

THE ELECTIONS FOR LOCAL GOVERNMENT BODIES

14 MAY 2023

PRELIMINARY REPORT*

ON TRANSPARENCY AND CONTROL OF CAMPAIGN FINANCE

Tirana, on 31 July 2023!

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CONTENT

I. PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS THAT NEED TO BE ADDRESSED IMMEDIATELY.....	3
II. PRELIMINARY FINDINGS	7
II.1. Secondary legislation on transparency and control over the financing of Elections	7
II.2. Financial self-reporting by electoral subjects	9
II.3. Monitoring of the campaign by Monitors contracted by the CEC	9
II.4. Some expense items for the election campaign identified by KRIIK	12
II.4.1. Expenses of political ads on Facebook and Instagram	13
II.4.2. Expenses related to political advertising on audiovisual media.....	16
II.4.3. Expenses related to political advertising on the web	19
II.4.4. Audit of income and expenses related to the election campaign	20

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I. PRELIMINARY CONCLUSIONS AND RECOMMENDATIONS THAT NEED TO BE ADDRESSED IMMEDIATELY

Financial resources are essential for the candidates and election contestants so that they can present their programs to voters, as well as communicate with them, enabling the latter to make an informed choice on election day.

But the other side of the coin is that money can have a negative effect on policy making as donors can buy the political influence of decision makers.

This is particularly concerning if the financial resources come from illegal sources, including corruption or criminal activity. Financing election campaigns or political activity with money coming from illegal sources can distort the will of voters, tilting the playing field during elections, while paving the way for the corrupt influence of funders on politicians, who further need funders as they need more money to maintain power, in a vicious circle.

In order to minimize the corrupting influence that funding can have on decision-makers and public policies, it is imperative to increase the transparency and accountability of political parties regarding their financial sources and ways of spending funds.

This principle, essential for a functional democracy, is also sanctioned in the Constitution of the Republic of Albania¹, as well as in the electoral legislation², and the legal framework has tasked the Central Election Commission with its implementation in practice³.

Even more important is the unequivocal application of legal norms that embody the principles of transparency and accountability in countries with weak institutions, high levels of corruption, and where money laundering is a major problem. As evidenced in the 2021 Annual Report for Albania of the Committee of Experts on the Evaluation of Anti-Money Laundering and Counter Terrorism Financing Measures (MONEYVAL)⁴,

¹ Article 9, point 3 [Constitution of the Republic of Albania](#): “The financial resources of the parties, as well as their expenses, are always made public”.

² [Electoral Code of the Republic of Albania](#), Article 3, point 5/1: “Electoral subjects shall benefit public and non-public funding to support their campaign, in accordance with the relevant legal provisions. Electoral subjects shall bear the obligation for transparency and disclosure of income and expenditures during elections to the CEC, to persons tasked with auditing or monitoring, and to the public.”

³ - Ibid., Article 19, point 1/ë: “The [State Elections] Commissioner shall have the following competencies: [...] monitor, through the CEC administration or contracted entities, the election campaign, all aspects related to the funding of the electoral campaign, as well as the media coverage of the campaign;”

- Ibid., Article 20, point 1.f: “[The Regulatory Commission] shall examine and approve draft acts of a normative nature, as drafted by the CEC administration or by its members, on: [...] rules on the financial reporting of electoral subjects, role and responsibilities of financial officers of electoral subjects, their independent monitoring and audit, and administrative investigation of information, requests, proposals, complaints or reports on violations related to campaign funding or expenditures;”

⁴ MONEYVAL, [Annual Report 2021](#), page 19: “[Albania] has not significantly improved measures to combat money laundering and terrorist financing in line with the FATF Recommendations. Among other issues, the report examined the application of new international requirements for virtual assets, including, cryptocurrencies and the providers of these assets. MONEYVAL decided that Albania should remain in the enhanced follow-up procedure and report back on further progress to strengthen its implementation of AML/CFT measures on a yearly basis.”

After [Round V Mutual Evaluation Report](#) of the Committee of Experts on the Evaluation of Anti-Money Laundering and Counter-Terrorism Financing Measures (MONEYVAL), in July 2018, Albania returned to the list of countries that should be monitored in an extended manner, which indicated a step back in the effectiveness of the measures of anti-money laundering initiatives. Since 2018, MONEYVAL has produced three Extended Follow-up reports, in [December 2019](#), [April 2021](#), [May 2022](#), and the latest in [May 2023](#).

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Albania continues to be part of this group of countries. The resolution of the European Parliament, approved on 11 July 2023, emphasizes the need for transparency in the financing of political parties and election campaigns as one of the most important points of the electoral reform⁵.

Transparency and effective supervision of political finance in Albania has continuously suffered from significant deficiencies which have made it possible for political parties and electoral subjects to avoid accountability. A part of these deficiencies and problems originate from a legal framework which is not completely adequate, and in part from the partial or totally absent implementation of the existing legal norms.

Considering the above, the financing of electoral subjects and political parties, as one of the most important elements affecting the integrity of the elections, has continuously been and is the focus of KRIIK's activity. KRIIK continuously follows political financing in Albania, including the financing of electoral subjects and the annual financing of political parties, during non-election years.

Regarding the Elections for Local Government Bodies on 14 May 2023, KRIIK has closely observed some of the elements of expenses incurred by electoral subjects or third parties during the period before election day and will use the data collected during this period for audited campaign finance reporting with respect to these elements.

Furthermore, throughout the entire pre-election period, KRIIK has observed the activity of the CEC in relation to the financing of the elections, which up to this point has consisted in the construction of the infrastructure and the preparation/amendment of the necessary by-laws, as well as in the monitoring of the campaign on the part of contracted monitors, the data collected from which should be used in the future to check the authenticity of the self-declaration by the electoral subjects.

KRIIK has contributed to strengthening the mechanism of verification and control of election campaign financing, through a number of recommendations to the CEC in writing⁶, as well as verbally during numerous meetings with representatives of the institution.

Despite the fact that the reports have identified progressive improvements, Albania continues to remain in the group of countries that are followed extensively, even though it was expected that by May 2022 it would have addressed all the problems observed in 2018.

⁵ The European Parliament “[r]egrets the fact that the main political parties have failed to reach an agreement on electoral reform; calls on the Albanian authorities to urgently implement the outstanding changes to the electoral and party financing framework well ahead of the 2025 parliamentary elections, in line with the recommendations of the OSCE/ODIHR and the Venice Commission...”, “[Report of the Commission on Albania 2022 \(2022/2199\(INI\)\)](#), Democracy and the Rule of Law, point 17.

⁶ - [RECOMMENDATIONS](#) regarding the improvement of the legal regulatory framework for the 2023 Local Elections.

- [RECOMMENDATION](#)- Regarding the draft decision “On financial reporting on the Electronic Platform for Financial Reporting (PERF) by electoral subjects for the elections of local government bodies on 14 May 2023”

- [RECOMMENDATIONS](#)- Regarding the draft decision “On determining the amount of funds from the state budget that will be distributed as an advance to parties participating in the elections for local government bodies, on 14 May 2023”

- [RECOMMENDATIONS](#)- Regarding the draft decision “On the adoption of rules for financial reporting of political parties/electoral subjects, control and verification of their financing and expenses during the election campaign, for elections for local government bodies”

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While the certification of the final result of the elections is expected from the Regulatory Commission soon⁷, the process will enter another phase, often out of the attention of the media, public and international observers, but equally essential for the integrity of the electoral process. It is the process of self-declaration by electoral subjects of the finances of the completed election campaign, their verification and control by the CEC and subsequent audit by the legal auditors, concluding in a final decision-making by the CEC, through which measures are taken and any violation of the law should be sanctioned, regardless of which actor committed it.

