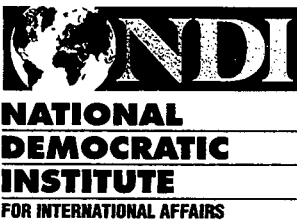




*National Democratic
Institute for
International
Affairs*

**Albanian Local Elections
October 20 - 27, 1996
Final Report**



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The National Democratic Institute for International Affairs (NDI) was established in 1983. By working with political parties, legislatures, civic organizations and other institutions, NDI seeks to promote, maintain and strengthen democratic institutions in new and emerging democracies. The Institute is headquartered in Washington, D.C. and maintains field offices in Africa, Asia, Eastern Europe, Latin America and the Caribbean, the Middle East and the former Soviet Union.

NDI has supported the development of democratic institutions in more than 60 countries. Programs focus on six major areas:

Political Party Training: NDI conducts multipartisan training seminars in political development with a broad spectrum of democratic parties. NDI draws international experts to forums where party members learn first-hand the techniques of organization, communication and constituent contact.

Election Processes: NDI provides technical assistance for political parties, nonpartisan associations and election authorities to conduct voter and civic education campaigns and to organize election monitoring programs. The Institute has also organized more than 30 major international observer delegations.

Strengthening Legislatures: NDI organizes seminars focusing on legislative procedures, staffing, research information, constituent services, committee structures and the function and role of party caucuses. NDI programs also seek to promote access to the legislative process by citizen groups and the public at large.

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Civil-Military Relations: NDI brings together military and political leaders to promote dialogue and establish mechanisms for improving civil-military relations.



ACKNOWLEDGMENTS

This report summarizes the work undertaken by the National Democratic Institute for International Affairs (NDI) to observe the October 1996 local elections in Albania. The report was written by NDI Senior Program Officer Jonas Rolett. It was edited by NDI President Kenneth D. Wollack, NDI Regional Director for Central and Eastern Europe Susan Atwood, NDI Senior Associate Thomas O. Melia, NDI Senior Associate for Election Processes Patrick Merloe and NDI Senior Program Officer for Civic and Political Organization Lisa McLean.

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I. Introduction

As the last state in Eastern Europe to abandon its communist ideology, Albania is a country in profound transition. The move to democracy has led to significant economic and social realignments, forcing ordinary citizens and leaders alike to grapple with change in nearly every sector of life. The political system faces similar challenges and remains a work in progress. Although exact measures of democratization are difficult to obtain, each Albanian election offers an opportunity to evaluate the country's political development.

On October 20 and 27, 1996, Albanians went to the polls to elect local government representatives. The vote was important because international and domestic observers considered that parliamentary elections held earlier this year were seriously flawed. The local elections were seen as a test of Albania's commitment to democracy. In two rounds of polling, the ruling Democratic Party won more than 50% of the popular vote, with the Socialist Party coming in second at just over 30%. [Appendix A.]

In order to evaluate the integrity of the electoral process, international organizations sent more than 300 representatives to observe the vote, complementing nearly 1,500 independent domestic monitors. The National Democratic Institute for International Affairs (NDI) fielded 26 international observers for the balloting on October 20, 1996. [Appendix B] NDI deployed eight observers for the second round of voting on October 27, 1996. These two missions formed a part of the Institute's larger involvement with the electoral process in Albania, which also included a pre-election mission [Appendix C] and support and training for domestic monitors. NDI has been active in Albania since 1991 and maintains a field office and staff in Tirana.

II. Background to the Mission

Albania was the last country in Europe to undertake a democratic transition, waiting until 1992 to topple its communist leadership. Although initial protests by university students began as early as 1990, the old system did not disintegrate as quickly in Albania as it did in other countries in the region. Once the new leadership was installed in March 1992, however, the country moved quickly to implement political and economic reforms.

Growing public unrest forced the communist Party of Labor (PLA), which had ruled Albania since World War II, to allow multi-party elections in 1991. Voters expressed their desire for change by giving opposition forces, led by the Democratic Party (PD), nearly one third of the seats in parliament. The election did not satisfy public enthusiasm for increased openness, however, and the new leadership was unable to govern effectively. As a result, new elections were held in March 1992, resulting in a resounding victory for the Democratic Party and a correspondingly large defeat for the PLA, by then renamed the Socialist Party. These elections completed the transition of power from communists to anti-communists.

The new government, led by President Sali Berisha, instituted wide-ranging reforms that opened the country to the outside world. Economic shock therapy helped reduce inflation and stabilize the currency. The new parliament passed laws that established the framework for democratic governance. Citizens began to travel, ending decades of state-imposed isolation. These changes transformed the lives of most citizens.

At the same time, the transition to democracy was not untroubled. Electronic media remained the exclusive province of the state and legislation was promulgated that restricted press freedom. The judiciary did not establish independence from the government. Such problems appeared to get worse over time, not better, leading international institutions to temper their assessments of the country's progress.

Albanians went back to the polls in May, 1996. The Democratic Party took 122 of the 140 seats in parliament in an election that was widely criticized by both international and domestic observers. The observers reported numerous irregularities, from manipulation of the vote count in many polling stations to a nationwide boycott by opposition commission members who believed they were being excluded from the work of the commissions. These flaws, coupled with concerns about the government's control of political expression, raised questions about the state of democracy in Albania. In the wake of this crisis of confidence, the local elections took on additional meaning: they were seen as a test of the country's commitment to democracy.

In all, Albania has held six major electoral contests since 1991. The first two were administered by the communist Party of Labor and its successor, the Socialist Party, and the latter four by the governing Democratic Party. In the context of the country's evolving democratization process, these elections have met with varying degrees of approval and concern from the international community. In making judgements about the integrity of each election, analysts have had to ask three questions: 1) did the results of the election generally reflect the will of the people; 2) did the election meet international standards; and 3) was the most recent electoral process better or worse than the previous one.

Using those criteria, it is possible to discern patterns in Albania's electoral performance over the past six years. The first four elections -- parliamentary votes in 1991 and 1992, local elections in 1992 and a referendum in 1994 -- displayed large-scale shifts of popular support from the governing party to the challenger. These results, coupled with enhancements in the electoral system, suggest that the electoral process was generally improving. Although significant problems remained, such as intimidation of voters and state control of the media, observers generally concurred that these elections represented successive steps forward for the country.

In contrast, the parliamentary elections of May 1996 attracted considerable criticism from both domestic and international observers. These concerns led to increased interest in the local elections as a barometer of democracy in Albania. In addition to the NDI delegation, the Council of Europe, the International Republican Institute, the Italian Society for International Organizations and the diplomatic community in Tirana deployed more than 300 international

observers throughout the country on election day. Planned delegations from the Organization for Security and Cooperation in Europe (OSCE) did not participate due to a dispute with the Albanian government. The Society for Democratic Culture (SDC), an independent Albanian NGO, fielded 1,500 domestic monitors, with NDI's support.

III. Observations

In its preliminary statement on October 22, 1996, NDI's delegation offered a two-part assessment of the election. [Appendix D.] The statement pronounced the voting process "a significant improvement over May's elections," but described the vote counting process as "mixed." The distinction between the two processes indicates that Albania fulfills one necessary condition for democracy -- citizens are largely free to vote for whomever they like. However, the mechanics of the electoral process are not yet free from political influence.

Since 1992, NDI has worked in partnership with the Society for Democratic Culture (SDC) to observe elections and educate citizens about civic issues. During the local election period, NDI and SDC worked together to evaluate the electoral process. Some of the observations in this report, particularly with regard to the role of the media, are taken from this collaborative work.

Pre-election period

Controversy surrounding the May 26 parliamentary elections threatened to derail the subsequent local vote, as government and opposition parties disputed who was to blame for irregularities. In the face of heightened tensions, several foreign governments made clear that they would review bilateral relations and assistance programs to Albania if the electoral process did not move forward. These pressures, augmented by dialogue among political parties within the country, resulted in a number of positive revisions to the electoral process.

Electoral Law:

Following roundtable discussions, including a session organized by the International Republican Institute, several important changes were made to the electoral system. [See Appendix E.] Among the most important are the following:

- establishing a permanent Central Election Commission (CEC);
- assigning the vice-chair of election commissions at all levels to the party which received the second greatest number of votes (usually the opposition) in the 1992 local elections;
- partially abrogating "anti-genocide" legislation that would have barred many candidates from running for office.

Some changes in the electoral process were not as positive. A few weeks before the election, the CEC imposed age limitations on observers (25 for domestic observers and 22 for international observers). This restriction was unnecessary and undermined the spirit of transparency. Moreover, the new rules seriously impacted the number of domestic observers. In Tirana, for example, where the Society for Democratic Culture's observer corps depends mostly on university students, their eligible volunteers dropped from 89 to 9.

Media:

Access to broadcast media has been an issue during the political campaign in each election. Opposition parties often complained that state control of television and radio resulted in disproportionate coverage of the governing party. [The law gives the governing party (or parties) half the air time, while dividing the remaining 50 percent among opposition parties.] In order to determine the extent to which the Albanian Radio and Television Service adhered to legally prescribed time allotments, SDC monitored television broadcasts.

During the runup to the October elections, SDC's findings support government claims that parties received air time in conformity to the law. During special election programming, parties in the government coalition and parties in opposition each received approximately equal time on television. Moreover, news programs during the campaign reflected similar coverage, with roughly equal time given to the party blocs. [See Appendix F.]

Voter Lists:

Because there is no permanent voter registry in Albania, election administrators must recreate voter lists for each election. The scale of emigration and internal migration of the past few years added to this burden by necessitating significant revisions in local rolls. The task of drawing up voter lists under these circumstances is extremely difficult. In past elections, their formulation has been the source of some controversy.

Prior to the October elections, Socialist Party officials charged that the lists were not made available to them in a timely fashion. They further claimed that their investigation of lists in Tirana uncovered a large number of errors. The municipality of Tirana, which drew up the lists, denied that any significant problem existed.

Observers:

In the week before the election, a dispute arose between the OSCE's Office of Democratic Initiatives and Human Rights (ODIHR) and the Albanian government when the latter tried to limit the number of observers ODIHR could bring to the election. In solidarity with ODIHR, OSCE's Parliamentary Assembly withdrew its planned observer group.

NDI's delegation was concerned that the government was refusing to accredit observers. In discussions with Albanian officials, including President Sali Berisha and Foreign Minister Tritan Shehu, the co-leaders of NDI's delegation raised the issue as a serious breach of the OSCE's 1990 Copenhagen Document, to which Albania is a signatory and which obligates member states to receive OSCE observers. President Berisha and others explained that they were upset at the report ODIHR had written on the parliamentary elections, which they considered inaccurate and unfair. [See Appendix G.]

The Society for Democratic Culture also experienced difficulty in getting authorization from the Central Election Commission to allow SDC observers in the polling stations on election day. Although credentials were eventually received, the government's delay in issuing them suggests official reluctance toward allowing domestic monitors. Moreover, lack of cooperation from the Central Election Commission before the parliamentary elections lowered the number of domestic observers SDC was able to field.

Election Day (first round)

NDI's observer delegation deployed 14 observer teams in 13 districts, ranging from Tropoja in the north to Permet in the south. [See Appendix H.] The delegation observed voting and vote counting in approximately 200 polling stations. Although this represents only a fraction of the more than 4,600 polling stations, the delegation observed similar patterns of behavior in many areas, sufficient to draw broad conclusions. In addition, NDI consulted with other international observer groups and the Society for Democratic Culture to test the consistency of its findings. The different observer groups generally agreed in their conclusions.

Voting Process

An important measure of the electoral process is the ability of voters to cast their ballots freely. In past elections, technical and political problems have sometimes interfered with the Albanian electorate's efforts to exercise its franchise. As noted above, the voting process for the local elections allowed the electorate to vote without undue interference or influence. Although some problems persisted, conditions generally favored free and secure balloting.

Electoral Environment:

The delegation noted that citizens were generally free to exercise their franchise without fear of violence or reprisal. This is in contrast to some earlier elections, where observers witnessed party activists and officials intimidating voters. During this election, NDI observers were favorably impressed with the positive atmosphere in and around most polling stations.

Political parties participated in all phases of the electoral process, providing the electorate with a

range of choices. Although several opposition parties continued to claim that the government was obstructing them, no boycotts took place.

Election Commissions:

During these elections, the relationships among members of the election commissions were far better than NDI witnessed previously. In contrast to the May vote, representatives from different parties cooperated in the work of the commission. Delegation members did hear reports of opposition commissioners being excluded or even abused as occurred in May, but in the majority of polling sites observed that commissions carried out their work in a spirit of harmony and tolerance. Improvements appear to stem from both legal changes and a renewed commitment from party leadership to see the election process through. The delegation believed that election administrators ensured that basic procedures provided all contesting parties with credible safeguards.

