



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Albania – Local Elections, 14 May 2023

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 14 May local elections were generally well-administered, competitive, and held with the participation of the key political forces, but the process was characterized by continued polarization between the main political parties and deep division within the opposition. Contestants could campaign freely, but issues of importance for local communities barely featured in the campaign. Cases of misuse of state resources at central and local level, claims of pressure on public-sector workers and voters, and allegations of vote buying were of concern. The Central Election Commission (CEC) organized its work in a transparent and efficient manner, but the stability of lower-level commissions was negatively affected by frequent replacements of members by the nominating parties. Rules for political coverage of the campaign strongly favour the main parties, and the frequent use by media of party-produced content in news programmes undermined comprehensive and objective campaign coverage. Election day was generally peaceful but was negatively affected by numerous cases of party interference in the process as well as technical and procedural problems, widespread group voting, and problems with the secrecy of the vote. The vote count was assessed positively overall.

The electoral legal framework, which was last amended in 2020, provides an adequate basis for the conduct of democratic elections, including at the local level. While a number of previous ODIHR recommendations were addressed in 2020, many are yet to be implemented. Some limitations to suffrage rights remain at odds with international standards. In addition, other Electoral Code provisions are not in line with international good practice. Mayors and municipal councillors are elected directly for four-year terms. Mayors are elected in first-past-the-post contests and councillors – under a closed-list proportional system.

The elections were generally well managed by the election administration, although some delays in the technical aspects of the process and the nomination of the lower-level commissions were noted. The Central Election Commission (CEC) organized its work in a transparent and efficient manner, and most ODIHR Election Observation Mission (EOM) interlocutors noted increased transparency and openness in the CEC's decision-making. Eligible political parties liberally used their right to recall lower-level commission members, which affected the stability of the lower-level election administration. In this respect, political parties failed to live up to the considerable rights and responsibilities given to them under the Electoral Code.

The CEC organized an electronic voting pilot project in 401 of the 5,212 voting centres. The reduced timeframe for implementation of the project did not allow for extensive voter education or independent scrutiny of the new technologies.

The voter lists included some 3.6 million eligible voters, including a significant portion of voters who live abroad. While ODIHR EOM interlocutors expressed overall trust in the accuracy of the voter lists, some stated that the recent reassignment of voters to voting centres could confuse voters on election day. Restrictions on voter registration related to intellectual and psychosocial disability are at odds with OSCE commitments and international obligations.

Candidate registration was overall inclusive, and 40 parties and coalitions, as well as 12 independent candidates, contested the elections, with a total of 144 mayoral candidates and 852 council lists. Existing

limitations to the right to stand in cases without a final court decision are at odds with international standards. Independent candidates faced more onerous requirements for the collection of signatures.

The fundamental freedoms of assembly and expression were respected, overall, and electoral subjects could campaign freely. Voters were given a distinct choice, with the council elections secondary to the mayoral contests. The visible but rather low-key campaign revolved around the major parties and their national leaders and included confrontational rhetoric and style, at the expense of a campaign focused on local candidates and issues, to the detriment of local democracy.

The 2020 amendments introduced further safeguards against abuse of state resources. Although the authorities cannot propose, approve, or issue decisions providing benefits four months prior to election day, there were numerous activities, both by the central government and various local administrations, that ran counter to this rule. The narrow and formalistic interpretation by the Commissioner that this provision applied only to parliamentary elections, reflecting the letter rather than the spirit of the law, did little to guarantee a level playing field. Often, there was no clear distinction between official and campaign activities. On several occasions future government support to municipalities was conditioned on the election result. ODIHR EOM interlocutors also made claims alleging intimidation of voters and vote buying.

Thirteen of the 17 government ministers and 50 of the 140 members of parliament (35 per cent) are women. Although, the law provides for the 50-per cent gender quota and the placement criteria, which was not always respected. In addition, only 15 of the 144 mayoral candidates were women. Although the Electoral Code prescribes a 30-per cent gender quota, women are underrepresented throughout the election administration, particularly in decision-making positions.

Contestants may finance their campaigns from public and private funds. The law provides limits for donations and for campaign expenditure. Contestants are not required to publicly disclose before election day the source and amount of funds raised and only need to submit financial reports after election day, which reduces transparency. The late allocation of public campaign funds, which are used to calculate the spending limits, and the late adoption of the rules and guidelines for campaign finance reporting undermined legal certainty.

The legal framework for the media overall provides safeguards for freedom of expression and access to information; however, legal provisions concerning access to information are not adequately implemented. Although diverse, the media environment is characterized by systemic problems, including concentration of media ownership and the control exerted by intertwined business and political interests, which impact on media freedom and journalism. The rules for coverage in news and information programmes provide the main parliamentary parties with a significant advantage. ODIHR EOM media monitoring shows that the media coverage of the campaign focused on national party leaders and the candidates for the mayor of Tirana, with limited attention to issues relevant at the local level. Broadcasters largely resorted to what appeared to be pre-recorded party material, rarely labelled, in their news programmes, falling short of providing comprehensive and objective coverage of the campaign and substantial debate.

The Electoral Code provides detailed rules and adequate procedural guarantees for the resolution of election disputes. While appeals can be lodged by contestants whose legal interests are affected, legal recourses of voters and observers are restricted. The CEC's Complaints and Sanctions Commission (CSC) handled complaints in a collegial manner and in open sessions; however, some ODIHR EOM interlocutors questioned the impartiality of the CSC members due to their political affiliation. The Electoral College adjudicated complaints in public sessions, with the participation of parties involved.

The Electoral Code provides for observation of all stages of the electoral process by citizen and international observers. Representatives of parties, coalitions and independent candidates may also

observe. In an inclusive process, the CEC accredited a total of 443 citizen and 407 international observers. Despite previous ODIHR recommendations, only party observers may receive copies of results protocols. Several civil-society organizations monitored the use of administrative resources or violations of campaign regulations.

Election day was generally peaceful but was negatively affected by numerous cases of party interference in the process as well as technical and procedural problems. IEOM observers assessed opening negatively in a significant number of voting centres observed. Voting was assessed negatively in 7 per cent of voting centres observed, with instances of tension and voter intimidation reported. Voting procedures were generally respected, but IEOM observers also reported cases of violations, in particular widespread group voting, and some problems with the secrecy of the vote. The vote count was assessed positively in 127 of the 144 reports submitted from 60 BCCs. In most cases, they characterized it as slow but professional and methodical. Procedures were largely adhered to, but isolated cases of tension and interference by party activists were noted. The CEC announced a voter turnout of 36.3 per cent of all registered voters, including those residing abroad.

PRELIMINARY FINDINGS

Background and Political Context

Albania is a parliamentary republic, with legislative powers vested in a unicameral parliament. The government, led by the prime minister, exercises broad executive powers.

The most recent local elections took place in 2019 in which a coalition led by the governing Socialist Party (SP) won 60 of the 61 municipalities. The candidate of the Greek Ethnic Minority for the Future Party (MEGA) was elected mayor of Finiq municipality (Vlorë region).¹ The opposition Democratic Party (DP), the Socialist Movement for Integration (SMI; since renamed the Freedom Party (FP), led by former President Ilir Meta), and some smaller parties boycotted the elections. On 6 March 2022, by-elections were held in six municipalities where the mayor's office had fallen vacant.²

The SP also won the 2021 parliamentary elections, with 74 of the 140 seats in parliament.³ Edi Rama retained the post of prime minister for a third term since 2013.⁴ The political environment continues to be characterized by the dominance of traditional political elites and deep polarization between the major parties. This, compounded by an internal division and dispute over legal representation within the DP, affected the work of parliament, including on electoral reform.⁵

¹ The Constitution provides for full political, civil, and social rights for persons belonging to national minorities. There are nine officially recognized national minorities: the Aromanian, Bosnian, Bulgarian, Egyptian, Greek, Macedonian, Montenegrin, Roma, and Serb minorities.

