THE ELECTORAL CODE
OF THE REPUBLIC OF ALBANIA

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PART I
GENERAL PROVISIONS

CHAPTER I
PURPOSE, DEFINITIONS AND PRINCIPLES

Article 1
Aim and purpose

1. The aim of this Code is to specify rules for preparing, conducting, administering, and supervising elections to the Assembly of Albania, local government elections and referenda, as well as for declaring their results.

2. This Code regulates:

a) the determination of electoral zones;

b) the deadlines, procedures and competencies for the registration of electoral subjects;

c) the organization and functioning of the electoral administration and electoral commissions;

ç) the deadlines, procedures and competencies for the preparation of the voter list;

d) the financing of electoral subjects;

dh) the conduct of the electoral campaign;

e) the voting procedure and the procedure for declaring the results;

ë) the examination of appeals and the imposition of administrative and criminal sanctions;

f) other rules related to elections.

Article 2*
Definitions

For the purposes of this Code, the following terms shall have these meanings:

1. “Election date” is the voting date, as determined by a decree of the President of the Republic.

2. “Special institutions” are prisons, places of pre-trial detention, as well as hospitals or other healthcare institutions that accept patients for more than three days.

3. A “candidate presented by a group of voters” is a candidate for deputy or for mayor of a municipality or for a municipal council, who is not supported by any political party and who is proposed by the voters, in accordance with this Code.

4. A “candidate” is an Albanian citizen registered as a candidate for deputy or for mayor of a municipality or for a municipal council, in accordance with this Code, who is to be voted on in the elections.

5. A “coalition” is a grouping of two or more political parties to run together in elections in accordance with the rules defined in this Code.

6. A “VCC” is a Voting Centre Commission.

7. The “CEC” is the Central Election Commission, which is the highest permanent state body charged with the administration of elections in accordance with the rules defined in this Code.

8. A “CEAZ” is a Commission of an Electoral Administration Zone, which is established and functions in accordance with this Code for the elections to the Assembly of Albania and for local elections.

* Amended by Law no. 74/2012, dated 19 July 2012.

9. “Voter lists” are official documents of the voters which originate from the National Civil Status Register for each polling unit, compiled in accordance with this Code.

10. A “multi-name list” is a list of candidates for deputies or for councils of municipalities, compiled and registered in accordance with this Code.

11. A “close relationship by marriage” is the relationship created by marriage between a commission member and a candidate, when one of them is the parent of the other’s spouse, or the sister or brother of the other’s spouse, or the spouse of the sister or brother of the spouse.

12. A “parliamentary party” is a political party that has obtained and holds at least one Assembly seat from the preceding elections.

13. A “political party” is a party registered in accordance with Law no. 8580, dated 17 February 2000, “On Political Parties”.

14. A “representative of an electoral subject” is a person authorized by an electoral subject to represent their interests and to participate in meetings of electoral commissions, in the name of and on behalf of the electoral subject.

15. An “electoral period” is the period of the year determined in this Code during which periodic elections are held for the Assembly of Albania and for local government bodies.

15/1. “Evidence” is a legal instrument that serves to prove the existence or inexistence of a claimed fact in the administrative investigation and that is taken in compliance with this Code.

16. A “voting centre” is the premises designated for conducting the vote in accordance with this Code.

17. The “National Electronic Civil Status Register” is the electronic database of citizens compiled in accordance with the provisions of the law on civil status.

18. The “final elections result” is the result declared by the CEC in accordance with this Code and includes:

a) the number of votes, the number of seats and the list of names of the deputies elected for each subject in the electoral zone, as well as nationwide, in accordance with the rules of this Code;

b) the result of the vote for candidates for municipal mayor, directly elected in the respective electoral zone;

c) the number of votes obtained by each subject nationwide, based on the result of the votes obtained by each electoral subject during the vote for local government councils; and

ç) the result of the vote for each alternative in a referendum, in accordance with the provisions of this Code.

19. A “revision of the lists” is the process of deleting or adding names or of changing data on voter lists, in accordance with this Code.

20. “Electoral subjects” are political parties, coalitions and candidates proposed by the voters, as well as candidates for mayor of local government bodies, who have registered in accordance with this Code.

21. Abrogated

22. “Partial elections” are the vote to fill the seat of a mayor of a municipality, as well as for the election of a new local council in case of dissolution.

23. “Elections” are the vote for the Assembly, for local government units and referenda.

24. A “polling unit” is a geographical zone within the territory of a municipality or electoral zone established in accordance with this Code.

25. An “electoral zone” is an administrative-territorial division of the region for the elections to the Assembly, and the municipality for local government elections.

Article 3
General principles

1. Elections are periodic.

2. Elections are conducted through free, secret, equal and direct voting, according to the rules provided for in this Code. Voters exercise freely their right to vote.

3. Every Albanian citizen, who has reached the age of 18, including on Election Day, without distinction according to race, ethnicity, gender, language, political conviction, religious belief, physical ability or economic condition, has the right to vote and to be elected in accordance with the rules provided for in this Code.

4. Each voter has the right to only one vote for the election of an electoral subject.

5. Electoral subjects are free to present their electoral programmes in any lawful manner and form.

6. Electoral commissions provided for in this Code fulfil their functions in conformity with the law and in an impartial and transparent manner.

7. Except as otherwise provided for by law, it is prohibited to provide for the use of electoral subjects any means, funds or different materials that are public property, as well as human resources of the public administration of any level.

8. Institutions of public administration of any level shall not impair the conduct of the elections with their activity.

Article 4
Appointment and duties of the liaison officer

1. The administration of the Council of Ministers and of the Prime Minister's Office, any ministry, the Prefect's office and municipalities have the obligation, no later than 24 hours after the setting of the election date, to appoint a liaison officer responsible for the exchange of information with the CEC on activities that are related to the administration or conduct of free, fair and democratic elections.

2. A written notice of the appointment, including the liaison officer's name, position or title, office address, as well as telephone and facsimile numbers is provided to the CEC concurrently with the appointment. If any of these institutions fails to appoint a liaison officer in accordance with the requirements of and within the time set in this article, then the head of the respective institution shall be deemed to have taken the function of the liaison officer.

3. The liaison officer is required to provide the CEC with complete written information on orders of the head of the institution for every activity that might affect or damage the administration or conduct of free, fair, democratic and transparent elections. This information shall be provided in writing to the CEC no later than 10 days before the activity is scheduled to begin.

4. The liaison officer is to have access to the highest level of the respective institution for the purpose of exchanging information with the CEC.

5. If the CEC determines that the activity of the institution is likely to damage or obstruct the administration or conduct of free, fair, democratic and transparent elections, then the CEC shall inform in writing the liaison officer of the respective institution no later than 5 days before the activity is scheduled to begin.

Article 5
Prohibition on the use of special forces and structures

1. Commando forces and other forces of the military are prohibited from being used during the entire electoral campaign, except in case the Minister in charge of public order and the Minister of Defence issue a written order when such forces are

needed for guarding objects of particular importance, for replacing State Police officials or for meeting international obligations. A copy of the written order is provided to the CEC immediately.

2. The use of commando forces and other forces of the military for the guarding of objects related to the elections is prohibited.

3. During the entire electoral campaign, the armed forces are prohibited from conducting military exercises or manoeuvres outside their bases or places of deployment.

4. In all kinds of elections the use or participation of the employees or structures of the State Information Service is prohibited.

CHAPTER II

OBSERVERS

Article 6*
Right to appoint observers

1. Any political party or candidate that is proposed by the voters and is registered with the CEC as an electoral subject has the right to appoint one observer to the CEAZ, the VCC and to each table of the Ballot Counting Centre after the registration of the candidate/s for the respective electoral zone, or after the submission of a multi-name list. When the political parties participate in the elections as a coalition, the right to appoint observers rests solely with the coalition. The coalition may appoint no more than three representatives per coalition. The candidates of the political parties may not appoint observers.

2. Albanian and foreign non-governmental organizations, international organizations specialized or engaged in the area of good governance and democratization, as well as representatives of foreign countries and of the media have the right to send observers to the elections.

3. Abrogated

4. The accreditation of observers to electoral commissions is done on the basis of individual data for each observer. The accreditation may include one or more voting centres, or one or more electoral zones. An Albanian non-governmental organisation or a coalition of such organisations, a political party or a candidate proposed by voters, may not have more than one observer present at the same time in a voting centre. Any foreign non-governmental organisations and international organisations may not have more than two foreign observers at the same time in a voting centre. When political parties participate in elections as a coalition, the right to appoint observers rests solely with the coalition. The coalition may appoint no more than three representatives per coalition.

5. Requests by Albanian observers for accreditation are submitted to the CEC no later than 15 days before the election date. The CEC approves the requests no later than 5 days after their submission. Requests by foreign observers are submitted to the CEC no later than 72 hours before the election date. The CEC approves the requests of foreign observers within 24 hours from their submission. An appeal against a refusal or failure to grant accreditation may be filed according to the procedures provided for in this Code.

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* Amended by Law no. 74/2012, dated 19 July 2012.

6. The CEC has the right, by a special instruction, to delegate to the CEAZs the competency to grant accreditation to observers according to points 1 and 3 of this article.

Article 7
The rights and duties of observers

1. While performing their duties, observers have the following rights:

a) to observe without hindrance all aspects of the preparation and conduct of elections and all the phases of the electoral process;

b) to submit written comments to the election commissions for every kind of irregularity that they notice;

c) to look at or examine the documentation or materials of the electoral process;

ç) other rights provided for in this Code or in secondary legislation issued for its implementation.

2. Observers have the following duties:

a) to respect the requirements of this Code and the instructions of the CEC on election observation;

b) to act in an impartial manner and not to make propaganda for any candidate, party or coalition at the voting centres or at other places prohibited according to this Code;

c) to present themselves at the election commissions with the authorization issued by the CEC and an identification document recognized by the CEC;

ç) not to bear distinctive signs that serve as means of propaganda or that might influence the voters' will;

d) not to violate the right of the voter to a secret ballot and not to obstruct the voting process and the administration of the election.

CHAPTER III

THE ELECTORAL PERIOD AND ELECTION DATE

Article 8
The electoral period

General elections for the Assembly or for local government units are conducted simultaneously, in the entire territory of the country, within the period lasting from 15 March until 30 June or from 15 September until 30 November. The cases provided for in points 3, 4, 5 and 6 of article 9 of this Code are exempt from this rule.

Article 9
Setting the election date for the Assembly

1. The date of the elections for the Assembly is set by a decree of the President of the Republic according to the rules provided for in article 65 of the Constitution. Elections for the Assembly are to be conducted on one of the last two Sundays within the electoral period determined in article 8 of this Code, and in any case no later than 30 days before the expiry date of the Assembly's mandate. In case the mandate of the Assembly ends earlier than 30 days from the beginning of the electoral period, elections are to be conducted in the preceding electoral period. For purposes of this Code, the mandate of the Assembly expires on the same date of the same month of the fourth year after the date of its first meeting.

2. The President of the Republic decrees the date of the elections for the Assembly no later than 9 months before the expiry of the Assembly's mandate. Upon the decision of the Assembly, the closing of the legislative session or the legislature's dissolution are to take place no sooner than 45 days before the date set for the elections and no later than 30 days prior to this date.