Commodities:

In the vast majority of polling stations it observed, the NDI delegation noted that commissions were provided with the correct materials, including sufficient ballots and tally sheets, ballot boxes, voting booths, stamps and seals. This is a significant improvement over the May elections, during which the absence of sufficient tally sheets contributed to the opposition parties' walkout. Moreover, election commodities were generally of good quality, making it difficult for anyone to duplicate them illegally.

Role of Police/Party Officials:

Although NDI commends the Interior Ministry for its efforts to educate police officers about their election day responsibilities, the role of police and party officials continues to be problematic during the voting process. NDI observers witnessed numerous incidents in which policemen entered polling stations without the required invitation from the election commission. While these incidents were usually non-threatening, they sometimes influenced the environment of the polling station.

The prevalence of policemen improperly inside polling stations indicates that they need more training on their role in the electoral process. The same can be said for government and party officials, whom the delegation also observed in polling stations where, technically, they had no right to be. Their presence created the perception that the election law somehow did not apply equally to them.

Vote Counting Process

Improvements in the voting process notwithstanding, electoral problems persist in Albania,

particularly in regard to the vote counting process. While NDI observers were not present in the majority of polling stations during the count, patterns of irregularities observed in different parts of the country indicate that the problem is systemic. The delegation made no judgement as to whether or not irregular counts affected the outcome of any races.

In this election, the delegation observed a smooth and uncontroversial counting process in Erseke, Korca, Permet, Shkoder, Ballsh and Fier. The count did not proceed as well in polling stations observed in Tropoja, Lushnja, Elbasan, Peshkopi and Berat.

Election Commissions:

In the polling stations where NDI observers were present, election commission members often failed to follow vote counting procedures established in the election law. In many instances, this failure occurred because commissioners were tired and wanted to speed up the count. In other cases, commission members either did not understand the law or did not attach sufficient importance to it. In a few cases, members of the commissions, acting in a highly partisan manner, treated the vote count as an opportunity to influence the results. NDI observers witnessed instances in which commissioners added signatures to the voter list and improperly invalidated ballots. There were also occasions in which commission chairmen interfered with observers as they attempted to carry out their duties.

Although irregularities within the commissions were not confined to representatives of one party or the other, the delegation encountered more problems with polling station commission chairmen than with other officials. The chairmen, who were responsible for the correct implementation of procedures, often allowed unauthorized people in the room, neglected to tally the number of voters on the list with the number of ballots and failed to resolve disputes through a vote of the commission. Other commission members also failed to carry their duties professionally. Commission vice-chairmen did not always insist on the correct implementation of procedures and sometimes failed to pay sufficient attention to the counting process. Commission members frequently did not stand up for the interests of the parties they represented by protesting violations of the election law. Taken together, these actions had the effect of diluting improvements to the electoral law, which sought a better balance of power among competing parties on the commissions.

Counting Procedures:

The Office of Local Government, which was charged with administering the election, assured the NDI delegation that commission members had received training in all aspects of their duties. Furthermore, all commission members were given copies of the election law, in which procedures for counting ballots are clearly outlined (Articles 73-78). Unfortunately, NDI observers witnessed few instances in which the procedures were properly followed.

As noted earlier, many commissions performed well during the entire electoral process. There

was, however, a distinct decline in the quality of many commissions' work during the vote count. The delegation observed numerous irregularities, including early closing of polling stations, improper handling of unused ballots, lack of vigilance on the part of commission members and the omission of important procedures, such as filling out and distributing protocols. The most significant irregularities, however, were: 1) failure of the commissions to reconcile the number of voters who had signed the list with the number of ballots in the ballot box; and 2) failure of polling station officials to make public the results of the voting. These problems were witnessed in the majority of polling stations observed by the delegation during the count.

Invalid Ballots:

The election law states that "contestable" ballots are reviewed and evaluated by the commission; however the law does not provide criteria for this process. Clearly, commission members needed further instructions to help them determine which ballots should be considered invalid and which were to be counted. In many systems, if the intent of the voter is clear, the ballot is counted. Without clear instructions to this effect, the criteria by which ballots were invalidated varied widely. In some places a thumb or ink smudge was considered sufficient cause for invalidation, whereas in other voting centers a more liberal approach was adopted. Moreover, these criteria were not always uniformly applied to all contestants within a single polling station, with the result that ballots cast for opposition parties in some polling stations were annulled more frequently.

NDI commends election administrators for changing the way in which ballots were marked (from a system in which voters crossed out the names of all candidates they did not wish to vote for to a system in which voters placed a mark next to the name of their desired candidate). Although the change may have elevated the number of irregular ballots this time, the new procedure is simpler than its predecessor.

Publicizing Election Results:

Although the law requires polling station election commissioners to post publicly the results of the count in each polling station (Article 76), such posting was the exception rather than the rule. The results were posted in very few of the polling stations checked by NDI observers after ballots had been counted. When asked, commission members often did not know they were required to make the results public and sometimes even refused to do so.

Moreover, the Central Election Commission failed to make such results available despite repeated requests by NDI and other observers to obtain them. CEC members and other high ranking government officials stated that the local commissions had the responsibility to post the results. Since no mechanism appears to exist to enforce adherence to the law, the vote count at the polling station level may never be made available. The same problem occurred after the parliamentary elections in May. Failure to make public the vote count at this level is a serious flaw in the electoral process.

Second Round

A second round of the elections was held on October 27 to determine the winners of mayoral and chief of commune races in those districts where no candidate received a majority of the vote in the first round. NDI sent eight observers to six regions for this round. [See Appendix I] The Institute coordinated its deployment with international observers from the Council of Europe, the Italian Society for International Organizations and the diplomatic community in Tirana.

After observing the vote in 55 polling stations, the delegation concluded that the quality of the electoral process in the second round had declined from the level achieved in the initial balloting. Election commission members appeared to treat the voting process more casually, leading to additional problems with compliance with electoral procedures. In addition, observers reported a number of unidentified individuals seen in and around polling stations. Although it was unclear to international visitors if these persons were state officials or supporters of political parties, their presence affected negatively the atmosphere in which citizens cast their ballots.

IV. Recommendations

The local elections overall represented a step in the right direction. Amendments to the election law, the participation of political parties and other important factors all contributed to the improved nature of the electoral process. The government, the political parties, the media and the electorate should be commended for their respective contributions to bettering the electoral environment.

In a spirit of cooperation and in order to improve further the electoral process in Albania, NDI offers the following recommendations:

Make public the results of the vote down to the polling station level

A public accounting of election results at the level of each polling station is one of the most important safeguards in the electoral process. The election law requires polling station commission members to post the results of their voting center immediately upon completing the count. Although the safeguard exists in the law, the lack of enforcement undermines confidence in the electoral process. Steps should be taken to ensure that this information is released to the general public immediately.

Recognize voter intent

In order for a ballot to be valid, the law requires that it be intact, correctly filled out and have no extraneous marks. These criteria are all important safeguards. Nevertheless, international standards place primary emphasis on counting as valid any ballot which clearly shows the intent of the voter. If, for example, someone has filled in the ballot according to the old system of striking

out all names but the one that receives the vote, it is quite clear for whom the citizen voted. Such cases should be considered by the commission and, if the intent is deemed clear, be approved as a valid vote.

Redesign features of the ballot

Many voters erroneously marked their ballots using a blank space on the right side of the party initials. Eliminating this space would reduce the number of spoiled ballots. NDI also recommends further efforts to educate voters about recent changes to the balloting procedure.

In addition, the law calls for polling station election commission officers to sign each ballot before opening the polling station. Because the electorate was voting on three different ballots and because some districts have 1,000 or more voters, many commissioners had to sign more than 3,000 ballots. The procedure is commendable as it adds a safeguard to the process. However, it imposes a burden on voting center commissions, putting them in technical violation of the law when balloting begins. NDI recommends stamping the ballots with secure seals rather than requiring signatures.

Train election worker and police officials

Further training for all officials involved in the electoral process is needed. In particular, election commission members at the local level should receive specific instruction on how to administer the voting and vote counting process according to procedures stipulated in the law. This training should take place well in advance of the next election.

Despite some improvement, members of the police force need additional instruction as to their proper role during the election. This is true especially in small towns and villages, where police officers know the commission members and tend to conduct themselves informally.

Shorten voting hours

The election law states that the election commissions begin their work at 7:00 AM, that polling stations open at 8:00 AM and close at 9:00 PM and that the commissions end their work when all votes have been counted and the appropriate documents sent on to the next commission level. Such a lengthy process taxes the abilities of officials and encourages mistakes, particularly in the counting process. In the past two elections, NDI has witnessed numerous instances of commission members rushing through the count because they were tired and impatient with the official procedures. It is therefore advisable to shorten voting hours.

Establish a permanent voter list

Voter lists in many countries are permanent, public documents. The voter list in Albania could be improved by establishing such a system, thereby enhancing the transparency of the list and

reducing the burden on government officials, who currently must recreate the entire document for each election. While there are administrative and financial issues associated with establishing and maintaining a permanent list, its benefits merit serious consideration.

V. Conclusions

Albania significantly improved its election process for the October local elections. This step is particularly significant given the problems during and immediately after the parliamentary elections in May. All parties are to be congratulated for coming to a negotiated settlement over disputed electoral issues. The government merits recognition for accepting opposition parties as partners in the electoral reform effort; opposition parties deserve credit for participating throughout the electoral process.

The Albanian electorate again demonstrated a strong desire to participate actively in the country's political process. While voter turnout declined as compared to earlier elections, a majority of citizens cast their ballots on election day. Citizen participation is a necessary ingredient to ensure the continuing development of democracy in Albania.

This election, while better than the polling in May, was not without significant problems. Albania has improved its technical capacity to mount elections; however political problems continue to plague the electoral process. These problems often find expression in the incorrect or insufficient application of rules that are meant to safeguard the process.

The Albanian system still suffers from significant weaknesses, including rhetoric used by political leaders, which seeks to demonize opponents and makes extensive use of threatening language. The country's political discourse does not allow rhetoric to give way to consensus or recognize that after an election is over the winners become stewards of the public trust and the losers assume their role as the loyal opposition -- all in the service of the state. Untempered and extreme rhetoric by political leaders encourages nondemocratic behavior by party activists and fuels voter apathy. This condition poses a threat to the country's political development.

The Albanian people continue to demonstrate interest in developing democratic practices. The challenges they face in overcoming 50 years of totalitarianism are considerable and can only be overcome by renewed efforts to develop transparency and accountability in government. NDI offers its congratulations for the progress of recent years and remains ready to assist in the development of democratic practices.

APPENDIX A

Results of the Albanian Local Elections October 20 and 27, 1996

These are the latest figures from the Central Election Commission on the results of two rounds of balloting for the Albanian local elections. Local government structure consists of two levels, city and county, each run by a council. At the city level, larger urban areas are called municipalities and smaller ones are called communes.

Voters cast three ballots: for county council, for municipal or commune council and for mayor or chairmen of commune. Council votes were apportioned proportionally according to political party. Mayors and Commune chairmen were directly elected on a majoritarian system. Mayoral races (in both municipalities and communes) went to a second round if no candidate achieved a majority on the first ballot. Results from one mayoral race and thirteen communal chairman race have yet to be reported.

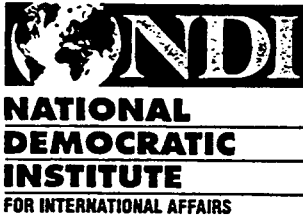
Party Vote (County Level)

Party	Percentage of Vote
Democratic Party (PD)	52.5%
Socialist Party (PS)	31.2%
Republican Party (PR)	3.5%
Social Democratic Party (PSD) + Democratic Alliance Party (PAD)	3.1%
Balli Kombetar (PBK)	2.4%
Human Rights Party (PBDNJ)	2.3%
Union of Social Democrats (PBSD)	1.0%
Other parties	4.0%

Mayors and Commune Chairs

Party	Democratic Party		Socialist Party		Human Rights Party		Balli Kombetar		Independent	
	Mayor	Chair of Commune	Mayor	Chair of Commune	Mayor	Chair of Commune	Mayor	Chair of Commune	Mayor	Chair of Commune
Round I	37	193	4	12	0	6	0	1	1	0
Round II	21	74	0	3	0	3	0	0	0	5
Total	58	267	4	15	0	9	0	1	1	5

APPENDIX B



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APPENDIX C

REPORT ON PRE-ELECTION FACT-FINDING

MISSION TO ALBANIA (SEPTEMBER 23-28, 1996)

From September 23 until September 28, 1996, a multinational delegation sponsored by the National Democratic Institute for International Affairs visited Albania to conduct a fact-finding mission in anticipation of the October 20 elections for municipal, commune and district officials. The delegation was led by Gerard Murphy, Chairman of the Cork Country Council in Ireland, and included Lisa C. McLean, NDI Senior Program Officer for Civic and Political Organization; Mark Mullen, NDI resident representative in Albania; and Jonas Rolett, NDI Senior Program Officer.