² By-elections were held in Dibër, Durrës, Lushnjë, Rrogozhinë, Shkodër, and Vorë. The Democratic Party of Albania-Refoundation Commission (DPRC) led by Sali Berisha, running under the House of Freedom coalition, won in Shkodër, while the SP retained the other five mayoral positions.

³ The DP-led Alliance for Change won 59 seats; the SMI - 4 mandates; and the Social Democratic Party (SDP) -3 seats.

⁴ Thirteen of the 17 ministers in the current government are women. Of 140 parliament members, 50 (up from 36) are women (35 per cent), including the Speaker.

⁵ Following the 2021 elections and the public designation of former prime minister and long-standing DP leader Sali Berisha by the U.S. government, the DP has undergone turbulent internal division, including dispute over its legal representation, between groups led by Mr. Berisha and Lulzim Basha, who led the party from 2013 to 2022. After the DP's defeat in the March 2022 mayoral by-elections, Mr. Basha resigned as party leader and Enkelejd Alibeaj, leader of the DP parliamentary group, became acting DP chairperson. On 3 March 2023, a ruling of the Tirana Court of Appeals in effect left the legal representation of the party to Mr. Alibeaj. Mr. Berisha and his Democratic Party of Albania-Refoundation Commission (DPRC) have announced that they will appeal that ruling.

Legal Framework and Electoral System

Local elections are primarily regulated by the Constitution and the Electoral Code (both were last amended in 2020) and other relevant laws and regulations.⁶

The electoral legal framework provides an adequate basis for the conduct of democratic elections but it contains limitations to suffrage rights, at odds with international standards, as well as some inconsistencies and ambiguities caused by the 2020 legal amendments.⁷ In addition, some provisions related to election administration, candidate registration, campaign finance and election dispute resolution are not in line with international good practice.

The provisions introduced by the 2020 legal amendments, including those related to the election administration, campaign and campaign finance rules, and safeguards against abuse of public resources, were applied to local elections for the first time. These amendments addressed a number of previous ODIHR recommendations, including those on safeguards against abuse of public resources and strengthened guarantees for gender balance on candidate lists. However, the lack of a prohibition for third parties to campaign, the politicization of lower-level commissions, and ambiguous provisions on the duty to report public activities by municipalities leave loopholes that limit the consistency and comprehensiveness of the legal framework. The late adoption and delayed publication of some binding acts undermined transparency in the process and diminished the opportunity for stakeholders and voters to become familiar with the rules of the electoral process in a timely manner.⁸

Many previous recommendations of ODIHR and the Congress of Local and Regional Authorities of the Council of Europe recommendations remain unaddressed, including those related to the composition of lower-level election commissions, the mechanism of withdrawal of candidates, suffrage rights of persons with intellectual or psychosocial disabilities, criminal liability for defamation, use of campaign materials prepared by political parties in the news, and equal rights of party and citizen observers. In February 2022, parliament set up an *ad hoc* committee on electoral reform to follow-up on outstanding ODIHR recommendations. However, committee has not proposed any amendments.

Some provisions of the Electoral Code, which were challenged before and interpreted by the Electoral College of the Court of Appeals in Tirana (Electoral College) ensured protection of the suffrage rights and contributed to legal certainty.⁹ On the other hand, narrow interpretation of the law was evident in some CEC decisions, contributing to the ambiguity on how some provisions should be applied.

Mayors and municipal councillors are elected directly for four-year terms. Mayors are elected in first-past-the-post contests, while councillors are elected under a closed-list proportional system.

⁶ Secondary legislation includes the Law on Political Parties, the Law on Demonstrations, the Law on Gender Equality, and the Law on Guaranteeing the Integrity of Persons Elected, Appointed, or Exercising Public Functions (the Law on Decriminalization), as well as Central Election Commission (CEC) regulations. Albania is a party to major international treaties related to democratic elections and is a member of the Council of Europe's Commission for Democracy through Law (Venice Commission) and of the Group of States against Corruption (GRECO).

⁷ For example, Article 145.2 of the Electoral Code refers to the older version of Article 24, which was repealed by the July 2020 amendments; the restriction on the voting rights of persons with intellectual or psychosocial disabilities was removed from Article 44 but remained in the Constitution (Article 45) and in Article 53 of the Electoral Code. The Electoral Code is also not harmonized with the Law on Decriminalization, especially concerning restrictions to suffrage rights.

⁸ For instance, the 6 May CEC decision on online financial reporting, the CEC decision of 22 April on determining the amount of funds from the state budget for eligible political parties, and the Parliament's Decision No.30 on the approval of campaign funds for political parties dated 26 April.

⁹ In the case of Hashtag Initiative/Kosta Garo vs. CEC, the Electoral College on 13 April 2023 decided that non-registration of the candidate due to alleged lack of documentation was against the Constitutional principle of pluralism and the right to be elected.

Election Administration

Elections were administered by the CEC, 92 Commissions of Electoral Administration Zones (CEAZs), and 5,212 Voting Centre Commissions (VCCs). Counting is conducted by Counting Teams (CTs) in 92 Ballot Counting Centres (BCCs). All lower-level commissions are temporary bodies. Women are underrepresented throughout the election administration, particularly in decision-making positions.¹⁰

Following the 2020 amendments, the CEC consists of three separate steering bodies: the State Election Commissioner (the Commissioner) and the Deputy Commissioner, the Regulatory Commission (the Regulator), and the Complaints and Sanctions Commission (CSC). The CEC is responsible for the overall conduct of elections, and its members are elected by parliament.¹¹

Overall, the CEC operated efficiently and met most legal deadlines.¹² The Commissioner, Regulator and CSC separately held regular and open sessions which were livestreamed online. The ODIHR EOM noted that, interventions of party representatives in the CEC sessions were not always to the benefit of the preparations for the elections.¹³ CEC decisions are generally published on its website; however, the ODIHR EOM noted delays in the announcement of sessions and the publication of decisions by all three bodies, which limited transparency.¹⁴ While most ODIHR EOM interlocutors expressed trust in the CEC and noted increased transparency and openness in its decision-making, some questioned the impartiality of the CSC and the extent to which the three bodies function collegially.

CEAZs oversee elections in their respective electoral zones. They are composed of seven members and a non-voting secretary, nominated by the parliamentary majority and opposition.¹⁵ VCCs organize voting and are composed in the same manner as CEAZs.

The formation of lower-level commissions was problematic, largely due to the failure of the eligible parties to fulfil their responsibilities in ensuring a functional election administration. By the legal deadline, the CEC formed the CEAZs with only four or five members, and often without a secretary.¹⁶ By law, the CEC could solicit applications from eligible citizens to complete the formation of CEAZs; however, the CEC waited for the ruling of the Tirana Court of Appeals regarding the dispute over the DP legal representation before appointing DP-nominated CEAZ members. In 84 CEAZs, the DP-nominated members were therefore appointed with a one-month delay.¹⁷ Similarly, VCCs were to be formed by 24 April, however, due to late nominations and missing documentation, most VCCs were

¹⁰ Although the Electoral Code prescribes a 30-per cent gender quota for all election-administration bodies, only three of the 12 CEC members are women, including the Deputy Commissioner. Some 29 per cent of CEAZ members were women, including 16 of the 92 chairpersons.