3. Pursuant to point 5 of article 87 of the Constitution, the President of the Republic decrees the date of the elections no later than 24 hours after the dissolution of the Assembly. The elections are to be conducted no earlier than 30 days and no later than 45 days after the dissolution of the Assembly. When the Assembly fails to elect a new President, the date of the dissolution of the Assembly is the date of the fifth voting according to point 5 of article 87 of the Constitution.

4. Pursuant to point 4 of article 96 of the Constitution, when the Assembly fails to elect a new Prime Minister, no later than 24 hours after the vote provided for in point 3 of the same article, the President of the Republic decrees the dissolution of the Assembly and sets the election date. The elections are to be conducted no earlier than 30 days and no later than 45 days after the dissolution of the Assembly.

5. Pursuant to point 2 of article 104 of the Constitution, the elections are to be conducted no earlier than 30 days and no later than 45 days after the dissolution of the Assembly.

6. When the Assembly dissolves itself for reasons other than those mentioned in points 2, 3, 4 and 5 of this article, the President of the Republic sets the election date no later than 24 hours after the dissolution of the Assembly. The Assembly is dissolved on the day it votes to dissolve itself. The elections are to be conducted no earlier than 30 days and no later than 45 days after the dissolution of the Assembly.

Article 10
Setting the election date for local government bodies

1. The election date for local government bodies is set by a decree of the President of the Republic. For setting the election date for the local government bodies, the President complies with the rules provided for in points 1 and 2 of article 9 of this Code.

2. For the purposes of this Code, the mandate of local government bodies shall end on the same date of the same month of the fourth year after the date the CEC declares its decision on the election results nationwide for local government bodies.

3. In case of interruption of a mandate for causes provided for in article 115 of the Constitution, elections are to be held no earlier than 30 days and no later than 45 days from the date of notification of the interruption of the mandate. In case of an appeal by the dissolved or discharged body, elections are to be held no earlier than 30 days and no later than 45 days from the expiry of the deadline provided to the dissolved body to appeal the decision of the Council of Ministers to the Constitutional Court, when such a right has not been exercised, or the date of the decision of the Constitutional Court if the appeal to the latter has been made within the time limit provided for in point 2 of article 115 of the Constitution. In any case, the President of the Republic is to issue the decree no later than 48 hours from the notification of the interruption of the mandate.

Article 11
Voting hours

1. When the election date is set between 31 March and 15 October, the voting centres open at 7^{00} and close at 19^{00}.

2. When the election date is set between 16 October and 30 March, the voting centres open at 7^{00} and close at 18^{00}.

3. Nobody may vote after the closing time of the voting centres, except voters who are waiting to vote at the time of closing, in accordance with the procedures provided for in this Code.

PART II

INSTITUTIONS FOR THE PREPARATION AND ADMINISTRATION OF ELECTIONS

CHAPTER I

CENTRAL ELECTION COMMISSION (CEC)

Article 12*
Composition of the CEC

1. The Central Election Commission (CEC) shall be composed of 7 members.

2. Any Albanian citizen with the right to vote may be appointed a member of the CEC provided that the candidate fulfils the following criteria:

a) is older than 35 years old;

b) holds a higher education degree;

c) has a professional experience of no less than 10 years of work, in at least one of the following fields:

i. law;

ii. public administration;

iii. administration of elections;

iv. a director of non-profit organizations that have as an object of their activity the protection and promotion of human rights and freedoms, the conduct of democratic elections or public policy;

ç) has not been convicted of a crime;

d) has not been a member of any political party in the last 5 years;

dh) has not been elected a deputy of the Assembly in the last 5 years;

e) has not been a member of the State Police, Armed Forces and State Intelligence Service in the last 5 years;

ë) has not been dismissed from the public administration or any other public function due to a violation.

Article 13*
Mandate and working hours of the CEC members

1. Members of the CEC shall have a 6-year mandate with the right to be re-elected. The Chair of the CEC shall have a 4-year mandate with the right to be re-elected.

2. The beginning and the end of the mandate of a CEC member is determined in this Code.

3. A member of the CEC exercises this duty full time. His/her function is incompatible with any other political, public or private duty or function, with the exception of teaching.

4. Before taking office, an elected member of the CEC takes an oath before the Assembly in a public ceremony. The text of the oath is: *"***I swear on my honour that I shall commit myself with all my strength to the realization of fair, free and**

* Amended by Law no. 74/2012, dated 19 July 2012.

democratic elections in the Republic of Albania; I shall guarantee and protect the integrity and secrecy of the vote; I shall maintain impartiality in discharging my duty as a member of the Central Election Commission and shall demonstrate professionalism in this discharge".

Article 14
Election of CEC members

1. The Assembly of Albania elects the CEC members in accordance with the following procedure:

a) 2 members are proposed by the party that has the largest number of seats among the parties of the parliamentary majority and 2 members by the party of the parliamentary opposition which has the largest number of seats in the Assembly of Albania;

b) the proposing subjects, during the selection phase, present no fewer than two candidacies for each vacancy. The chairs of the parliamentary groups of the proposing subjects select, collegially, 4 candidacies in accordance with the criteria provided for in letter "a" of this point. The proposing subjects of letter "a" select one candidacy of each gender;

c) candidacies selected in accordance with letter "b" of this point are submitted to the Assembly for approval;

ç) the fifth member of the CEC is elected from among the candidacies proposed by groupings of deputies of parliamentary majority parties other than the largest party of the majority grouping. The sixth member of the CEC is elected from among the candidacies proposed by groupings of deputies of the parliamentary opposition parties, with the exception of the largest party of the opposition. The proposing grouping presents a list with no fewer than two candidacies for the respective vacancy.

The list of candidates that has accumulated the highest number of supporting signatures from deputies of the respective parliamentary groups of the parliamentary majority and opposition, including also the deputies of the two largest parties from each grouping, is presented to the Assembly for a vote. If two or more lists have accumulated the same number of supporting signatures, all the candidacies included in these lists are presented for a vote.

2. Voting to elect the CEC members in accordance with this article is carried out on one single day.

Article 15*
Election of the CEC Chair

1. The seventh member and at the same time the CEC Chair is elected no later than ten days after the completion of the procedure for the election of the CEC members, according to article 14 of this Code.

2. No later than 30 days prior to the expiry date of the CEC Chair's mandate, the Assembly of the Republic of Albania publishes the vacancy announcement for the CEC Chair. Any citizen who meets the criteria set out in article 12 of this Code may apply as a candidate for CEC Chair. The application is submitted together with the relevant documentation that certifies the fulfilment of the legal criteria for a CEC member.

3. The list of candidates is forwarded to the parliamentary committee on legal affairs for the verification of the fulfilment of the legal criteria. The candidates proposed in accordance with letter "a" of point 1 of article 14 of this Code may not be included in this list; and shall be removed if they are already included. The committee examines

* Amended by Law no. 74/2012, dated 19 July 2012.

the applications in compliance with the Rules of Procedure of the Assembly. After verification of the criteria, the following procedure is carried out:

a) the committee selects for submission for a vote of the Assembly the two candidates who enjoy the largest support of the committee members, but no less than 2/3 of all the committee members. When more than two candidates receive the qualified majority, the two most endorsed candidates are submitted for the vote. Each committee member may endorse up to four candidates;

b) when the qualified majority according to letter "a" is not obtained by at least two candidates, the committee identifies four candidates who have received the largest support of the committee members after the application of letter "a";

c) when during the implementation of letters “a” and “b”, two or more candidates obtain the same endorsement, their selection is done by drawing lots;

ç) representatives of the parliamentary minority in the committee exclude two of the candidates selected in accordance with letter “b”. The remaining candidates are forwarded to the Assembly for voting;

d) the candidate that receives more than half of the votes of the Members of Parliament is elected the CEC Chair.

Article 16
Deputy Chair of the CEC

1. The CEC shall elect one of its members as the Deputy Chair, based on a proposal of the largest parliamentary opposition party, in accordance with letter “a” of point 1 of article 14 of this Code.

2. The CEC Deputy Chair shall be elected by secret voting according to the following procedure:

a) in accordance with point 1 of this article, the names of two CEC members shall be written on the ballot paper;

b) each CEC member shall vote by marking one of the names written on the ballot paper;

c) the member who receives 5 votes shall be elected as the CEC Deputy Chair;

ç) if neither of the candidates receives the required number of votes, a second round of voting shall take place. The member who receives more votes in the second round is elected the CEC Deputy Chair. The voting shall be held on the same day.

3. The Deputy Chair is elected until the end of his/her mandate.

4. When the Chair is absent, the meeting for the election of the Deputy Chair is chaired by the eldest CEC member and the election procedure is conducted in the presence of a notary.

Article 17*
Rights and duties of a CEC member

1. The salary and privileges of a CEC member shall be the same as the salary and privileges of a High Court judge. The salary of a CEC Chair is 10 per cent higher than a CEC member’s salary. The salary of the CEC Deputy Chair is 5 per cent higher than a CEC member’s salary.

2. A CEC member shall exercise his/her function in an independent manner. He/she is to vote in compliance with the law.

* Amended by Law no. 74/2012, dated 19 July 2012.

3. A CEC member is not to participate in the examination of and voting on an issue when he/she:

a) has a close relationship by marriage, or family relations to the fourth degree, with any of the candidates who have submitted a complaint to the CEC; or

b) has one of the impediments provided for in article 37 of the Code of Administrative Procedures.

4. The withdrawal from examining and voting on an issue is to be declared in writing by a CEC member or may be requested by any representative of electoral subjects or by other members of the CEC. The withdrawal from the examination and voting on an issue or the decision of the CEC to exclude a member from the examination and the result of the vote is recorded in the minutes.

5. Upon the end of his/her duty, the CEC member returns to his/her previous public function, and if this is not possible, to another place of work of the same level in the bodies of the public administration.

Article 18
Early termination of the mandate of a CEC member

1. The mandate of a CEC member and of the Chair shall end before its expiry when he/she:

a) engages in political activity at the same time he/she exercises the duties of a CEC member;

b) reaches the age of retirement;

c) dies;

ç) resigns from office;

d) is found guilty by a final court decision for the commitment of a crime;

dh) by acting or failing to act, he/she seriously places at risk the activity of the CEC concerning the preparation, supervision, direction and verification of all aspects that pertain to elections and referenda, as well as to the declaration of their results;

e) is absent, without a reasonable cause, at two consecutive CEC meetings or, in an election period, for more than 5 days.

2. The discharge of a CEC member is done by a decision of the Assembly, upon the proposal of the CEC for the reasons provided for in letters “a”, “d”, “dh” and “e” of point 1 of this article. The CEC is required to start its procedure for a discharge proposal no later than 5 days from having been informed of the cause. In other cases of point 1 of this article, the CEC member is released by a decision of the Assembly, after it has been notified by the CEC.

Article 19*
Replacement of CEC members

1. The new members of the CEC are elected no later than 30 days from the date of the end of the mandate of the outgoing members. The new members assume their duty on the day following the end of the mandate of the outgoing members or after taking the oath, in case of the early termination of a mandate.

2. In case of the early termination of a mandate of a member of the CEC, the Assembly is to appoint a replacement member within 30 days from the date the vacancy was announced by the CEC in accordance with letters “b”, “c”, and “ç” of point 1 of article 18 of this Code, or from the moment of dismissal. The same political subject that had proposed the candidate whose mandate ended has the right to propose the candidacies, if this subject fulfils the criteria specified in point 1 of article 14 of this

* Amended by Law no. 74/2012, dated 19 July 2012.

