

## STATEMENT\*

### The process of candidate registration, raises questions on the integrity of the upcoming electoral process

On 6 May 2019, KRIIK called upon the Central Election Commission (CEC) to *take a proactive role in ensuring the integrity of all aspects of the electoral process*<sup>1</sup>, in the spirit of the Constitution and of the law. This role is indispensable, given the escalating political crisis and the preparation of the electoral process by unilaterally composed political election management bodies.

The Commissions of Election Administration Zones (CEAZ) are even more important during local elections, as they register candidates and announce the mayor in 51 of the municipalities that match only one election administration zone, while for the rest of the municipalities, this is conducted by the Central Election Commission<sup>2</sup>.

13 May 2019 was the deadline for the registration of candidates for both mayors and municipal councilors, proposed by political parties that are registered as contestants for these elections.

Based on the continuous following of the progress of the electoral process and information received by a number of CEAZs, KRIIK **notes with concern a lack of clarity and of information** on the side of both second level election management bodies and other institutional and political stakeholders **regarding procedures for candidate registration**<sup>3</sup>.

The Election Code envisages that candidates nominated by parties that do not have a mandate, at least, the last six months, in the Assembly of Albania or in the council of the municipality where there are going to stand for election, must present supporting signatures from eligible voters<sup>4</sup>. The candidacy documents must all be submitted at the same time, by the deadline<sup>5</sup>. The law allows for completion of shortcomings in the documentation, but only after the documents are examined and a decision by the relevant election management body has been taken<sup>6</sup>.

At the meeting of 16 May 2019, the Central Election Commission decided to register Mr. Eduart Ndocaj as a candidate for mayor of Lezhë, nominated by the National Conservative Party Albania. Upon consultation of the documentation and contacts made, KRIIK **notes that this decision has been made in violation of the law and relevant procedures**. The documentation replacing the list of supporting signatures for the candidacy of Mr. Ndocaj, specifically, the attestation issued by the Assembly of Albania and the one issued by the Municipal Council of the Municipality of Lezhë, **are incorrect**.

Address:

Rr. "Ymer Kurti",  
Nd.4, H.2, Ap.3,  
Nj.Adm.5,  
Tirana

Mailing address:

P.O.Box. 2396  
Tirana, 1001,  
Albania

The attestation issued by the General Secretary of the Assembly of Albania, with Protocol No. 13, dated 13 May 2019, states that the MP Kujtim Gjuzi, who has taken the oath on 8 May 2019, has declared to represent the electoral subject "National Conservative Party Albania".

The attestation also states that “He has had the mandate for, at least, the last six months, as per the provisions of the Election Code”, which **is not true as, referring to the date of election or the deadline for the registration of candidates**<sup>7</sup>, Mr. Gjuzi would have to have the mandate at least since 30 December 2018<sup>8</sup>.

The attestation issued by the Municipal Council of the Municipality of Lezhë<sup>9</sup>, with Protocol No. 4751/1, dated 13 May 2019, states that “based on the Decision No. 161, dated 3 July 2017, of the Municipal Council of Lezhë, we attest that Mr. Petrit Ndreu is a member of the Municipal Council of Lezhë, proposed by the political subject NCPA (National Conservative Party Albania)”. This is incorrect, as Mr. Ndreu has been elected in the Municipal Council of Lezhë nominated by the Conservative Party (KONS)<sup>10</sup>, **which is a different electoral subject from the National Conservative Party Albania (NCPA)**, formerly the Party “Forca Albania”<sup>11</sup>. On the other hand, from contacts made by KRIIK, **there is no evidence that Mr. Ndreu submitted a written statement at least six months prior**, with the Secretary of the Municipal Council of Lezhë, in which it declares its affiliation to NCPA.

KRIIK also notes that there **is lack of clarity on the procedures and criteria by political parties also**. Besides the National Conservative Party Albania, also the Party “Bindja Demokratike” is noted to have submitted candidacy documents in some CEAZs<sup>12</sup>, without accompanying them with supporting signatures, but on an attestation from the Assembly of Albania in which the MP Andi Përmeti, who has taken the oath on 25 April 2019, has declared to represent the party “Bindja Demokratike”.

Under these conditions, **KRIIK calls upon the Central Election Commission to re-examine and return the process of registration of Mr. Ndocaj as candidate within the legal framework, as well as to take all necessary measures for close and careful supervision of the whole candidate registration process**, especially as conducted by the commissions of election administration zones.

KRIIK also suggests that the CEC inform fully and clearly both the CEAZs and other stakeholders, as well as the public on the procedures and criteria for the registration of candidates, be it through public channels or other channels.

KRIIK calls upon the **General Secretary of the Assembly of Albania to be careful in properly fulfilling the spirit and the letter of the law**. The Election Code sets out clearly that individual mandates of the new MPs cannot be used to replace the supporting signatures for electoral subjects.

Also, KRIIK calls upon the chairs of municipal councils to conclude their mandate with integrity and correctness, by properly fulfilling the requirements of the Election Code and the legal framework.

In conclusion, KRIIK brings into attention that the process of selection and registration of candidates is a crucial moment for local governance, especially with regard to the **quality of candidates, the integrity and morality that they manifest and reflect**, as well as on modalities of their selection, elements that currently are exclusive to the political will and liking of political parties.

