

PUBLIC STANCE*

The Electoral Process of May 14, 2023, a process of the citizens, for the citizens and only in the function of the citizens

Convinced that elections are the cornerstone of a society where democracy, human rights and the rule of law prevail, and that deficiencies in the electoral process will lead to deficiencies in all three of these essential elements of the rule of law in any society, KRIIK has followed and continues to follow almost all the institutional, legal and political processes that are directly or indirectly related to the integrity of elections in Albania.

This includes the cycle between election periods, which is equally important as it determines the background and context against which the elections will be held, as well as the overall conduct and compliance with the legal regulatory framework¹ for elections.

KRIIK followed closely the failed process that aimed to reform the legal framework for elections, finding that the reform process was again non-transparent, it was deliberately delayed and did not conclude in any amendment, due to political deadlock, despite the fact that the mandate of the Ad Hoc Parliamentary Committee was extended.

This serious lack of engagement to carry out a complete reform, in KRIIK's opinion, comes from the lack of political will from the political class to draft a complete legal framework for elections, but not only, that will guarantee the expression of free and uninfluenced will of the citizens, as well as their meaningful participation in the democratic process.

KRIIK's opinions and positions on these developments are continuously made public through Declarations or Public Stances, Open Letters, as well as through opinions and suggestions sent to legislators regarding the electoral reform, as well as to the Central Election Commission regarding the by-laws in regulation of the electoral process, or even meetings with political and institutional actors.

KRIIK started to monitor the Election Process for Local Government Bodies of May 14, 2023, in its entirety from the moment of the announcement of the date of the elections by the President of the Republic, on October 24, 2022.

Monitoring of the process is being conducted voluntarily by KRIIK in most of its elements, in cooperation with 31 recognized local partner organizations¹, a consolidated collaboration of more than a decade.

¹ The Past for the Future - Korçë; New Epoque – Fier; Civic Forum of Selenicë – Selenicë; Women Forum of Elbasan - Elbasan; Oil Woman in the Focus of Development – Kuçovë; Woman in Development – Korçë; Local Action Group of Integration - Dibër; Youth Movement for Democracy – Pukë; Protection of the Rights of People With Disability (MEDPAK) – Librazhd; Flowers' Initiative - Sarandë; National Platform for Women – Fier; Embroidery Association – Korçë; Me the Woman - Pogradec; Center for Women Counseling and Social Services – Kukës; Counselling Center for People With Disability - Shkodër; Center for the Development of Civil Society - Durrës; Hand to Hand Against Nation Apathy – Lezhë; Vlora Youth Center – Vlorë; Association for the Protection of Rural and Civic Women's Rights – Berat; Association Alpin – Tropojë; Association of Young Environmental Experts – Bulqizë; Association for Women and Children – Tiranë; Association Ray of Hope - Vau Dejës; Association Sebastia – Kurbin;

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Some elements of campaign financing and prevention of abuse of state resources for electoral gain are being observed thanks to financial support from the Small Grants Program of the Commission for Democracy at the US Embassy in Albania.

Based on the experience of observing the Elections for the Assembly of Albania in 2021 and the Partial Elections for Mayors of 6 Municipalities in 2022, KRIIK focused its commitment during the process for the Local Elections of May 14, 2023 in the institutional communication with the institutions that play a role in the electoral process, with special focus on the main institution, the Central Election Commission (CEC).

This approach is also in line with KRIIK's position since 2012, for the full and continuous follow-up of all the activities of the CEC and continuous communication with it, not only during election periods, but all the time. The main goal of this approach is to encourage and provide a continuous contribution to the strengthening and consolidation of the practice and experience of this institution in covering with responsibility and impartiality the many tasks that the Electoral Code assigns to it as guarantor of the integrity of elections.

The Central Election Commission is considered by KRIIK as the key independent institution not only for the full legal and uninfluenced legitimacy of the elected bodies resulting from the election process, but also as the institution that can undo the impunity and promote enforcement of the law equally to political parties and political exponents with state power, or candidates to receive and exercise the latter.

Exercising the responsibilities and powers given by the law with complete accountability and impartiality, undoing the strong political influences that are exercised and extended by the leading bodies down to the lower levels of its administration, will legitimize and transform the CEC into a truly independent and uncontested institution in its decision-making, which will subsequently affect and promote this climate and legal behavior in other independent institutions, and even in the entire public administration.

