

STATEMENT *

The incumbent CEC to complete the process of controlling the finances of political parties during the election campaign of June 30, 2019

With the decree of the election date by the President of the Republic, the government in the country is in electoral regime. However, the reform of the electoral legal framework still remains unfinished by the legislator. Process that entails the constitution of the Central Election Commission bodies, according to the newly approved module¹.

In this context, it is the immediate responsibility of political stakeholders to conclude as soon as possible the expected legal amendments reflecting the Constitutional amendments of July and making the Political Council functional as soon as possible. Moreover, the political stakeholders are encouraged, through the work of the Political Council, to continuously assist the activity of the new CEC as there may be a need to regulate the procedural aspects in its work. This assistance needs to provide an agreed political will, especially regarding the regulation of the voting of the diaspora and the use of technology in elections.

In the framework of this reform, KRIIK reiterates that, again through the Political Council, should be addressed as soon as possible the regulation of the electoral process in the circumstances of a serious public health situation, such as the current situation in the country or forecasting more aggravated eventualities.

This attention and this commitment of the political actors is necessary to start a "new stage" of the functioning of the new institution of the Central Election Commission (CEC), building a more appropriate legal and institutional ground for a functionality with full integrity and efficient of the CEC in the preparation of the upcoming election process² of April 25, 2021.

Currently, it is to be appreciated the prompt start of the work of the Assembly for the appointment of the CEC membership³ and the promptness of the main parliamentary parties in appointing their respective representatives to the ad-hoc parliamentary committee responsible for the selection process. A process that should be characterized by maximum legal rigor, prudence of parliamentary and political actors, and full transparency, to invite and select the most professional and with integrity individuals in the country.

Following this approach, the Coalition for Reforms, Integration, and Consolidated Institutions (KRIIK Albania) encourages all actors responsible, for a new spirit and experience of law enforcement, without any compromise or equivocal, from and towards political parties. This spirit, especially with regard to party finances, must put an end to one of the hotbeds of impunity and lack of law enforcement.

In the judgment of KRIIK, a not so noticed process, but with a specific critical weight, remains the audit of the financial activity of electoral subjects in the electoral process of June 30, 2019. A process in which a better regulatory framework on financing was applied, thanks to the contribution of international and domestic stakeholders, political or not, as well as the current CEC institution itself⁴.

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Pursuant to the law⁵, the Central Election Commission was expected to make a decision on the financial audit and supervision process, which was postponed due to the health emergency situation of the period March - June 2020.

This decision-making, although declared that it was ready to be taken as soon as the State of Natural Disaster expired, so far it has not been carried out by the CEC, although the health emergency situation has passed. The CEC has held several public meetings so far and is currently in office until the new members are selected and sworn in⁶.

In such a context, the developments are showing an "abdication" from the legal obligation of the outgoing CEC body.

This withdrawal from their legal obligations of the current CEC membership would further aggravate the individual and collegial responsibility of its members, while also excessively burden the new CEC that is expected to be constituted. Among other things, the newly composed CEC will face the challenges inherent in setting up a new mechanism, which may lead to finding an opportunistic solution to avoid the decision-making on this matter altogether.

Such a situation would mark the most unhealthy prelude to the institutional and legal behavior of the new CEC, in relation to the challenge of law enforcement and impunity for political parties.

The Coalition for Reforms, Integration and Consolidated Institutions was the only CSO that followed the process of June 30, 2019 in its entirety, monitoring the entire period from November 2018 to February 2020. The findings from the monitoring of the institutional progress that preceded and followed this process were published in the Report "Legal and institutional behavior of institutions and actors involved in the election process of June 30, 2019"⁷.

One of the most important topics covered in this Report was the financial activity of electoral subjects during the campaign⁸, a topic which KRIIK has continuously followed and which was first published as an integral part of a monitoring report along with other phases of the electoral process.

Among the main findings related to the financial activity of electoral subjects, serious irregularities were identified in the reporting of main parliamentary political parties. Of these, the most flagrant is the case of failure to return advance funds from the budget, or expenditures entirely unrelated to the electoral campaign. Actions that the legal framework punishes with heavy penalties, up to exclusion from receiving public funds or exclusion from the next elections.

As mentioned, the likelihood is towards a violation of the process of controlling the financial activity for the process of June 30, 2019. Expectation that, continuing an anti legal performance of the CEC, sets the most negative starting point for its resizing. Especially in a context in which the control of funding and financial resources that may come from illegal or criminal activities constitute a real challenge to the democratic progress of the country, in the face of the challenges towards preventing power capture or, most importantly, state capture.

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Regarding the above, KRIIK calls on all political and institutional actors and the incumbent CEC members that the process of controlling the financial activity of political parties during the election campaign of June 30, 2019 deserves to conclude in a legal process.

The identified irregularities deserve to be addressed and placed in a legal bed, even as an indulgence publicly requested by key political actors.

Only such an approach, which concludes with a completely legal and institutional behavior, will help start with integrity not only the work and functioning of the new institution of the Central Election Commission, but also a "new stage" in the administration of future electoral processes.

Tirana, on September 10, 2020!

****This Statement is published in Albanian and in English.
The [Albanian version](#) is the only official document.***

¹ [Law no. 101/2020, dated 23.07.2020](#), "On some additions and changes to law no. 10 019, dated 29.12.2008, "The Electoral Code of the Republic of Albania", amended ", Article 182 " Termination of the mandate of the CEC members ", point 3 " Commissioner, Deputy Commissioner, members of the Regulator and KAS are elected no later than 60 days from the entry into force of this law ". On August 4, 2020, the amendments to the Electoral Code were published in the Official Gazette as a product of the agreement of the Political Council. Changes that, among other things, provide for the resizing of the Central Election Commission and the constitution of three new structures. The foreseen deadline is no later than 60 days from the entry into force of the legal amendments, which is estimated to be October 18, 2020.

² [Decree No. 11700](#) of the President of the Republic "On setting the date of elections for the Assembly", dated 06.09.2020.

³ [Announcement of the Assembly of Albania](#) "Announcement for the opening of the application procedure for vacancies in the Central Election Commission", dated 29.08.2020.

⁴ KRIIK considers Instruction no. 1 of the CEC, dated 11.04.2019, "On the procedure of control and verification of financing and expenditures of political parties and the election campaign", as a positive step taken by the Central Election Commission, supported especially by foreign assistance and which preceded the amendments to the Electoral Code that were approved by the Assembly on July 23, 2020.

⁵ [Speech of the Chairman of the CEC](#), Mr. Klement Zguri regarding the Annual Reporting of the Central Election Commission for 2019, in the Albanian Parliament, dated 21/05/2020, "... Currently, the CEC has completed the process of verification and control of reports, but their review in CEC meetings will take place after the normalization of the situation from the COVID-19 pandemic, as CEC meetings are public and require the participation of many people. The CEC has changed its approach to reporting and auditing. They are no longer a formality, they are no longer made to cross the line. ... "

⁶ On 30.07.2020, KRIIK through an official letter, pursuant to the instruction of the CEC, called on and urged the Central Election Commission to adhere strictly to the implementation of the law and the institutional approach to the problems, especially in relation to the financial activity of political parties, requesting the completion of the audit process, a process which should have been completed as early as February 2020.

⁷ See the Report [on the KRIIK website](#).

⁸ See [Report "Chapter X. Campaign Financing"](#), pages 95 - 120.

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