The NDI delegation sought to obtain information about the pre-electoral atmosphere and changes in the election law and to explore any concerns of the political contestants. During the course of the week, the delegation held meetings in Tirana, Shkoder, Durres and Elbasan with government officials responsible for electoral preparations and electoral administration, political party leaders and candidates, journalists, NGO leaders and representatives of the international community. At the conclusion of the mission, the delegation prepared and issued a statement with conclusions from the visit.

BACKGROUND

The flawed May 26, 1996 elections prompted NDI -- given its long-term commitment to democratic development in Albania -- to sponsor the September fact-finding mission and an international observer mission to the local elections. In the aftermath of the parliamentary elections held in the Spring, several international organizations offered recommendations to Albanians about changes in the electoral framework that could improve administrative preparedness and transparency and thereby enhance confidence among citizens in the election process and its outcome. At the end of August, at the invitation of the International Republican Institute, the major political parties entered into a dialogue about the May elections and the upcoming October elections. As a result, the Albanian People's Assembly, dominated by the Democratic Party, enacted a number of amendments to the electoral legislation in early September, and all parties prepared to participate in the local elections scheduled for October 20.

PRE-ELECTION ATMOSPHERE

The NDI delegation found that there was significant anticipation on the part of each of the political parties with regard to the upcoming elections. Disturbingly, however, the NDI delegation concluded that the nature of this anticipation set the stage for continued confrontation. In particular, during the

course of several meetings with Democratic Party (PD) leaders and government officials, it became clear that the PD objective in conducting the local election exercise is to authenticate for the international community the May 1996 results.

In contrast, the Socialist Party (PS) leaders reflect upon the 1992 elections in which the PD won a significant majority in the national parliamentary elections of March 1992 and then, only three months later, the Socialists garnered 54 percent of the vote in local elections. In October 1996, Socialist leaders say they expect a repeat of the 1992 scenario.

Clearly, one of these two contesting parties will be disappointed on October 20. The question is how will the disappointed party handle defeat. The NDI delegation sensed no willingness to contemplate the possibility that expectations would not be realized. In fact, the NDI delegation worried that the Socialist understood that they might lose a fair election and that proclamations regarding the 1992 elections were a signal that the PS planned to cry fraud in the event of the inevitable expected PD victory. For, despite the fact that there had been a negotiated agreement on the electoral framework, the intra-party relationships continued to be quite acrimonious, and distrust was quite high.

Over the previous four months, the international community had made it very clear to the Albanian government officials and the Albanian public that the conduct of the October local elections would be an important benchmark of the democratic credentials of the Albanian government. If the reported irregularities of the May elections were repeated, Albania's international standing and donor assistance could be reduced significantly. As a result, government officials and PD leaders were open to meetings with the NDI delegation and even appealed to the delegation for any suggestions it might have to improve the process. However, these same individuals did not acknowledge that there had been significant abuses and/or irregularities in the conduct of the May election.

In fact, the NDI delegation repeatedly asked government officials and PD leaders to offer their explanation of what had happened in the May elections. In general, respondents charged that the opposition parties precipitated the chaos of the May 1996 elections -- e.g., by pulling out of the polling stations "once they realized they were losing" and by organizing an illegal demonstration on the day after elections. PD leaders argued that, if there had been widespread irregularities, the opposition parties should have filed complaints with the Cassation Court within three days. And yet, PD leaders noted that there were no cases pending; instead, the Socialist Party had held a congress and changed its leadership in the aftermath of elections. One PD leader admitted that a few irregularities were committed by polling site election commissioners who were often "uneducated farmers" operating within a "highly stressed" political environment. However, the delegation was told that the inexperience and political atmosphere contributed to irregularities committed by all sides.

The PD explanation for the flawed May elections usually evolved into a justification -- based on previous polls, on the mood of the population, on the crimes of the Hoxha regime -- of the overwhelming victory of the Democratic Party. Within this atmosphere, the NDI delegation noted that the government and PD officials most likely would perform any task required by the international community, but the delegation was concerned that the prescribed actions quite likely would be carried

out without conviction. For, the PD demonstrated to the NDI delegation no understanding of the need to assure the citizens and the opposition political parties of the fairness of the election apparatus and election officials.

On the opposition side, the political party leaders were eager for meetings with the NDI delegation, understanding well the import the international community was placing on these elections. Opposition leaders expect the October 20 election result to disprove the authenticity of the May election results. In a meeting with PS leaders, it was said: "If these elections are free and fair, we will win -- proving that there was manipulation in the last election. It is through manipulation that President Berisha seeks to increase his personal power and to deal a final blow to the opposition leaders." Therefore, these same opposition leaders -- expecting manipulation again in October -- complained to the NDI delegation about the changes in the election legislation and subsequent decrees that have been issued. Opposition party leaders argue that the changes in the electoral legislation are not sufficient to ensure that the PD and the government will not manipulate the electoral process. They point to violations of deadlines and of media access provisions and to last-minute decrees as beginning hints that the government will not conduct a free and fair election in October.

In this atmosphere of mutual distrust, the delegation had no sense that any of the contestants had taken (or would take) measures to reassure the citizens or to educate them (as voters, as observers, as election commissioners, as officials with roles in the election) about the peaceful, tolerant, democratic, competitive process that ought to occur on October 20. Instead, all sides appeared to be digging their figurative trenches -- ready to defend claims of victory, to prevent the expression of criticism, to report violations (or grievances) to the international community, etc. The parties claimed that they would educate their supporters and their election commissioners at all levels about changes in the election law. Government officials promised that police, municipal officials and broadcast journalists would be carefully instructed on the nonpartisan conduct of their duties. At the same time, party leaders hastened to add that "all will be explained on the television" (where articles of the election law are displayed in the pre-election period) so there should be no confusion. However, the unresolved claims and counterclaims from the last elections ominously threaten the prospects for a tolerant, fair contest on October 20 whose results will be accepted by all contestants.

CHANGES TO LEGISLATION AFFECTING THE LOCAL ELECTIONS

Based on the meetings that the NDI delegation conducted in late September, the following is a highlighted version of amendments to legislation affecting the local elections that either: (a) seek to address an important irregularity noted by domestic and international observers during the May elections; or, (b) were pointed out to the NDI delegation as a potential source of additional irregularities in the October elections. The latter points were raised primarily by the opposition parties and may prove to be unfounded. In any event, they do illustrate the opposition parties' already low level of confidence in the free and fair conduct of the October elections. This list is by no means exhaustive and is not meant to replace a thorough reading of the election law. Instead, the list attempts to highlight those changes that were raised during our meetings in late September.

1. On October 20, elections will be held to elect directly chairpersons of municipalities/communes and districts and to select members of the municipal, commune and district councils on the basis of party lists. Albania is divided into communes or municipalities. Several municipalities and communes together make up one of 36 districts, whose primary responsibility appears to be to coordinate the activities and assist the communes. Communes are similar to villages/towns, while municipalities are likely to have a more urban population and better infrastructure than a commune and to be the seat of some industry or factory. Over all this structure, the central government appoints 12 prefects, which oversee the work of the municipal, commune and district councils.

Based on the amendments to the election law (Article 44), commune mayors and council members at the district, municipal and commune level are not subject to the screening process prescribed by the Anti-Genocide Law. However, based on a recent presidential decree, there are now 309 communes and 64 municipalities (some 30 communes were elevated to municipalities by the president's decree).

2. The voter lists were a concern to the international community and to opposition parties during the May 1996 elections because of the apparently significant number of people denied the opportunity to vote when they did not appear on the list on election day and because of the seemingly indiscriminate issuance of voting certificates without the legally required photos in lieu of identity cards. Given the fact that the voter lists are not computerized (most records are handwritten) and that there has been massive internal migration and emigration in Albania, the voter lists clearly pose a difficult challenge to electoral authorities.

The amended election law requires that the voter lists be prepared by the mayor/chairman and secretary of the councils (as in the past) and be submitted to the government-appointed Prefect for "confirmation" and the resolution of disagreements (new Article 10). Further, the amendments require that the lists be published 17 days (rather than 15 days) before election day (October 3). Finally, Article 67 has been amended to state: "The commission of the polling station is obliged to verify the identity of the voters who participate in the voting." During the delegation's visit, local government employees were conducting a door-to-door canvass with the old voter lists in an effort to compile new voter lists.

3. Opposition parties expressed to the NDI delegation their concern that, on October 20, each polling site was to be given a number of ballots equal to the number of voters on the voter lists when the lists were published (i.e., 17 days before election day), as well as an additional 15 percent (new Article 62). In the 1992 local election law, additional ballots amounted to 5 percent above the number on the voter lists. The NDI delegation presumes that the change was made to prepare for unexpected gross errors in the voter lists. PD and government representatives told the delegation that there was no need for concern since each of the ballots would be signed by the chair, deputy chair and secretary of the polling site election commission prior to the opening of the polling site.

4. The delegation heard many comments from all parties about the penalties connected with abrogation of duties as an election commissioner. Given the belief on the part of some Albanians that the ordered withdrawal of the opposition from the election commissions in May precipitated the election debacle (PD leaders believe that the PS had planned the walkout long ago to discredit the expected PD victory), the election law amendments clearly state that election commissioners can be replaced but not removed (new Article 23) and that election commissioners who boycott their duties are subject to one to three years in jail (new Article 87). Opposition parties felt that the penalty was severe; and a representative of the Democratic Alliance considered the penalty to conflict with the immunity granted to election commissioners under the same amended Article 23.

5. A major concern in the May elections on the part of the opposition parties was the fact that the chair, deputy chair and secretary of election commissions at all levels were appointed by the governing party and dominated the election process. An important amendment for all political parties was the amendment to Article 24 in which the deputy chair of the election commissions is appointed by the principal party at the local government level that is not part of the government coalition. Throughout the election amendments, further provisions were made to ensure that the three-person chairmanship made collective decisions. Still, opposition parties continued to express concern that, at least, the Central Election Commission (CEC) was dominated by the ruling coalition.

6. In contrast to the 1992 local election law in which the polling sites opened at 0600 and closed at 1800, the polling sites will be opened from 0800 until 2100 (new Article 66). The opposition parties vehemently objected to the late hour of closing the polling site -- especially in places where electricity supply could be cut or where there would be no electricity. Interestingly, the new Article 66 also distinguishes between the time for beginning the voting (0800) and the time for signing the ballots and sealing the ballot box (0700). The latter activities are to be carried out in the presence of all the election commissioners -- without any mention of whether party, candidate or independent observers can be present. The opposition raised no objections to this distinction. In fact, the change is considered by a nonpartisan observer with whom the delegation discussed this to be positive. This observer complained that one of the problems in the May elections had been that the polling site opened and then voters had to wait for at least an hour before the election commissioners had signed all the ballots and actually voting could begin.

7. In May, domestic and international observers noted the interference of police at the polling sites at the invitation of the chairman of the commission as per the old Article 68. The amended Article 68 states that the police can be called to restore order only with the unanimous decision of the election commission (or failing that with a decision of a majority of the election commissioners presence). Moreover, the police are explicitly "obliged to carry out only those actions and measures for which they are asked."

8. During the May elections, the nonpartisan domestic observers were unable to get credentials from the Zone Election Commissions in some areas, were given only a limited number of credentials by the Zone commissioners in other areas and were not given access to the entire voting and counting process on election day in a number of places. The election law amendments provide very little

assurance that anything will be different in the October elections in this respect. The Central Election Commission is empowered to establish rules that the commune and municipal election commissions will follow to accredit the observers of electoral subjects to the polling sites and that district election commissions will follow to accredit "observers of electoral subjects" (the implication is appointed observers of the political contestants) to be present at the commune and municipal election commissions (new Article 25).

However, none of these amendments addresses the rights of nonpartisan domestic observers. As such, Article 92 will continue to govern. The Central Election Commission therefore has the authority to define rules for their accreditation. It is important to note that, as per Article 92, "Observers that have authorization from the Central Commission can travel freely....to follow and observe *all activities* during the campaign as well as *on the election day*. They have the right to ask, to collect information, to publicly express opinions, by being impartial" (emphasis added). In a meeting with the chairman of the CEC, the NDI delegation learned that the commission was still struggling to define rules that would accredit only "moral, neutral" domestic observers. Subsequent to the delegation's departure, NDI learned that accredited observers had to be 25 years of age and members of a "qualified" delegation.