Strongly believing in this approach, as well as restrained by the limited resources available, KRIIK built a close operating methodology with the CEC focusing on:

First, in concrete recommendations derived from many years of experience of continuous observation for the improvement of the current regulatory framework by the CEC based on the legal framework in force; and

Secondly, in promoting, strengthening and consolidating the internal institutional mechanisms of the CEC that directly address the control and legality of the behavior of political parties, their candidates, as well as state, central or local institutions, administered politically and totally by the current majority.

Specifically, KRIIK focused on strengthening the most challenging, but at the same time incredibly significant mechanisms that aims to preventing abuse of state resources as well as campaign finance.

Unlike previous practices, starting from the political context and the effectiveness of the constructive approach of the monitoring action, KRIIK has widely published during the pre-election period three Public Positions considered the most important in relation to the election process, while all the intensive institutional communication and working closely

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Association Parental Hand – Korçë; The Youth of Ura Vajgurore - Ura Vajgurore; Together for Roma Integration – Fier; Youth for Social Changes – Vorë; Power of Hope, Trust and Change – Gjirokastrë; Independent Syndicate of Typographers – Tiranë; and Consulting and Development Partners – Shkodër.

with the Central Election Commission for addressing the problems that have arisen² has made them public on its website.

Also, on the website of KRIIK, were published throughout the process updated data on:

- the reporting progress of state institutions to the CEC on the public activities conducted by them³;
- expenditure for political advertising on the "Meta" platform (Facebook and Instagram) by political actors⁴; and
- media coverage in the audio-visual media of election contestants⁵ and political exponents during the official period of the election campaign⁶.

While only six days separate us from the day when Albanian citizens will head to the polls to elect the mayors and the people who will sit in the new municipal councils, KRIIK notes that again, even in this election process, **throughout the entire pre-election period, the Albanian state and the decision-making political class failed to organize an election process, which is built for the citizens and around the interests of the citizens, failing to guarantee that the latter can vote on May 14 in a free and uninfluenced way.**

In this whole situation, through this Public Stance⁷, KRIIK calls on all actors involved and who play a role in the electoral process to turn their attention to the citizens, with the aim of minimizing the undue influence on their will and allowing them to choose freely and uninfluenced in any form on May 14 their local representatives.

Following, **KRIIK calls on the actors involved, according to their groups listed below, to consider recommendations and concrete steps that can be taken in the days that separate us from election day, to improve and guarantee as much as possible the much needed standards.**

I. FOR THE ELECTORAL ADMINISTRATION

- The Central Election Commission must guarantee the fulfillment of the spirit and the letter of the law regarding the remaining elements of the electoral process, in particular in terms of election day and counting, the

² KRIIK has sent to the Central Election Commission 19 documents with recommendations, of which one with preliminary recommendations for necessary changes in the ongoing links of the process, 16 weekly reports that coincide with each monitoring week from January 13, 2023 when the law defines the limitations or the obligations of public institutions in relation to the election process, reports containing violations of various characters, eight separate denunciations, etc. All these documents can be found [here in Albanian](#), and part of them translated [into English here](#).

³ [Graphs](#) of compliance with the legal obligation to report the activities of public institutions, during the period of four months from the date of the elections (January 13, 2023).

⁴ [Graphic presentation of political advertising expenditures](#) on social platforms of Meta company (Facebook and Instagram), during the period of October 24 (the day of the announcement of the date of the elections by the President) until the day of the elections (May 14, 2023).

⁵ [Graphic presentation of coverage of electoral subjects](#) during the campaign by audiovisual media.

⁶ [Graphic representation of the coverage of candidates / political or institutional officials](#) during the campaign by audiovisual media.

⁷ Following its limited monitoring methodology for these elections, the KRIIK will publish after election day, the Preliminary Statement of Findings and Conclusions, as well as a full Final Report on the conduct of all actors charged with duties, two months after the end of the elections.

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process of complaints and appeals, guaranteeing equality in the competition during the days remaining until election day, through the prohibition of the use of state resources and public office for electoral advantage, media coverage⁸ and electoral advertising.

- The CEC should use the remaining days available to impose sanctions for violations of the current legal framework for the use of state resources for electoral advantage which have not yet been dealt with, imposing sanctions not only for middle or low-level officials, but focusing on the use of office and state authority by senior state officials.

In particular, the sanctioning of the election contestant "Socialist Party", which is has benefited directly in all cases of the use of state resources that were discussed by the CEC.