¹¹ The Commissioner manages the CEC administration and exercises executive powers; the Deputy Commissioner oversees recruitment and training of members of the election administration and the implementation of the electronic voter identification system. The Regulator issues sub-legal acts and other normative guidance, while the CSC adjudicates complaints against the Commissioner, CEAZs, or the Regulator.

¹² The ODIHR EOM noted some delays in the allocation of free airtime to electoral subjects, in determining the order of the subjects on the ballots, the appointment of CEAZ, VCC and CT members, and the publication of the voter lists.

¹³ For instance, the decision on which parties are entitled to nominate the third and fourth member of the counting teams was postponed at least four times due to party representatives' requests.

¹⁴ In a few instances, CEC published decisions with a week's delay or more. Some notices for sessions were delivered on the day the sessions were held or not at all. As per the CEC, due to problems with the migration of the website to a more secure server on 25 April, the CEC could not publish notices or decisions in a timely manner until 6 May.

¹⁵ The CEAZs are composed of 2 SP, 2 DP, 1 SDP and 1 FP-nominated members. In even-numbered CEAZs, the seventh member is nominated by SP, in the odd-numbered ones – by DP. The chairperson belongs to the party which nominated the seventh member while deputy chairperson and secretary represent the other party.

¹⁶ Parties had to submit nominations so that the CEAZs be constituted by 12 February.

¹⁷ Following the court's ruling, 217 DP-nominated CEAZ members were appointed on 10 March 2023, and 33 additional members on 21 March 2023. This also included the appointment of secretaries in 42 CEAZs. In some cases, vacancies for secretaries were filled by the FP.

formed with more than a week's delay. Counting teams had to be nominated by 4 May, but the Commissioner's decision on the parties eligible to nominate counting team members was appealed, which led to subsequent delayed formation.¹⁸

Contrary to previous ODIHR and Congress recommendations and international good practice, political parties may still recall or replace their commission members at their own discretion and without justification, thus impacting the stability of the election administration.¹⁹ Between 12 February and 11 May, some 38 per cent of CEAZ were replaced, due to withdrawals, missing documentation, or resignations.²⁰ Some parties informed the ODIHR EOM observers that they planned to replace all their VCC members to avoid them being pressured or bribed by their opponents. Hence, many of the initial party nominations were formal in nature, which potentially challenged the effectiveness the election administration. Some ODIHR EOM interlocutors also stated that the lower-level commissions remain vulnerable to political pressure and do not yet enjoy full confidence.

The CEC conducted an extensive voter education campaign, including in eight minority languages and in national sign language.²¹ Some ODIHR EOM interlocutors, however, noted that easy-to-read voter education materials were not available and that the CEC's outreach efforts were not replicated in the regions. Although the law prescribes that voting centres are in accessible premises, accessibility and the participation of voters with disabilities in the electoral process remain a concern.²²

Pilot electronic voting took place in 401 voting centres of Elbasan, Kamëz, and Vorë municipalities, covering 310,846 registered voters.²³ Voters voted using touchscreen machines (direct-recording electronic equipment) with a paper-audit trail printer, neither of which is connected to the Internet. Voters could verify their vote on a receipt printed by a printer connected to the device. The CEC on 18 April started simulations in the three municipalities and an online voter education campaign.²⁴ The CEC also organized a public test of 3 per cent of the devices on 4 May. Preliminary results were published shortly after the closing of the polls, and a manual count of all receipts are conducted after the election results are announced. The late approval of funds by parliament and the delivery of most voting devices only two months before the elections did not allow for substantive voter education or independent scrutiny of the voting machines.²⁵

Voter Registration

Citizens aged 18 years or older on election day are eligible to vote, except for those found incompetent by a court decision, which is at odds with international obligations prohibiting discrimination based on

¹⁸ Following a complaint by the Together We Win coalition against the Commissioner's decision on which party is eligible to propose the third and fourth members of the counting teams, the CSC could not reach a decision, due to a split vote between the four members present.

¹⁹ Section II.3.1.f of the Venice Commission's 2002 [Code of Good Practice in Electoral Matters](#), states that "the bodies appointing members of electoral commissions must not be free to dismiss them at will".

²⁰ In order to address the high turnover, the CEC conducted additional training for CEAZ members.

²¹ Posters and spots on voter identification and electoral crimes were also produced in minority languages.

²² Article 29(a) of the 2006 [Convention on the Rights of Persons with Disabilities](#) (CRPD) obliges the states to ensure that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use". See also paragraph 34 of [General Comment No. 1 to Article 12 of the CRPD](#).

²³ Each voting centre was equipped with two voting machines. In total, the CEC has procured 828 electronic voting devices. Paper ballots were available in CEAZs as a backup, in case of the equipment malfunctioning.

²⁴ While the demonstration of the electronic voting devices helped voters get acquainted with the new mode of voting, remote rural areas did not have equal access to these presentations. Furthermore, the demonstration devices were not equipped with paper for the receipt printer, therefore not allowing voters to simulate all stages of the voting process.

²⁵ The Council of Europe [Guidelines on the implementation of the provisions of Recommendation CM/Rec\(2017\)5 on standards for e-voting](#) state that "Public access to the components of the e-voting system and information thereon, in particular documentation, source code and non-disclosure agreements, should be disclosed to the stakeholders and the public at large, well in advance of the election period".

disability.²⁶ Suffrage rights are also suspended for citizens serving a prison sentence for committing certain crimes.²⁷

Voter registration is passive and decentralized, however voters over 100 years of age were automatically removed and had to confirm their records for re-inclusion.²⁸ Voters could check their data in the register and request corrections until 4 April 2023.²⁹ The final voter lists contained a total of 3,650,550 voters, including a significant portion of voters who live abroad, in particular younger citizens.³⁰ The majority of IEOM interlocutors expressed overall trust in the accuracy of the voter lists, but IEOM observers noted inconsistencies in the distribution of voter notifications by local authorities, and that at times voter lists were not publicly displayed at voting centre locations, which limited public scrutiny of the voter lists in those areas.³¹ Contestants could request copies of the voter lists for campaigning purposes.

In January 2023, the MoI amended the original instruction, specifying additional criteria for assigning voters to voting centres by building code and alphabetically by surname.³² While the IEOM was informed that these changes would only affect voters assigned to voting centres that at some point were split into ‘fractions’, concerns were raised that this could confuse voters on election day.

Voter identification on election day was conducted by e-identification offline devices containing the voter lists of all voting centres. Voters provided ID cards or biometric passports to verify their identity, and their fingerprints were scanned to confirm that they have been identified.³³ Once successfully identified, a receipt with personal data and a photo is printed and stored by the VCCs for post-election verification. The recruitment of technical operators for voter identification presented a challenge for the election administration in some areas, and the CEC had to conduct late trainings until close to election day. Trainings observed were assessed positively by ODIHR EOM observers.

²⁶ Article 29 of the CRPD requires States Parties to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#). Paragraph 7.3 of the 1990 [OSCE Copenhagen Document](#) provides that OSCE participating States will “guarantee universal and equal suffrage to adult citizens”.

²⁷ The Law on Decriminalization suspends the voting rights for committing crimes listed in more than 80 articles of the Criminal Code (ranging from election-related offences to severe crimes).

²⁸ See Article 26 of the [1996 International Covenant on Civil and political Rights](#). Paragraph 5.9 of the [1990 OSCE Copenhagen Document](#) states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law”. According to the MoI, of the 3,717 voters over 100 years of age, 3,589 were removed from the voter register and 128 remain on the final voter list.

²⁹ Voters could check their voter list record using the CEC application or online portals at e-albania.al. Some 237 voters requested minor corrections and 34,184 changed their voting centre location due to residence change before voter lists were closed on 4 April. The civil status offices prepared six monthly extracts, starting from 22 November 2022. After 4 April and up to 24 hours before election day, voters could request changes to their records via a district court.