9. Finally, the NDI delegation was disturbed to discover that the election legislation in both its original and amended form makes no provision for the publication of results at the polling site level. Given the irregularities of May, the delegation believed that public access to polling site results would be important to building confidence in the outcome. Therefore, the delegation urged that the CEC issue a decree to that effect. At this writing, NDI is not aware whether its recommendation has been accepted.

CONCLUSION

In general, the pre-election atmosphere in late September was not encouraging. Changes that had been made to electoral legislation were made because of pressure from the international community rather than from any conviction on the part of the Albanian government that there had been any flaws in the system that undermined citizens' right to a free and fair choice. And, the opposition parties gave no indication that there were some minimum conditions necessary to satisfy them that the local elections were free and fair. In fact, all sides think that the May election flaws are related to the election results, rather than to confusing processes that undermined citizen confidence in the voting and counting process.

Much of the responsibility for rectifying this state of affairs belongs to the government of the Democratic Party. The NDI delegation saw a real need for government transparency about electoral preparations and for government efforts to educate citizens, election commissioners and others responsible for election administration. Additionally, there is a role for the opposition parties as participants that have agreed to participate in this electoral exercise. But openness and information sharing are better handled by an authority that has confidence in its governing ability and that does not fear the opposition forces or its own citizens. And, the role of a loyal and constructive opposition

is better played by those who believe they have a realistic chance of gaining political power in the near-term future. Unfortunately, however, in Albania, the legacy of the Hoxha regime and the severe centralization of power has provided the Democratic Party with few examples of responsible government based on citizen trust, citizen respect and citizen participation. Furthermore, the opposition parties have no faith or security in their role as the opponents. Whatever the outcome of the October election, it was clear to the NDI delegation that there is a tremendous amount of work to be done in Albania to establish a modicum of trust in the democratic process characterized by bargaining and negotiation.

Prepared by Lisa C. McLean, Senior Program Officer for Civic and Political Organization

APPENDIX D

**NATIONAL DEMOCRATIC INSTITUTE
FOR INTERNATIONAL AFFAIRS (NDI)**

**PRELIMINARY STATEMENT
INTERNATIONAL OBSERVER DELEGATION TO
THE ALBANIAN LOCAL ELECTIONS
OCTOBER 22, 1996**

This is the preliminary post-election statement of the international observer delegation organized by the National Democratic Institute for International Affairs (NDI) for Albania's October 20, 1996 local elections. The 24-person delegation includes members of parliament, locally elected officials, election administrators, party officials and civic leaders from 9 countries in Europe, Asia and the Americas (Belize, Cambodia, Canada, Ireland, the Netherlands, Sweden, Paraguay, the United Kingdom and the United States). Following briefings in the capital, we divided into 14 teams and traveled to 13 districts throughout the country. Prior to the election, delegation members met with local election commissioners, candidates, party leaders and others, to be briefed on local issues and to observe election preparations. On October 20, members of our delegation visited 177 polling stations in 16 municipalities, 37 communes, and later monitored the counting, entirely or in part, in 24 polling stations. Part of our team will remain in Albania through next Sunday's runoff elections. We will issue a final report, including recommendations, after the runoff elections.

We did not come to supervise or to certify these elections. We are here to demonstrate our support for Albanian democracy, and are mindful of the great strides that Albania has made since its emergence just five years ago from a half-century of totalitarian rule. We present our comments solely in a spirit of friendship and support for Albania's democratic development.

At the national level and in local areas throughout Albania, we coordinated our work with observers deployed by the Council of Europe, the Italian Society for International Organizations, the International Republican Institute, the diplomatic community and, in some places, with volunteers mobilized by the nonpartisan Albanian civic organization, the Society for Democratic Culture (SDC).

Notwithstanding the large number of observers present for these elections, two actions raise questions about the Albanian government's commitment to transparency in its political processes and its tolerance of criticism. First, the Albanian government restricted the size of a planned observer delegation from the Organization for Security and Cooperation in Europe (OSCE). The government's action followed a critical report by OSCE's Office of Democratic Initiatives and Human Rights (ODIHR) on the May 26 parliamentary elections. The government's restrictions led OSCE to cancel two planned observer delegations to the local elections. Second, the government of Albania required domestic election observers to be at least 25 years of age. This restriction disallowed the participation of many university students, particularly many organized by the SDC.

We offer a two-part assessment of Sunday's elections, distinguishing between the voting process, and the process of counting ballots and tabulating the results.

We believe the voting process represented a significant improvement over May's elections. Conditions in the polling sites generally were sufficient to allow voters to cast their ballots freely. A number of specific improvements enacted into law since May's elections frequently were well implemented. Generally, the members of our delegation observed a spirit of cooperation among governing and opposition party members on polling place election commissions. We applaud this development.

Our assessment of the vote counting process is mixed. In some locations, such as in Erseke, Korca, Permet, Shkoder, Ballsh, Fier and Tirane, our observers saw a smooth and uncontroversial counting process at the polling stations. In other locations, including in Tropoje, Lushnja, Elbasan, Peskopi and Berat, our observers witnessed irregularities in the counting process, including: disqualification of apparently valid opposition party ballots for Mayor, and refusal to record in the protocol the objections of opposition commissioners; more ballots found in the box than voter signatures on the voter list; a chairman signing voter lists, in the absence of the vice-chairman, after the polls had closed; and threatening language and actions among governing and opposition commissioners during the counting.

There remains another step in the electoral process--tabulating the results and reporting them publicly polling station by polling station, as stipulated by the law. This process has not yet been completed. Based on the concerns noted above--and the fact that the polling station results from May's elections have not yet been published--we believe that early publication of results from the current election is essential to its transparency.

As noted earlier, NDI plans to present a full report, and to make specific recommendations for the refinement of future elections. At this time, we would like to express our satisfaction with those improvements that have been made in Albania's electoral processes since the parliamentary elections in May. It is our hope and expectation that the irregularities that were observed in some places on October 20 will not recur. We thank the Albanian people for the hospitality they have shown us over the past week and applaud their continuing commitment to the development of democracy.

APPENDIX E

Summary of Changes to the Election Law

- Central Election Committee is established as a permanent body. (*Presidential Decree, 13 August, 1996*)
- Deputy chairs of the permanent election commission and all local election commissions, including the polling stations, come from the largest opposition party. (*Articles 24 and 26 of local election law amended on September 12, 1996*)
- **Seats of the members of the Commission are split equally between the political parties, member of the governmental coalition and the opposition. Within this division, seats in the commission are taken from the representatives of the political parties in proportion with the results they have achieved in the elections for the organs of the local government. (*Presidential Decree, 13 August, 1996*)**
- Commission members are allowed to sign protocols with comments. (*Article 76 of local election law amended on September 12, 1996*)
- **improved law on public meetings.**
- **application of the lustration law limited only to mayors of cities.**
- election results to be posted publicly as soon as they are finalized, at all levels. (*Articles 76 through 79 of local election law amended on September 12, 1996*)
- **new formula for allocating television time, without actually changing the law.**
- Withdrawal from election commissions, at all levels, punishable by up to three years' imprisonment. (*Articles 87 of local election law amended on September 12, 1996*)
- extension of the time period between election day and the various deadlines for calling of elections, publication of electoral lists, naming of polling stations and registration of candidates. (*local election law amended on September 12, 1996*)
- **New funding formula for political parties; possibly worse than the original.**
- Opening of polling station to occur one hour before the begin of voting. (*Article 66 of local election law amended on September 12, 1996*)
- Ballot design simplified. (*Article 63 of local election law amended on September 12, 1996*)

OBSERVERS GUIDE FOR THE LOCAL ELECTION LAW

Albanian Local Elections, October 20, 1996

The October 20 local elections represent an important step toward securing democracy in Albania. International observers will help demonstrate the international community's support for Albania's democratization process. They also will play a significant role in aiding international understanding of whether these elections genuinely represent the will of the Albanian electorate. This brief guide describes the basic elements of the election process.

WHAT'S AT STAKE

Albanians will be voting for two levels of local government, roughly conforming to Western models of county and city governments. The county level is called **district**, while the city level is divided into two groups, **municipal** (for urban centers) and **commune** (for more rural areas). In Albania there are 36 districts, 64 municipalities and 300+ communes.

Each level of government is run by a council, headed by a Chairman. Chairmen of the district councils are elected by the council members, not the general public. Commune council chairmen and municipal chairmen (also known Mayors) are directly elected by the public.

VOTING SYSTEM

This election will use a mixed proportional/majoritarian system. All council seats at both levels are distributed proportionally to parties, which use a list system. Mayors are elected directly and must win a majority of the votes

WHO CAN VOTE/WHO CAN RUN

Every Albanian citizen who is eighteen years of age is entitled to vote, as long as he/she has not been deprived of this right because of a criminal legal proceeding.

Every person eligible to vote can run for office with one exception. Candidates for Chairman of Municipal councils must satisfy conditions laid out by the anti-genocide law, which states that high officials of the previous communist state are barred from running for this office until the year 2002.

VOTER LISTS

Because Albania does not maintain a permanent voter list, the State Secretariat for Local Government must recreate the list for every election. Voter lists are drawn up by municipal and commune authorities and are then confirmed by the Prefecture (a regional arm of the national government). Voters have the right to request a correction in the list up to 48 hours

before election day by applying to the municipal or local authorities. The list is a public document, available to political parties for a fee.

ELECTION COMMISSIONS

There are three levels of election commissions: central, zone and polling station. Commissions are independent bodies carrying out a state, not political, function. During the election, commission members enjoy immunity. Each commission consists of a Chairman, a Vice-chairman and a Secretary, one representative of each party running candidates in the zone, and one non-party member if the commission has an even number of members.

The **Central Election Commission (CEC)** is a permanent body, exercising its function for a seven year period. The Chairman and Secretary of the CEC are appointed by the Council of Ministers. The Vice-chairman, who enjoys equal juridical status with the Chairman, is a representative of the largest opposition party. The seats of the members of the commission are split equally between the governing party (including any coalition members) and the opposition. Within this division, seats are apportioned according the results parties achieved during the last local elections.

The CEC oversees the entire election process, including the activities of zone and polling station commissions. It reviews complaints, controls registration of candidates and sets rules for procedures not expressly covered in the election law. It also provides credentials for international and domestic observers and announces official results of the vote.

Every election zone (district, municipality and commune) has a **zone election commission**. Its composition is as outlined above, with the difference that the Chairman and Vice-chairman are appointed by the CEC and the Secretary and non-party member are appointed by the Prefect. As with other commissions, the Vice-chairman is a representative of the largest opposition party.

The zone commissions oversee the work of the polling station commissions (while the district commissions oversee the work of the municipal and commune commissions). Zone commissions register and announce candidates and adjudicate problems with the voter list. They also tabulate votes, based on counts provided by the polling station commissions. Other functions include reviewing complaints and organizing run-offs, when necessary.

Each polling station is run by a **polling station election commission**. This body is composed of the same officers and members as are found in the other commissions. The Chairman and Vice-chairman are appointed by the municipal or commune commission, while the Secretary and non-party member are appointed by the Prefect.

Polling station commissions oversee the election process within the polling station. They are responsible for the orderly, legal conduct of the voting process. They also count ballots, prepare the official protocols for the zone commissions and administer the complaint process at the local level.

BALLOT

There are three different ballots in use for these elections: 1) one for the Mayor (of municipality or commune); 2) one for the council itself; and 3) one for the district council. The ballot for Mayor will include the names of the candidates and the parties they belong to. The municipal/commune council ballot will show party names and symbols and the names of any independent candidates. The ballot for the district councils will show party names and symbols and the names of any independent candidates. Candidates and parties are listed on the ballots in alphabetical order.

POLLING STATION PROCEDURES

Opening: The polling station commission begins work at 7:00 am by checking the ballot box to be sure it is empty. The box is then closed and sealed, using the seal of the polling station. The Chairman of the commission in the presence of the other commission members, stamps all the ballots. The total number of ballots is then written down on the protocol. All ballots are then signed by the commission officers.

Voting: Voting begins at 8:00 am and ends at 9:00 pm. Voters cast their ballots in order of their appearance at the polling center. Voters must identify themselves using an internal passport, international passport, military card or voting certificate. All ID documents must be accompanied by a photograph.

Each polling station must have a booth that provides for secrecy of the ballot. No extra ballots are allowed in the booth. The commission desk is placed so that commission members and observers are able to oversee voting activities. The ballot box or boxes are placed so that they are visible to all present. No one, including members of the commission, is allowed in the booth, unless a voter is unable to follow the procedures him/herself. In such cases, the voter selects one member of the commission to accompany him/her. Voting outside the booth is prohibited. If it occurs, the commission tears up the ballot and issues the voter a second one.