In this sense, this process is essential, not only in relation to sanctioning on behalf of equality before the law, but also in creating the climate of unequivocal law enforcement and ending the impunity of violations committed by or in favor of politics.

This approach is simply the fulfilment of the obligations required by the country Constitution from independent institutions, in this case the CEC, in building the rule of law and, which in today's context, takes on an even more important value by helping other reform processes in the country, such as the justice reform, in applying the law in full equality to all citizens, regardless of positions, functions, connections or power they may possess.

In order to ensure that the transparency and financial accountability process align with local constitutional and legal frameworks, and in full compliance with international standards on democratic elections, as well as offer the Albanian citizens full transparency on the financing of the elections, KRIIK Preliminary Report *emphasizes the need for the Central Election Commission, electoral subjects, as well as the institutions or other actors involved to undertake all the necessary steps for this process to be carried out with all the seriousness and essential importance it should carry.*

Despite the efforts of the CEC to increase the financial transparency of the campaign after the 2021 parliamentary elections, which should be commended, KRIIK considers that the steps taken at that moment were insufficient, and that *the CEC will now have to respect the legal framework fully, and make full transparency regarding the campaign for the Local Government Elections of 14 May 2023, including the campaign for the Repeat Elections for the Mayor of Rrogozhina, of 23 July 2023.*

The lack of complete transparency for these elections, in KRIIK's judgment, can only come from a deliberate lack of will.

No objective reason can justify the non-transparency and lack of accountability for these elections, therefore:

First, KRIIK reminds the CEC, as the institution tasked by law with the supervision of political finance, that the spirit of the law, embodied in point 3 of

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- [RECOMMENDATION](#) - Regarding the postponement of the decision-making related to the draft decision "On the distribution of annual funds to political parties in the form of annual financial assistance for the year 2023"

- [RECOMMENDATIONS](#) - Regarding the Project-instruction "On determining the criteria for the selection of election monitors and the procedure for their appointment."

⁷ On 1 August 2023, the Commissioner adopted the decision to grant the mandate of the Mayor of Rrogozhina, Mr. Edison Memolla. After the end of the appeal deadlines for this decision-making, the Regulatory Commission must certify the final result of the elections on 14 May 2023.

Article 9 of the Constitution, is full transparency in relation to political financing and that the letter of the law cannot, under no circumstance, be used to avoid the fulfilment of constitutional aspirations and the principles of transparency and accountability, upon which a democratic and just society, abiding by the rule of law must be built.

In this spirit, KRIIK calls on the Central Election Commission, especially the Regulatory Commission and the CEC administration, to consider the recommendations sent by KRIIK throughout the pre-election period, starting from September of last year (2022), in order to improve the regulatory framework for election financing and, especially, its implementation in practice.

The main burden for the implementation of the existing legal framework, which, despite its shortcomings, is generally sufficient to enable the transparency of election financing, falls on the administration of the CEC, which has the task of checking the self-declared data by electoral subjects, cross-check them with data from campaign monitors or other indications, including denunciations from civil society organizations during the pre-election period, and identify the problems that may exist.

Accountability, professionalism and the will to implement the law by the administration without compromise and equivocation remain essential in guaranteeing the transparency of the finances used by politicians for election campaigns.

Secondly, KRIIK calls on electoral subjects to report all expenses incurred, truthfully and responsibly, even the smallest ones.

KRIIK reminds the electoral subjects that transparency towards the public in relation to the financing of elections, apart from an explicit constitutional obligation, is the minimum degree of responsibility that a political subject, which seeks to be entrusted with governing and assume public responsibility, must show.

Transparency and accountability of the power holders or those aspiring power through elected office, towards the citizens, are the essential elements that distinguish a democratic society from an autocratic or dictatorial regime.

Third, KRIIK calls on the legal audits, which will be contracted by the CEC to audit the campaign finances, to perform their duty by fully implementing the legal framework, not accepting any financial resources, expenses or reporting in any case which goes against the Albanian legal framework.

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II. PRELIMINARY FINDINGS

II.1. Secondary legislation on transparency and control over the financing of Elections

The Central Election Commission approved several by-laws to regulate the financing of the 2023 election campaign. An innovation was the financial reporting by political parties and candidates for mayor through the Electronic Platform for Financial Reporting (EPFR), administered by the CEC.

Another innovation was the increase in the number of monitors contracted by the CEC to monitor the election campaign. The number was doubled compared to the 2021 elections.

While positively evaluating the initiative for electronic reporting by electoral subjects, KRIIK has pointed out some shortcomings, including the delay in its application, by approving the necessary by-laws, as in the 2021 elections⁸, very late, just a week before election day⁹.

The reason for the delay in drafting and approving the relevant by-laws is not understandable, given that the EPFR was ready in February 2023, even party financiers were trained in its use.

However, the consideration is expressed that despite the delay, the latter should not be used in any case as a reason to create eventual problems in the implementation of the mechanism or relativize its implementation.

The reasoning used by the administration of the CEC, in the appeal process related to the application of electronic voting and counting in the municipalities of Kamëz and Elbasan, where the confirmation of the printed ballot paper was not applied as provided by the decision of the Regulatory Commission, on the grounds that there was not enough time, should not in any case be used as a reason even in the process of controlling the finances of electoral subjects.

If an amendment or improvement of the by-laws is deemed necessary by the CEC administration, which already has all the information about what the process of verification and control will practically include, then this amendment will have to be urgently reflected in the regulatory legal framework. Only such an approach will then enable each step and detail involved to fulfil the unequivocal application of the law by the parties to the process.

After becoming familiar with the content of the act, through continuous written¹⁰ and verbal communication with the CEC, KRIIK has requested that candidates for members of the Municipal Councils also bear the obligation to report on this platform, but the CEC

⁸ The rules for reporting and controlling the finances of electoral subjects for the 2021 elections were approved 20 days before the election day by [Decision No. 13, dated 6.04.2021](#): “On determining the rules for financial reporting of electoral subjects, control and verification of their financing and expenses during the election campaign”.

⁹ [Decision No. 458, dated 6.5.2023 of the State Commissioner of Elections: “On financial reporting on the Electronic Platform for Financial Reporting \(PERF\) by electoral subjects, for the elections of local government bodies on 14 May 2023”](#)

¹⁰ [RECOMMENDATION](#) - Regarding the draft decision “On financial reporting on the Electronic Platform for Financial Reporting (PERF) by electoral subjects for the elections of local government bodies on 14 May 2023”

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did not make it part of the relevant by-laws, stating that the institution itself will take¹¹ the responsibility of inserting the data of these reports in EPRF.

In KRIIK's judgment, this does not serve the purpose of facilitating control and verification for the CEC; on the contrary, it makes the work of the administration more difficult in this regard, reducing the efficiency of the mechanism. On the other hand, this way of solving creates the possibility of the result of human errors on the part of the CEC administration in inserting data and, therefore, it will make the process of verification, control or even sanctioning of potential violations difficult.

Regarding the Decision¹² of the Regulatory Commission, which approved the rules for financial reporting of electoral subjects, KRIIK recommendations¹³ were not taken into consideration due to insufficient time, according to them, but it was publicly articulated that they will be considered to be included in the decision on what will be deemed necessary¹⁴.

Not including the presented recommendations in the regulatory act, in the judgment of KRIIK, may again leave room for the creation of conditions of the objective impossibility of cross-examining and checking the declared data.

