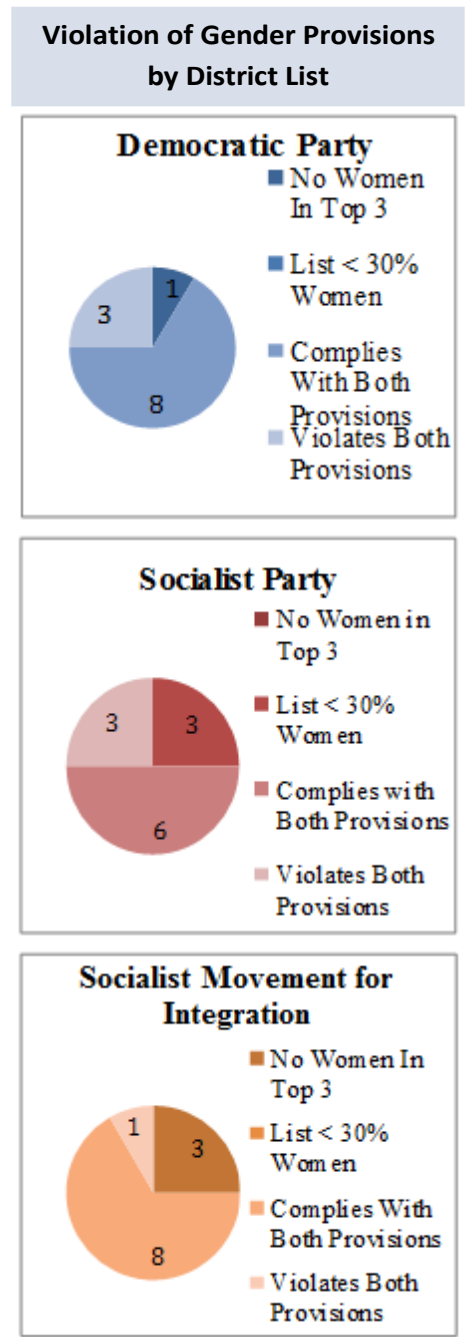
Candidate selection for major political parties occurred within a tight circle of party officials, prompting extensive speculation among the public, party supporters, and even possible candidates leading up to the May 6 deadline. Anxious to learn who would appear on which lists and in what order, news outlets broadcast live the announcement to the public. Some members of parliament learned via the media that they were not listed as candidates, while a number of other candidates were listed on more than one list. The CEC verified the lists within six days.

IN FOCUS: GENDER QUOTA ANALYSIS

Albania has one of the lowest levels of women's representation in elected bodies in Europe, falling well below the European average of 23.7 percent for female representation in legislatures.

The electoral code requires that women comprise 30 percent of the candidates on party lists for each of the country's 12 election districts, and that at least one woman be placed among the top three names of each list. NDI recommended that, at a minimum, political parties should comply with the current law regarding the placement of women candidates on party lists and should place women in competitive positions on those lists.

This legal provision was largely unmet by the main political parties. Of the 12 candidate lists each party submitted, the



DP had four lists that failed to comply with both gender provisions; the SP six lists; the SMI four lists; the Red and Black Alliance (RBA) six lists; and the New Democratic Spirit (NDS) seven lists.

Many parties also submitted more candidate names per list than the number of parliamentary seats available in a particular district - a practice allowed in the electoral code. However, this provision enabled parties to place women candidates on the bottom of their lists in virtually unelectable positions, in order to meet the 30 percent requirement. In light of

Assuming parties' electoral support remains at similar levels to previous parliamentary elections, female representation in Parliament will, at best, make only incremental gains.

this, assuming parties' voter support remains relatively consistent with previous elections, women's representation in Parliament will, at best, make only incremental gains. The major political parties did not fully apply the letter or spirit of the gender provisions and have fallen short of international standards for advancement of women's political participation.

Although the CEC quickly assessed fines of 1,000,000 Albanian Lek (approximately USD 10,000) per candidate list in violation of the gender quota, the current penalties contained in the electoral code have shown themselves to be insufficient to ensure compliance. A number of women's groups urged that the CEC should be empowered to reject noncompliant lists until gender quotas are met, a previously allowed sanction that was removed by recent reforms. NDI also recommended this in its March pre-election report. The electoral code's provisions should also be strengthened in order to secure more women to elected office, such as introducing alternating gender on every other or every third position on each candidate list.