Police are not allowed in the polling station, except when called in to restore order. The Chairman of the commission must get the unanimous consent of the commission to invite the police inside. If unanimity is not reached and the commission feels that intervention is needed, a majority vote of commission members is needed to bring in the police.

Counting: The election commission closes the polling station after all voters present at 9:00 pm have cast their ballots. The commission then counts the number of voters that have cast ballots according to the voter list. The list is placed in an envelope, which is stamped and signed by the chairman and secretary of the commission and any member that wishes to do so. The commission then counts unused ballots, and puts them in an envelope using the same procedure as for the list.

The commission next opens the ballot boxes and a member selected by lot removes the ballots one by one, giving them to the chairman, who declares loudly whether or not the ballot is

valid and to which candidate or party the vote goes. Ballots are shown to all members of the commission and observers. Irregular or spoiled ballots are discussed by the commission, put aside and recorded in the protocols. Ballots may be spoiled by being torn, of a different shape, size or color from other ballots or by having stray marks not related to the voting mark.

After ballots are counted, commission officers must fill out three protocols, one each for the advisors of the commune or municipality, the mayor or commune chairman and the district council. Protocols include the name of the zone and number of the polling station, number of votes casts, results according party and candidate, number of spoiled ballots, etc. All members of the commission must sign the completed protocols, although they have the right to write remarks, including protests, by their names. Each commission member who signs the report has the right to get a copy of it. Two copies of the protocols are sent to the zone commission, along with the ballots (used and unused), the voter lists, etc.

Immediately after calculating the results of the vote, the commission posts results in a visible place outside the polling station.

Votes are tabulated at the zone commissions, which issue the result in the form of a final report. Results are posted in a public place. The reports include all relevant information and are sent to the Central Election Commission within two days.

OBSERVING THE PROCESS

Observers will be fully briefed on arrival in Tirana. On election day, observers will arrive at a polling station in their assigned district by 7:00 am in order to watch the opening procedures. They will then spend the day moving from polling station to polling station, observing the voting process, talking to voters and election commission members and noting any irregularities. Observers should introduce themselves to the election commission of each voting center they visit. It is a good idea to remain at the center long enough to get a feel for how the voting is proceeding there. This can be anywhere from half an hour to an hour. Observers may ask questions, but should not try to police the process. In other words, don't point out irregularities and ask them to be fixed. As they leave, observers should always thank commission officials and say they will be back later.

At the close of voting, observers should find a polling station before 9:00 pm so they may watch the vote count. The count can take as long as three or four hours. Observers should note all procedures and make a copy of final results from the official protocol. If possible, observers should then follow the results to the zone commission to observe the tabulation process.

The day after the election, observers should be back in Tirana by 2:00 PM. The delegation will conduct a debriefing in order to develop a picture of voting patterns around the country. Once a consensus has been reached, a small group of observers will draft a statement. The statement will be issued at a press conference the following day.

APPENDIX F

SHOQATA PER KULTURE DEMOKRATIKE
SOCIETY FOR DEMOCRATIC CULTURE

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Tel: 276 74

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PRESS RELEASE

The electronic media monitoring in these local elections represents the second experience of this kind for the Society for Democratic Culture.

A team of 6 persons of the Society for Democratic Culture in the 26 May elections monitored the electronic media, trying in this way to influence directly the improvement of the independence of the governmental media during the election campaign.

The material SDC published is known now not only from the press conferences it organized on 17 May and 14 June 1996m, but this material was discussed by all the media receiving different comments.

The final material of SDC served to the final report of OSCE as a referral to comment the role of the electronic media in the 26 May election campaign.

SDC repeated the electronic media monitoring for the local elections. The SDC first report on the election campaign coverage was published 10 days after the beginning of this campaign, and expressed a generally positive evaluation about the progress of the campaign in the two TV broadcasts (the TV news at 20:00m, and the program on the election campaign of the different parties), and in the Radio news program at 19:00 hrs.

Today, SDC is presenting its final conclusions regarding the position of state media in the election campaign.

From what we have observed, the election campaign progressed in conformity with the Election Law on the local government elections respectively the articles 42-43.

SDC monitored the media under these aspects:

Quantitative - the duration of the coverage for each political party

— Qualitative - how different technical elements influenced favorably or not the political subjects referring to the quotations and interviews during the information comments.

SDC concludes (see tables)

Conclusion: As regards the duration of the news, TV has respected approximately the law. The interviews have favored the main parties SP and DP, while the quotations have covered all the political parties.

Thus, SDC notes a positive progress towards the impartial coverage of the election campaign by TV. There is room for improvement regarding the broadcasts of different parties (some of them were covered by filmed materials and some were shown only with photographs).

- We think that in this improvement process, beside the election law, the Society has played its own role.

SHOQATA PER KULTURE DEMOKRATIKE

NDARJA E 5 MINUTESHIT ORA 20.00 MIDIS PARTIVE POLITIKE

	PD	PDK	PR	PS	P.Qend.	PBDNJ	PA	PBK	PUK
1	26/9/1996	122							
2	27	92		54			10		
3	28	106		60			16		
4	29	36					24		
5	30	80	20	59	16		16		
6	1/10/96	115	18	31	29		18	21	
7	2	84	15	55			25	22	
8	3	105		77				12	
9	4	135	20	66			33	30	
10	5	125	30	112	12		32	22	
11	6	146		66	23		68	16	
12	7	56	24	78	29		26	23	
13	8	173		91			37	30	20
14	9	176	26	58	27		22	32	
15	10	213		70					
16	11	131	17	86	30		32	32	19
17	12	109	20	79	19			28	
18	13	170	22	69	24		23	23	28
19	14	127	26	67	25		24	24	27
20	15	162	21	81	21		22	24	
21	16	124	26	57	29		34	29	15
22	17	135	20	61	16		20	19	22
23	18	116	29	73	20		22	20	26
	2838	334	404	1450	320	286	418	375	129
									6554

SHOQATA PER KULTURE DEMOKRATIKE

POZITA

54.56%

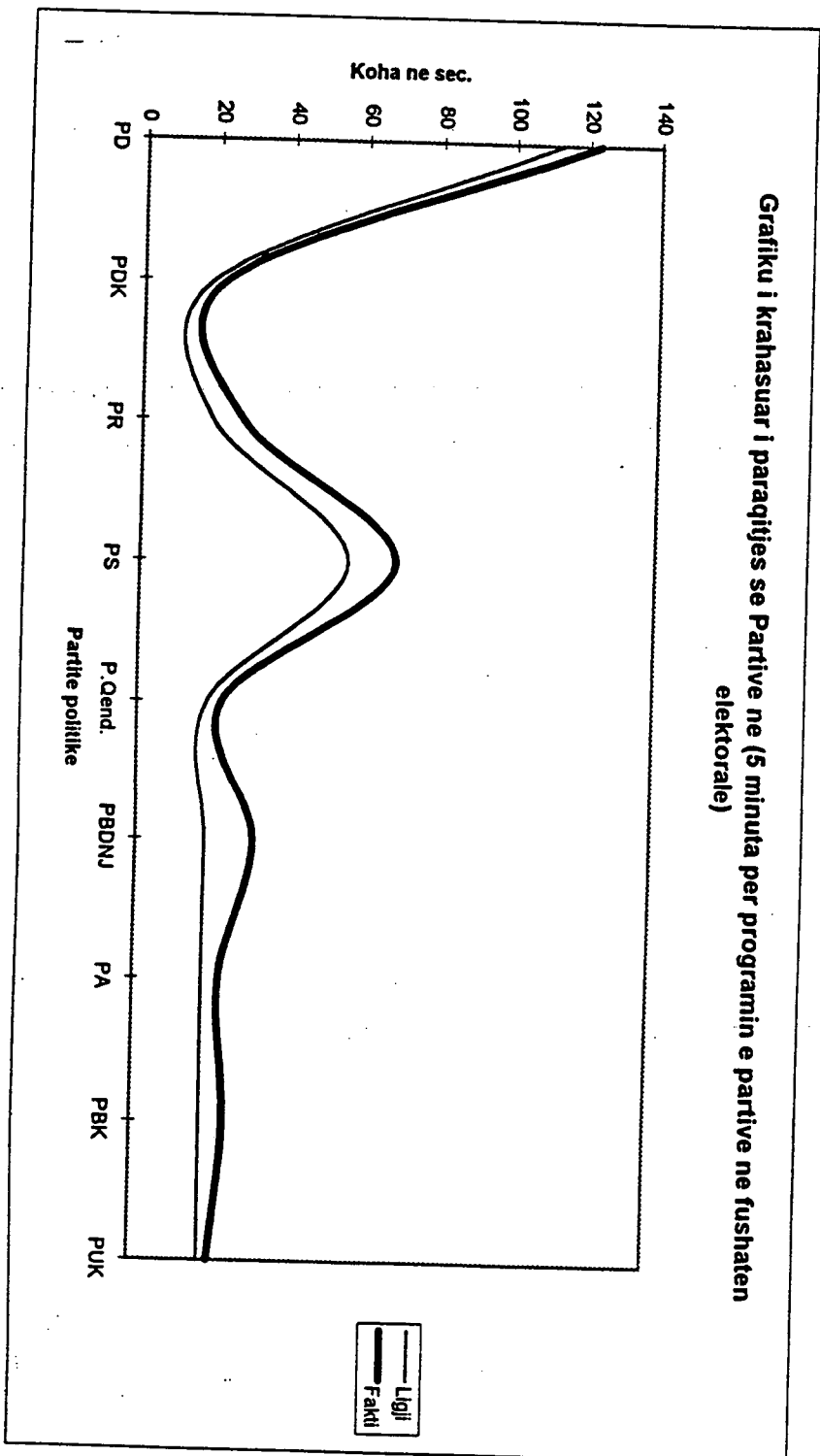
OPOZITA

45.44%

Partite
Ligji
Fakti

PD	PDK	PR	PS	P.QEND.	PBDNJ	PA	PBK	PU
112.5	18.75	18.75	56.25	18.75	18.75	18.75	18.75	18.75
123	22.2	26.9	69.04	22.8	31.7	23.22	25	21.5

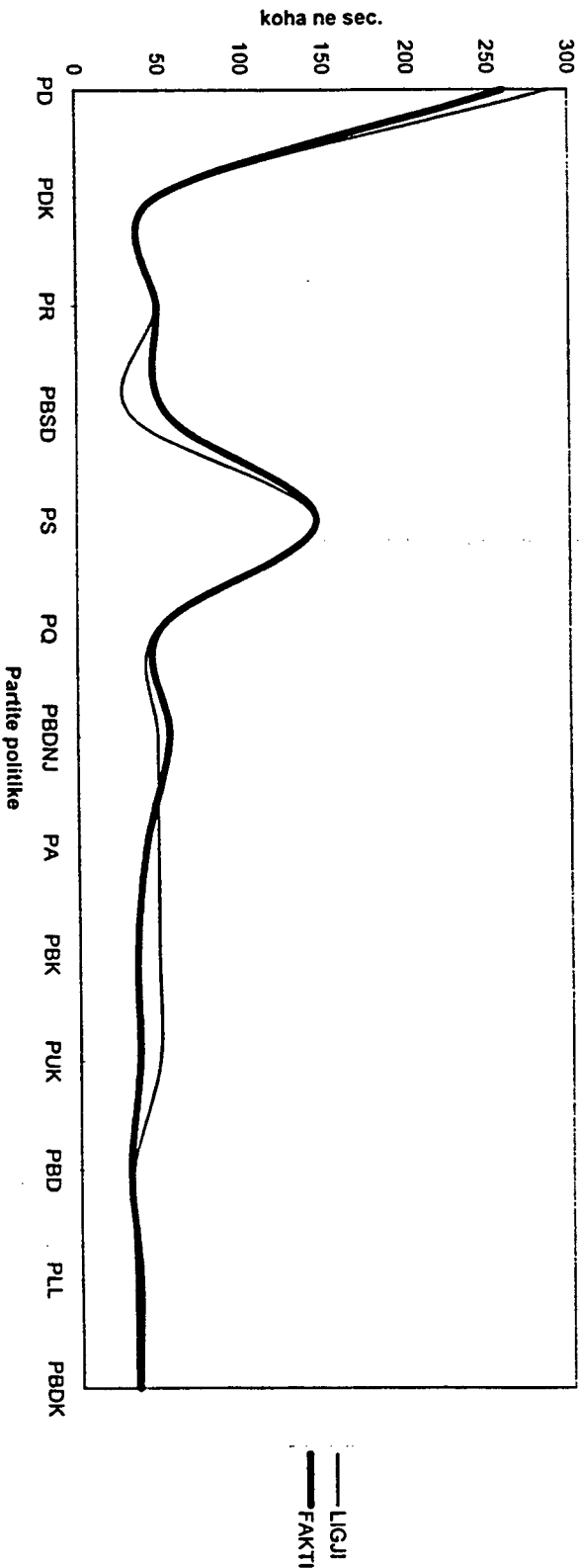
Grafiku i krahasuar i paraqites se Partive ne (5 minuta per programin e partive ne fushaten elektorale)