Code. Otherwise, the candidacies are proposed by the political party that meets the criteria of ranking and affiliation. In case the Chair is replaced, the same voting procedure according to article 15 of this Code is carried out.

3. If the mandate of a member of the CEC ends prematurely during an electoral period, he/she is replaced by the Assembly as soon as possible, but no later than 48 hours after the creation of the vacancy.

4. The replacement member remains in office until the end of the deadline of the legal mandate enjoyed in accordance with the election act by the outgoing member whose mandate was prematurely terminated.

5. Abrogated

Article 20
Powers of the Chair and Deputy Chair of the CEC

1. The CEC Chair has the following competencies:

a) chairs the CEC meetings and represents the CEC in its relations with other institutions;

b) performs the duties of the administrative head of the institution. In carrying out the competencies according to this letter, the CEC Chair issues internal orders only on the basis of and for the implementation of CEC decisions.

2. The CEC Deputy Chair performs the duties of the Chair when the latter is absent.

3. The Chair exercises the competences under letter "a" of point 1 of this article together with the Deputy Chair. All acts issued according to letter "b" of point 1 of this article are also to be signed by the Deputy Chair; otherwise they are invalid. The cases when the Chair or the Deputy Chair does not exercise their functions for objective reasons are exempt from this rule.

Article 21*
Powers of the CEC

The CEC has the following competences:

1. Issues decisions and instructions with the general legal applicability throughout the entire territory of the Republic of Albania, based on the law and for the purpose of implementing it, within its sphere of jurisdiction.

2. Makes decisions to unify electoral practices.

3. Directs and supervises collegially, through each of its members or structures, the pre-electoral and electoral processes.

4. Approves the boundaries of Electoral Administration Zones in accordance with this Code.

5. Proposes the allocation of the number of seats for each electoral zone for Assembly elections.

6. Registers the participation of electoral subjects for elections to the Assembly in accordance with the procedures of this Code.

7. Declares by decision the election result for each electoral zone, the winning candidates for Assembly elections and the winning candidates for the members of councils for local government bodies.

8. Declares by decision the final result of elections nationwide, in accordance with this Code.

* Amended by Law no. 74/2012, dated 19 July 2012.

9. Conducts training courses at its own expense no later than 30 days after the appointment of members of CEAZs and, at the conclusion and upon completion of testing, issues them the respective certificate. For VCC members, the CEC conducts at its own expense qualification sessions on the electoral legislation. The CEC takes measures and also organizes voter education programmes for citizens.

10. Conducts training on election administration periodically outside the electoral period for all persons interested and distributes the respective certificates. Training may be general and specialized for particular functions of election administration.

11. Appoints and dismisses, in accordance with this Code, members of the CEAZ and supervises them in the fulfilment of their duties.

12. Publishes the election bulletin, which contains the results of elections for each electoral zone and voting centre, the report on electoral expenses, and also publishes the reports according to article 91 of this Code.

13. Presents to the Assembly, by the month of February of each year, an annual report on the activity of the previous year.

14. Prepares, according to the respective law, the annual draft budget for the functioning of the institution and, after the approval by law of the budget, defines the structure of the budget expenses.

15. Exercises oversight of electoral campaign financing in accordance with this Code.

16. Prepares the draft budget for upcoming elections and administers funds allocated from the State Budget and from other lawful sources for the purpose of the elections, while deciding on the structure of budget expenses and various donations for the elections.

17. Examines and resolves claims of electoral subjects on the conduct of the electoral process, in accordance with the rules of this Code.

18. Drafts and distributes electoral complaint forms, in accordance with the rules of this Code.

19. Determines the amount of remuneration for members of the CEAZs, VCCs and members of the Counting Teams.

20. Imposes administrative sanctions against persons who commit administrative infractions related to elections, as well as files criminal charges for criminal offences related to the elections.

21. Approves the structure, staffing and salary structure of the full-time and part-time administration of the CEC.

22. Establishes permanent or temporary regional offices for the purpose of implementing the duties deriving from this Code and secondary legislation issued for its implementation.

23. Maintains and updates the electoral administration register, which includes training and disciplinary measures taken against them.

24. Appoints the Secretary General of the CEC, in accordance with the procedures of this Code.

25. Approves the Rules on the Organization and Functioning of the CEC, including the manner in which meetings are conducted.

26. Performs other duties that arise from this Code, or from other laws and that, according to this Code, are not performed by lower level commissions.

Article 21/1[§]

Special powers of the CEC

1. The CEC is entitled to approve special rules regarding voting and ballot counting procedures when it decides to use the information technology for voter identification, voting, counting and tabulation of the election result.

2. The CEC decision to use the information technology for voter identification, voting, counting and tabulation of the election result, according to point 1 of this article, is approved by the vote "in favour" of no less than 5 CEC members.

3. The decision shall lay down the Action Plan for the use of the information technology in elections, broken down into phases and deadlines. In any case, the use of the information technology throughout the country shall start with a pilot project, as a rule for 20 per cent of voters, and shall expand throughout the territory of the country within two years from the start of the Action Plan.

Article 21/2[§]

Rules of procedure for the use of information technology in elections

1. For the use of the new information technology for voter identification, voting, ballot counting and tabulation of the election result, until its expansion throughout the entire territory of the country, the CEC determines special rules by a decision approved by no less than 5 votes "in favour".

2. The rules include the technology, the operating personnel, relations with the election administration, respective rights and obligations, administration of data obtained from the use of technology and legal effects, personal data protection, *a priori* testing and *a posteriori* verification of the technology, and adaptation of procedures for voter identification, ballot counting and tabulation of results in order to optimise the process.

3. In case of technical failure that imperils the integrity of the applied technology or renders its operation impossible during elections, the CEC may decide to apply manual voting or ballot counting, according to this Code. Serious and irreparable defects shall be confirmed by the report of *a priori* testing and specialized auditors according to point 2 of this article. The decision for manual ballot counting shall be approved by no less than 4 votes "in favour" by members of the CEC. Legal implications of the CEC decision on the use of technology, approved by no less than 5 votes "in favour", cease their effect once the decision for manual ballot counting is made, according to this Code.

Article 22

CEC meetings

1. CEC meetings shall be called by the Chair or by at least two members of the CEC. In any case, the notice of a meeting shall not be subject to a vote and must include the agenda of the meeting. Each request that comes from at least two CEC members shall be included on the agenda.

2. During the period from the setting of the election date until the declaration of the final election result, the CEC shall meet regularly every day, whereas during the remaining period of the year, at least once a month. CEC meetings shall end with the setting of the agenda for the following meeting.

[§] Added by Law no. 74/2012, dated 19 July 2012.

3. The notice for the meeting, together with the agenda, shall be posted publicly, at least 24 hours prior to the time set for the meeting, at the entrance of the main CEC office and at the main offices of the CEAZs interested in the matter. The notice for the meeting shall be sent to all parliamentary parties and also be published on the website of the CEC.

4. At the beginning of each meeting, each electoral subject registered to participate in the elections or other interested persons have the right to speak only once and for a period of no longer than 5 minutes about issues not included on the agenda for that day.

5. CEC meetings shall be valid when no fewer than 4 of its members participate, except for when, in accordance with article 24 of this Code, a qualified majority is required for making a decision.

6. Each meeting of the CEC shall start according to the specifications made in point 4 of this article. Only members of the CEC, representatives of electoral subjects according to article 26 of this Code, as well as other persons related to the preparation and administration of elections, have the right to discuss and give opinions at CEC meetings. At the beginning of each meeting, the CEC shall determine by decision the speaking time allocated to each interested person.

7. Meetings of the CEC shall at all times be open to the public.

Article 23
CEC acts and their entry into force

1. Based on and for the implementation of the law, the CEC may issue only the following acts:

a) decisions;

b) instructions.

2. CEC acts, which have a normative nature, shall be applicable over the entire territory of the country and shall be binding for all.

3. Every normative act of the CEC shall be voted three times, in the following order:

a) in principle;

b) article by article or, as the case may be, part by part;

c) at the end, it shall be voted on its entirety.

4. Normative acts of the CEC have a permanent nature, and, as a rule, they shall be applicable for all elections. These acts shall be reviewed in case the law is amended or for other reasons that legitimate their amendments. Acts on the preparation of elections, as a rule, shall be approved or amended no later than 60 days from the election date.

5. Normative acts of the CEC shall enter into force after their publication in the Official Journal, unless the circumstances require their immediate entry into force, while other acts shall enter into force immediately. Normative acts which enter into force immediately shall be announced, no later than 24 hours, on Public Radio and Television as well as on the official website of the CEC.

Article 24
CEC decision-making

1. Decisions related to:

a) the distribution of seats for each electoral zone in accordance with articles 162, 163, and point 3 of article 166 of this Code;

b) the acceptance of a complaint against a decision on the approval of an aggregate table of the election result of an electoral zone, in accordance with article

123 of this Code, and decisions related to complaints against a CEAZ decision on the election results for local government;

c) requests on declaring the invalidation of elections in one or several voting centres, in accordance with article 160 of this Code;

ç) the declaration of elections in an electoral zone or in the entire country as invalid, and their repetition;

d) acts of a normative nature that aim to regulate issues related to elections;

dh) a proposal for the dismissal of a CEC member, in accordance with point 2 of article 18 of this Code;

e) the approval of the CEC organizational structure, as well as the Rules on the Functioning of the CEC;

ë) allocation of seats for each electoral zone in accordance with article 76 of this Code;

f) division of Electoral Administration Zones in accordance with article 27 of this Code,

are considered to be approved when no fewer than 5 CEC members have voted in their favour.

Other decisions shall be approved by a majority of votes of all CEC members.

2. CEC decisions shall be signed by all members who participated in the vote. Each of the CEC members shall put in writing alongside his/her signature how he/she has voted, as the case may be, “in favour” or “against”. Members in the minority must file their dissenting or concurring opinion no later than 24 hours after the decision has been made. The minority opinion shall be attached to the respective decision.

3. Each CEC decision shall be transcribed in final form within 24 hours after it has been reached. No fewer than two original copies of the decision, or, as the case may be, of the CEC instruction, shall be retained in the CEC archive. Decisions shall be published immediately on the official website of the CEC.

4. During the electoral period, the Secretary General of the CEC, upon the request of any electoral subject, shall provide certified copies of CEC decisions free of charge and within 24 hours from the filing of the request. Outside the electoral period, as well as upon request of any other interested person, copies of CEC acts shall be provided against payment in accordance with the relevant legal acts in force.

Article 25
The Secretary General and administration of the CEC

1. For the functioning and fulfilment of duties arising from this Code, the CEC shall have its own administration composed of civil servants. The procedures for the recruitment, transfer, promotion, parallel movement and dismissal from duty shall be carried out in compliance with the provisions for independent institutions in Law No. 8549, dated 11 November 1999, “On the Status of the Civil Servant”.

2. The Secretary General of the CEC shall be the highest-ranking civil servant in the administration of the CEC and shall be appointed in accordance with the law on the status of the civil servant. In any case, the CEC shall be obliged to nominate one of the three successful candidates of the test for the recruitment of the Secretary General.

3. The Secretary General of the CEC must fulfil the criteria specified in article 12 of this Code and have no less than 5 years of work experience in the area of law or public administration.