Despite the minimal effect that this may have in preventing the use of state resources in the coming days, KRIIK considers that this behavior by the CEC will give the important message that no one is above the law.

On the other hand, it will shape a correct perception in the public regarding what constitutes abuse of state resources for electoral advantage, setting positive precedents for the upcoming elections.

- It is important that the Complaints and Sanctions Commission (CSC) behave and act in full compliance with the spirit and letter of the law, preserving the sanctity of the legal regulation agreed in the Assembly, as well as avoiding the political bias observed in the decision-making so far.

Such an approach is vital for the legality and justice of the ongoing process, and especially for the electoral justice process, as the last stage of the electoral process.

- In order for the voters to receive balanced information about the election contestants, the CEC, in cooperation with the State Police and the Municipal Police, must take the necessary measures to identify and remove all static propaganda materials that have been placed in violation of the law in the entire territory of the country, including those that do not contain the inscriptions required by law, and especially those that are located in places that are not specifically assigned for such purpose in the decisions of the mayors.

The decision-making of the State Election Commissioner (SEC) and his current order for the removal of propaganda materials in violation of the law, should be proactively extended to the entire territory of the country, and not only in those places that are subject to denunciations.

⁸ KRIIK is rolling out real-time cumulative media coverage based on the AMA's daily reports (downloadable at [CEC website](#)). Based on these data, KRIIK has noticed a strong imbalance in the media coverage of the campaign by the media, especially in some of them. Meanwhile, the AMA has sent only two summary reports to the CEC, which also include recommendations for addressing the problems observed.

KRIIK assesses that the monitoring mechanism is terribly slow and is showing a lack of efficiency in guaranteeing that the citizens receive impartial information during the campaign.

You can find the graphic presentation of the media coverage prepared by KRIIK, based on the data of the daily reports of the AMA [here](#) and [here](#).

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The SEC must efficiently use election campaign monitors to make the CEC's control effective in this regard and to stop the illegality in the entire territory of the country.

It is imperative that the CEC, especially the administration and the SEC, deal with all the elements denounced by KRIIK, establishing a decision-making practice on them, avoiding at all costs the creation of a negative precedent of the prevalence of a private relationship between electoral subjects and the private city light administration companies, on the legal regulation of the Electoral Code, which clearly and exhaustively disciplines the use of propaganda materials by election contestants during the campaign.

Inaction or allowing such an approach is a dangerous precedent that undoes the entire legal regulation, a direct product of the 2020 Political Agreement, while paving the way for unbridled abuse in subsequent elections by electoral subjects with significant financial opportunities, or even legitimize the abuse of campaigning by third parties.

- The CEC must take measures to fill the vacancies that may remain in the third-level electoral commissions with commissioners selected by them, ensuring that the electoral process will not be blocked, but also guaranteeing that the latter are not politically connected with the electoral subjects in the competition and do what is possible to prevent political imbalance in the electoral commissions⁹.
- The CEC should take measures to repeatedly remind polling station commissioners, as well as political observers, that it is forbidden to take notes and transmit information to political parties about data on individual citizens that turn out to vote, undoing the negative and illegal practice of all previous election processes.
- The CEC must remind and assure all the members of the election commissions that it will without any doubt apply sanctions in case of violation of the law by them, either if it is denounced during the development of the electoral process, or if it is ascertained during the post-audit process, after the elections.
- The CEC should take measures to provide all electoral subjects and candidates, in the fastest possible time, the video recordings from the polling stations or the counting tables, for the effect of transparency, control or possible complaints.
- The Regulatory Commission must reflect and show responsibility and professional agreement guided only by the law, overcoming any political bias, taking a pro-active stance for the improvement of the legal regulatory framework.

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⁹ In the CEC, since February 2023 until May 6, there have been only 15 applications for the position of member who can be appointed by the CEC directly. Meanwhile, on May 8, 2023, this number is about 900 individuals, of which about 700 have completed all the necessary accompanying documentation.

It is considered necessary to consider and improve the regulatory framework on the financial reporting of entities and candidates for local elections, based on the specific suggestions and recommendations sent by third parties, with the aim of the effectiveness of the verification and control of the financing of the election campaign.

- CEC to explicitly include and cite in the category of election contestants that have the obligation to complete and submit to the Central Election Commission the financial report for the May 14 elections through the Electronic Financial Reporting Platform (EFRP) also the candidates of the multi-name lists for members of municipal councils.