NDARJJA E KOHES (16 MINUTA PER PROGRAMIN E PARTIVE NE FUSHATEN E ZGJEDHJEVE

	PD	PDK	PR	PBSD	PS	PQ	PBDNJ	PA	PBK	PUK	PBD	PKK	PLL	PBDK
LIGJI	288	48	48	31.99	144	48	48	48	48	48	31.99	32	32	32
FAKTI	260	48.8	48.7	54.57	145	50	55.22	40.9	34.8	35.8	30.07		35	34.2

Grafiku i krahasuar i paraqitjes se Partive ne (16 minuta per programin e partive ne fushaten elektorale ne TVSH ora 22.00)



SHQODATA PER KULTURE DEMOKRATIKE

POZITA

54.96%

OPOZITA

45.04%

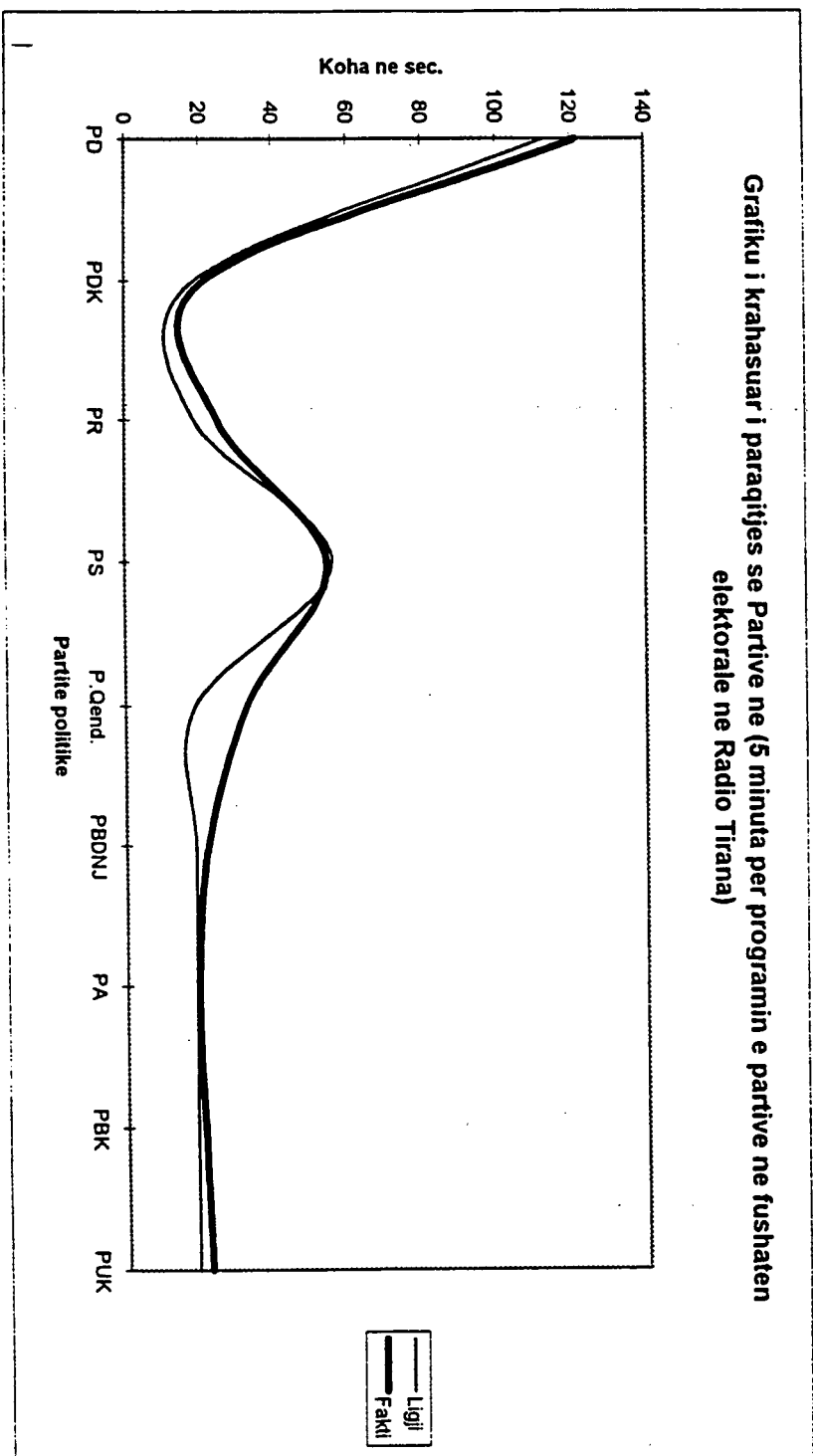
Partite

PD	PDK	PR	PS	P.QEND.	PBDNJ	PA	PBK	PU
112.5	18.75	18.75	56.25	18.75	18.75	18.75	18.75	18.75
121.6	21.28571	25	54.71	32.92857143	22	19.38	20.733	22.143

Ligji

Fakti

Grafiku i krahasuar i paraqites se Partive ne (5 minuta per programin e partive ne fushaten elektorale ne Radio Tirana)



APPENDIX G



REF.OD/42/96
12 June 1996
ENGLISH ONLY

ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

OBSERVATION OF THE PARLIAMENTARY ELECTIONS HELD IN THE REPUBLIC OF ALBANIA

MAY 26 and JUNE 2, 1996

I. INTRODUCTION

The Office for Democratic Institutions and Human Rights (ODIHR) dispatched three representatives to Albania in late April to serve as long-term observers for the Albanian Parliamentary Elections on May 26. They included the On Site Co-ordinator, Mr. Anders Eriksson (Sweden), Eugenio Polizzi (Italy) and Mark Power-Stevens (United Kingdom). The ODIHR representatives observed the pre-election process and the first round of balloting during the period April 25 - May 29, 1996. This report focuses primarily on the first round of balloting. However, ODIHR did maintain a limited presence in Albania for the second round run-off elections on June 2nd.

Upon arrival in Albania, ODIHR representatives established contact with the Ministry for Foreign Affairs, the Central Election Commission (CEC), the Ministry for Local Government, the Verification Commission, a number of prefectures, all major political parties, Embassies of OSCE participating States, and domestic and international non-governmental organisations. According to their terms of reference as outlined in the OSCE / ODIHR election observation framework document, ODIHR representatives monitored the pre-election period and facilitated the accreditation and deployment of approximately 50 short-term observers.

Short-term observers represented 11 OSCE participating States including Canada, Denmark, Germany, Greece, Italy, Netherlands, Norway, the former Yugoslav Republic of Macedonia, Sweden, Switzerland, and the United Kingdom.

The short-term observers arrived in Tirana 3-7 days before election day. Some of the short-term observers were utilised for observing rallies and other pre-election events.

ODIHR representatives organised a thorough briefing session for all short-term observers. Also participating in the briefings were observers deployed by the Embassy of the United States, the European Community Monitoring Mission (ECMM), British Helsinki Human Rights Group, and representatives of the Sanctions Assistance Mission (SAM).

Observers were deployed to 18 different areas of the country including the capital Tirana, covering more than half of the 115 election zones. The teams visited more than 300 polling stations during the election day, which corresponds to approximately 7% of the total number of polling stations. They covered also the counting process in at least one polling station per team.

The embassies of participating States assisted with logistical support by providing many of the cars and interpreters.

All observation teams returned to Tirana to participate in a de-briefing seminar on Monday May 27, where they reported on their findings.

In accordance with the framework document, a post-election statement was published in Vienna on May 29, 1996, after first having informed the Chairman in Office. The statement was circulated to all delegations.

I.i Conclusions of the Observation

The conclusion of the observer mission was that in many instances the implementation of the election law failed to meet its own criteria. More specifically, 32 articles out of 79 dealing with the pre-election period and election day were violated. They include articles 4, 13, 16, 19, 21, 22, 28, 29, 31, 32, 36, 37, 38, 39, 40, 44, 48, 51, 53, 56, 57, 60, 63, 64, 66, 68, 70, 71, 72, 73, 74, and 75.

In reference to the OSCE election related commitments, five out of nine articles under paragraph 7 of the Copenhagen Document were not met including 7.4, 7.5, 7.6, 7.7, 7.8. Article 8 dealing with both domestic and international observers was not fully met.

Lii ODIHR/OSCE Pre-Election Assessment, March 1996

As a result of an ODIHR pre-election assessment mission undertaken to Albania in March a number of positive aspects in Albania's election laws were specifically cited. These included the participation of political parties on election commissions at all levels and access to the voting day process by foreign and domestic observers. All political parties represented in the polling station commission have the right to have a copy of the official record of the final results. Voter lists are open for public scrutiny thirty days before election day, and it is possible for the voters to correct errors in the voter registration lists.

Other positive aspects include the right of parties and citizens to hold public meetings and the inclusion of penalties for voter fraud. The election law also protects the right of candidates and parties to campaign freely in the media either through allotted time slots or paid advertising. The parties are also, to some extent, financed by the authorities during the election.

These measures were cited as enhancing public confidence in the integrity of the process, but only as long as the law was administered accordingly. However, while these positive aspects in Albania's election law were cited, it should be noted that the administration of the election seriously departed from the election law. Some practices observed cannot be considered in line with either Albania's Election Law or the OSCE election-related commitments.

I.iii Official Co-operation with the OSCE/ODIHR Observer Mission

ODIHR regrets that the level of official co-operation offered to its representatives by the various election and government authorities was of such a limited nature. Requested meetings were often cancelled and the failure of the authorities to provide information at all, or in a timely manner, presented an obstruction to the work of the observation mission. The accreditation of some observers was delayed until the day before the election causing problems to the original deployment plans.

The CEC claimed to be unable to furnish the observation mission with clear information relating to the addresses of polling stations. Failure to supply such basic and vital information to the observer mission could only be interpreted as either a failure to cooperate with observers or as a lack of central authority and organisation within the CEC.

II. PRE-ELECTION PROCESS

The announcement by the President of an election date at the last possible moment for compliance with the establishment of a Central Election Commission "no later than 45 days before the election day", as cited in the election law, had a detrimental effect on the pre-election process. By allowing just 45 days for all the electoral arrangements, it was noted that many of the deadlines in the law were missed and many procedures were not properly followed due to the severe time constraints.

II.i The New Election Law and Redistricting of Election Zones

Albania's new election law divides the election map into 115 zones (constituencies), to be determined by the President no later than 45 days before election day. The new election law increases the number of single mandate districts to be decided by majority vote from 100 to 115. One deputy is elected from each constituency. To be successful in the first round of voting a candidate must secure 50% plus one vote. If no candidate manages this then a second round is scheduled to take place one week later involving the two top candidates from the first round. At this stage simple majority will suffice. At the same time the new law reduces the number of proportional seats, with the whole country as one constituency, from 40 to 25.

New election zone boundaries had to be drawn in conformity with the new law. In order to establish 15 new zones and still maintain an equal number of voters in each zone, redistricting should have ensured approximately 18,000 voters in each zone. However, the size of the electorate in the newly established zones ranged from 12,000 to 27,000. This disparity is too wide to ensure the same weight for all casted votes.

The new zones were approved by the President in a very non-transparent manner and without public discussion or consultation with opposition political parties, and it is impossible to establish if redefinition was elaborated by taking into account some politically neutral criteria or in a selective and biased manner.

In addition, 45 days is a short period of time for the political parties to adjust to the newly established zones. The delimitation of the new zones should have been made public earlier, and the process of establishing the new zones more inclusive and transparent.

Potential candidates need to collect " a list signed by no less than 400 voters in the respective zone, which support the candidate in the zone." For political parties nominating candidates in all 115 zones, this requires 46,000 signatures. When the zones are not delineated until 45 days in advance of the election, this places undue burden on parties to nominate and register candidates.

II.ii Establishment of Election Commissions

The election administration in Albania is divided into three levels; the central Election Commission (CEC) which is appointed no later than 45 days prior to the election day; 115 zone commissions which shall be established no later than 30 days before the election day; 4703 polling stations commissions which shall be established no later than 25 days before election day. In total, the number of officials needed to implement the election according to the law exceeded 50,000 people.