³⁰ According to the 2020 report by the [Albanian Institute of Statistics](#), there are around 1.6 million Albanian citizens residing abroad. The final voter lists include 1,843,170 male and 1,807,380 female voters.

³¹ ODIHR EOM long-term observers noted that in Cërrik, in some locations of Kukes, in Shkodra and in Tirana voter lists were not posted on time. In Kukes and in some remote areas in Elbasan region, voter lists were damaged or removed, or posted in a way that did not allow for public scrutiny.

³² Mayors, in co-ordination with local civil status offices, had to group voters according to the boundaries of the voting centres, making sure that voting centres or ‘fractions’ of voting centres have no less than 300 and no more than 1,000 registered voters. According to ODIHR EOM interlocutors, there were prior consultations on this change with the CEC and political parties.

³³ The CEC introduced new criteria for voter identification to address possible attempts at impersonation. Voters had up to three attempts per thumb and index finger to identify. If this had failed, they had to sign the voters list and the print from the device to be allowed to vote. As per the MoI, there were some 271,000 voters with expired IDs. In March, the Government extended the validity of expired ID documents to ensure participation of affected voters.

Candidate Registration

Any eligible voter has the right to stand, except for those serving a prison sentence or with a prior conviction for certain categories of crimes or under a search warrant, as well as those who hold public positions that are incompatible with the status of a candidate.³⁴ The existing restrictions to the right to stand in cases without a final court decision are at odds with international standards.³⁵

The CEC registered a total of 40 parties and coalitions as electoral subjects eligible to field candidates.³⁶ Independent candidates could be nominated by groups of at least nine voters residing in the respective municipality. To be registered, candidate lists for municipal councils had to represent men and women equally, with candidates of different gender alternating on the list. This requirement was not enforced in some municipalities.³⁷ In addition, parties and groups of voters were required to submit supporting signatures of no less than 1 per cent of voters from the respective municipality, unless they have been represented in the parliament or municipal government for a period of at least six months.

In some instances, however, independent candidates and some parties encountered difficulties in their registration.³⁸ Some IEOM interlocutors from smaller political parties considered the requirements for documentation in support of candidate lists to be overly burdensome.³⁹ Collection of 1 per cent support signatures, regardless of the size of the municipality, was more onerous for independent candidates than for political parties, especially in Tirana and Durrës.⁴⁰

³⁴ The Law on Decriminalization refers to deportation from an EU Member State, Australia, Canada, or the United States. It also references citizens convicted for certain crimes, even in the absence of a final court decision, as well as those under international search warrant. Judges, prosecutors, military, police and national security officers, diplomatic staff, prefects, members of election commissions, the President of the Republic, and high state administration officials determined by law must resign to be eligible to stand.

³⁵ Paragraph 5.19 of the [1990 OSCE Copenhagen Document](#) states that “Everyone will be presumed innocent until proved guilty according to law.” Section I 1 1.1(d), iii of the [Code of Good Practice in Electoral Matters](#) states that “the proportionality principle must be observed; conditions for depriving individuals of the right to stand for election may be less strict than for disenfranchising them”.

³⁶ Electoral subjects had to submit candidate lists to the respective CEAZs or the CEC, no later than 25 March. Municipalities with more than 80,000 registered voters are divided by the CEC into more than one electoral zone. For these elections, 50 of the 92 CEAZs are concurrent with the respective municipality and handled registration of candidates. For the remaining 11 municipalities, candidate registration was managed by the CEC. A candidate may feature only in one list, and the ranking on candidate lists cannot be amended after registration.

³⁷ ODIHR EOM noted that some candidate lists in 55 municipalities did not comply with the gender quota requirement. For instance, in Kukes eight lists did not comply with the requirement with some lists having six more men candidates than women, resulting in a total of 37 fewer women candidates. In Kuçovë, nine lists did not respect the gender quota. In Librazhd and Tropojë - seven lists. Divjakë, Klos, Këlcyrë, Kurbin, Malësi e Madhe, Selenicë - five lists in each did not meet the requirement; and in Bulqizë, Fushë-Arrëz, Gjirokastra, Has, Krujë, Përmet, and Pustec four lists in each municipality did not comply with the gender quota. Some of the lists also did not comply with prescribed number of candidates per list specified by Commissioner Decision No. 100.

³⁸ The Joint Movement, which fielded mayoral and councillor candidates in Tirana, was registered as a political party by the Court of Tirana with a delay, on 2 March. The Commissioner and the CSC deemed the court decision as not final and denied the party registration as an electoral subject. This decision was overturned by the Electoral College, which ordered the CEC to register the Joint Movement as an electoral subject. The CEC on 18 April 2023 reinstated the mayoral candidate of the Hashtag Initiative in Dropull (Gjirokastër region), following a decision by the Electoral College four days after the start of the campaign.

³⁹ Parties must submit signed copies of the IDs of voters who signed in their support.

⁴⁰ In the case of Tirana, the threshold for signatures was defined as 7,000 voters, contrary to the provisions for political parties of no less than 50 and a maximum of 3,000 for local elections. By law, the election administration verifies 5 per cent of the submitted signatures.

Candidacies were verified in line with the Electoral Code and the Law on Decriminalization.⁴¹ Forty-three candidates were still under examination by the Prosecutor General on election day, and it remained unclear until election day whether they were actually eligible to run.

In a mostly inclusive process, the election administration registered a total of 144 mayoral candidates, including 15 women and 23,763 councillor candidates for the 61 mayoral and 1,603 councillor positions. Two independent candidates stood for mayor and ten ran as councillor candidates.⁴² The SP and Together We Win coalition were the only two electoral subjects that nominated candidates in almost all municipalities for both contests.⁴³ Some International Election Observation Mission (IEOM) interlocutors voiced regret that selection of candidates was generally done at the central rather than local level.

Campaign Environment

The 30-day official campaign period commenced on 14 April and ended one day before election day. Voters were given a distinct choice, with the council elections secondary to the mayoral contests. Nevertheless, highlighting concern of various stakeholders over genuine political diversity, the campaign revolved around the major parties, in particular the ruling SP and the Together We Win coalition. The coalition was nominally led by the FP but was dominated by the DPRC, which did not have the formal status of a coalition party but fielded most of the coalition's candidates.

Fundamental freedoms of assembly and expression were respected, overall, and electoral subjects could campaign freely.⁴⁴ However, ODIHR EOM interlocutors in several regions claimed that opposition supporters faced intimidation aimed at preventing them from participating in campaign events.⁴⁵ At the same time, the ODIHR EOM was informed about numerous instances where municipal employees were told to support or to vote for the SP or were warned against supporting the opposition.⁴⁶ It was compounded by several allegations of vote buying or financial incentives for voters to not participate in the elections, in most cases initiated by the SP.⁴⁷

On 12 May, in Himarë (Vlorë region), a Greek minority mayoral candidate for Together We Win coalition was detained, on accusation of vote buying.⁴⁸

The campaign was driven by personalities, primarily by the main party leaders, Edi Rama of the SP and Sali Berisha of the DPRC, who made regular appearances across the country. Besides Mr. Rama, all but one government minister participated in the SP campaign, with a different minister for each region of

⁴¹ The CEC and 50 CEAZs verify that candidates have the right to stand, and the CEC verifies that candidates meet the integrity requirements mandated by the law, i.e., that they have not been convicted or are under investigation for certain criminal offenses. If further investigation is necessary, they refer candidates to the Prosecutor General.

⁴² Based on CEC data, three parties and seven groups of voters were denied registration due to incomplete documentation. Three mayoral and 10 local council candidates withdrew after they were registered.