In the conditions where the financial self-reporting of electoral subjects will have to be completed up to 60 days after the announcement of the final election result¹⁵, KRIIK once again calls on the CEC and the Regulatory Commission to seriously consider and review these recommendations as soon as possible.

¹¹ In the verbal communication of KRIIK with the Director of the Directorate of Electoral Subjects, Supervision, Financing and Monitoring and the State Election Commissioner, it was stated that it will be the administration of the CEC that will carry out the submission to the PERF of all the reports that will be submitted by the candidates of the multi-name lists for members of Municipal Councils.

¹² [Decision No. 15, dated 07.04.2023](#): "On the adoption of rules for financial reporting of political parties/electoral subjects, control and verification of their income and expenses during the election campaign, for the elections for Local Government Bodies".

¹³ On 7 April 2023, KRIIK sent to the CEC the document [RECOMMENDATIONS](#) - Regarding the draft decision "On the adoption of rules for financial reporting of political parties/electoral subjects, control and verification of their financing and expenses during the election campaign, for the elections for local government bodies".

¹⁴ Some of the recommendations included in the document consisted of: Defining in the act specifically the details of the report submission format in order to publish the data in an understandable and workable format (Excel); Stating in the act the CEC right to reject the report as incomplete, or to consider it as not submitted, in case of submission of a report outside the standardized format, Excel, by the political party; Publication of any institutional communication with electoral subjects or audits in the function of reporting; Drafting of a standard format within the report for the declaration of membership quotas by political parties; Channeling the performance of financial activities only through the bank account, etc.; as well as a series of recommendations that refer to completing the reporting form itself, elements which, despite being details, based on the previous experience of checking reports by KRIIK, make the report comprehensible and workable, which directly affects the possibility of checking and cross-examining data.

¹⁵ [Electoral Code](#), Article 92/3 point 1.

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II.2. Financial self-reporting by electoral subjects

The number of electoral subjects who must report in these elections is very high, 23,907¹⁶ candidates, and 44 political parties.

Everyone bears the legal obligation to report income and expenses incurred in connection with the electoral campaign, regardless of the number of votes they received¹⁷, or the amount of money received or spent.

Every candidate or political party participating in the elections must declare with high responsibility every financial activity carried out in the function of the campaign, taking into consideration every legal obligation, as well as the established precedent¹⁸ by the Complaints and Sanctions Commission with its decision-making of January 2023, according to which there could be no zero-cost electoral campaign¹⁹.

The existence of candidates who do not actively campaign at any moment, resulting in zero income or expenses during the campaign is an indication of the fact that political parties include a number of fictitious individuals in their lists of candidates. These candidates have no expectation of getting a mandate and are included in the list by the parties only to fulfil the legal obligation of the number of names on the list²⁰, while the parties themselves expect to get much fewer seats in the respective municipal council.

This fictitiousness in the lists of candidates essentially constitutes fraud with the electoral bid on the part of the political parties and a lack of responsibility towards the electoral process and towards the citizens.

II.3. Monitoring of the campaign by Monitors contracted by the CEC

An innovation of the 2023 Local Elections is the increase in the number of monitors contracted by the CEC to monitor the compliance with the law of the election campaign conducted by the electoral subjects, as well as the fact that they did not use state resources²¹.

¹⁶ Of which 144 candidates for Mayor and 23,763 candidates for members of Municipal Councils.

¹⁷ [Decision No. 07, dated 25.01.2023](#) of CSC: "If a small political party consciously chooses to compete as a party in the elections, then it must accept and respect all the conditions and criteria set by the Code for political parties, otherwise it shall face the consequences that the Code has provided for the offense".

¹⁸ [Decision No. 07, dated 25.01.2023](#) "On considering the request no. 04, dated 14.12.2022 of the State Election Commissioner"

¹⁹ CSC holds that the candidate campaign claim "without expenses" is an unrealistic claim, which may come from ignorance, the inability to maintain financial discipline or properly organize work, but it may also come as an attempt to inaccurate reporting, for hiding or diverting a part of the income and expenses in informal channels, or as an avoidance of the legal ceilings of expenses, etc. Regardless of the motives, the claim of "no expenses" candidates cannot be accepted by CSC, because such a claim is de-facto untrue.

²⁰ Article 67, point 4 of the Electoral Code "The names in the multi-name list of the electoral subject shall be presented in numerical order, starting from number one. The number of candidates in the multi-name list may not be less than the number of seats to be elected in the respective electoral zone, plus two ..."

²¹ Article 3, point 3 of [Instruction no. 3](#), dated 3.11. 2022, of the State Commissioner of Elections, "On determining the criteria for the selection of election monitors and their appointment procedure": "Monitoring is limited to the easily verifiable observation of compliance with obligations by political parties, electoral subjects and candidates for the monitoring period, as follows: a) Organization of meetings, activities and electoral gatherings, b) Use of propaganda materials, establishment and activity in election

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60 monitors were engaged for the 2021 Albanian Assembly Elections; twice as many, over 120 monitors, were engaged for the 2023 Local Elections.

KRIIK has expressed reservations about this monitoring mechanism since its adoption in 2020, for the lack of effectiveness as the monitors are very vulnerable to the power, they have no status and are unprotected, and therefore may lack the objectivity and impartiality that they should manifest. Meanwhile, on the other hand, they are no longer tasked with carrying out any kind of calculating campaign activities costs, but only monitoring them.²² This change of the mechanism was considered a step backwards compared to the successful mechanism, despite the observed minor problems, applied in the 2017 and 2019 elections when the monitoring was carried out by Financial Experts, who, in addition to the integrity and protection they enjoyed in performing the task, also carried out cost calculations of activities, in addition to monitoring them²³.

In this way, strong doubts are raised about the usefulness of the findings of these monitors, since they can be used in a very limited way to cross-check the financial data reported by political parties, thus adversely affecting the functionality of the finances control mechanism by the CEC and legal audits as a whole.

By following the drafting and the approval process²⁴ of the relevant by-laws²⁵, appointment and training²⁶ of the monitors and the review of their reports, KRIIK concludes that even in these elections the monitoring has been very limited from the point of view of efficiency and that the findings of the monitors do not justify the resources made available to them by the CEC, from the point of view of financial, logistic and

offices, referring to the instructions of the State Election Commissioner for the use of propaganda materials, c) Observance of prohibitions and restrictions for certain activities before the election date as well as the use/abuse of state resources during the monitoring period. organization of meetings, ç) Monitoring online media as well as social networks such as but not limited to Facebook, Instagram, related to institutional activities, electoral activities of electoral subjects, as well as pages sponsored by the party and/or candidates.

²² The Electoral Code clearly defines that the monitors do not carry out cost calculations of the total expenses for the campaign (Article 94/2, point 3), however, at no point does it prevent them from making partial cost calculations of those activities that they have observed, which would help the Central Elections Commission in checking the authenticity of campaign expenses by electoral subjects.

²³ With the amendments in the Law on Political Parties of 2017 ([Law No. 90/2017](#), dated 22.05.2017) election campaign monitors contracted by the CEC were used for the first time. KRIIK has evaluated this mechanism as positive in spirit and with potential for increasing the transparency of election campaign finances, despite the criticisms it has expressed about the way the mechanism was applied in practice, especially in the 2019 elections. But with the amendments in the Electoral Code in July 2020 ([Law No. 101/2020](#), dated 23.07.2020), the obligation to engage financial experts as monitors was eliminated, while the Electoral Code determined that monitors no longer perform any cost.