The establishment of the CEC just 45 days before the election made it very difficult to identify election officials, and still meet the deadlines contained in the law pertaining to the establishment of election commissions at the zone and polling station level. According to observers, it seemed that the CEC was overloaded by the administrative task of organising the election in such a short time period.

In addition to the observers opinion that the CEC was faced with an administrative overload, it also seemed to lack authority. This came to light with the failure of certain Zone Commissions to issue domestic observers with accreditation in three areas of the country including the capital Tirana. This occurred despite the CEC's claim that they issued a decision granting the accreditation of all domestic observers. The last-minute denial of accreditation to domestic observers at the Zone Commission level did not assist confidence in the election process.

In another incident a candidate in Sarande was refused permission to stand in the election by the Zone Commission despite written confirmation from the CEC and Constitutional Court that she was clear to stand.

II.iii

The Verification Committee

The Verification Committee was established to review the communist era police files for all persons nominated as candidates according to the laws "On Genocide and crimes Against Humanity" and "On the Control of the Figure of Officials", numbers 8001 and 8043 respectively. Persons implicated by these laws are barred from holding public office until the year 2005.

The Verification Committee recommended the disqualification of approximately 200 people as candidates in the election. Most disqualifications were made under article 2C, relating to those persons registered in the list of Segurimi (former Secret Police) as past informers. Some 60 persons appealed to the Court of Cassation and nine appeals were upheld. All others were rejected.

The manner in which potential candidates were disqualified contradicts article 7.5 of the Copenhagen Document guaranteeing to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination".

The laws concerning the restriction for candidates to run for the Parliament contain particular areas of concern:

- six out of seven members of the committee are appointed by the government, which raises questions about the impartiality of members of the commission;
- there is concern that a government appointed committee may determine which candidate records to scrutinize in a selective manner, whereas the law could be applied in a uniform manner where the past records of all candidates are scrutinised;
- the decisions in the committee are taken by majority vote, which raises the question that the committee may be serving in a semi-judicial capacity, while Constitutional articles ban the creation of special courts;
- all meetings were held behind closed doors;
- the time was too short between the decision of the court and the election day, and could have left insufficient time for disqualified candidates to make an appeal.

II.iv

Participation of Political Parties

While the banning of candidates by the Verification Committee did place an extra burden on political parties in the election, and is an issue of concern for individual human rights, none of the parties complained that this caused insurmountable problems for their participation in the process.

Some 24 parties fielded candidates in the election. Under Article 15 of the Law however not all those were able to submit a list for the 25 proportional seats which is limited to those parties which have fielded candidates in not less than 38 election zones and in 12 districts of the country.

Some of the smaller parties did complain about their exclusion from the proportional lists. The CEC stated that in these instances the lists were not submitted 30 days before the election day as stipulated in Article 15.

II.v Registration of Candidates

According to the law all candidates shall register their candidature to the commission of the electoral zone. The CEC shall announce the name and political party of the candidates no later than 25 days before election day.

This criteria was not fulfilled. According to the CEC the reason for this was some late appeals to the Cassation Court from disqualified candidates. The candidates were under investigation according to the Lustration law. However, despite the late publication of the final lists the electorate had the opportunity to see the lists sufficiently prior to the election day.

A more serious issue raised by observers was that according to Article 19 of the Election Law, some persons including heads of organs dealing with public order and the National Information Service must leave their jobs 25 days before the election day if they are registered as candidates for parliament. Persons subject to this article were still active in their capacities throughout the election process despite the fact they were running as candidates.

The president was also a candidate on the proportional list which is not in accordance with the Albanian constitution. A cornerstone in building public confidence in the electoral process is that all official persons act according to the laws of the country.

II.vi Voter Register

The voter register is to be made public no later than 30 days before election day. All Albanian citizens who have reached the age of 18 on election day have the right to vote, although there are some exceptions for persons in legal detention and the mentally ill. There is no provision for Albanian citizens to vote abroad.

According to observation findings, many lists were not published in time and there was widespread concern over the accuracy of the voter register. The voter register contained people already deceased, those who had not yet reached 18 years of age and sometimes the same name appeared on more than one list.

These problems are even more disturbing considering the fact that ODIHR representatives were assured in March by representatives of the Ministry for Local Government that the lists would be accurate, were in the process of being computerised, and that local government bodies were in communication to ensure that no one appears on more than one voter list.

Those responsible for the voter list at the local level are the mayor and the secretary of the respective council. Publicly posted lists were not always legible so that voters were not ensured of their right to view the voter list. Some of the lists were written by hand, and in some cases they were sun-bleached. Yet observers were informed that in some instances, including in Tirana, local officials failed or refused to rectify such problems.

The accuracy and public display of the voter register is a crucial aspect of any election system, and it is therefore of great importance that problems related to the processing and posting of the register are corrected in the future.

II.vii Voter Education

Voter education consisted of a limited TV campaign organised by the government and a poster campaign urging people to vote organised by an Albanian NGO. The TV voter education consisted of a reading of the electoral law in a dry and legalistic manner. Some additional information about how to use the ballot papers was also broadcast. The Albanian NGO had a small scale poster campaign urging the people to cast their vote in the election.

The lack of any further voter education campaign was regrettable. No posters or information material were available inside or outside the polling station. The ballot paper was split into two parts, the left side for the single mandate seat and the right side for the proportional seats. This created some confusion among the voters, and led to a high number of invalid ballots. This also served to slow down the voting process on election day.

In the future it is necessary to explain in detail to the electorate how to use the ballot paper. The invalidation of ballots due to simple error in marking the ballot is unfortunate for the individuals concerned who waited in long lines to cast their ballots.

III. THE CAMPAIGN

OSCE Copenhagen Commitment 7.7 permits "political campaigning to be conducted in a fair and free atmosphere". However, observers following the campaign felt that the authorities did not uphold this commitment.

Opposition parties seemed to be consistently banned from holding outdoor meetings, particularly in large towns. In Tirana, opposition parties requested and were denied permission for a rally in the central Skanderbeg square, whereas the ruling party was permitted to hold its May 24 rally in the central square.

Official explanations ranged from the possibility that opposition parties would not have enough supporters at their rally to justify closing the main square, to the view that the Ruling Party rally was not political but a concert, or to the fact that it was not a political rally but a Presidential address.

IIIi Display of Democratic Party Posters on Government Buildings

With very few exceptions only posters and banners from the ruling party were displayed publicly during the campaign. Even on government ministry buildings in central Tirana, the ruling Democratic Party were allowed to place their campaign posters. These posters remained on the building in the week leading up to the election and on election day. In addition, the Democratic Party hung a huge banner in the central Skanderbeg square which was left hanging on election day.

IIIii Police Intimidation at Opposition Rallies

In Rreshen and Lezhe, observers witnessed that space allotted to PS rallies were in both cases too small to hold all the party supporters. Police were heavily present at the gate of the venue, and their behaviour was not discrete. Buildings granted for opposition rallies were often too small for the number of people wishing to attend, which in turn was stated as a justification for a massive police presence to maintain order.

In some instances observers reported seeing cars carrying candidates and supporters of opposition parties intercepted on their way to campaign events. For example, on May 18 Socialist Party supporters and candidates were stopped by a police-checkpoint on the Shkoder road behind which some supporters from the ruling party had blocked the road with a lorry. They were stopped because a rally at the local stadium in Shkoder, for which the SP had been granted permission by police on May 6, had been cancelled by the authorities at the last minute without prior notification. The police didn't stop the supporters from the ruling party from blocking the road and did not remove the lorry.

A second incident was witnessed by observers one week prior to election day. Supporters of the ruling party blocked the road entering Vlore, preventing cars from going to a Socialist Party rally. The observers noted that the police stood to one side and did not intervene to clear the road. Upon questioning those blocking the road claimed that this was a spontaneous protest by the people of Vlore against the SP. The observers noted, however, that many of those present had prepared banners against the SP and many of the vehicles had Tirana license plates.

The intimidating presence of police at opposition rallies, combined with police failure to prevent DP supporters from blocking roads and thus preventing opposition supporters from attending rallies, added to the close identification of the government and its security apparatus with the ruling party. This was felt by observers to create an air of intimidation of opposition parties as well as undue influence on voters. It also compromises OSCE commitment 5.4 which calls for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."

III.iv Media

The Society for Democratic Culture, an Albanian non-partisan civic organisation, employed internationally accepted methodology for measuring television time and content during the campaign. The SDC concluded that TV coverage of the parties respected the election law in its allotment of time to the various parties. However the SDC also stated that the extensive coverage afforded to the President and the government represented overwhelming de facto coverage and promotion of the Democratic Party. They also noted that the method of coverage of the DP was also likely to favour them. The SDC cited concern with the order that news reports were presented, and the tendency to allow representatives from the ruling party to read their own statements rather than using a journalist.

IV. THE ELECTION DAY

IV.i Opening of the Polling Stations

The observers followed the opening of the poll at 7:00. Observers noted that based on their experiences, polling station commissions had not been fully constituted even by the morning of the election and the commission had not met before election day. Despite these problems, polling stations generally opened on time.

At the opening of the polls, many observers reported a tense environment as party representatives on the commission seemed very insecure as to whether or not they would be permitted to assist in the election process or even to remain on the commission. In Tirana, a woman accredited as a party observer for the Agrarian Party informed observers that the Chairman of the Commission had told her she must leave. Also in Tirana, many polling stations were only supplied with three chairs. A party representative for the Democratic Alliance was arrested and detained for requesting a chair.

The sealing of the ballot box was also observed. A plastic material and a string together with the official stamp was used to seal the boxes. The plastic seal did not seem to be very secure, and observers noted that in some polling stations the seal seemed to have been tampered with and physically altered during the day. In Lezhe, observers noted several unsealed ballot boxes, and in Pogradec and Kukes there were observer reports that the ballot boxes were not properly sealed.

IV.ii Polling Station Commissions

According to the election law, multi-party commissions administer the voting in the polling stations. The polling station commission is composed of equals, representing a government appointed Chairman and Secretary, and one member representing each political party or electoral grouping that has candidates in the zone. Issues of contention are supposed to be resolved by a majority vote of the polling station commission. However, observers noted serious departures from the law in the manner that polling station commissions were functioning. They appeared multi-party commissions in name only, but not in substance. This is a clear violation of the election law.

An extra non party person is appointed by the Prefect if the total number in the commission is even, to serve as the tie breaking vote. There were consistent reports that this so-called independent person was appointed, and playing a key role in the administration of the election, regardless of whether or not the commission had an even or odd number.

The lack of information and training provided to the polling station commission caused problems during the poll. Only the Chairman and the Secretary received instruction by the election authorities, which of course gave them an additional authority over the party representatives on the commissions.

Moreover, observers noted in several polling stations that it was impossible to speak with party representatives in the commission. The chairman in the polling station explained to the observers that they were not allowed to talk with the party representatives. No reason for the refusal was given. In other instances, party representatives couldn't give a proper answer when asked which party they represented.

IV.iii Layout of Polling Stations

Nearly all polling station visited by observers were not set up according to the law. Observers noted a consistent pattern whereby the government appointed members played the key role in processing voters and administering the election. The party representatives were in most instances given no role in the process and they were physically seated at a distance from the table where voters were processed. Greater confidence could have been instilled in the process if those administering the election had been seated in the middle of the room, in full view of party representatives and observers.

Many of the polling station visited were too small and not properly arranged. In some cases the polling booth was placed in a way that it was possible to look into it. In most polling station there was only one polling booth which led to long queues both inside and outside the polling station. In the future the polling stations with many voters must be rearranged to facilitate and speed up the voting process.

The ballot design, whereby voters mark a line through all deselected candidates and parties on the list, leaving only the selected candidate or party unmarked, is a cumbersome and time consuming process which contributed to the long queues.

IV.iv Lack of Official Protocols

A major issue of contention as the polling stations opened was the fact that the election authorities had failed to supply each polling station with the necessary number of final result sheets (protocols), permitting each polling station commissioner to have an official copy of the results. The fact that these documents had been supplied in grossly insufficient numbers contributed to undermine confidence in the process among the political parties.

While the election authorities could not explain why so few protocols had been delivered to the polling stations, in clear violation to the law, they did claim that photocopies of the protocols had been found in the possession of opposition supporters. Opposition parties claimed they had photocopied the official result sheet to ensure that their representatives

would have a copy.

In order to protect the integrity of the system from this supposed threat, a representative of the Central Election Commission went on television at mid-day to announce a massive logistical effort of resupplying each polling station in the country with protocols printed in a different colour. Observers failed to see how the photocopied protocols could have been used to jeopardize the integrity of the system by creating incorrect and false results. Despite the issuance of new protocols they were still delivered in insufficient numbers and not to all polling stations. Observers noted that some polling commissions were uninformed about the issuance of the new protocols.