⁴³ Together We Win nominated candidates for both contests in all 61 municipalities, the SP fielded candidates in 60 mayoral and 61 council elections. Ten other electoral subjects nominated council candidates in at least half of the municipalities (the Environmentalist Agrarian Party in all municipalities). At the same time, besides Together We Win and the SP, seven other electoral subjects nominated mayoral candidates: the DP in 15 municipalities, and six other subjects in one municipality each. Nine Roma candidates ran on the council lists of various parties.

⁴⁴ The ODIHR EOM is aware of two cases of violence. On 11 April, in Vau i Dejës (Shkodër region) a bomb was placed on the car belonging to a local DPRC leader, causing material damage. On 19 April, a local SDP leader and a councillor candidate in Shëngjin (Lezhë region) was shot dead at his business property. The police announced that they did not consider the killing to be connected to the elections.

⁴⁵ The ODIHR EOM received such reports were received from the regions of Dibër, Durrës, Gjirokastër and Shkodër.

⁴⁶ Such reports from the regions of Dibër, Durrës, Elbasan, Fier, Gjirokastër, Korçë, Shkodër and Tirana.

⁴⁷ Reports were received from the regions of Dibër, Durrës, Elbasan, Gjirokaster, Korçë, Lezhë, Shkodër and Tirana.

⁴⁸ Prior to his detention, Mr. Rama in a Klan TV show had referred to the candidate as “cheeky”, “ignorant”, “illiterate person” who “hired people to threaten immigrants”.

the country.⁴⁹ While at times there was a specific discourse driven by local matters, leaders effectively ran a nationwide campaign, with the SP emphasizing the continuation of infrastructural progress, and the opposition focusing on issues of corruption, mismanagement of public funds, and migration. The tone of the language used in the campaign was mostly moderate. Yet, a confrontational rhetoric and style, including through billboards and video spots, was present, in particular by the SP.⁵⁰

Overall, the campaign was visible but rather low-key. It was in evidence since the beginning in Tirana, where the ODIHR EOM observed a significant presence of outdoor campaign materials promoting the parties rather than candidates, with the SP significantly prevalent.⁵¹ Some interlocutors informed the IEOM that the space designated for the posting of campaign materials was insufficient, which made campaigning difficult for new candidates.⁵² The major contestants organized bigger outdoor gatherings. Women candidates featured in most rallies observed by the ODIHR EOM, however, women's participation in the audience was rather limited.⁵³ Overall, contesting parties used mostly small-scale meetings, door-to-door visits, small posters, and social networks.⁵⁴ Social networks were seen as particularly suitable and effective campaign tools by candidates lacking financial resources.

On 24 March, the DPRC requested that the Special Prosecutor's Office Against Organized Crime (SPAK) open a criminal investigation concerning the distribution and use of the application '*Aktiv1st*,' which was introduced in 2022 by the SP. The DPRC alleged that the application is used within the SP-controlled administration, in order to control subordinate public-sector workers so that they endorse activities of the SP, its leaders, and party affiliated-officials on social networks. The SP has denied claims that the application is used to control public-sector employees. IEOM interlocutors on various occasions confirmed that the application was in use across municipalities and was perceived as a tool to raise and promote the SP's profile on social networks. According to some IEOM interlocutors, such promotion was often a consequence of guidance by their SP-affiliated superiors.

According to the law, the authorities cannot propose, approve, or issue decisions providing benefits four months prior to election day and until the formation of a new government. Nevertheless, there were numerous activities, both by the central government and various local administrations that appeared to be in conflict with this legal requirement. Besides a 31 March decision to provide a bonus of Albanian Lek (ALL) 5,000 (approx. EUR 44) to pensioners, at least ten decisions were adopted by the government in April which increased the salaries of various categories of public-sector employees, from teachers to

⁴⁹ Prime minister did not participate in last four government sessions, since 7 April. The sessions are regularly held on a weekly basis, however, there was no session during last campaign week, with the last held on 4 May.

⁵⁰ Mr. Berisha and Mr. Meta were portrayed by Mr. Rama and the SP as embodiments of a dark past, while the DPRC labelled Mr. Rama and his ministers in photoshopped cartoons as "the biggest mafia on the planet".

⁵¹ Billboards and posters frequently did not contain the identifying information required by law. The Commissioner on 3 May decided that such campaign material should be removed by police by 5 May.

⁵² By law, the mayor designates public spaces for posting campaign materials. The ODIHR EOM has noted that for instance, in three out of five municipalities in Tirana region, including for Tirana municipality, the lists of designated spaces were not available on the municipality websites.

⁵³ Of the 65 campaign events observed by the ODIHR EOM, 39 featured women speakers. At the same time, estimates of women's participation in the audience varied significantly from 0 to 90 per cent, with an average of some 30 per cent. No ODIHR EOM interlocutors expressed concerns about misogynistic rhetoric, threats, or hate speech directed against female politicians, or online harassment against women in the electoral context.

⁵⁴ Out of 44 contesting political parties (38 parties running on their own and 6 parties within the two coalitions), only 24 used an official Facebook account, with the DP and the SP having the biggest number of followers, with some 328,000 and 204,000 followers, respectively. Facebook accounts of the politicians are much more popular (40 leaders have an official Facebook account, with Mr. Rama with 1.62 million and Mr. Berisha with 1.12 million followers, the highest numbers among politicians) and during the campaign generated the highest activity. Among politicians, Mr. Rama posted 267 posts during the official campaign period, (Mr. Berisha was most active with 331 posts) and generated the highest number of interactions (2.23 million), followed by Mr. Berisha with 0.63 million of interactions. At the same time, significant campaign activity of some Tirana mayoral candidates was observed on Instagram (Mr. Veliaj from the SP) or Tik-Tok (Belind Këllici from Together We Win).

firefighters.⁵⁵ In addition, Mr. Rama on several occasions conditioned future government support to municipalities on the election results.⁵⁶

ODIHR EOM observers noted numerous cases where local administrations engaged in similar activities, including local infrastructure repairs, distribution of food, or offers for short-term employment, including for minority communities.⁵⁷ Often, there was no clear distinction between official and campaign activities. Several ODIHR EOM interlocutors expressed concerns that no official action from the CEC followed such type of activities, which further reinforced the SP's advantage.⁵⁸ The Commissioner publicly stated that the respective Electoral Code provision (Article 91.4) is only applicable to parliamentary elections.⁵⁹ Such a narrow and formalistic interpretation, reflecting the letter rather than the spirit of the law did little to guarantee a level playing field.⁶⁰

Campaign Finance

Campaign finance is primarily regulated by the Electoral Code and the Law on Political Parties. The 2020 legal amendments to the Electoral Code partly addressed prior ODIHR recommendation by expanding the CEC's right to directly verify campaign incomes and expenditure, but recommendations on interim campaign-finance reporting and regulation of third party finances, remain unaddressed. In addition, the cap on campaign expenditures was reduced significantly.⁶¹

Contestants may finance their campaigns from public and private funds.⁶² Political parties which obtained at least 1 per cent of the vote in the last local elections are eligible for additional public funding for their campaign. Parliament allocated ALL 100 million for the local elections campaign.⁶³ However, the DP has informed the ODIHR EOM that one week before elections they had yet to receive funding from the state budget, in contravention to the law.⁶⁴ Electoral subjects that do not qualify for public

⁵⁵ 1 EUR is approximately ALL 111.