4. The Secretary General of the CEC performs the following duties:

a) takes measures for the organization of CEC meetings, prepares materials for these meetings and makes relevant notifications;

b) takes measures to publish CEC acts and to make them available to the public;

c) takes measures, in compliance with this law and the secondary legislation issued by the CEC, for providing working conditions for CEC members according to their requests;

ç) is responsible for, heads and organizes the work for the implementation of the CEC decisions or of the orders of the CEC Chair, according to article 20 of this Code.

d) follows the implementation of the budget and takes relevant measures;

dh) proposes for approval to the CEC the Rules for the Internal Organisation and Functioning of the CEC Administration; and

e) performs other tasks as provided for in this Code.

Article 26
Electoral subjects representatives to the CEC

1. Any political party or coalition of political parties, through its highest-ranking leader, may appoint by authorization one representative to the CEC and one substitute for that representative.

2. The representatives of the parliamentary parties that have participated in elections enjoy a permanent status at the CEC. They shall be entitled to participate in all meetings organized by the CEC. Representatives of non-parliamentary parties or of parties established newly during the legislature of the time shall be entitled to participate only in CEC meetings that are held during the electoral period.

3. Party representatives at the CEC shall have no right to vote. According to the rules provided for in this Code, as well as in other acts, they shall have the following rights:

a) to take the floor and participate in discussions at CEC meetings;

b) to submit requests and proposals to the CEC;

c) to obtain copies of CEC acts;

ç) to have access to and obtain copies of election documentation approved by the CEC;

d) to have access to and obtain information on all aspects of the electoral process, without obstructing the activity of the CEC or of other electoral structures.

4. All actions carried out by representatives of parliamentary or non-parliamentary parties are considered as if they are made by the respective parties themselves, in their capacity as electoral subjects.

5. Representatives shall be obliged to respect the CEC Rules of Procedures and the ethical norms of meetings and communication. In case of a breach, measures as provided for in the CEC internal regulations shall be taken.

CHAPTER II

ELECTORAL ADMINISTRATION ZONES (EAZ) AND COMMISSIONS OF ELECTORAL ADMINISTRATION ZONES (CEAZ)

Article 27[†]
Electoral Administration Zones

1. Electoral Administration Zones (EAZ) are established and function in accordance with this Code for every kind of election and referendum.

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

2. The territorial jurisdiction of an EAZ, as a rule, is the same as the administrative territory of the municipality according to the law regulating the administrative-territorial organization in the Republic of Albania. Municipalities that have more than 80 thousand citizens with the right to vote shall be divided by the CEC into more than one Electoral Administration Zone based on the following criteria:

a) the inseparability of the territory of the administrative unit, except for those with more than 80 thousand voters;

b) the contiguity and compactness of the territory, while avoiding the geographical barriers;

c) good possibilities for transportation within the territory;

ç) approximate number of voters.

3. No Electoral Administration Zone may geographically expand into two or more regions.

4. For the Municipality of Tirana, each borough shall constitute a separate Election Administration Zone of its own.

5. No later than 9 months before the end of the Assembly mandate, the CEC shall approve the Election Administration Zones, based on the number of citizens with the right to vote on the last date of the electoral period for setting the election date, according to the information given by the General Directorate of Civil Status. No later than 10 months before the end of the Assembly's mandate, the General Directorate of Civil Status shall send the data to the CEC, broken down by local government units and the administrative units they are comprised of.

6. The CEC, no later than 5 months before the election date, may change the boundaries of an EAZ in accordance with the requirements of this article only if there is a change in the criteria for their establishment according to points 2 and 3 of this article.

Article 28
Establishment of the Commissions of Electoral Administration Zones

1. The decision to establish a Commission of an Electoral Administration Zone (CEAZ) is taken by the CEC no later than 90 days before Election Day.

2. The political parties propose their respective candidacies for CEAZ members no later than 15 days before the deadline provided for in point 1 of this article.

Article 29*
Composition of the CEAZ

1. The CEAZ shall be composed of 7 members and a secretary, who shall be appointed by the CEC according to the following procedure:

a) two members shall be proposed by the main party of the parliamentary majority, two members shall be proposed by the main party of the parliamentary opposition, one member shall be proposed by the second party of the parliamentary majority and one member shall be proposed by the second party of the parliamentary opposition. If political balance is not reached in accordance with this letter, the respective group shall be compensated with the candidacies of the main party until a political balance between the majority and opposition is reached;

b) in half of the CEAZs, the seventh member shall be proposed by the largest party of the parliamentary majority, while in the other half this member shall proposed by the largest party of the parliamentary opposition, according to objective criteria based on:

* Amended by Law no. 74/2012, dated 19 July 2012.

i) random selection;

ii) equal distribution in the electoral territory;

c) the secretary of the CEAZ must have a degree in law and shall be proposed by the party that proposes the Deputy Chair of the CEAZ.

ç) 30 per cent of the members proposed respectively by the largest party of the majority and by the largest party of the opposition, nationwide, must be from each gender.

2. The Chair and Deputy Chair of the CEAZ shall be appointed by the CEC upon the proposal of the CEAZ. In those CEAZs where the seventh member belongs to the main party of the parliamentary majority, one of the CEAZ members representing the main party of the parliamentary majority shall be elected Chair, while for the other half, one of the members of the CEAZ representing the main party of the parliamentary opposition shall elected Chair. The Deputy Chair shall be of the opposite political affiliation to that of the Chair.

3. CEAZ members shall not work full-time. The CEC shall determine the working hours of the CEAZ during the election period and outside it. For the work performed, the members shall receive remuneration in an amount specified in a CEC decision.

4. The ranking of the parties for the purpose of allocating the seats on the CEAZ, in accordance with the specifications of this article, shall be carried out based on the number of seats won by the political party in the previous elections to the Assembly. In the event of local elections, the ranking shall be determined in accordance with the number of votes received nationwide by the parliamentary parties for local councils in the previous elections.

In the event that two or more parties have the same number of seats and it is not possible to specify the beneficiary party, their ranking shall be determined based on the number of votes received nationwide. In the event two or more parties have the same number of votes, their ranking shall be determined by lot drawn by the CEC.

5. If the political parties of the parliamentary majority and the parliamentary opposition that have the right to submit their candidacies for CEAZ fail to exercise this right by the deadline established in point 2 of article 28 of this Code, this right shall be automatically transferred to the parties next in rank according to the number of seats in the Assembly, within the respective grouping. When this is not possible, proposals are made according to letter “a” of point 1 of this article. If these parties fail also to propose members, the CEC appoints the CEAZ members upon its own initiative until the required number of members for decision-making is reached.

The members appointed upon the CEC’s initiative stay in office until the appointment of members proposed by political parties, in accordance with this article. The replacement shall take place no later than 30 days from the election date. In the event of early elections, the replacement takes place no later than 5 days from the election date. Procedures for the selection and training of citizens that may be appointed on CEC’s own initiative are set out in a special instruction of the CEC.

6. In case of partial or early elections, the CEAZ shall be established no later than 10 days after the date the President issues a decree setting the election date.

7. In the event that the seat of a member of the CEAZ becomes vacant, it shall be filled, in compliance with the rules provided for in this article, within 15 days from the date the vacancy is created. During the election period, vacant seats shall be filled within 3 days.

8. In the event that the seat of a member or secretary of the CEAZ becomes vacant on the Election Day, the proposal to the CEC must be submitted no later than 3 hours from the moment the vacancy is created. If the subjects entitled to make the proposal fail to submit their candidacies to the CEC, this right is transferred to the political parties of the same grouping next in rank in the Assembly according to the number of seats in the Assembly received in the previous elections. If these parties

also fail to propose members, the CEC shall appoint CEAZ members on its own initiative until the required number of members for decision-making is reached.

Article 30

Incompatibilities with the office of a member and of a secretary of the CEAZ

A member and a secretary of a CEAZ may not be:

a) deputies or candidates for deputies to the Assembly;

b) mayors of municipalities;

c) military personnel, members of State Police or State Information Service structures; or

ç) members or secretaries of another election commission.

Article 31

Requirements for the appointment of a member and a secretary of a CEAZ

Any person who meets the following requirements may be appointed a member and a secretary of the CEAZ:

a) has the right to be a voter;

b) has completed higher education and, in the case of the secretary, has a degree in law;

c) has the registered domicile within the respective electoral zone;

ç) has not been convicted by a final court decision for committing a crime;

d) no disciplinary measures have been taken against them in previous electoral processes.

Article 32

Discharge and release from duty of members and of a secretary of a CEAZ

1. A CEAZ member and a secretary shall be discharged from duty by a CEC decision when they:

a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning CEAZ duties;

b) are convicted by a final court decision for committing a crime;

c) are absent without a reasonable cause for more than three consecutive CEAZ meetings, or are not present, without cause, for more than 2 consecutive days during the electoral period; or

ç) do not participate in the training or do not pass the tests organized by the CEC.

2. The members and the secretary of the CEAZ shall be released from duty by a CEC decision when they:

a) have a close relationship by marriage, or family relations, to the fourth degree, with any of the candidates running in that zone;

b) have employment relations with any of the candidates included in the multi-name list of a party or a coalition running in that zone;

c) no longer meet the criteria of being a voter;

ç) no longer have their domicile in the electoral zone;

d) the electoral subject that has proposed them requests their substitution.

3. The member and the secretary of the CEAZ shall be released/discharged from duty by the CEC, upon its own initiative or upon the proposal of the electoral subjects, only for the reasons provided for in this article. In any case, the request for release or discharge from duty should also contain the arguments and facts concerning the

alleged violation. In the case provided for in letter “d” of point 2 of this article, this rule shall not be applicable and the request shall be accepted in any case.

Article 33
Duties of the CEAZ

The CEAZ performs these duties:

a) is responsible for the administration and conduct of elections in the EAZ, in accordance with the provisions of this Code and the secondary legislation issued by the CEC;

b) appoints the Chair, Deputy Chair, members, secretaries of the VCCs and members of the counting teams included in the jurisdiction of the EAZ, in accordance with this Code;

c) registers information or claims from electoral subjects in the zone in the Meeting Records Book and verifies them, on a case-by-case basis;

ç) posts in a visible place the final voter lists, the decree setting the election date and other data related to the conduct of elections in the zone;

d) administers the budget allocated by the CEC;

dh) ensures the timely distribution of voting materials;

e) receives the voting materials and ballot boxes submitted by VCCs;

ë) prepares and approves the aggregate table of the elections result for each electoral subject in the EAZ and sends it, together with other necessary materials, to the CEC, in accordance with article 122 of this Code.

f) registers the electoral subjects and the candidates for the elections for local government bodies;

g) declares the winning candidates for mayor of the local government unit.

Article 34
Duties of the CEAZ secretary

The secretary of the CEAZ performs the following duties:

a) is responsible for the technical administration and the working conditions of the CEAZ;

b) keeps record of the requests, complaints and notices submitted to the CEAZ;

c) retains the archived election documentation;

ç) prepares, in accordance with the Chair’s instructions, materials for CEAZ meeting and distributes them to the members;

d) keeps minutes of CEAZ meetings;

dh) transcribes the decisions of the CEAZ and stamps them;

e) registers the decisions of the CEAZ in the official records and forwards them immediately to the interested subjects;

ë) gives certified copies of CEAZ decisions or of the minutes of its meetings to the electoral subjects or to third persons, free of charge and within 24 hours from the submission of their request;

f) records in a register the receipt of the election materials sent by the CEC in accordance with article 99 of this Code, and is responsible for administering and retaining them in conformity with the requirements of this Code;

g) upon a request from voters, issues a certification on whether a voter’s name is or is not found on the final voter lists of the respective Electoral Administration Zone;

gj) records in the register remarks that observers submit to the commission.