²⁴ Before the approval of the relevant draft instruction, KRIIK sent to the CEC the document [RECOMMENDATIONS](#) regarding the Draft-instruction “On determining the criteria for the selection of election monitors and their appointment procedure.”

²⁵ In the [Approved Instruction](#) the CEC decided to integrate two of KRIIK's recommendations, which consisted of the application of a written test before appointment for monitors, as well as the introduction of social networks as a link for monitoring by monitors. For the rest of the recommendations, it was publicly agreed that they would be explained in trainings and implemented throughout the work of the CEC and monitors.

²⁶ In the recruitment process, which was started very late by the CEC, the latter encountered the problem of a very low number of applications. In the conditions of a sufficient number to meet the need of the number and exceeding the legal deadlines, the CEC conducted very short trainings, and almost did not implement the written test link for the monitors before their appointment, as well as did not carry out any control for the compliance of applicants with the legal criteria, despite the fact that this is also part of the personal commitment of the applicants for monitoring.

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human resources²⁷, or from the point of view of the effectiveness and results that can be brought as a result of the power and competence that the legislation recognized²⁸.

Not only that, but questions can also be raised about the impartiality of the monitors engaged in the fulfilment of their duties, given that the CEC has not done any verification of the potential conflict of interest on their part, but has been content only with the self-declaration of monitors that they are not in conflict of interest²⁹.

The major concern regarding the above is that, for the third time that it is applied, the monitoring mechanism is again proving to be ineffective, highlighting the precedent of the dysfunction of the mechanisms available to the institutions to independently verify the self-declaration of the electoral subjects and, therefore, based the entire control process on this self-declaration.

The responsibility for this lack of performance falls on the CEC administration that has not found ways to maximize its use.

In any case, despite legal restrictions and very limited effectiveness³⁰ of the implementation of the monitoring mechanism, both in previous election processes and in these elections, *KRIIK considers that it can be used much more effectively than it has been used up to this moment, and recommends the CEC to use the findings that the monitors have, however limited, for the verification of expenses reported by electoral subjects.*

Also, the CEC is the responsible institution, *which must analyze and find the reasons why the monitoring mechanism through monitors did not work properly, as well as explore and implement all the possibilities for this mechanism integrated in the Electoral Code to be functional.*

²⁷ The communication of the CEC with the monitors, either for verification needs identified by the CEC during the election period of their engagement, or for replies received not through the reports sent by the monitors to PERF, has been completely non-public.

²⁸ Insofar as KRIIK monitored the training of monitors in the cities of Albania, as well as from the review of their reports, there is no data on information and use by monitors of the investment mechanism with official requests to subjects or institutions for any information necessary for them in their monitoring functions, as the law entitles them to.

²⁹ KRIIK observed an appointed monitor who was a member of the Municipal Council, as well as two monitors who have the same name with as many candidates for municipal councils in the same municipality where the monitors exercised their duties. It is not possible at this moment to accurately identify whether these are the same persons.

³⁰ In the reports of the monitors, there is a very small number of findings or problems observed, generally in terms of the identification of static propaganda materials or electoral offices in violation of the law. Meanwhile, there are no data regarding the use of state resources for election campaigns, while civil society organizations, including KRIIK, have denounced a very high number of them and the phenomenon has taken an important place in [Statement of Preliminary Conclusions of the ODIHR](#).

The reports have almost no data about local media or social media, while according to the Commissioner's Instruction they have the obligation to monitor them.

Also, it was not recorded in any case and it is not clear what the role of the monitors was in monitoring the activities prohibited by the CEC, while KRIIK monitored and recorded that they were performed despite the prohibition.

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II.4. Some expense items for the election campaign identified by KRIIK

Throughout the pre-election period, from the day of the elections date announcement by the President of the Republic until the day of the elections, KRIIK has identified some elements of the expenses incurred in the function of the campaign by the electoral subjects and candidates, specifically the expenses on the social networks Facebook and Instagram³¹, and the number of minutes of political ads in some of the audio-visual media monitored by the Audio-Visual Media Authority³². Additionally political ads on some online pages were observed, but not calculated³³.

The selection of these three elements was dictated by the ease of data collection. regarding the first two, the data is made possible by third parties, namely by the Meta Company and the Audiovisual Media Authority.

Data provided from Meta is estimated approximately, with a margin of error dictated by limitations of the Meta Ad Library platform³⁴.

Online media advertising minutes are approximately costed by cross-referencing the minutes with the declared media rates for advertising available on the CEC website, regarding media outlets where such rates are provided.

The third element is easily identifiable, even with limited resources available to KRIIK during these elections, but it cannot provide a cost estimation. Instead, it focuses on whether pages have accepted ads as such. Cost estimation is made even harder as it is unclear if the pages negotiated the ads directly or if they were dictated by third parties³⁵.

³¹ Expenditures made for political advertising in social media [are made public by the Meta company](#), which owns the social networks Facebook and Instagram. KRIIK has consistently downloaded, every week, from the day of the elections date announcement by the President until the day of the elections, the data related to these expenses. The processed data can be viewed at [the KRIIK website](#).

³² The minutes of the advertisements were extracted from the daily reports produced by the Audio-visual Media Authority for monitoring media coverage of the campaign. Daily reports can be found at [CEC website](#). The processed data can be seen on the KRIIK website, for [electoral subjects](#) and for [individuals](#). The lack of daily monitoring reports of the AMA regarding the campaign for the repeated Elections for Mayor of Rrogozhina, for the period from 10 to 23 July 2023, remains problematic.

³³ KRIIK has checked a number of pages and identified the presence of political advertisements on them during the election campaign period. The list of monitored pages is not exhaustive, but the most important domestic pages are checked.

³⁴ [Meta Company's Political Ads Platform](#) (which owns the social networks Facebook and Instagram, among others) allows you to see approximate costs for political advertising on these two social networks. The [Report](#) generated by this Library allows the downloading in open format (.csv) of the costs for political ads made on the pages, including the disclaimer (the entity that paid for the ad, according to the self-declaration), the number of ads as well as the geographic location of the people who saw the ad. However, the Report has some limitations:

- the time period for which ads can be downloaded is pre-fixed in several predefined categories (last day, last 7 days, last 30 days, last 90 days, or all time. The last one includes ad data from March 11, 2021 (the date on which Meta began to make public the Library of political ads for Albania) to the current date (the date on which the report is downloaded). The user cannot select a different time period than the above, which limits the possibility to collect data for those periods that may be of interest to the applicant who downloads it.
- If a given page has spent less than US\$100 during the time period for which the data is downloaded (whether it is one day or the entire period), the Report shows this data as less than \$100.

³⁵ For example, a page may decide to accept ads and become part of the Google AdSense program, which places ads on these pages based on their ranking, so it is not the page administrators themselves who accept ads from electoral subjects.

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II.4.1. Expenses of political ads on Facebook and Instagram

Electoral subjects had lower expenses for political advertising on Facebook and Instagram during the election period, compared to the campaign organized for the 2021 General Election. Costs increased throughout the official election campaign period.

From the day the President of the Republic set the day of the election to the day of the election, between \$133,561 and \$146,910 were spent on 3,332 political advertisements³⁶.

The Coalition "Together We Win" spent the highest amount on electoral advertisements, totaling between \$50,612 and \$56,288. These expenses covered 1,706 ads³⁷ (excluding an additional \$523 to \$822 spent by two candidates of primaries³⁸ for 32 ads).

The above electoral subject was followed by Socialist Party, which spent between \$45,634 to \$47,921 for 431 ads³⁹.