The CEC's argumentation and approach on the objective difficulties of fulfilling the obligation by around 23,000 local council candidates should not violate the principle of equality before the law, on the other hand making impossible the efficiency of the mechanism of verification and control of financing by the CEC after the elections.

- The electoral administration must take the necessary measures so that all voters have the opportunity to vote independently on election day, regardless of their specific physical or intellectual abilities, enabling the necessary infrastructure for voters with special needs (such as forms Braille, ramps, or other infrastructural facilities).
- The CEC and the Campaign Monitors engaged by it must be particularly attentive to the breaking of the electoral silence, through any medium, taking measures in advance to immediately denounce and effectively stop any element of its breaking by anyone, contestant, candidate or medium, including online means of communication.

The CEC should draw the attention of electoral subjects and candidates that the breaking of electoral silence is also related to potential statements on social networks or advertisements posted on media or online platforms, including social networks, assuring them that it will be ready to sanction immediately, including during the day of the elections, any signals received for breaking the electoral silence.

In this context, the SEC is encouraged to adopt a specific order as soon as possible, the violation of which during the election silence period will bring the immediate sanction of the offender, as well as the immediate prohibition of the violation.

II. FOR ELECTION SUBJECTS AND CANDIDATES

- Leaders of political parties at the central level should withdraw from active campaigning in the remaining days, leaving the necessary space for local candidates to present their own programs.

A special space should be left for candidates for members of local councils, or local parliaments, especially women candidates.

- Candidates for mayor must develop detailed programs based on concrete steps for the sustainable development of the respective communities,

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avoiding conflicting language and personal attacks on opposing candidates.

- Political parties and candidates should avoid derogatory language and personal attacks, focusing the campaign on the programmatic development alternatives they propose, as well as on the citizens.

It is necessary to inform the voters on specific elements of the programs on vulnerable groups, ethno-cultural communities, concrete issues related to local security of citizens, etc.

- The election contestants must take the necessary measures to fill the vacancies in the third level commissions as soon as possible, even though they have exceeded the legal deadline¹⁰.
- Every candidate registered in these elections, regardless of whether he is running under the banner of a political party or as independent, will have to commit and report his campaign income and expenses in a complete and accurate manner, in full compliance with the legal framework.
- Political parties and coalitions participating in the elections must guarantee that all their candidates will report with maximum responsibility all income and expenses incurred.
- KRIIK urges all the election contestants, as in previous election rounds, to make transparency in advance before the citizens, before the day of the elections, by publishing and declaring the income and expenses incurred during this electoral campaign, as a sign of responsibility and respect towards the citizens and their need for objective information on the financial resources of the electoral bid they represent.
- Electoral subjects must show and concretize in this local election campaign the continuously expressed will for an equal society, making public concrete parts of their programs on specific and accessible elements for the empowerment of women, as well as the vulnerable layers of society, including persons with different abilities or minorities.

III. FOR PUBLIC AND POLITICAL OFFICIALS

- The leaders of the executive power at the central level and the political leaders of the majority must avoid intimidation of the citizens and vote direction through threats, open or implied, for lack of project support and budget for the citizens of the municipalities who will choose to vote for different candidates from those of the majority.

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¹⁰ The members of the commissions should have been appointed as early as April 14, 2023. The parties must act as soon as possible to guarantee the filling of the commissions with political balance as the law determines, and to avoid repeating the situation of 2022 where the commissioners in the municipality of Vorë were appointed on the morning of the voting day.

- High-level public officials (especially ministers and other high-ranking officials at the central level) to stop using the public office and state authority, their official or of the institution they lead, for electoral advantage.
- Current mayoral candidates and leaders of public institutions, at all levels, must stop using the public administration for the election campaign and their intimidation for engagement in the campaign, to vote in a certain way, to like or share the posts of the incumbents and political leaders, or oriented their vote, of their family members or acquaintances.
- Ministers and other senior public leaders must stop the campaign of propagandizing public policies, promoting investments or favorable measures for the benefit of different categories of the population, inspections and achievements so far, as all these are and remain activities with pure electoral nature¹¹, which are unfairly used for electoral advantage due to the position and public function they have.