IV.v Maintenance of the Voter Register

The accuracy and proper keeping of the voter register did not seem to meet the standards prescribed by the law. In many cases the number of ballots cast exceeded the number of signatures on the voter register. During the count, observers noted the changing of the registers to bring into line with the number of ballots in the ballot box.

Observers reported that in some polling stations the reconciliation process, comparing the number of voters on the register to the number of ballots in the ballot box, never took place. The reconciliation process is the first crucial step in the counting process and serves as the basis for the entire vote count.

Observers noted that some Polling Station Commissions claimed that the voter turnout was far higher than indicated by the number of signatures on the voter register. In the Peshkopi area a team noted at about 4 pm that polling station commissioners were claiming that all voters had voted despite the fact that the register contained virtually no signatures.

IV.vi Proxy Voting

Several teams reported people voting with several ballot papers and in many cases family voting was a rule and not an exception. Family voting can to some extent be understood in countries with short voting traditions. It could under no circumstances be accepted when polling officials issue several ballot papers to one single voter, as observed frequently on election day.

IV.vii Security Personnel

Many observers reported a large police presence, both inside and outside polling stations. This was particularly noted in Berat and Lushnje, where police appeared to be playing an active role in the running of polling stations. In some cases the police even took part in the counting process.

At a number of polling stations, including Tirana, Berat and Kukes, observers saw unidentified persons and armed civilians. They were often playing an active role in the process, and locals identified them as secret police. In Kukove, the chief of the Prison Service was touring polling stations on election day.

In Korce and Berat, police followed observers. In Tirana, an unidentified person in civilian clothes blocked observers from entering a polling station.

IV.viii Extended Hours of Voting

The opening hours were extended from 8:00pm to 10:00pm by a Presidential decree on polling day. The message was communicated to most polling stations during the day but some of the stations didn't receive the message. The extension of the opening hours had no general impact on the outcome of the election, but it is not good for the credibility of the election process to change the conditions on election day.

V. THE VOTE COUNT

The general impression of most observers is that the counting process was not carried out in an orderly and secure manner, or according to the election law. In some instances observers noted manipulation of the results. Decisions were made in an arbitrary manner by the government appointed Chairman.

In many instances polling commission officials did not appear to understand the regulations for the counting procedure. Observers reported that contrary to the law, the entire ballot was often invalidated even if just one half of the ballot was filled incorrectly. Also, many polling station commissions had disagreements over what constituted an invalid ballot.

There were consistent reports from observers that invalid ballots were not properly identified in a uniform manner, or appropriately segregated. There were also widespread reports of the alteration of ballots cast for opposition parties to make them invalid. The huge number of invalid ballots registered in this election process is not satisfactory. In most cases the majority of the invalid ballots were cast for one of the opposition parties.

Examples of irregularities in the counting process include:

In Berat an observer team noted that the turnout in one polling station was 105%. In another polling station there were too few signatures in the voter register compared with the number of ballots in the ballot box. Extra signatures were added to the voter register in the presence of observers. In Berat an observers team was advised to leave the polling station during the vote count.

In Lushnje a polling station closed at noon. In another polling station, 942 ballot papers were in the ballot box, but there were only 880 signatures on the voter register.

In Fier, one polling station closed at 7:00pm reporting a 100% turnout, but observers reported voters still turning up only to be turned away. In another polling station, the same scenario was reported at 8:00pm.

In one polling station in Gjirokaster it was observed that the votes for one major opposition party were counted for the ruling party. In another polling station in Gjirokaster, Socialist Party voters were included for the Democratic Party, giving the DP a majority. After checking

by observers it was noted that while the official count for the SP was 157 votes out of 404 valid, observers counted 170 SP votes just checking half the pile.

In Kukes, an observer who understands Albanian overheard the chairman of a polling station phoning somebody to apologise for not being able to 'deliver the required result' due to the presence of international observers. Other observers noted that ballot boxes were not properly sealed and there were security police inside the polling station.

In Kucove an observer team noted the presence of pre-filled ballot papers as well as the bunching of votes in the ballot box when the box was emptied for the counting process. It was noted that these voters were all for the ruling party. Also in Kucove an interpreter was advised by police not to interpret anything for the observers during the vote count.

In Korce, an observer team noted 90 invalid ballots during the count. Forty five were for the Socialist Party and forty five were for other opposition parties. No invalid ballots had been recorded for the ruling Democratic Party.

In Pogradec observers noted the clear invalidation of opposition party ballots with some 30% of the total number of votes being deemed invalid. It was also consistently noted that opposition party votes were placed with invalid votes. Also in Pogradec, marks on the ballot papers causing them to be invalidated were marked in a different colour ink than appropriate marks on the rest of the ballot.

In Tirana, it was noted that the polling commissions did not clearly understand regulations pertaining to invalid ballots. In one instance the polling commission was invalidating entire ballots in cases where only half the ballot was actually invalid. In another instance, there was no separation of valid and invalid ballot papers during the count. The number of invalid ballot papers were recorded only after observers requested to know the number of invalid ballots. Polling officials registered 8 invalid ballots in this particular polling station, whereas observers counted 80.

THE SECOND ROUND

The second round of the Albanian Parliamentary elections took place on Sunday, June 2nd. Second round balloting occurred in nine zones where a candidate failed to receive more than 50 percent of the vote in the first round. The two candidates with the highest number of votes from the first round balloting proceed to the second round.

Based on a limited assessment of the second round, the overall conduct of the election was greatly improved when compared to the first round. The observers noted that voter identification was checked and cross referenced with the voter register, voter identifications were stamped after the voter had signed off the list, and that voters were able to cast a secret ballot in an orderly environment. Certain minor irregularities were reported.

Observers present for the second round noted that it was important to assess the second round of the election in the overall context of the whole election process, and therefore considered that the second round took place in an already compromised election process.

VII. RECOMMENDATIONS

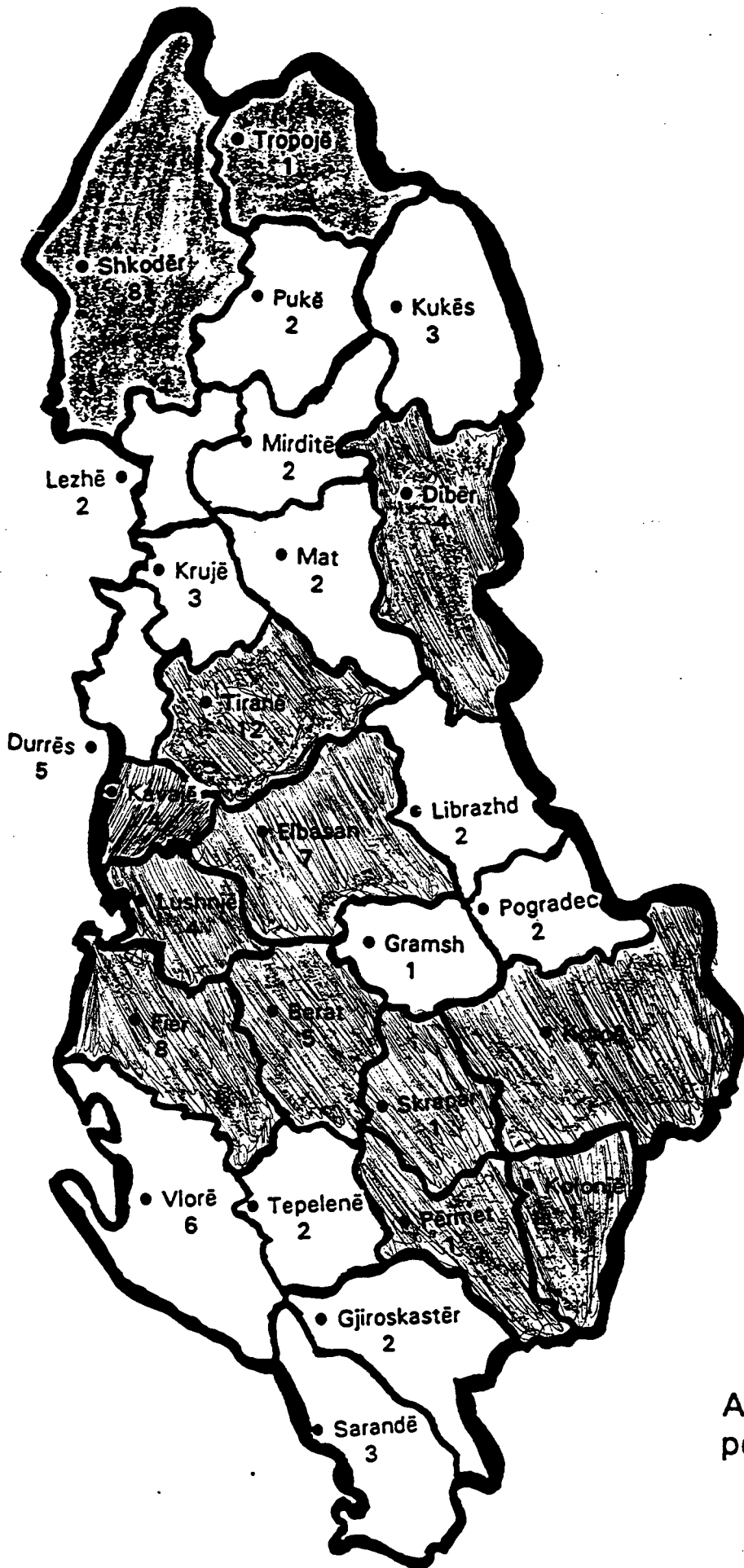
The following recommendations were made by observers, and include:

- Establishment of a permanent and independent Central Election Commission to create confidence in the administration of the election process among all parties and the electorate;
- Establishment of a more realistic timetable in the election law for election related deadlines. The present time schedule in the existing law is too tight;
- Establishment of a comprehensive voter education program, particularly in light of the large number of invalid ballots;
- Re-designing the ballot papers so that the voter only selects the party or candidate of his/her choice by marking only the party/candidate selected, eliminating the time consuming process of having to draw a line through each party/candidate deselected;
- Establishment of a more inclusive process for amending the electoral map, so that all parties can have greater confidence in this process. The CEC should also be involved in any future amendments to the electoral map, which is not possible under the existing law due to the fact that the Commission is appointed only 45 days prior to election day. The appointment of a permanent Commission would address this problem ;
- Implementation of confidence building measures, such as full co-operation with international observers, accreditation of all domestic observers, the issuance of protocols to polling stations in sufficient numbers and mandatory sealing of ballot boxes;
- Updating the accuracy of the voter register, and improved accessibility of the electorate to the voter register;
- Establishment of a standardized training of all election officials (including party representatives) at all levels of the election administration;
- Placing of more than one polling booth per polling station;
- The responsibilities of police should be more clearly defined with regard to the election process.

APPENDIX H

**NDI International Observer Mission
Deployment Schedule**

<u>Team No.</u>	<u>Deployment Site</u>	<u>Team Members</u>	<u>Departs Tirana</u>
1	Tropoja	Jeremy Rosner Scott Billy	Friday, 2:00 PM
2	Shkoder	Marvin Weissberg Susan McClear	Friday, 4:00 PM
3	Peshkopi	Jorge Rolon Luna Kathryn Gest	Friday, 2:00 PM
4	Tirana	Chet Atkins Tom Melia	N/A
5	Tirana	Tineke Ladders Jonas Rolett	N/A
6	Kavaje	Nils Aurelius Robert Pullen	Friday, 4:00 PM
7	Elbasan	Alicia Allison	Friday, 4:00 PM
8	Lushnje	Rachel Fowler Rich McClear	Friday, 2:00 PM
9	Fier	Peter Kramer Kendall Dwyer	Friday, 2:00 PM
10	Korce	Steve McBride Sue Casey	Friday, 2:00 PM
11	Berat	Ivan Doherty Scott Carlson	Friday, 2:00 PM
12	Ballsh	Michael McShane Stuart Hensel	Friday, 2:00 PM
13	Erseke	Juan Manuel Pasallacqua Lisa Davis	Friday, 2:00 PM
14	Permet	Pol Ham Mark Mullen	Friday, 2:00 PM



ALBANIA
population 3,300,000

APPENDIX I

**NDI
SECOND ROUND DEPLOYMENT
OCTOBER 27, 1996**

TEAM	DISTRICT	OBSERVER
1.	PUKE	Rich McClear Suzy McClear
2.	MAT	Jonas Rolett Beatrice Vansen
3.	POGRADEC	Kendall Dwyer
4.	SKRAPAR	Robert Pulver
5.	PERMET	Mark Mullen
6.	GJIROKASTER	Stuart Hensel