³⁶ Meta's political ad library does not provide an exact figure for pages spending less than US\$100 during the period for which the data is collected, nor does it allow you to select a time period. It pre-sets the periods by limiting the possibility of obtaining accurate data. In order to collect the most accurate data for the entire election period KRIIK followed a data collection methodology as follows:

- for the first three weeks (from October 25, 2022 to November 13, 2022) data was downloaded every 7 days and it was collected.
- For the remaining period (from November 14, 2022 to May 14, 2023) the data was downloaded every 30 days.

If an electoral subject spent less than US\$100 in each of the mentioned periods, their total estimated expenditure would be the sum of all periods combined but still less than US \$100. For example, if they spent less than \$100 in three periods, the estimated total expenditure would be below \$300.

If an electoral entity has precise expenditure data for one period (having spent more than \$100), and spent less than \$100 in another period, the estimated amount is the known amount for the first period and a rank of less than \$100 for the second period. For example, if a subject spent \$101 in one period and less than \$100 in two others, the estimated amount is \$101 to \$301.

If a subject spent more than \$100 in all periods or more than \$100 in some and zero in others, the total amount is accurate and not rank-estimated. For example, if a subject spent \$101 in one period and zero in all others, the total amount is \$101.

³⁷ Pages: [Belind Kelliçi](#), from \$15,419 to \$15,716, 535 ads; [Iilir Meta](#), \$9,359, 141 ads; [Bardh Spahia](#), \$4,869, 244 ads; [Grigels Muçollari](#), \$3,305, 82 ads; [Ledina Alolli](#), from \$2,312 to \$2,510, 44 ads; [Klevis Balliu](#), from \$1914 to \$2013, 56 ads; [Luciano Boçi](#), \$1,728, 30 ads; [Zija Ismaili](#), from \$1389 to \$1587, 19 ads; [Igli Cara](#), from \$1,206 to \$1,503, 31 ads; [Besnik Dushaj](#), from \$1,250 to \$1,349, 74 ads; [Together We Win](#), from \$1,084 to \$1,183, 11 ads; [Pashk Gjoni](#), \$1,151, 84 ads; [Behar Haxhiu](#), from \$925 to \$1,024, 53 ads; [Hysni Sharra](#), from \$675 to \$972, 28 ads; [Sofije Krveziu Alushaj](#), \$704, 45 ads; [Elvis Hajderlli](#), from \$574 to \$673, 41 ads; [Atird Hoxha](#), from \$287 to \$584, 11 ads; [Bujar Leskaj](#), less than \$500, 20 ads; [Aurel Malko](#), \$426, 6 ads; [Arjan Hoxha](#), \$397, 31 ads; [Isa Ramaj](#), \$396, 21 ads; [Ina K. Zhupa](#), from \$159 to \$357, 12 ads; [Eduart Sharka](#), from \$229 to \$328, 8 ads; [Edmond Komino](#), \$315, 16 ads; [Democratic Party Tropoja Branch](#), \$304, 12 ads; [Ardit Cikuli - Official Page](#), less than \$300, 4 ads; [Zef Hila-Official Page](#), \$235, 8 ads; [Akil Kraja](#), less than \$200, 4 ads; [Eno Bozdo](#), less than \$200, 5 ads; [Democratic Party Paskuqan Branch](#), less than \$200, 2 ads; [Silvi Bardhi](#), less than \$200, 3 ads; [Admir Sinamati](#), less than \$100, 1 ad; [Bedri Qypi - Official Page](#), less than \$100, 2 ads; [Eksel Celepija](#), less than \$100, 1 ad; [Evdar Kodheli](#), less than \$100, 2 ads; [Fisnik Qosja](#), less than \$100, 2 ads; [Fisnik Qosja](#), less than \$100, 1 ad; [Flamur Noka](#), less than \$100, 2 ads; [Genc Deromenaj](#), less than \$100, 2 ads; [Klodian Xhyheri](#), less than \$100, 2 ads; [Resmi Shanaj](#), less than \$100, 1 ad; [Resart Tusha](#), less than \$100, 1 ad; [Servet Duzha](#), less than \$100, 2 ads; [Servet Duzha - Official Page](#), less than \$100, 1 ad; [Shefki Çota-Official Page](#), less than \$100, 2 ads; [Skender Gjuci - Official Page](#), less than \$100, 1 ad; [Suzana Topi - Official Page](#), less than \$100, 1 ad; [Zini Tollozhina](#), less than \$100, 1 ad.

³⁸ [Gerti Bogdani](#), from \$523 to \$622, 23 ads; [Gjon Ndoj - Official Page](#), less than \$200, 9 ads.

³⁹ [Erion Veliaj](#), from \$18,645 to \$18,843, 66 ads; [Socialist Party of Albania](#), \$12,057, 105 ads; [Emiriana Sako](#), from \$6,981 to \$7,080, 87 ads; [Oltion Çaçi](#), \$3,177, 18 ads; [Benet Beci](#), \$1,406, 52 ads; [Vullnet Ruzhdi Sinaj](#), from \$839 to \$938, 7 ads; [Klodian Taçe - Official Page of the Mayor of Gramsh](#), from \$656 to \$755, 21 ads; [Gledian Llatja](#), from \$430 to \$628, 7 ads; [Ervin Demo](#), from \$415 to \$613, 4 ads; [Ermal](#)

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The other electoral subjects have spent smaller amounts compared to the first two. Specifically:

- # Initiative, from \$7,052 to \$7,844, 204 ads⁴⁰;
- LZHK Progressive Alliance, from \$2,807 to \$3,006, 32 ads⁴¹;
- Justice, Integration and Unity Party, from \$2,638 to \$2,936, 58 ads⁴²;
- Democratic Party, \$1,120 to \$2,615, 103 ads⁴³;
- Together Movement, from \$2,248 to \$2,554, 34 ads⁴⁴;
- Agrarian Environmentalist Party, \$914, 32 ads⁴⁵;
- Republican Party, \$387 to \$487, 9 ads⁴⁶;
- Social Democratic Party, from \$116 to \$315, 8 ads⁴⁷;
- New Movement, less than \$300, 5 ads⁴⁸;
- Social Democracy Party, \$300, 6 ads⁴⁹;
- National Front Party, less than \$200, 7 ads⁵⁰;
- National Arbanon Alliance, \$161, 3 ads⁵¹;
- Legality Movement Party, \$160, 5 ads⁵²;
- Party for the Europeanization and Integration of Albania, less than \$100, 3 ads⁵³.

While most of the expenses were made by the electoral subjects or candidates, there were also expenses to a considerable extent made by third parties.

KRIIK expresses its concern regarding certain Facebook pages owned by online media outlets. These pages advertised articles about the politics of the respective media during the election period. These advertising expenses were classified as campaign expenses by third parties because the articles' content lacked neutrality and exhibited a distinct editorial bias, often being against specific electoral subjects. As a result, there is a potential influence on the voters' opinions due to the non-neutral nature of the articles.

[Dredha](#), \$527, 23 ads; [Etjen Xhafaj](#), from \$101 to \$497, 23 ads; [Kastriot Gurra](#), less than \$400, 4 ads; [Sotirag Filo](#), \$400, 5 ads; [Anduel Tahiraj](#), less than \$100, 1 ad; [Eduard Duro](#), less than \$100, 2 ads; [Eriselda Sefa](#), less than \$100, 2 ads; [Mariglen Disha - Official Page](#), less than \$100, 1 ad; [Nasip Naco](#), less than \$100, 2 ads; [Redjan Krali](#), less than \$100, 1 ad.