IV. FOR THE MEDIA

- To broadcast truthfully and objectively all the elements of the election campaign conducted by all election contestants and their candidates, offering with professionalism and integrity a reflection as fair as possible and in function of the broad public interest, paying particular attention to women candidates or those who represent communities or special categories of the population.
- The media should encourage and put positive professional pressure on the mayoral candidates in these remaining days of the campaign, especially in the country's large municipalities, to develop election debates focused on concrete programs in the interest of the respective citizens in the country's municipalities, as a necessity to make transparency on electoral offers and ensure accountability for public commitments undertaken.
- The media must stop any transmission that can be perceived as electoral propaganda during the election silence period, including messages or calls to vote on election day from politicians.
- The media are encouraged, following the practice followed in the previous election processes, to be present as much as possible in the field throughout this week, especially during the voting process on election day, giving voice to all the concerns and denunciations presented by the citizens or election contestants.

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¹¹ The Electoral Code in article 81 point 3 gives the meaning of an electoral activity during the election campaign, specifically: "The activity pursues electoral goals when it aims to promote institutional achievements, investments, inaugurations or progress in the construction of public works or when it promotes specific aspects of the electoral program of the electoral subject."

V. FOR OTHER INSTITUTIONS PLAYING A ROLE IN THE PROCESS

- The Commissioner for the Supervision of the Civil Service should strictly request the implementation of the mechanism for the supervision of the behavior of public institutions without equivocation and request from all institutions the continuation of reporting according to the relevant instruction, taking concrete measures for any violation observed.
- The Task Force for the prohibition of the use of state resources, established by the Decision of the Council of Ministers on April 20, 2023, and directed by Deputy Prime Minister and Minister of Energy and Infrastructure, Ms. Balluku, who is also the Political Leader of the Socialist Party for the District of Dibra, not only has not been put into action (as far as it has been made public), but must at least set an example in not using public resources for electoral advantage, by stopping the campaign in support of the candidates in the District that the Deputy Prime Minister, or any other minister leads.
- The State Police and the Municipal Police, especially the latter, must take immediate measures to identify and remove all static propaganda materials that have been placed in violation of the law throughout the country, and especially those that have been placed in places that are not specifically cited in the decisions of the mayors or that are located near public institutions, as the CEC's instruction provides.
- AMA to pay special attention to the conduct of the media during the remaining period of the campaign and to report to the CEC on a daily basis including proposing sanctions on a daily basis for media that violate the balance of broadcasting, with the aim of ensuring that citizens can receive complete and balanced information on electoral subjects and candidates.

Sanctioning the media after the election campaign has ended does not guarantee an unaffected environment for voters and will be ineffective, not only for this process, but also for the next election process, continuing and consolidating the negative experience followed by previous processes as well.

- The State Police and the Prosecutor's Office must be in full readiness to immediately identify and punish anyone who tries to illegally influence the will of voters or obstructs the freedom of expression of candidates or electoral subjects, with a special focus on denunciations of intimidation of voters or attempts to buy votes.
They must proactively follow all cases of violations that constitute criminal offenses and that are reported by citizens or broadcast by the media.
- The State Police must be very attentive and initiative-taking on election day to identify and disperse gatherings of people in the surroundings of the voting centers, in accordance with the Electoral Code and the order of the State Election Commissioner.

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The police should be present all these days in the entire territory of the country, but with the most professional approach, remaining invisible and having full control of the situation.

VI. FOR ALBANIAN CITIZENS

- Albanian citizens should be actively engaged during the remaining days to verify if their name is on the list and in which polling station they vote and use proactively and as soon as possible the available legal mechanisms (submission of a request to the court until Friday, May 12, 24:00) to enable voting on election day in case they are not in the list.
This preliminary check is particularly important to be conducted in these elections, given that the polling station of about 1.3 million voters has, as well as due to the changes in the judicial map that came into force on May 1, closing some of the courts.
- KRIIK calls on Albanian citizens to report to the CEC any intimidation or violation of will, as well as any gathering of individuals around the voting centers, recalling that such gatherings are in no case justified, on the contrary, they are prohibited by law.
- Citizens must report to the CEC, through the telephone line or secure communication channels made available, any political observer or member of the voting centers who, during the voting day, tries to take note and notify the political subjects of the fact of the presence of them in the VC or of voting by them.
- Citizens must be in solidarity with each other by denouncing any case of intimidation, threats or vote buying in the secure communication channels at the CEC, or in the ready groups of police officers and prosecutors who will be on the ground, or even in the official website of the General Prosecutor's Office and the prosecutors' offices of general jurisdiction.

Tirana, on May 8, 2023

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

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