⁵⁶ On 22 April in Kamëz, while referring to the DPRC candidate in a derogatory manner, Mr. Rama said that "those who will put the donkey with two long ears in the municipality can forget about the government. Forget about support from the government." In a Facebook post from 23 April, Mr. Rama presented a project that would be developed in Shkodër and fully financed by the Albanian government and [commented](#) that: "This is one of the transformative projects for Shkodër, the fate of which is strongly linked to the will of the Shkodër community on 14 May." On 2 May, the DPRC filed a complaint with SPAK, requesting a criminal investigation concerning such statements made by Mr. Rama throughout the campaign and considered by DPRC as threats.

⁵⁷ Such cases were noted in all regions.

⁵⁸ At the same time, the CSC sanctioned at least 16 mayors with a maximum fine of ALL 100,000 (approx. EUR 910) each for illegal campaigning in favour of the SP on the official Facebook page of the municipality and/or mayor.

⁵⁹ The Commissioner made this [statement](#) during a press conference on 30 March.

⁶⁰ Article 91 of the Electoral Code (Prohibition on the use of public resources to support electoral subjects), does not aim to define prohibitions only in relation to parliamentary elections. Regulator Decision No. 9 from December 2020, adopted with the aim to limit potential abuse of administrative resources, in its Article 1 stipulates that "[t]he purpose [...] is to establish rules on taking measures, monitoring and preventing prohibited activities, behaviour or use of human, financial and logistical resources of central and local institutions, as well as state administration, during the 4 (four) months period prior to the election date, aiming to guarantee and ensure impartiality and equal treatment of candidates and political parties [...]."

⁶¹ The limit on donations from private funds that must be kept in the special bank account of an electoral subject was reduced from ALL 100,000 (approx. EUR 900) to ALL 50,000 (approx. EUR 450).

⁶² On 12 April, the CEC distributed ALL 345,341,079 (approx. EUR 3.07 million) of annual public funding to 11 parties.

⁶³ The CEC decided on 22 April, eight days after the beginning of the campaign, on the distribution of some ALL 97 million (approx. EUR 872,000) to 13 electoral subjects. The parliament decision allocating the funds was only published on 26 April.

⁶⁴ Article 88.6 of the Electoral Code prescribes that funds allocated to political parties are to be distributed no later than five days after the candidate registration period i.e. 9 April.

funding are compensated after the elections.⁶⁵ Independent candidates are not entitled to public funding, contrary to international good practice.⁶⁶

Private funds may include contestants' own means, donations from Albanian citizens and legal entities, and bank loans. Individual donations, including in-kind, are capped at ALL 1 million (approx. EUR 8,850).⁶⁷ According to the CEC, this cap also applies to electoral subjects who wish to finance the campaign from their own sources. However, there is no limit on the aggregate amount of donations that a candidate or party may accept.

The total campaign expenditures of a party or coalition are capped at 300 per cent, and those of an independent candidate 50 per cent, of the highest amount of public funding allocated to a party based on the results of the last local elections. However, the limit on campaign expenditures is directly dependent on the discretion of state institutions that determine the amount of public funding.⁶⁸

The CEC oversees compliance with campaign finance regulations. The law provides for a wide range of sanctions against campaign finance violations, including fines and forfeiture of funds. The CEC is assisted by 119 campaign monitors, but the ODIHR EOM noted that their regular reports do not contain any substantial information on campaign finance.⁶⁹

The CEC issued regulation on rules for financial reporting, and control and verification of contestants' campaign income and expenditures on 7 April, and adopted the guidelines on financial reporting for contestants on 20 April. The late adoption of the rules and guidelines undermined legal certainty, considering that the period of accounting for campaign incomes and expenditures is from the date of announcement of elections until election day.

Contestants are required to submit financial reports within 60 days from the announcement of election results.⁷⁰ The CEC should appoint auditors to review these financial reports and publish auditors' reports 30 days after their submission. There is no requirement for interim campaign-finance reporting or annual reporting before elections, undermining transparency of campaign finance.⁷¹ The deadline of the annual report is not provided in the law but determined by the CEC, contrary to international good practice.⁷²

⁶⁵ According to Article 89 of the Electoral Code, to qualify for a compensation, an electoral subject must obtain no less than one percent of valid votes at the national level.

⁶⁶ Paragraph 185 of the ODIHR and Venice Commission [Guidelines on political party regulation \(Second edition\)](#) stipulates: "Where political parties are provided with state support, such as the provision of public media airtime or campaign finance, there should also be a system of support for independent candidates to ensure that they are awarded equitable treatment in the allocation of state resources."

⁶⁷ Legal entities which received public procurement funds of more than ALL 10 million (approx. EUR 89,800), those which have been involved in public partnership projects or have debts to the state budget, as well as those which carry out media-related activity, are not allowed to donate towards electoral campaigns.

⁶⁸ See Paragraph 248 of the ODIHR and Venice Commission [Guidelines on political party regulation \(Second edition\)](#): "Whichever system is adopted, such limits should be clearly defined in law." As these funds were allocated on 22 April, the expenditure threshold was only known to contestants eight days after the campaign had started.

⁶⁹ According to the reporting form, the CEC monitors submit information on electoral offices, campaign materials, campaign activities/events, and abuse of state resources, but they are not required to calculate or estimate the total expenditures incurred by electoral subjects. According to the relevant CEC regulation, the interim reports to the CEC are to be submitted every 10 days, and the final report is submitted seven days after election day.

⁷⁰ The CEC on 6 May adopted a decision that political parties, coalitions and mayoral candidates will have to submit financial reports through a new Online Financial Reporting System that allows reporting in machine-readable format.

⁷¹ Article 7.3 of the 2003 [UN Convention against Corruption](#) (UNCAC) recommends States Parties take legislative and administrative measures "to enhance transparency in the funding of candidatures for elected public office". Article 23(4) of the Law on Political Parties provides: "During election year, the financial reports of a party must be submitted together with the financial report of the election campaign."

⁷² Paragraph 261 of the ODIHR and Venice Commission [Guidelines on political party regulation \(Second edition\)](#): "The deadline for submitting the final report to the oversight body should be precisely defined in the law."

Media

The Constitution protects media freedom and the right to information and prohibits censorship. However, legal provisions concerning access to information are not adequately implemented, and defamation remains a criminal offense punishable by heavy fines.⁷³

The election campaign took place in a media environment characterized by several systemic problems which impact on media freedom and journalism. While there is a variety of media outlets, they operate in a limited advertising market, and their autonomy has been progressively eroded due to the concentration of media ownership and the control exerted by intertwined business and political interests.⁷⁴ Both of these factors affect media editorial independence and make journalists vulnerable to pressure and self-censorship. The widespread practice among the main political parties and public institutions to provide media with pre-recorded or live footage from political events is a significant problem noted by all IEOM media interlocutors, as media heavily rely on such footage, rather than producing their own content. Discrediting rhetoric by politicians, obstacles to access public information, and precarious working conditions are other major factors affecting media professionals.⁷⁵ These concurring challenges affect the ability of the main media to conduct independent and investigative reporting.

Campaign coverage in the broadcast media is regulated by the Electoral Code. The rules for the allocation of coverage in news and information programmes provide the main parliamentary parties with a significant advantage.⁷⁶ Provisions for free-of-charge airtime on the public broadcaster *RTSH* ensure visibility for all electoral contestants, based on their parliamentary representation.⁷⁷ Party-produced content in news programmes is allowed, thus permitting this controversial practice.⁷⁸ Paid election advertising in broadcast media is permitted and subject to a number of restrictions.⁷⁹ Such requirements do not apply to online media. This legal gap, which creates a double standard for campaign advertising, was criticized by many ODIHR EOM interlocutors.