⁴⁰ [Dr. Endrit Shabani](#), from \$3,505 to \$3,703, 93 ads; [# Initiative](#), from \$3,021 to \$3,120, 85 ads; [Denis Dema](#), from \$114 to \$609, 17 ads; [# Initiative of Korça](#), \$245, 5 ads; [Brunilda Dhrami](#), \$167, 4 ads.

⁴¹ [Dashamir Shehi](#), \$2,254, 18 ads; LZHK [Progressive Alliance](#) from \$553 to \$652, 13 ads; [Shyqiri Balla](#), less than \$100, 1 ad.

⁴² [Justice, Integration and Unity Party](#), from \$1,403 to \$1,601, 24 ads; [Lajla Pernaska](#), \$1,046, 31 ads; [Lumturi Hasa](#), \$189, 2 ads; [Shpetim Idrizi](#), less than \$100, 1 ad.

⁴³ [Gazment Bardhi](#), from \$366 to \$762, 22 ads; [Eriselda Zotaj Çelaj](#), \$413, 10 ads; [Democratic Party Korça Branch](#), less than \$300, 6 ads; [Andia Ulliri](#), from \$109 to \$208, 16 ads; [Alfrida Marku - Dedgjonaj](#), less than \$200, 20 ads; [Hysen Kadiu](#), less than \$200, 7 ads; [Dr. Bilbil Bajraktari - Official Page](#), \$127, 7 ads; [Democratic Party Fushe Kruja](#), \$105, 3 ads; [Agron Loka](#), less than \$100, 1 ad; [Roland Bejko](#), less than \$100, 10 ads; [Taulant Zeneli](#), less than \$100, 1 ad.

⁴⁴ [Together Movement](#) from \$2248 to \$2554, 34 ads.

⁴⁵ [Agron Duka](#), \$914; 32 ads.

⁴⁶ [Albi Jahelezi](#), \$387, 8 ads; [Erion Haruni](#), less than \$100, 1 ad.

⁴⁷ [SDP Saranda Branch](#), from \$116 to \$215, 6 ads; [Flavia Nuraj](#), less than \$100, 2 ads.

⁴⁸ [Arian Galdini](#), less than \$300, 5 ads.

⁴⁹ [Zhylljan Sava](#), \$300, 6 ads.

⁵⁰ [National Front Party - Elbasan Branch](#), less than \$200, 7 ads.

⁵¹ [AV ERJON GJONI](#), \$161, 3 ads.

⁵² [Legality Movement Party - PLL - Kavaja Branch](#), \$160, 5 ads.

⁵³ [Abedin Oruçi - Official Page](#), less than \$100, 3 ads.

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In a few cases, there has also been open advertising in support of a certain candidate or electoral subject⁵⁴. This trend is very disturbing, especially in two cases where these media have consistently spent significant amounts each week, as in the case of [Read.al Politics](#) (\$12,608, 303 ads) and [CNA.al](#) (\$5,303, 197 ads).

Also, KRIIK has identified some people who are political exponents of the respective electoral subjects, but not candidates, who have spent on political ads on Facebook and Instagram⁵⁵.

Given that these persons do not have the obligation to report the expenses to the CEC, as they are not electoral subjects, and the expenses were made personally and directly by them, KRIIK reminds the beneficiary electoral subjects⁵⁶ that they have the obligation to report these expenses to the CEC as donations in kind.

Considering that certain expenses described here are only approximate and within a range, due to limitations in the Meta Ad Library, KRIIK believes that *the Central Election Commission in the framework of a proactive approach and complete transparency, should approach Meta Company, the owner of Facebook and Instagram, and request comprehensive data on the expenses made for political advertising on their platforms during the election period, including the precise figures spent*⁵⁷.

KRIIK also highlights that the Financial Reporting Guide, approved by CEC⁵⁸, explicitly specifies that social media advertising expenses should be categorized separately⁵⁹. They should not be grouped together with other online advertisements, such as those on portals online media, that might have been conducted during the election period.

⁵⁴ [Lexo.al Politics](#), \$12,608, 303 ads - against the Coalition "Together We Win"; [CNA.al](#), \$5303, 197 ads - against the Socialist Party and the Democratic Party as well as a few ads openly in support of the LZHK Progressive Alliance; [Info24.al](#), \$736, 20 ads, in support of the candidate of the Socialist Party for the Municipality of Tirana and against the candidate of Coalition "Together We Win" for the Municipality of Tirana; [Vote Belind](#), from \$242 to \$440, 16 ads - in support of the candidate of Coalition "Together We Win" for Municipality of Tirana; [Alfapress.al](#), less than \$300, 5 ads - against the Coalition "Together We Win" and the Socialist Party; [Vlora Media Online](#), less than \$200, 6 ads - there are ads for the candidate of Coalition "Together We Win" for Municipality of Vlora, as well as for the candidate of the Socialist Party; [Elbasani Flash](#), less than \$100, 1 ad - against the candidate of Coalition "Together We Win" in Elbasan; [Egnatia News](#), less than \$100, 2 ads - in support of a Social Democratic Party candidate for Elbasan City Council; [Himara TODAY](#), less than \$100, 3 ads - in support of the candidate of the Coalition "Together We Win" for Municipality of Himara.

⁵⁵ For example, on the Facebook page of [Grigels Muçollari](#) \$3,134 was spent, on the Facebook page of [Klevis Balliu](#) \$1,550 was spent during the election period, paid directly by these persons. Additionally, some party leaders have spent in a similar manner. For example, on the page of the leader of the Freedom Party [Ilir Meta](#) \$9,538 was spent, on the page of the chairman of the Agrarian Environmentalist Party [Agron Duka](#) \$880 was spent, on the page of the chairman of the Progressive Alliance Party LZHK [Dashmir Shehi](#) \$2,254 was spent. Also on the page of the General Secretary of the Democratic Party [Gazment Bardhi](#) \$112 was spent. Others have spent smaller amounts.

⁵⁶ The "Together We Win" coalition through its component parties, the Democratic Party, the Progressive Alliance Party LZHK, the Agrarian Environmentalist Party, the Democratic Party.

⁵⁷ [Transparency of political advertising](#), CEC virtual meeting with representatives of META.

⁵⁸ [Decision No. 20, dated 20.4.2023 of Regulatory Commission "On the approval of guidelines for the method of financial reporting during the election campaign for local government bodies, guidelines for the method of financial reporting for candidates of multi-name lists for the election campaign for local government bodies"](#).

⁵⁹ *Ibid.*, page 20.

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Regarding this forecast, KRIIK *reminds the electoral subjects that they have the obligation to report, and that it is necessary to identify the specific social media in which the expenses was made in their reporting.*

Instances of actual expenses made on social media by election subjects during the 2021 elections, which were not reported or were only partially reported, and where the CEC failed to impose any administrative sanctions⁶⁰ in violation of the law, should not be allowed to recur.

The CEC should employ reminders and public communications to emphasize to each Electoral Subject their responsibilities regarding the reporting of election campaign finances. By doing so, the CEC can close any avenues for justification based on alleged ignorance of the law by electoral subjects. Furthermore, the CEC must reaffirm its commitment to fully comply with the legal obligation of not accepting self-declaration reports that contain deficiencies or irregularities in their completion⁶¹.

II.4.2. Expenses related to political advertising on audiovisual media

The political advertisement broadcast on audiovisual media is subject to control in terms of timing by the Audiovisual Media Authority. On the other hand, the media have the legal obligation to submit and publish advertising fees to the Central Election Commission. KRIIK observed that a number of media did not fulfill this legal obligation, while broadcasting political advertisements⁶².