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The fulfillment of deadlines, procedures and legal requirements by the latter and their candidates **remains a primary and imperative obligation, and at the same time, very significant.**

**Tirana, 17 May 2019!**

***\* This Statement is published in Albanian and in English.  
The Albanian version is the only official document.***

<sup>1</sup> KRIIK, [Statement](#) "Preserving the impartiality and integrity of the Central Election Commission, vital to the functioning of the democratic state and rule of law", date 06.05.2019.

<sup>2</sup> Municipalities of Shkodër, Lezhë, Durrës, Kamëz, Tiranë, Elbasan, Lushnjë, Fier, Korçë, and Vlorë. Article 67 of the Election Code "The list of candidates of parties and party coalitions", paragraph 1 "...For elections for local government bodies, the candidate for mayor of the local government unit and the list of candidates for local councils are registered with the CEAZ that has jurisdiction over that local government unit by the deadline set forth in this point. The CEAZ submits a copy of the list to the CEC within 48 hours", and paragraph 3 "Pursuant to the second paragraph of point 1 and the second paragraph of point 2 of this article, the candidate for mayor and the lists for the municipal council which territory is not subject to a single CEAZ are registered with the CEC".

<sup>3</sup> According to information received by CEAZs, the CEC has recommended them to avoid decision-making regarding candidate registration until receiving an authorization from the CEC, being that the latter is verifying candidates' decriminalization forms. In the meantime, some CEAZs have returned the registration documents of some subjects after noting shortcomings.

<sup>4</sup> Article 68 of the Election Code "Supporting lists of political parties and coalitions", paragraph 2: "Candidates for the bodies of local government units, presented by political parties that do not have any seats in the Assembly or in the bodies of the respective local government units, shall be supported by no less than 1 per cent of the voters of that unit, but, in any case, by no more than 3,000 and no fewer than 50 voters. This rule does not apply to coalitions where the participating parties together hold a number of seats in the Assembly, or in the respective municipal council, not smaller than the number of parties participating in the coalition", and paragraph 3 "For the purpose of this article, the political party or the coalition submits a written attestation issued by the Assembly or the local government unit, certifying the holding of a seat for at least the last 6 months."

<sup>5</sup> Article 72 of the Election Code "Candidacy documents", paragraph 1 "Candidacy documents shall be in compliance with the requirements of this Code and in the format specified in CEC instructions."

<sup>6</sup> Article 73 of the Election Code "Verification of documentation", paragraph 1 "The CEC or, depending on the case, the CEAZ, verifies the regularity of candidacy documentation and, in case of irregularities or non-compliance with the requirements of this Code, returns them to the electoral subjects for correction no later than 45 days before the election date."

<sup>7</sup> Central Election Commission, Discussions in interpretation of this provision, aiming to address the Decision No. 44, date 17.02.2017 "For some additions and amendments to the Instruction No. 2, date 29.01.2013 "For setting the rules for the submission and verification of candidacy documents and deadlines for the publication of the lists of candidates".

Central Election Commission, Decision No. 284, date 05.05.2017 "For the approval of the multi-names list of the Party "Lista e Barabartë" for the elections for the Assembly of Albania of 2017", based on the supporting signatures list of 9,140 valid signatures, while the Party "Lista e Barabartë" (Libra) had two mandates in the Assembly of Albania, specifically those of Ms. Mimoza Hafizi and Mr. Ben Blushi, while it was registered at the District Court of Tirana on 25.11.2016.

Newspaper Panorama "[The secret instruction of the CEC for the elections // Hafizi: it only harms LIBRA](#)", date 16.02.2017.

<sup>8</sup> If the date of elections would be taken as reference.

<sup>9</sup> Municipal Council of Lezhë, [Decision No. 161](#), date 03.07.2017 "For the preliminary termination of the mandate of councilor and mandating a councilor to fill the vacancy".

<sup>10</sup> Submitted the decision of the Third Congress of the Conservative Party, Registered with Decision No. 2068, date 15.03.2017 of the District Court of Tirana, with Mr. Armando Ruço as Chairperson (latest changes in the political party registry).

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Registered as an electoral subject in the 2015 Local Elections by the CEC with Decision No.140, date 14.04.2015 *“For the registration of the party “Conservative Party”, for the elections for the Local Government Bodies of 21.06.2015”*.

“The Conservative Party” has previously been registered as “National Party of Legality” with Order No. 11/1, date 21.09.1995 of the Minister of Justice, and with Order No. 11/1, date 09.09.1996, the name has been changed to “Albanian National Conservative Party” and with Decision No. 1846, date 21.05.2001, of the District Court of Tirana the name has been changed to “Conservative Party” with the initial “KONS” and Mr. Armando Ruço as Chairperson.

<sup>11</sup> Party “Forca Albania”, established on 02.11.1999, has been registered with Decision No. 1935, date 14.06.2000, with the District Court of Tirana, with Mr. Iledin Pillati as Chairperson. With Decision No. 13134 Akti and No. 8826, date 04.11.2016 of the District Court of Tirana has been registered the “Submission of decisions of the Congress of the Party Forca Albania, held on 24.09.2016”. According to the Decision of the District Court of Tirana, with Initial Registry No. 374, of 20.02.2017, decision that also clarifies and interprets the Decision No. 13134 with Initial Registry No. 8826, date 04.11.2016, and that is attached to the latter, it is clarified that, among others, has also been changed the name of the Party to “National Conservative Party Albania” (with initials “PKKA”) and that Mr. Kujtim Gjuzi has been elected Chairperson.

<sup>12</sup> In the municipalities of Tropojë, Bulqizë and Tepelenë.

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