Article 35*
Meetings and decisions of the CEAZ

1. The meetings of a CEAZ are public.

2. The meetings of a CEAZ are valid when the majority of all CEAZ members participate. Decisions of a CEAZ are taken by a majority vote of all the CEAZ members. The secretary does not have the right to vote.

3. The decisions of the CEAZ are signed by all members who took part in the vote. Beside his/her signature, each of the members of the commission shall declare his/her vote "in favour" or "against" and the respective reasoning.

4. The vote of members who have a conflict of interest, as provided for in point 2 of article 32 of this Code, and who have not been released from duty in compliance with that article, is invalid and is not taken into account in determining a quorum.

5. If the CEAZ fails to reach a decision by the respective deadline, the case shall be sent, within 24 hours, to the CEC for review by the CEAZ Chair, or by at least two of its members, or it may be appealed to the CEC by an interested electoral subject. The CEC decision is binding for the CEAZ.

CHAPTER III

THE VOTING CENTRE COMMISSION (VCC)

Article 36*
Composition of the VCC

1. The VCC is composed of 7 members; one of its members exercises the duty of the secretary. The VCC is established in accordance with the manner and criteria provided for in article 29 of this Code for all types of elections, except for letter "ç" of point 1 of article 29 of this Code.

2. The members and the secretary of the VCC are appointed only for the period of the elections. Proposals for the VCC members and the secretary are submitted no later than 30 days prior to the election date and, in case of partial or early elections, 20 days prior to the election date. The CEAZ appoints the VCC members no later than 5 days after the submission of the proposals, when it finds that the proposal is in compliance with the requirements of articles 37 and 38 of this Code. In any case, the members and secretary are appointed no later than 20 days prior to the election date.

3. The VCC Chair and secretary are selected by the CEAZ. In those VCCs where the seventh member belongs to the main party of the parliamentary majority, a member of the VCC representing the main party of the parliamentary majority is appointed as the Chair. In the rest of the VCCs, one of the members representing the main party of the parliamentary opposition is appointed as the Chair. The VCC secretary is of the opposite political affiliation to that of the VCC Chair.

4. When the seat of a VCC member or the secretary becomes vacant, it is filled within 3 days, but no later than 24 hours prior to the opening of the polls. The replacement of members, who leave[∞] on Election Day or do not report to work on the Election Day, is done no later than 2 hours from the notification of their absence.

5. When the VCC has no quorum due to the absence of its members and, upon the expiry of the deadline established in point 4 of this article, members have not been replaced according to point 4 of this article, the CEAZ orders the continuation of procedures and take measures to fill the vacant position on its own initiative. The VCC

* Amended by Law no. 74/2012, dated 19 July 2012.

∞ Translator's note: the term used in Albanian is "të larguar".

makes the relevant annotations in the Meeting Records Book and proceeds to carry out its duties, regardless of the quorum.

6. As a rule, VCC members and the secretary are replaced by persons who have been trained in electoral legislation.

Article 37

Incompatibilities with the office of a member and of a secretary of the VCC

A member and a secretary of the VCC may not be:

a) deputies or candidates for deputies to the Assembly;

b) candidates or elected persons in elected local government bodies;

c) military personnel, members of the State Police or of the State Intelligence Service structures; or

ç) members or secretaries of another election commission.

Article 38

Requirements for being appointed a member and a secretary of the VCC

1. Any person may be appointed as a member and a secretary of a VCC if they meet the following requirements:

a) has the right to be a voter;

b) has completed at least secondary education;

c) has the registered domicile within the respective electoral zone;

ç) has not been sentenced by a final court decision for committing a crime; and

d) no disciplinary measures have been taken against them in previous electoral processes.

2. The secretary of the VCC, as a rule, must have completed higher education.

Article 39*

Discharge and release from duty of members and of a secretary of the VCC

1. A VCC member and a secretary are dismissed from duty by a decision of the CEAZ if they:

a) violate the provisions of this Code or of secondary legislation enacted pursuant to this Code, concerning VCC duties;

b) are sentenced by a final court decision for committing a crime;

c) are absent for more than 2 consecutive days without a reasonable cause; or

ç) do not participate in the training or do not pass the tests organised by the CEC.

2. The members and the secretary of a VCC shall be released from duty by a decision of the CEAZ if they:

a) have a close relationship by marriage, or family relations to the second degree, with any of the candidates running in that electoral zone for the local government bodies;

b) have employment relations with any of the candidates running in that zone;

c) resign from duty;

ç) no longer meet the criteria of being a voter.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 40
Duties of the VCC

1. VCCs are set up and function for every kind of election.

2. Members of the VCC are responsible for the conduct of elections in the voting centre, by performing the duties provided for in this Code and secondary legislation enacted on the basis of and pursuant to this Code.

Article 41
The duties of the secretary of the VCC

The secretary of the VCC performs the following duties:

a) is responsible for the technical administration and working conditions of the VCC;

b) keeps record of the requests, complaints and notices submitted to the VCC;

c) retains the archived election documentation;

ç) prepares the materials for the VCC meeting and distributes them to the members, in accordance with the Chair's instructions;

d) keeps minutes of the VCC meetings;

dh) transcribes the decisions of the VCC and stamps them;

e) registers the decisions of the VCC in the Meeting Records Book and forwards them immediately to the interested subjects;

ë) provides certified copies of VCC decisions and of minutes of its meetings to electoral subjects or to third persons, free of charge, and within 24 hours of the submission of their request;

f) records in the register the receipt of election materials from the CEAZ, according to article 100 of this Code, and is responsible for administering and retaining them in conformity with the requirements of this Code;

g) records in the register remarks that observers submit to the VCC;

gj) is responsible for enclosing the election materials in the Box of Voting Materials and for sealing the box with seals with security codes.

Article 42*
Meetings and decisions of the VCC

1. The meetings of the VCC are public.

2. Decisions of the VCC are made by a majority vote of all VCC members. When the VCC discharges its duties without the required quorum, according to point 5 of article 36 of this Code, the decisions are considered as valid.

3. The decisions of the VCC are signed by all members who participate in the voting. Along with the signature, in the decision, each of the members of the commission shall state their vote "in favour" or "against" also providing the respective reasoning.

4. The VCC decides on:

a) the opening of the voting;

b) the suspension of the voting;

c) the request of assistance from the State Police to restore order at the voting centre;

ç) the departure of the police forces after order has been restored at the voting centre;

d) the removal of certain persons from the premises of the voting centre, according to article 110 of this Code;

* Amended by Law no. 74/2012, dated 19 July 2012.

dh) the determination of the number of persons who have voted in the voting centre in case of an objection, in accordance with point 2 of article 113 of this Code.

e) the closing of the polls.

5. In the event that the VCC fails to reach a decision by the respective deadline, the case is sent immediately for review to the CEAZ by the Chair or by at least two members of the VCC, or it may be appealed to the CEAZ by an interested subject. The decision of the CEAZ is carried out by the VCC.

Article 43
The composition and responsibilities of special VCCs

In accordance with this Code and the instructions of the CEC, the CEAZ proposes to the CEC the establishment of special VCCs in special institutions. These commissions have the same composition and the same responsibilities as the VCC.

PART III

VOTERS AND COMPILATION OF THE VOTER LIST

CHAPTER I

CONTENT, COMPILATION AND APPROVAL OF THE VOTER LIST

Article 44*
Criteria for inclusion of voters in the voter lists

In order to be included in the voter list, a person must meet the following criteria:

a) hold Albanian citizenship;

b) be 18 years old, including those who reach this age on the election date;

c) be not found incapable to act by a final court decision;

ç) be registered with the National Civil Status Register (hereinafter NCSR);

d) have the registered domicile in the territory of one of the polling units;

dh) be registered as a voter in the voter list of only one polling unit.

Article 45†
Electoral components

1. A voter is identified in the NCSR through the electoral components. Electoral components consist of the following civil status components:

a) first name;

b) father's name;

c) mother's name;

ç) surname;

d) date of birth;

dh) personal identification number;

e) citizenship;

* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

ë) code of domicile;

f) gender.

2. The electoral components established in letters “a”, “b”, “c”, “ç”, “d” and “ë” are published in compliance with articles 51 and 56 of this Code. The list used by the VCC during the voting process contains the components specified under letters “a”, “ç”, “d”, “dh” and “f” of point 1 of this article.

Article 46*

The voter list

1. The voter list is compiled for each polling unit and includes all the voters with their domicile registered in the NCSR of that polling unit. The inclusion of voters in the list is done on the basis of their code of domicile.

2. A polling unit has no less than 200 and no more than 1,000 voters with their domicile in its territory.

Article 47*

Compatibility with the NCSR

1. The voter list is extracted from the NCSR.

2. The NCSR enables the administration, processing and updating of electoral components and their extraction at any time and in compliance with the provisions of this Code.

3. Changes to civil status components, which are electoral components, in compliance with the legal provisions on the civil status, are automatically made in the NCSR.

Article 48†

Content and format of the voter list

1. The voter list contains the name of the electoral zone, local government unit, administrative unit, type and date of elections, number of the voting centre and the electoral components of voters, according to point 2 of this article.

2. The voter list is compiled in the following formats:

a) a voter list in print form for publication, according to the specifications of article 56, broken down by voting centre, which contains the electoral components specified in letters “a”, “b”, “ç”, “d” and “ë” of point 1 of article 45 of this Code;

b) a voter list in print form for use by the VCC during the voting process, broken down by voting centre, which contains the electoral components specified in letters “a”, “ç”, “d”, “dh” and “f”, of point 1 of article 45. This format shall also have a reserved blank space for recording the voter's identification document number and for the voter's signature during the voting process;

c) an aggregate list of voters in electronic format, printed by the General Directorate of Civil Status per electoral administration zone by type of elections, containing the electoral components specified in letter “a” of this article, which is used by the CEAZ for voter information purposes;

* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

ç) an aggregate national voter list to be published in the official website of the CEC and the ministry responsible for the civil status service, broken down by region, districts of a region, local government units and voting centres.

3. Voters in the voter list are listed alphabetically by their surname.

4. The voter list, according to article 56, shall also be kept electronically. An electronic copy, according to letter "ç" of point 2 of this article, is sent to the Central State Archive by the General Directorate of Civil Status no later than 10 days from the posting of the voter list.

CHAPTER II

THE PROCESS OF COMPILING THE VOTER LIST

Article 49*
The body that compiles the voter list

1. Each civil status office is responsible for preparing the voter lists of the polling units in the areas under its jurisdiction, in compliance with the secondary legislation issued by the minister of the relevant ministry responsible for the civil status service. The civil status office shall have full access to the NCSR regarding the electoral components of the citizens in that local government unit, both individually and collectively, and shall be fully responsible for the accuracy of their administration and change.

2. The civil status office, after the start of voter lists compilation, shall report to the mayor of the local government unit once a month on the number and type of changes made to the electoral components, increase or decrease of the number of voters, and shall deliver the voter list to the mayor for posting.

3. The lists compiled by the civil status office shall be posted by the mayor of the local government unit that has jurisdiction over the relevant civil status office. Every page of the published list shall bear the signature and stamp of the head of the civil status office. In the event that the mayor fails to fulfil this obligation within the deadline, the civil status office shall immediately notify the General Directorate of Civil Status, which shall post the lists.