Based on ad timing data monitored by AMA, KRIIK has made an approximate⁶³ estimation of the amount spent on political advertising⁶⁴ by electoral subjects. This calculation provides a rough average, as the declaration of rates makes it challenging to arrive at an exact figure⁶⁵. Moreover, for media outlets that have not submitted or published their advertising rates to the CEC, KRIIK has conducted a calculation using

⁶⁰ KRIIK [made available to the CEC](#), in addition to other findings, all the actual expenses incurred in social media but not reported or partially reported, listing 3 electoral subjects (2 political parties and an independent candidate) and 69 candidates who had incurred expenses but they had not declared them, as well as 63 candidates who had incurred expenses, but had partially declared them. However, the CEC excluded these social media-related findings from its income audit report and expenses of electoral subjects for the 2021 elections. The CEC justified this decision by stating that social media is not recognized as media or components under the Electoral Code, therefore leaving these findings completely out of the audit process.

⁶¹ For further details see [KRIIK's official request to the CEC](#) to impose sanctions, in accordance with the law, on electoral subjects and candidates of political parties, competing in the Parliamentary Elections of April 25, 2021, for violations committed in relation to the financing of the election campaign.

⁶² Audiovisual media that have advertised during these elections, but have not submitted official fees are: Bulevard TV, CNA TV, Shijak TV, RTV Ora News, Bulqiza TV, Top Albania Radio and Top News. On the other hand, since the AMA's monitoring did not extend to all domestic audiovisual media, and some of those that were monitored were not continuously monitored, there may be other media that broadcast political ads, but not be included in the minutes monitored by the AMA.

⁶³ Political ad minutes were collected from daily reports published by the AMA and aggregated for the entire campaign month. Media rates were calculated, using an average value if different rates were applied in various time slots, and fixed rates if specified by the media.

⁶⁴ Calculations are only for advertising, not for presence on shows or any other type of service offered by it.

⁶⁵ The rates declared by media outlets vary depending on the hourly or programming schedule at the time of ad broadcast. However, AMA monitoring is conducted in total minutes without specifying the specific schedule or program. As a result, accurate price calculations are not possible. In such cases, KRIIK has estimated the minimum expenses where exact calculations were not feasible.

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the average value of the price per second of advertising across all media outlets that did submit their rates⁶⁶.

According to these calculations, electoral subjects have spent at least ALL 133 million on political advertising⁶⁷, throughout the election campaign period⁶⁸.

According to KRIIK's judgment, in order to conduct a thorough process of verifying financial reports, *the CEC should promptly request all audiovisual media outlets to submit their advertising rates, particularly targeting those media outlets that have been identified by AMA as having advertised political content. The CEC should impose sanctions in case of non-submission.*

To further enhance efficiency, KRIIK suggests that *the CEC should take a proactive approach by requesting the media outlets that have already been confirmed to have broadcast political advertising to submit the contracts concluded with electoral subjects for such political advertising. This measure would enable the CEC to conduct precise calculations and exercise better control over the amounts spent by electoral subjects on political advertising in audiovisual media.*

Another issue that persists is the lack of monitoring by the AMA for certain media outlets (either in the case of media outlets that were not monitored consistently or those that were not monitored at all), which could potentially have broadcast political advertising.

Verification of whether media outlets have broadcast such advertisements can be promptly done through the records filed by these media in the AMA. To address this problem effectively, KRIIK considers that *the CEC should demonstrate a proactive approach by requesting all media outlets in advance to declare whether they have broadcast any political advertising⁶⁹ and if such advertising has been aired, the CEC should also request the media outlets to provide the relevant contracts.*

The advance submission of contracts becomes even more critical when considering that certain media outlets include in their fees to the CEC the payment for campaign activities conducted by their own journalists, especially those involving candidates, or even for broadcasting materials and videos provided by electoral subjects⁷⁰.

Based on past election experiences, it has been evident that some media outlets did not submit such fees to the CEC but still accepted payments for broadcasting content featuring candidates. The challenge arises when these materials are not identified as political advertising by the AMA since they might appear as regular reports or news.

KRIIK strongly encourages *the Central Election Commission (CEC) to proactively request information from the monitors who were engaged during the election campaign. This step is essential to accurately record all expenses incurred by electoral subjects for*

⁶⁶ The average price per second of advertising in the rates published on the CEC website from 22 media outlet is 1000 ALL/sec.

⁶⁷ Of which about ALL 63 million spent in the media outlet which have declared the advertising rates and about ALL 70 million spent in the media outlet which have not declared the advertising rates.

⁶⁸ Divided by Party: - Socialist Party ALL 46,046,739; - Coalition "Together We win" ALL 71,199,844; - Republican Party ALL 5,768,010; - Justice, Integration and Unity Party ALL 4,405,344; - Democratic Party ALL 3,880,428; - Environmental Agrarian Party ALL 2,111,400; - Social Democratic Party ALL 369,290; - Movement Together Party ALL 51,600.

⁶⁹ Aiming to promote accurate declarations, the CEC can collaborate with the AMA to conduct verifications using a random selection of records filed by media outlets that the AMA has not monitored, but for which it possesses relevant records during the election campaign. This cooperative effort would serve as a cross-check to validate the information provided by the media to the CEC.

⁷⁰ [Fax News](#), [Today 7 TV](#), [Eye TV](#), [Koplik TV](#).

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media coverage, including classic advertisements, social media promotions, or any other forms of advertising. The information gathered should also cover any practices of media outlets providing election campaign coverage in exchange for payment, as well as indications from CEAZs or electoral subjects. In order to ensure that all relevant information is gathered in a timely manner and to facilitate efficient cross-referencing of electoral subjects' reports, the aim is to prevent the concealment of expenses.

This phenomenon was evidenced in the 2021 elections⁷¹ and based on this experience, in order to increase the transparency and efficiency of the control, KRIIK requested the CEC⁷², to initiate communication with the media well in advance to avoid a repetition of such situations⁷³.

In order to avoid the same situation and to ensure the Central Election Commission (CEC) does not encounter incomplete or deficient reports, KRIIK strongly suggests that *the CEC promptly communicate with both media outlets and electoral subjects to remind them of their obligations concerning the transparency of political finances, adhering to the proposals mentioned earlier or adopting alternative methods if necessary.*

With a minimum of two months remaining for electoral subjects to complete and submit their financial reports to the CEC, KRIIK believes that the CEC, especially the Directorate overseeing financial reporting, has ample opportunity to prevent a situation similar to the one that occurred during the 2021 Assembly Elections, where a significant number of political advertisements went unreported⁷⁴, and no measures were taken against law breakers⁷⁵.

KRIIK emphasizes that any potential repetition of such a situation like that of 2021 in 2023 would be solely due to a deliberate lack of willingness to prioritize transparency.

⁷¹ The obligation to submit official rates in the 2021 election was met by only 17 media outlets, while the number of television stations monitored by the AMA that broadcast advertising was 33. Furthermore, certain parties declared expenses and payments made to specific televisions, but AMA's monitoring indicated that these media outlets did not broadcast any political advertisements for those subjects. (For further details see KRIIK's 2021 Election Observation Final Report, Section VIII.2.2.3. "Media expenses", or [Document](#) "Request to impose sanctions, in accordance with the law, against electoral subjects and candidates of political parties, competing in the Parliamentary Elections of April 25, 2021, for violations committed in relation to the financing of the election campaign" submitted to the CEC, part B.II.)