PUBLICATION OF VOTERS LIST

This will be the second parliamentary election for which the voters list will be extracted from the central, computerized National Civil Status Registry. On May 13, the Ministry of Interior's General Directorate of Civil Status published the final voters list, marking the culmination of a six-month process of updates and verifications. After consultation with the major governing and opposition parties, technical auditors were appointed by the CEC to independently review the extracts and publish reports on their findings. The auditors agreed that, due to administrative diligence, the number of duplicate registrations has been significantly reduced, while the number of voters without a complete voter identification number (often referred to as 'voters without addresses') has also been reduced. However, conflicting reports from the SP- and DP-nominated auditors on the number of duplications, with the SP consistently claiming higher numbers (over 25,000 noted in its May 5 report), deprive the public and electoral actors of a clear understanding of the accuracy of the voters list. The Ministry of Interior stated that, after the generation of the final voters list on May 13, the number of potential duplicates that remain on the list is 1,139.

The electoral code provides for voters to be notified at home of their voting station and its location, as well as their numerical voting code. This process is to be carried out by civil service employees, employed by the Ministry of Interior, under the supervision of local mayors, who must report that this obligation has been fulfilled. The code states that the Ministry of Interior should cover the expenses for the notifications (Article 52.5). Domestic observer organizations report that the notification process remains incomplete, raising concerns that voters will not be duly informed of their voting location. By May 20, the CEAZs were required to publically post lists of voters at the respective voting centers in a place easily accessible to the public. NDI will observe the consistency to which this provision has been applied in the coming period. A voter may also verify his or her information [online](#). Changes may be requested in district court, free of charge, until 24 hours before Election Day.

ELECTRONIC VOTE TABULATION

Two new electronic technologies are planned to be piloted during the 2013 elections – an electronic counting system (ECS) in Fier and an electronic voter identification system in Tirana. On April 13, 19 days after the prescribed deadline (90 days before Election Day), the CEC conducted software and hardware tests for the ECS pilot project. Although the test was open to domestic and international observers, political parties, and other election stakeholders, including the media, no information was provided to observers on what was being tested or the procedures to be followed during the test, making it impossible to evaluate the test and raising concerns about using the ECS to tabulate votes accurately. The CEC will soon make public an official report on the results of the first test.

It appears unlikely that the pilot electronic counting project will continue, since CEC members consensually agreed to use a ballot that can only accommodate 42 parties, but 68 parties have been officially registered for the election. The CEC is currently deciding if a technical solution can be found that will enable the 1.3 million euro project to move forward. With a month to go before the elections, a decision should be made swiftly as already-missed deadlines have put the project behind and the CEC has yet to finalize necessary preparations for a voter education campaign on the ECS system.

On May 17, the CEC conducted a public test of the electronic verification system. The transparency of the test was a marked improvement from the April 13 public testing of the ECS system. Observers were provided with both an oral and written explanation of the testing procedures and provided with clear guidance on how to evaluate the test. The capabilities of the system performed as expected and potentially represents an additional safeguard in future elections. To avoid unnecessary criticism, the CEC should, as it is obligated to, promptly make official test results available to the public.

IN THE NEXT ISSUE...

While political parties have already begun holding public rallies and organizing bus tours, the electoral campaign will officially commence on May 24, 30 days before Election Day. NDI's next report will feature analysis of the campaigns from around the country.

The [National Democratic Institute \(NDI\)](#) is a nonprofit, nonpartisan, nongovernmental organization (NGO) that responds to the aspirations of people around the world to live in democratic societies that recognize and promote basic human rights. With funding provided by the United States Agency for International Development and the National Endowment for Democracy, NDI has supported Albania's transition to democracy since 1991, helping to increase the public's participation in decision-making at the local and national levels, organizing and supporting election monitoring and voter education, and fostering the development of political parties and emerging political leaders. NDI works with Albania's major political parties, as well as with domestic nongovernmental organizations and citizens groups, government institutions, and international organizations.

For more information, please contact: Ana Kadovic, NDI/Albania Resident Director
akovacevic@ndi.org | Tel/fax: +355 42 271 281 | Cell: +355 69 20 30 212



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