Article 50*
Methodology and supervision of voter lists compilation

1. The minister responsible for the civil status service issues orders and instructions on:

a) keeping, processing, updating, changing, extracting and publishing the NCSR's electoral data;

b) procedures and deadlines for compiling and posting the lists and extracts of electoral components, voter notification, as well as making voter lists available to the subjects envisaged in this Code;

c) administration of polling units in compliance with article 62, splitting or merging of voter lists, as well as any other aspects related with the compilation of voter lists pursuant to this Code and the civil status legislation.

ç) templates and forms used in the process of voter lists compilation.

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* Amended by Law no. 74/2012, dated 19 July 2012.

2. The General Directorate of Civil Status supervises and monitors all the actions taken at the NCSR, instructs and manages in terms of methodology the work of the civil status offices, requests them to verify and redress problems identified in the NCSR, takes disciplinary action against civil status employees who violate procedures on electoral component administration, and proposes to the CEC to undertake disciplinary measures against mayors who violate the rules established in this Code.

3. The CEC supervises the process of the voter lists compilation, the administration of the polling unit areas and number of voters per voting centre. The CEC requests information from the General Directorate of Civil Status and from local government units. The CEC imposes sanctions on the heads of the relevant institutions, in compliance with this Code, in the event of observed violations and failure to provide information.

Article 51*
Publication of the extract of electoral components

1. The General Directorate of Civil Status, no later than 5 days from the date the election date is decreed, orders the civil status offices to start compiling the extract of electoral components in compliance with this Code. No later than 15 days from the date of the decree, the civil status office electronically issues the extract of electoral components of all citizens eligible to vote as of the election date, except for those citizens who have turned 100 years old before this date.

2. When the extract of a polling unit has less than 200 voters, the NCSR shall not allow the compilation of the extract for the respective polling unit. In this case, the civil status office notifies the mayor of the local government unit and the General Directorate of Civil Status no later than 48 hours from the moment this fact is identified. The mayor of the local government unit fulfils the obligations stemming from points 6 and 7 of article 62 of this Code. The computer software allows for changes to the voting centre and the respective extract after a merge according to this point.

3. When the number of voters in a polling unit exceeds 1,000, the extract of voters shall be split equally according to the number of the voting centres that shall be established for that polling unit, in accordance with article 62. The split lists are assigned to the voting centres in accordance with the ordinal number of voters, where the first part pertains to the voting centre with the basic number. In this case, the NCSR computer programme automatically splits the list based on the number of the voting centre assigned to each voter. Voters with the same surname may not be assigned to different lists.

4. No later than 30 days from the decree of the election date, upon approval by the mayor of the local government unit, the civil status offices print and post the extract of electoral components for all citizens domiciling in the polling units under the jurisdiction of every office. The extract is posted in the premises of the civil status offices or in their vicinity in a free-access area for the general public.

5. No later than 30 days from the decree of the election date, the ministry responsible for the civil status service and the CEC publish the extract of voters nationwide on their respective official websites.

6. Citizens' data, according to points 3, 4 and 5 of this article, are posted grouped by polling units and are sorted alphabetically by their surname. When they are posted according to point 5 of this article, the relevant websites shall provide a search function for citizens' electoral components.

* Amended by Law no. 74/2012, dated 19 July 2012.

7. The publication according to point 4 of this article is done periodically every 30 days until the posting of the voter list. Each publication shall reflect any changes to electoral components in the NCSR from the preceding publication until the new publication.

Article 52*
Written notification of voters

1. Within 60 days from the publication of the extract of the electoral components of voters, according to points 1, 2 and 3 of article 51, the mayor of the local government unit issues a written notice for every voter included in the extract of electoral components of the voting centres in the respective local government unit. Citizens, who according to the NCRS data have reached the age of 100, are also notified about the reason for which they were not included in the list.

2. The written notice specifies the voting centre, its location and address, as well as the voter's ordinal number on the voter list of his/her voting centre.

3. The mayor of the local government unit assigns the responsibility for carrying out the notification to the neighbourhood liaisons or, on a case-by-case basis, to the village elders who are part of the respective local government unit and, when necessary, even to other officials of the local government unit administration.

4. The persons assigned to notify voters shall deliver the notice to the voter in person or, in the absence of the voter, to an adult member of his/her family, who is present at the voter's domicile, who signs to confirm the receipt of the notice. The mayor of the local government unit reports on the fulfilment of this obligation according to the instruction of the minister responsible for the civil status service.

5. Expenses for the notification, according to this article, are covered by the ministry responsible for the civil status service. The respective fund is allocated to local government units commensurate to the number of voters in each local government unit.

Article 53*
Causes and procedures for changes to the extract of electoral components

1. The extract of electoral components is subject to additions, changes or deletions, when, from the publication of the electoral components to the posting of the voter list, a person who has turned or turns 18 years old on the election date:

a) has acquired or relinquished Albanian citizenship;

b) is found incapable to act by a final court decision;

c) dies;

ç) one or more civil status components, which constitute electoral components, are changed;

d) is registered more than once in the list;

dh) is assigned to the wrong voting centre;

e) is not assigned to any voting centre;

ë) the polling unit is merged with another unit or the list is split in compliance with article 62.

2. If one or more electoral components of a voter need to be added, changed or deleted, the request is made to the relevant civil status office in compliance with the law on civil status and legal acts issued for its implementation, as follows:

* Amended by Law no. 74/2012, dated 19 July 2012.

a) in the case of letters “ç”, “d”, “dh” and “e” of point 1 of this article, the request for changes to the electoral components is submitted by the citizen or an adult member of his/her family;

b) in the case of letters “a”, “b” and “c” of point 1 of this article, the request to add or delete the electoral components may be submitted by the citizen when he/she has acquired citizenship, an adult member of the person's family, the legal custodian or the General Directorate of Civil Status on its own initiative or based on the documentation submitted by third parties;

c) in the case of letter “d” of point 1 of this article, the General Directorate of Civil Status has the right to request the relevant civil status office to delete the duplicate electoral component or the component that does not match the domicile as registered in the National Civil Status Register. Procedures for the identification and verification are established by an instruction of the minister responsible for the civil status service, using all the state data in compliance with the legislation in force;

ç) in the case of letter “ë” of point 1 of this article, the change is made directly by the civil status office on the basis of a decision made in compliance with article 62 by the mayor of the local government unit.

3. Citizens who are not included in the extract of electoral components because they have turned 100 years old, are included in the voter list of the polling unit of their registered domicile, according to letter “e” of point 1 and the procedure established in letter “a” of point 2 of this article.

Article 54*
Administrative procedures for revision and changes to the extract of electoral components

1. Except for the case specified in point 2, letter “c” of article 53, the requests for changes to the extract of electoral components may not be submitted later than 60 days prior to the election date.

2. The request for changes, according to letters “a” and “b” of point 2 of article 53, consists of a special application form, which is submitted to the civil status office of the voter’s domicile. One copy of the form, with the notation of the date of receipt and signature of the official who received the application, is kept by the applicant. The application form contains:

a) full name and address of the applicant;

b) reason for requesting the change;

c) documents that prove the reasons for requesting the change.

3. Upon submission of the request, the civil status office carries out the respective verifications and, no later than 2 days from the submission of the request, either makes the requested change or rejects the request in a written form. The rejection act is drafted in at least three copies; one copy is sent to the applicant no later than 3 days from the date the decision is taken, one copy is sent to the General Directorate of Civil Status at the end of the revision period, and the third copy is kept by the relevant civil status office.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 55*

Judicial appeal against the refusal of requests for changes

1. Against the non-acceptance of a request for changes to electoral components for causes envisaged under article 53 and pursuant to procedures specified in article 54 of this Code, an appeal may be filed by the applicant to the district court having jurisdiction in the relevant local government. The appeal is filed no later than 5 days from the receipt of notification on the decision or the expiry of the deadline for the civil status office to make a decision on the request. The court complaints, according to this article, are exempt from the court service tax payment.

2. The court examines the case and makes a decision within 5 days from the submission of the court complaint. If the plaintiff or his/her legal representative is not present in the trial, the court shall dismiss the case. If the defendant does not appear in trial, then the case will be tried *in absentia*. The court must notify the absent party of the decision in conformity with the respective provisions of the Code of Civil Procedure within 24 hours from the date the decision is announced. The civil status office is obliged to execute the court decision within 48 hours from receiving the notification, without needing the plaintiff to request the issuance of an execution order. In any case, the court shall make its reasoned decision in writing available to the parties the same day the decision is announced.

3. The claim shall be substantiated with the same documentation and evidence that had substantiated the request to the civil status office.

Article 56*

Preparation and posting of the voter list

1. The civil status office compiles the voter list for each polling unit, no later than 40 days prior to the election date, by extracting from the NCSR all citizens who will have turned 18 years old on or before the election date and with domicile in the polling unit under its jurisdiction. The list is approved by the mayor of the relevant local government unit.

2. The voter list is compiled in compliance with the criteria for the number of voters established in point 2 of article 46 of this Code.

3. No later than 35 days prior to the election date, the voter list shall be sent to the CEAZ in three formats listed under letters “a”, “b” and “c” of point 2 of article 48. The CEAZ, on a case-by-case basis, posts the list at the respective voting centre, in a place of free access for the voters and sends to the VCC its copy of the voter list for use during voting.

4. If the mayor of the local government unit fails to exercise the competences provided herein, obligations deriving from this article shall be fulfilled immediately by the General Directorate of the Civil Status.

5. The voter list shall not change under any circumstance or for any reason after the deadline, envisaged in point 1, expires. The computer software is designed so as not to allow any change to the voter list despite changes to civil status components in the NCSR.

6. The General Directorate of the Civil Status sends a printed copy of all voter lists to the Central State Archive for retention, within 10 days from the expiry of the deadline set out in point 1 of this article.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 57*

Court decisions after the compilation of the voter list

1. When a voter finds that his/her electoral components are inaccurate, or that he/she is not registered in the voter list of the polling unit of his/her domicile or in any of the voting lists of his/her domicile's local government unit, he/she has the right to submit a request to the respective district court until 24 hours before the election date. This request, based on this point, shall be exempt from court tax payment.

2. When the voter changes the domicile after the posting of the voter list, the voter list shall not be changed and the voter shall vote in the voting centre where his/her name appears on the approved voter list. If the voter submits a request to the court under the conditions set out in this point, the request shall be rejected.

3. District courts examine and decide on requests, according to point 1 of this article, on the last day before the Election Day, as well as on the Election Day, but no later than 6 hours before the closing of the polls. In case the court decision changes electoral components, the electoral component subject to change is clearly specified. When it specifies the voting centre or the voter is added to the list, the court decision shall specify the voting centre where the voter shall vote and the number of the identification document.

4. The name of the voter who comes to vote with a court decision shall be written by the VCC in a special register and the court decision shall be attached to it. The number of the identification document used for voting shall also be registered in this register. The same procedure shall apply when a decision is made in accordance with article 55, but it is not reflected in the voter list.

CHAPTER III

SPECIAL VOTERS

Article 58*

Special voters

1. VCC members vote at the voting centre where they serve as commission members, regardless of whether their name appears on the voter list of that voting centre. The voting of persons specified in this point as well as their written statement that they have not voted in the voting centre of their domicile are recorded in the minutes of the meeting.