⁷² [RECOMMENDATIONS](#) on the improvement of the legal regulatory framework of the 2023 local elections, point 3 "Media monitoring".

⁷³ Document of Recommendations, point 3.2 "Even the submission of advertising fees in the media outlets was a legal obligation not fulfilled by all Audiovisual Media Service Providers (AMSP) in the previous elections. In order to avoid this violation and ensure all stakeholders are informed, the CEC must maintain constant communication with the AMA and all AMSPs, urging them to submit advertising fees within the deadline set by the Electoral Code. Additionally, each AMSP should be reminded that privileging fees for electoral subjects is not permitted. For maximum transparency towards citizens, electoral subjects, and third parties interested in working with them, it is suggested that all fees submitted by AMSPs to the CEC should also be published on their official page".

⁷⁴ Referring to the calculations made by KRIIK regarding the 2021 elections, there was a difference of about 9 million USD undeclared. For further details see [Document](#) "Request to impose sanctions, in accordance with the law, against electoral subjects and candidates of political parties, competing in the Parliamentary Elections of April 25, 2021, for violations committed in relation to the financing of the election campaign" submitted to the CEC, part B.II, items 21, 22 and 23.

⁷⁵ Despite the large differences between the amounts declared and spent in the 2021 elections, there was no sanction on this matter either to the media outlet or to the electoral subjects.

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II.4.3. Expenses related to political advertising on the web

Electoral subjects have also made political advertising online, including online media or portals as they are otherwise known.

The absence of legal recognition for certain media categories exempts them from the obligation to submit and disclose their advertising fees to the CEC, resulting in a lack of monitoring by institutions.

The exception applies to audiovisual media that also maintain a page, as they are required to submit rates for such advertisements to the CEC. However, the law does not explicitly mandate them to submit the webpage rates as well. While some media have reported webpage rates, not all have done so.

KRIIK's⁷⁶ non-systematic monitoring has revealed that 30 pages⁷⁷ published political advertisements for election subjects during the campaign period.

Despite the challenge of calculating these expenses in advance due to the lack of price information, KRIIK believes that *the CEC should initiate contact with these pages to request the list of prices and any contracts that may have been made with the electoral subjects, if such contracts exist.*

In the case of audiovisual media that have had paid advertisements either on air or on their pages, the CEC will have to record the expenses for each category separately, according to the contracts concluded between the media outlet and the electoral subjects.

KRIIK further *encourages the Central Election Commission to interact with other relevant institutions during this verification process to accurately document expenses related to online media, such as tax authorities and the Electronic and Postal Communications Authority, to promote transparency and control of political advertising expenses on pages.*

⁷⁶ In order to have an exhaustive list of all portals operating in Albania, KRIIK has addressed an official request to the Electronic and Postal Communications Authority. The latter has not made such a list available to us, on the grounds that Electronic and Postal Communications Authority does not keep such registers.

⁷⁷ *Portals that have advertised for the Socialist Party:* EuroNews.al <https://euroNews.al/http://www.panorama.com.al/>; AbcNews.al <https://abcNews.al/>; Tvklan.al <https://tvklan.al/>; TV Klan-News <https://tvklan.al/kategoria/klan-News/>; Top-channel.tv <https://top-channel.tv/>; Top News live <https://top-channel.tv/topNewsLive/>; Gazetatema.net <https://www.gazetatema.net/>; Anabelmagazine.com <https://www.anabelmagazine.com/>; Dritare.net <https://dritare.net/>; Dosja.al <https://dosja.al/>; Cna.al <https://www.cna.al/>; Lapsi.al <https://lapsi.al/>; Albeu.com <https://albeu.com/>; Classlifestyle.com <https://www.classlifestyle.com/>; Gazetadita.al <https://gazetadita.al/>; JavaNews.al <https://javaNews.al/>; Kohajone.com <https://kohajone.com/>; Living.al <https://living.al/>; Newsbomb.al <https://Newsbomb.al/>; Noa.al <https://www.noa.al/>; Shqiptarja.com <https://shqiptarja.com/home>; Report-tv.al <https://www.report-tv.al/home>; Sot.com.al <https://sot.com.al/>; Gazeta-shqip.com <https://www.gazeta-shqip.com/>; Opozita.com <https://www.opozita.com/>; Bulevardionline.com <https://bulevardionline.com/>; Opinion.al <https://opinion.al/>;

Portals that have advertised for the Justice, Integration and Unity Party: Panorama.com.al <http://www.panorama.com.al/> and Balkanweb.com <https://www.balkanweb.com/>

Portals that have advertised for the Social Democratic Party: Cna.al <https://www.cna.al/>

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II.4.4. Audit of income and expenses related to the election campaign

The process of reporting and verifying the finances of electoral subjects is complex and requires special attention from both the subjects themselves and the CEC. The self-reported documentation, along with any potential indications or preliminary verifications carried out by the CEC administration, will be thoroughly checked and concluded by legal auditors.

The audit process is essential in verifying the financial expenses of political subjects during the election campaign. Through the audit, critical data is identified that sheds light on various aspects of the election campaign, particularly regarding the use and expenses of funds. To ensure that the audit process complies with the law, it is crucial that the information provided by the political subjects to auditors to be reliable, verifiable, relevant, and reported in a timely manner.

Based on the monitoring of previous processes, KRIIK has observed that there have been instances of incomplete control by audits⁷⁸.

A very important element that will have to be taken into consideration by the audits is the crossing of the data found by the audit with those reflected in the monitoring reports by the election campaign monitors⁷⁹.

Considering the issues encountered during the 2021 elections, *the CEC should conduct prior communication and training sessions with audit teams to clarify every element that should be taken into consideration during the audits, as well as reminding them of the importance and necessity of performing an audit as professional and complete as possible.*

In any case, comprehensive control requires maximum commitment from electoral subjects, monitors and auditors contracted by the CEC, and by the CEC itself.

In the opinion of KRIIK, the CEC, unlike the understanding and toleration up to the limits of breaking the law, shown for the control and verification of the finances of electoral subjects for the 2021 elections, must show a fully committed approach to the implementation without any equivocation of the law.

KRIIK believes that *the CEC should adopt an unwavering commitment to fully implement the law without any tolerance for breaches, in contrast to the leniency shown during the control and verification of electoral subjects' finances during the 2021 elections.*

In order to have an audit as complete as possible and carried out on time by the CEC, KRIIK recommends to the CEC *the need to design a concrete methodology for controlling the finances of electoral subjects. This methodology should contain not only the concrete and detailed steps that must be carried out by the CEC administration, but also the concrete deadlines in which each link will have to be implemented as mentioned above.*

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⁷⁸ In a general opinion, it is observed that the audit carried out by the legal experts was superficial, without delving into some important elements of the financial activity of the parties.

There have been cases of submission of incomplete reports according to the new format approved by the CEC in 2021 or reports with material errors.

⁷⁹ In the 2021 elections, the audits completely ignored this data intersection, and the CEC did not take their findings into account during subsequent data analysis.

To ensure a comprehensive and timely audit by the CEC, in addition to all the above, KRIIK recommends *the CEC⁸⁰ to design a concrete methodology for controlling the finances of electoral subjects. This methodology should include specific and detailed steps that the CEC administration must follow. It should also outline concrete deadlines for each phase of the audit process, as mentioned above.*

KRIIK believes that the control of campaign finances must be both complete and comprehensive, as well as conducted in a timely manner.

* * *

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⁸⁰ A previous recommendation was officially communicated to the CEC through written documents and verbal communication.