Transparency measures are in place in relation to paid election advertising on TV and radio, which must submit information about the fees they charge to the CEC. However, on the CEC website, price lists were published for 20 broadcasters. Some outlets presented fees for advertising during timeslots where advertising is forbidden by law, while others offered public-relations services with related tariffs.

⁷³ The Criminal Code provides for fines up to ALL 3 million (around EUR 26,800).

⁷⁴ Television remains the main source of political information, although online media consumption is increasing. The [EU progress report of 2022](#) noted that: “High-profile business group have increased their economic penetration in the media market (...). Media organizations and activists have continued to raise concerns about the use of media channels to promote owners’ economic interests and political agendas. Market and audience concentration and lack of transparency of media funding continue to remain issues of concern as regards media freedom in the country”.

⁷⁵ According to most ODIHR EOM interlocutors, the new Media and Information Agency ([MIA](#)), created in September 2021 with the stated aim of facilitating access to information, has further centralized access to public information.

⁷⁶ Parties that won over 20 per cent of seats in the last parliamentary elections should receive twice the amount of the coverage of other parliamentary parties in news and information programmes. Coverage for non-parliamentary parties is left to the discretion of the broadcasters but should not exceed the coverage provided to parliamentary parties with less than 20 per cent of seats. The stringent provisions regulating the allocation of airtime for electoral subjects was criticized by several media interlocutors.

⁷⁷ [CEC Decision No. 352](#) provided for 50 minutes on public television and 30 minutes on radio to the SP and the DP, other parliamentary parties received 25 minutes each on television and 15 minutes on radio, and non-parliamentary parties each received 10 minutes on television and on radio.

⁷⁸ However, the Electoral Code requires that this material must be clearly labelled as such.

⁷⁹ Only electoral subjects have the right to buy political advertisement on television and radio, and limits are set for the total amount of airtime that can be purchased. Broadcasters must apply the same fees for the same time slot, and campaign advertisement is to be broadcast from 15:00 to 18:00 and from 21:00 to 24:00 hrs.

The media regulator, the Audio-visual Media Authority (AMA), oversees broadcasters' compliance with the legal requirements for campaign coverage.⁸⁰ AMA launched its monitoring on 14 April and provided the CEC with daily and periodic reports, which were published on the CEC website. The reports indicated that most of the breaches observed concerned failure to provide recordings of the aired material to AMA, as well as infringements related to political advertisement. Following AMA's findings, the CEC imposed a number of sanctions against broadcasters for the identified violations, generally in line with AMA's recommendations.⁸¹ Imbalances in media coverage were also found, with the CEC requesting broadcasters to ensure compensation for under-represented parties.

ODIHR EOM media monitoring shows that media coverage was mostly focused on national party leaders as well as the candidates for mayor of Tirana, with limited coverage of other candidates.⁸² The media campaign was characterized by recurrent personal attacks among politicians, general promises, and the absence of debates among candidates. Limited attention was paid by candidates and by media to policies and issues relevant at the local level. Broadcasters largely resorted to what appeared to be pre-recorded party material, rarely labelled, in their news programmes, falling short of providing comprehensive and objective coverage of the campaign.

Political coverage in all monitored media focused mainly on the SP (40 per cent), Together We Win (37 per cent), and to a minor extent, the DP (15 per cent). Together they received 92 per cent of the total electoral coverage monitored, showing a clear concentration of the coverage on three actors only. In its news and information programmes, public *RTSH* allotted the largest amount of airtime to the SP (43 per cent) and to Together We Win (35 per cent) while the DP received 17 per cent, respectively. On *TV Klan*, the SP received 39 per cent, Together We Win 35 per cent, and the DP 21 per cent. *Top Channel* devoted 51 per cent to the SP, while Together We Win and the DP were allotted 32 and 6 per cent, respectively. Together We Win received the broadest coverage on *Vizion Plus* (40 per cent), followed by the SP (33 per cent) and the DP (16 per cent). *A2 CNN* focused its coverage on the SP (41 per cent), Together We Win (40 per cent) and the DP (16 per cent). The tone of the coverage was mostly neutral or positive in all monitored televisions, with the exception of *Top Channel* which provided the SP (29 per cent) with above the average positive exposure and slight negative coverage for Together We Win (7 per cent).

Election Dispute Resolution

The Electoral Code provides detailed rules and adequate procedural guarantees for election dispute resolution. The administrative complaint procedure is elaborate and involves due process guarantees.⁸³ However, only contestants, whose legal interests are affected, can submit complaints to the CEC against CEAZ decisions within three days from the announcement of the decision.⁸⁴ Observers may only appeal denial of their accreditation and voters are only eligible to lodge complaints concerning their inclusion in the voter list, contrary to international good practice.⁸⁵

⁸⁰ Several ODIHR EOM interlocutors questioned AMA's regulatory effectiveness and its ability to implement sanctions during the campaign period.

⁸¹ In its periodic reports, AMA proposed remedies against breaches observed. Decisions concerning sanctions against violations are up then to the CEC. A large part of broadcasters did not comply with the CEC decision.

⁸² From 14 April to 14 May, the ODIHR EOM carried out prime-time monitoring on five TV stations (public *RTSH-1*, and four private channels: *Top Channel*, *TV Klan*, *Vizion Plus*, and *A2 CNN*).

⁸³ Complaints that do not meet formal requisites can be resubmitted with corrections within 24 hours.

⁸⁴ Appeals concerning election results may be lodged within five days.

⁸⁵ Section II.3.3.f of the Venice Commission's [Code of Good Practice in Electoral Matters](#) recommends that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

Decisions of the Commissioner and of CEAZs may be appealed to the CSC, which has to decide within two days from the date of submission.⁸⁶ Decisions of the CSC and of the Regulator can be appealed to the Electoral College of the Administrative Court of Appeals in Tirana (Electoral College) whose decisions are final.⁸⁷ Several ODIHR EOM interlocutors stated that introduction of CSC within the CEC's structure has made the system of handling electoral disputes more complex.⁸⁸ In addition, other IEOM interlocutors raised concerns regarding biased decision-making of the CSC, thus potentially challenging perception of impartiality of this body.

As of 12 May, the CSC received 42 complaints, mostly concerning candidate registration. The CSC took 20 decisions regarding sanctions for abuse of public resources and other campaign-related offences, and imposed sanctions in 17 cases. The sanctions for these offenses vary from ALL 2,500 (EUR 23) to ALL 100,000 (EUR 900). The CSC adjudicated complaints in public sessions, with the participation of parties to the case. In some cases, however, the CSC sessions were announced few hours before.⁸⁹

The Electoral College adjudicated 13 appeals, within the deadline and in public sessions. As of 3 May, the CEC received 416 reports by CSOs and electoral subjects on alleged non-reporting of public activities, abuse of public resources, and other campaign-related offences. The Commissioner addressed 341 reports by requesting to impose sanctions or issue notifications to public bodies.

As of 12 May, the ODIHR EOM was informed of 54 reports on election-related offences received by police offices across the country, which are under investigation, including 20 cases of passive corruption and 25 cases of vote-buying. Electoral violations related to corruption are prosecuted by SPAK. SPAK notified the ODIHR EOM that as of 12 May, 13 election-related reports had been received, and 6 pre-trial criminal investigations had been initiated, including 4 regarding vote-buying.

Election Observation

The Electoral Code provides for citizen and international observation of all stages of the electoral process. In an inclusive process, the CEC accredited 443 citizen observers from 9 civil-society organizations (CSOs), and 407 international observers from 16 organizations and 12 embassies.

Parliamentary parties and coalitions have permanent representatives at the CEC. Other electoral subjects may appoint representatives during electoral period only. Once registered, electoral subjects may appoint one observer to each CEAZs and VCCs where they are running, and to each counting table in the respective BCCs. Coalitions, regardless of the number of parties within, can delegate up to three representatives per commission or counting table. Contrary to previous ODIHR recommendations, only party observers are entitled to copies of the counting and tabulation results protocols.

Several CSOs monitored the use of administrative resources or violations of campaign regulations, and filed most of the denunciations to the CEC. Several CSOs informed the IEOM that due to limited financial resources, they would only deploy small numbers of volunteers to observe on election day.

⁸⁶ Ten days in case of challenging election results.

⁸⁷ The CSC has a two-day deadline, and the Electoral College has 10 days to decide on the complaints or appeals received. Both instances have 10 days to decide on election results cases.

⁸⁸ According to the rules of procedure, following the registration of an administrative complaint, lots are drawn to appoint a rapporteur from among the CSC members, who verifies whether a complaint is admissible. If a complaint has deficiencies, it may be sent back for corrections. If a complaint is accepted, a public hearing must take place between 24 and 48 hours afterwards.

⁸⁹ The ODIHR EOM was informed that the CEC uses email to invite parties to a case, to speed up communication.

Election Day

Election day was generally peaceful but was negatively affected by numerous cases of party interference in the process as well as by technical and procedural problems. In a few cases, IEOM observers were not allowed to observe the voting and counting processes. The CEC announced a voter turnout of 36.3 per cent of all registered voters, including those residing abroad. It started posting preliminary mayoral election results, down to voting centre level, at around 23:00 hrs. on election night, contributing to transparency.

The opening process was assessed negatively in 40 of the 102 voting centres observed. IEOM observers noted problems with the setting up and functioning of EIDs, in some cases caused by failure of the EID operator to report for work (26 reports), the VCC not showing to everybody present that the ballot boxes were empty (24 reports), and failure to deposit the record of sealing in the ballot boxes (10 reports). In 17 voting centres observed, non-VCC members, often party observers and activists, interfered during the opening. Two-thirds of voting centres observed opened for voting with a delay of more than 15 minutes, and seven with more than one hour delay.

IEOM observers assessed voting negatively in 7 per cent of voting centres observed, a high number which is of concern. While they characterized the process inside most voting centres observed as calm and smooth, they noted problems outside of many voting centres.

IEOM observers saw indications that voters were induced or compelled to vote for a particular party outside 3 per cent of voting centres observed, and in 11 per cent of voting centres observed, people other than the VCC members were keeping track of voters who had voted. Unauthorized persons were noted in 4 per cent of voting centres observed, usually party activists, and in 6 per cent, persons other than VCC members, mostly party observers and activists, interfered in or directed the voting process. Tension or unrest were reported outside 2 per cent of voting centres observed, and inside 2 per cent. Intimidation of voters was reported from inside 1 per cent of voting centres observed. Party observers were present in 86 per cent of voting centres observed, while citizen observers were present in only 6 per cent; in a few instances, citizen observers appeared to be *de facto* representing the interests of a political party.

EIDs were not functioning, or the EID operator had not reported for work, in 9 per cent of voting centres observed. In around 20 per cent of voting centres observed where the EIDs worked, not every voter on the voter list could be identified by the EID. Inking procedures, an important safeguard against multiple voting, were not always respected: in 27 per cent of voting centres observed, not all voters were checked for traces of indelible ink, and in 11 per cent, not all voters were marked with ink before voting. In 30 per cent of voting centres observed, one or more voters who were not on the voter list of that voting centre were turned away or redirected to the correct voting centre.

Voting procedures were generally respected, but IEOM observers reported that in 10 per cent of voting centres observed, not all voters marked their ballots in secret. IEOM observers also reported a number of procedural violations, including group voting (12 per cent), and proxy voting (3 per cent). In 1 per cent of voting centres observed, the ballot boxes were not properly sealed, and in 5 per cent, the serial numbers of ballot box seals had not been recorded in the VCC Meeting Record Book. IEOM observers noted attempts to influence voters who to vote for in 3 per cent of voting centres observed, and in 3 per cent of voting centres observed, the same person was assisting more than one voter, in violation of the law. In 4 per cent of voting centres observed, the monitoring camera was not operational. In the limited number of voting centres with electronic voting observed, IEOM observers noted that frequently, elderly voters in particular had problems using the voting machines and that the assistance rendered to these voters undermined the secrecy of the vote.

IEOM observers reported that 6 per cent of voting centres observed were overcrowded. In 5 per cent of voting centres observed, the layout was not suitable to conduct voting. Some 60 per cent of voting

centres were not independently accessible for persons with physical disabilities, and in 28 per cent, the layout was not suitable for such voters.

Closing was assessed positively in all but eight of the 100 voting centres observed, with procedures followed in almost all of them. The receipt of election material at the 58 BCCs observed was assessed positively in all but three reports. Procedures were followed, but in around one in five BCCs, overcrowding was noted or the reception venue was not adequate for the delivery of election materials. In eight BCCs, one or more ballot boxes were declared to be irregular.

The vote count was assessed positively in 170 of the 193 reports submitted from 60 BCCs. In most cases, they characterized it as slow but professional and methodical. All BCC premises observed were assessed as adequate. Tension was reported from five BCCs, and interference by party activists from two. Party observers were present in all but two counts observed, and citizen observers, in one third. IEOM observers reported cases where counting teams did not follow all prescribed reconciliation procedures, especially in cases where the VCC Record of Closing was not found in the ballot box. IEOM observers also reported cases where the stamped reverse side of the ballots was not properly exposed to the camera (12 cases), and instances where the determination of ballot validity was not reasonable or consistent (three and four reports, respectively). In 15 counts, the number of ballots found in the ballot box did not match the number of voters who had received ballots. In nine instances, recounts were required, and in one instance, a request for a recount was denied.

On election day, the CEC received 44 denunciations, mostly regarding irregularities during voting, including vote buying, voter intimidation, and group voting. The State Police reported that it had identified five electoral crimes and that one citizen had been arrested while eight were being prosecuted at large.

***The English version of this report is the only official document.
An unofficial translation is available in Albanian.***

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tirana, 15 May 2023 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the European Parliament (EP), and the Congress of Local and Regional Authorities of the Council of Europe (the Congress). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections, and with national legislation. Each of the institutions involved in this International Election Observation Mission has endorsed the 2005 Declaration of Principles for International Election Observation.

Ambassador Audrey Glover is the Head of the ODIHR EOM, deployed from 6 April until 24 May. The Congress delegation was led by Stewart Dickson, thematic spokesperson for the Congress on the Observation of Local and Regional Elections and Vice President of the Council for Democratic Election. Sven Simon headed the EP Election Observation Delegation.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The Head of the Congress delegation will present a report at the next Congress session in Strasbourg next October. The EP Head of Election Observation Delegation will report on the mission's results on 22 May 2023 at the next meeting of the European Parliament's Delegation to the EU-Albania Stabilisation and Association Parliamentary Committee (SAPC).

The ODIHR EOM includes 14 experts in the capital and 24 long-term observers deployed throughout the country. On election day, 246 observers from 31 countries were deployed, including 216 observers deployed by ODIHR, as well as a 10-member delegation from the EP and a 20-member delegation from the Congress. There were 51 per cent of women among observers. Opening was observed in 102 voting centres, and voting was observed in more than 940 voting centres across the country. Closing procedures were observed in 100 voting centres. The handover of election material and the initial stages of the vote count were observed in 60 Ballot Counting Centres.

The IEOM wishes to thank the authorities of the Republic of Albania for the invitation to observe the elections, and the Central Election Commission for their assistance. The IEOM wishes to also express their appreciation to other state institutions, political parties, media and civil society organizations, and international community representatives for their co-operation.

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