2. CEAZ members and secretary vote at the nearest voting centre to the CEAZ location established by CEAZ decision, regardless of whether their name appears on the voter list of that voting centre. The persons specified in this point are provided with a specific attestation by the CEAZ secretary that bears the number of the VC that the CEAZ has decided.

3. When the names of the persons specified in points 1 and 2 of this article do not appear on the list, their names are registered in the special register kept in accordance with point 4 of article 57 of this Code.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 59*

The voter list for partial, early or repeat elections

1. In case of partial or early elections, the civil status offices in co-operation with the General Directorate of Civil Status, compile the voter lists no later than 5 days from the issuance of the decree setting the election date.

2. Within 48 hours from the completion of the update, the mayors of local government units approve and post the voter lists, in compliance with article 48 of this Code.

3. Changes to the voter list are made in conformity with article 57 of this Code.

4. In case of repetition of elections, according to article 161 of this Code, the voter list does not change.

Article 60*

Making voter lists and extract of electoral components available to electoral subjects and the public

1. Voter lists and the extract of electoral components are made available to electoral subjects, or on a case-by-case basis, to political parties, upon their request and free of charge, by the mayor of the respective local government unit and/or by the General Directorate of Civil Status.

2. Upon request and free of charge, the electoral subjects registered with the CEC or political parties may receive from the General Directorate of Civil Status an electronic copy of the voter lists or the extract of electoral components at national level, as well as any updated and published copy according to article 51 of this Code. The electronic copy shall allow for searching and crosschecking data.

3. Voter lists are made available to the abovementioned electoral subjects no later than 3 days after the date of the submission of their request.

4. In case the electoral subjects request more than one copy of the voter lists, they are made available against a fee. In this case, the fee for the voter lists shall cover only the administrative costs for their reproduction.

5. The voter lists, envisaged under letter “ç” point 2 of article 48, are posted electronically on the official website of the Central Election Commission and the ministry responsible for the local government. The electronic format must allow for multiple searches of voter list components by any interested person through the internet.

Article 61*

Supervision by the CEC of the voter lists compilation

1. The CEC supervises the voter lists compilation by requesting information from the General Directorate of Civil Status and local government units on the process of the establishment of the polling units and the number of voters for each voting centre in accordance with the rules envisaged in this Code and the law on civil status.

2. No later than 30 days from the issuing of the decree setting the election date, the CEC appoints, by a decision, two technical auditors to verify the transactions in the database of the NCRS. The right of proposal for each technical auditors rests, respectively, with the Chair and Deputy Chair of the CEC after consultations with the representatives of the largest party of the ruling majority and the largest party of the

* Amended by Law no. 74/2012, dated 19 July 2012.

opposition at the CEC. The technical auditors may not be discharged from duty except for infringements set out in point 9 of this article. His/her replacement is appointed no later than 5 days following the same procedures and criteria stipulated in this article.

3. The technical auditors shall have a university degree and expertise in the field of information technology or statistics, and shall be knowledgeable in the process of voter lists compilation and/or civil status. Special rules on the terms of the contract and audit procedures are established in a normative act of the CEC.

4. The technical auditors check for the compliance of the transactions performed by the civil status offices and the General Directorate of Civil Status with the rules established in this Code, the law on civil status, and other legal acts issued for their enforcement by the CEC and the minister responsible for the civil status service. The technical auditors shall also perform other duties as defined in this Code and CEC acts.

5. Each technical auditor shall have access to the electronic system and database of the NCSR, to enable the reading and comparison of civil status components, changes to them, time when these changes were made by the users or administrators of the system, as well as audit reports or any other reports generated by the electronic system, which trace all changes to the electoral components in the NCSR over the period under review, including the report generation methodology. The auditor's access to the NCSR, in any case, shall be no less than the access of the Director General of the Civil Status Service.

6. The auditors have the right to visit the General Directorate of Civil Status as many times as they deem it fit, but at least once a month. They may not make or order transactions in the database of the NCSR. The General Directorate of Civil Status officials are bound to co-operate with the technical auditors and provide any information or explanation regarding what is requested by them in order to carry out the duty, including details on changes made in the NCSR and on persons who have either made or authorized them. The General Directorate of Civil Status is obliged to provide adequate working conditions for the auditors them to be able to work independently.

7. The technical auditors present a monthly report to the CEC on their findings in line with the duties assigned by the CEC or remarks or issues related to the enforcement of the legislation on the register of the civil status. Each of the technical auditors may submit an individual report if he/she has an opinion or comment that is different from the other auditor.

8. The CEC, upon the request of two of its members, forwards the findings and recommendations of the technical auditors to the General Directorate of Civil Status within 48 hours, asking also for explanations related to them. The technical auditors' reports are submitted to the CEC, which reviews them in a public session. The duty of the technical auditors regarding the supervision of voter list compilation is considered as completed once the final report on the voter list is compiled in accordance with article 56 of this Code.

9. The technical auditors are obliged to treat the data learned or administered during the exercise of their duty, only for the purposes of reporting to the CEC and in compliance with the legislation on personal data protection. The technical auditors may not pass the data, which may not be published according to the law, to third parties. A violation of this obligation is punishable under provisions of the applicable legislation.

CHAPTER IV

POLLING UNIT

Article 62[†]
Establishment and location of polling units

1. A polling unit shall be part of a compact and contiguous geographic territory and the number of voters in each voting centre shall not be lower than 200 and larger than 1,000 voters.

2. Special institutions constitute a special polling unit. A voting centre in such institutions is established when there are more than 15 voters.

3. The existing boundaries of the polling unit do not change, except when the change is necessary, because the requirements specified in point 1 of this article are not met. The CEC, upon a special instruction, assigns the polling units unique numbers nationwide.

4. The voting centre is located at the same address as in previous elections, except when this is not possible for objective reasons or the reasons set forth in article 93. The location of the voting centre may not change during the last 40 days prior to the election date, unless the CEC decides otherwise, due to *force majeure*.

5. The mayor of the local government unit determines and publishes the location of the voting centre, no later than by the deadline set forth in point 4 of article 51 of this Code, in compliance with the criteria set forth in point 4 of this article.

6. When a polling unit has more than 1,000 voters and the list is split according to article 51 of this Code, the mayor of the local government unit decides to establish an additional voting centre within the same unit. In this case, the new voting centre is established, when possible, in the same building as the existing voting centre and is numbered according to the unique national system of numbering the voting centres.

7. When a polling unit has fewer than 200 voters, the mayor of the local government unit decides to merge it with the nearest polling unit with the highest number of voters, which is also accessible by road. As a rule, the new voting centre shall not be farther than 5 km from the polling unit that is being merged in rural areas. If both these criteria cannot be met, the criterion of the minimal number of voters shall prevail. The number of the merged voting centre is suspended, and this suspension does not affect the existing numbering of the other voting centres. The CEC establishes by a normative act the criteria and procedures for the merging of the voting centres in accordance with this point.

8. *Abrogated*

9. No later than 10 days from the establishment of the voting centre, according to this article, the mayor of the local government unit shall notify the CEC. The notification on the location is accompanied also with the blueprint, the type of premises, and additional information set forth in the CEC normative act.

10. Based on the information received by the mayors of local government units pursuant to this article, the CEC creates and updates the polling units map and establishes a database on the location of the voting centres. The representatives of the political parties accredited to the CEC have the right to access them at any time.

11. Within the deadlines envisaged in this article, on its own initiative or upon a complaint by party representatives to the CEC, the CEC intervenes to apply the requests and criteria related to the voting centre, number of voters and their location. The voting centre does not change after the decision of the CEC.

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

12. In case of refusal to apply the orders of the CEC related to the voting centres, the CEC fines the mayor of the local government unit from ALL 50,000 to 100,000 and notifies the prefect on the execution of the decision for the establishment of the voting centres. The fine constitutes an executive title and is executed according to the Code of Civil Procedure.

PART IV

REGISTRATION OF ELECTORAL SUBJECTS

Article 63*
Electoral subjects and candidates

1. An electoral subject is a political party or a coalition of political parties that submit a list of candidates according to the rules provided for in this Code.

2. An electoral subject may also be an Albanian citizen with the right to vote who is proposed as a candidate for deputy or for local government bodies by a group of voters according to the rules set out in this Code.

3. A candidate is a citizen who fulfils the criteria provided for in article 45 and article 69 of the Constitution and is registered as a candidate for deputy with the CEC, or as a candidate for mayor of municipality or local council with the CEAZ.

4. In addition to the conditions envisaged in point 3, the following persons may not run as a candidate or be elected unless they first resign from duty:

a) judges, prosecutors;

b) military in active service;

c) police and national security employees;

ç) diplomatic representatives;

d) mayors of municipalities in the case of elections for the Assembly;

dh) deputies, when running in elections for local government bodies;

e) prefects when they carry out their functions for elections for the Assembly and local government bodies;

ë) chairs and members of election commissions;

f) President of the Republic;

g) high officials of the public administration envisaged by law.

5. When the elections for the Assembly and the local government bodies are held simultaneously, candidates shall register only for one of the elections.

Article 64*
Registration of political parties in elections

1. Each political party shall submit a request to the CEC for being registered as an electoral subject no later than 70 days before the election date.

2. For being registered as an electoral subject for any kind of elections, a political party shall submit to the CEC:

a) an attestation proving that the party is registered with the District Court of Tirana;

* Amended by Law no. 74/2012, dated 19 July 2012.

b) name, surname and address of the Chair of the party, who is the authorized person to present candidates;

c) official name, acronym and address of the party headquarters;

ç) specimen of the party stamp;

d) name, surname and address of the finance officer of the party; and

dh) name, surname and address of the person responsible for communication with the CEC.

Article 65*

Registration of electoral coalitions

1. Two or more political parties registered as electoral subjects with the CEC, according to article 64 of this Code, may register with the CEC as an electoral coalition nationwide no later than 60 days before the election date.

2. A political party that is a member of a coalition may not participate in another coalition, nor may it present candidates or a multi-name list of candidates outside the coalition.

Article 66

Identification of electoral subjects

If two political parties or coalitions have names or logos that are the same, or similar to an extent that may create confusion or mislead voters, then the CEC decides which party or coalition has the right to use the respective name or logo for electoral purposes, taking into consideration the date of the legal foundation of parties or that of the first registration of a coalition with the CEC. In order to establish the date of the first registration of coalitions, the CEC refers also to past elections.

Article 67†

The list of candidates of parties and party coalitions

1. A political party that is registered with the CEC as an electoral subject for the elections for the Assembly submits its multi-name list of candidates to the CEC for each electoral zone no later than 50 days before the election date.

For elections for local government bodies, the candidate for mayor of the local government unit and the list of candidates for local councils are registered with the CEAZ that has jurisdiction over that local government unit by the deadline set forth in this point. The CEAZ submits a copy of the list to the CEC within 48 hours.

2. A political party participating in a coalition submits its multi-name list of candidates to the CEC for each electoral zone no later than 50 days before the election date.

For elections for local government bodies, the list of candidates is registered with the CEAZ that has jurisdiction over that local government unit within the deadline set forth in this point. The CEAZ submits a copy of the list to the CEC within 48 hours.

3. Pursuant to the second paragraph of point 1 and the second paragraph of point 2 of this article, the candidate for mayor and the lists for the municipal council which territory is not subject to a single CEAZ are registered with the CEC.

* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

4. A candidate for deputy, who is registered on a multi-name list in one electoral zone, or a candidate for municipal council, may not be registered as such for another electoral zone, nor as a candidate of another party or coalition or as a candidate proposed by a group of voters.

5. Names on the party list are listed in numerical order, starting from number one. The number of the candidates on the multi-name list of a political party registered as a separate electoral subject, or the total number of candidates of a coalition, shall not be less than the number of seats assigned to the respective electoral zone. For a party that is a member of a coalition, the number of candidates shall not be less than half of the number of seats assigned to the respective electoral zone. The same rule applies to the multi-name lists for municipal councils.

6. For each electoral zone, at least thirty per cent of the multi-name list and one of the first three names on the multi-name list shall belong to each gender. The subject that submits the list declares the seats, according to the gender quota, so as to apply the exception, in accordance with point 2 of article 164 of this Code.

For elections for local government bodies, for each municipal council, one in every two consecutive names in ranking shall belong to the same gender. The subject submitting the list declares the seats, according to the gender quota, in order to apply the exception under the second paragraph of point 2, of article 164 of this Code.

7. In case of non-compliance with any of the conditions provided for in this article related to the composition of the multi-name list, the CEC imposes the sanctions set forth in article 175 of this Code.

Article 68*
Supporting lists of political parties and coalitions

1. The lists of candidates for the Assembly submitted by political parties, which do not have seats in the Assembly, shall be supported by no fewer than 5,000 voters nationwide. In case of an electoral coalition, the lists in their entirety must be supported by no fewer than 7,000 voters nationwide. This rule does not apply to coalitions where the participating parties together hold a number of seats in the Assembly not smaller than the number of parties participating in the coalition.

2. Candidates for the bodies of local government units, presented by political parties that do not have any seats in the Assembly or in the bodies of the respective local government units, shall be supported by no less than 1 per cent of the voters of that unit, but, in any case, by no more than 3,000 and no fewer than 50 voters. This rule does not apply to coalitions where the participating parties together hold a number of seats in the Assembly, or in the respective municipal council, not smaller than the number of parties participating in the coalition.

3. For the purpose of this article, the political party or the coalition submits a written attestation issued by the Assembly or the local government unit, certifying the holding of a seat for at least the last 6 months.

Article 69*
Candidates proposed by voters for elections to the Assembly

1. A group of voters in one electoral zone have the right to propose for that electoral zone a candidate who meets the criteria provided for in article 45 of the Constitution and article 63 of this Code, no later than 50 days before the election date,

* Amended by Law no. 74/2012, dated 19 July 2012.

2. A candidate proposed by a group of voters may not be part of any party or coalition that is running in the elections, nor can he/she openly or indirectly support any other subject or candidate running in the elections.

3. For the submission of a candidate by the voters, an initiating committee is established, which shall be composed of no fewer than 9 voters from the respective electoral zone, who are tasked with organizing the work for gathering the supporting signatures for the candidate in accordance with this Code. No later than 70 days before the election date, the initiating committee registers with the CEC by submitting the names of the committee's members. The committee may register a candidate for deputy only if it has gathered support for the candidate from no less than 1 per cent of the voters registered in the list of that electoral zone, but in any case no more than 3,000 voters, according to the procedures provided for in this Code.

4. The candidates proposed by the voters shall be exempt from the obligation envisaged in point 3 of this article if they are deputies. In this case, the candidate submits a written attestation signed by the Assembly certifying the holding of the seat for at least the last 6 months.

Article 70*
Candidates proposed by voters for elections for local government bodies

1. A group of voters domiciling in an electoral zone have the right to propose a candidate for mayor or a candidate for local councils no later than 50 days before the election date.

2. A candidate proposed by a group of voters may not be part of any party or coalition that is running in that electoral zone, nor can he/she openly or indirectly support any other subject or candidate running in that electoral zone.

3. For the submission of a candidate by the voters, an initiating committee is established, composed of no fewer than 9 voters from the respective electoral zone, who are tasked with organizing the work for gathering the supporting signatures for the candidate. No later than 70 days before the election date, the initiating committee registers with the CEAZ by submitting the names of the committee's members. The committee may register a candidate for mayor of municipality only if it has gathered support for the candidate from 1 per cent of the voters registered in the list of that electoral zone, but, in any case, no fewer than 50 voters, according to the procedures provided for in this Code.

4. Candidates proposed by voters are exempt from the obligation provided for in point 3 of this article if they are mayors of municipality, members of local government unit council, or deputies. In this case, the candidate submits a written attestation issued by the Assembly or the local government unit respectively certifying the holding of the seat for at least the last 6 months.

Article 71*
Procedure for collecting signatures

1. The CEC, no later than 100 days before the election date, approves and provides the subjects specified in articles 68 and 69 of this Code with a template form for the collection of the supporting signatures for the candidates proposed by a group of voters or for the parties and coalitions.

2. Voters deposit their signatures in the form individually. The form shall contain the full identity of the voter, his/her birthday and phone number. In addition to signing,

* Amended by Law no. 74/2012, dated 19 July 2012.

each voter shall submit a photocopy of a valid ID card, signed by him/her, which is attached to the list. Pursuant to article 69 of this Code, the voter shall be registered in the respective electoral zone.

3. The signatures for elections to the Assembly are verified by the CEC administration, and for elections for local government bodies are verified by the respective CEAZ, verifying 5 per cent of the list of supporters required by law, and whether the voters have their domicile in the respective electoral zone when they submit the signatures. Upon verification, the administration presents a detailed report on the identified irregularities. The report is reviewed in a public hearing where the interested party is present. The CEC decides to accept or reject the supporting list. The list shall be accepted when the number of supporting signatures, excluding the number of irregular signatures, equals at least the minimum number required according to this Code.

Article 72*
Candidacy documents

1. Candidacy documents shall be in compliance with the requirements of this Code and in the format specified in CEC instructions.

2. Candidacy documents shall contain the following information:

a) full list of candidates with the respective order, signed by the Chair of the party, or the proposal from the initiating committee of a group of voters;

b) name, father's name, surname, date of birth, gender, and address of the candidate, as well as a copy of his/her identification document;

c) a declaration from the candidate stating the right and will to run as a candidate, which includes, on a case-by-case basis, a statement of resignation from the functions envisaged in article 63 of this Code and the copy of the resignation statement filed with the relevant institution;

ç) declaration by the candidate proposed by a group of voters stating that he/she will not be supported or shall not support any electoral subject in the elections;

d) list signed by the voters of the respective zone supporting the candidate or party in accordance with articles 69, 70 and 71 of this Code.

3. For elections for local government bodies, the requirement in letter “a” of point 2 of this article may be signed also by a person authorized by the party Chair.

Article 73*
Verification of documentation

1. The CEC or, depending on the case, the CEAZ, verifies the regularity of candidacy documentation and, in case of irregularities or non-compliance with the requirements of this Code, returns them to the electoral subjects for correction no later than 45 days before the election date.

2. The corrected documentation is submitted no later than 42 days before the election date. A decision to approve or reject the final documentation is made within 48 hours from submission.

3. The CEC publishes the full list of candidates in the media, and on its official website. A copy of the list for each electoral zone is sent to the Prefect, the Regional Council and CEAZs, which publish it in the local media and post it in public places in the respective zone, in accordance with the instructions received from the CEC.

* Amended by Law no. 74/2012, dated 19 July 2012.

4. Names on the multi-name lists and their order may not be changed after their final approval by the CEC or, when applicable, by the CEAZ, in accordance with point 2 of this article.

5. No later than 24 hours from the final approval of the list, the CEAZ submits one copy of the list for the councils of municipalities to the CEC.

6. No later than 90 days from the election date, the CEC specifies in a special instruction the rules for the verification of the candidacy documentation and the timeframe for the implementation of point 3 of this article.

PART V

ELECTORAL ZONE AND NUMBER OF SEATS FOR EACH ZONE

Article 74
The electoral zone for the Assembly

1. The electoral zone corresponds to the territory of the region and serves as an electoral unit for the election of a specified number of seats in accordance with the rules set in this Code.

2. Administrative boundaries of the regions are decided by the law on the administrative and territorial division of the Republic of Albania.

Article 75
Criteria and procedure for determining the number of seats

1. The number of seats for each electoral zone is determined in proportion to the number of citizens in each electoral zone. Each seat represents an approximately equal number of citizens.

2. The total number of citizens, according to the National Civil Status Register, is divided by the number 140 of the Assembly seats, thus determining the average number of citizens for each Assembly seat.

3. The number of seats for each electoral zone is determined by dividing the number of citizens with domicile in the electoral zone by the average number obtained according to point 2 of this article.

4. Each electoral zone is initially allocated a number of seats equal to the full number obtained through the division in accordance with point 3 of this article.

5. If, upon the conclusion of the calculation made in accordance with point 4 of this article, one or more seats remain unallocated; these seats are allocated to the zones based on the largest decimal remainder obtained from the division under point 3 of this article. The allocation of the remaining seats is carried out in descending order, starting from the zone with the largest decimal remainder.

6. If, even after the application of point 5 of this article, the decimal remainder of two or more zones is the same, the last seat is allocated to the zone that, according to the calculations of point 3 of this article, has the largest remaining number of citizens who have not produced a full seat.

7. If, even after the application of point 6 of this article, two or more electoral zones have the same number of citizens who have not produced a full seat, the seats are allocated by a lot drawn by the CEC. The drawing of the lot is always made public and is carried out in the presence of the subjects who have permanent representatives to the CEC.

Article 76
The procedure and the period for the allocation of seats

1. As a rule, 4 months before the starting date of the electoral period, which precedes the end of the Assembly's mandate, the General Directorate of Civil Status, on the request of the CEC, sends the total number of citizens, as well as the number of citizens for each region, based on the National Civil Status Register.

2. No later than 15 days from receiving the data, the CEC makes the calculations for the allocation of seats for each electoral zone, according to the criteria and procedures provided for in article 75 of this Code and sends them immediately to the Assembly. The Assembly, through an accelerated procedure, approves by decision the allocation of seats.

3. In any case, the number of seats for each electoral zone is approved no later than 6 months before the end of the Assembly's mandate. The number of seats for each electoral zone shall not be revised in case of early elections.

PART VI

THE ELECTORAL CAMPAIGN AND THE MEDIA

Article 77
The period of the campaign and of electoral silence

1. The electoral campaign begins 30 days before the election date and ends 24 hours before the election date.

2. The day prior to the election date and the election date until the hour of the closing of the polls constitute the period of electoral silence. During the period of electoral silence no electoral campaign through media outlets, as well as rallies or other electoral activities, is allowed.

Article 78*
Rights and obligations of electoral subjects during the campaign

1. During the election campaign, every electoral subject has the right to make electoral propaganda in every lawful manner.

2. Each electoral subject has the right to have its electoral programme and messages broadcast by all radio and television operators in a fair, unbiased and uncensored manner.

3. The results of electoral polls may not be made public during the last 5 days before the election date and on the election date until the closing of the polls.

4. The publication of electoral poll results must also include the name of the pollster, its sponsor, the number of persons interviewed, the margin of error, and the time period during which the poll was taken.

5. Electoral campaigning in public institutions is prohibited.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 79
Propaganda materials

1. The mayor of the local government unit designates, fairly and impartially, public places for posting propaganda materials.

2. By special instruction, the CEC approves the criteria for the selection of these places.

3. Any posting of propaganda materials outside the authorized public places shall lead to their removal by the law enforcement authorities under the competence of the local government unit.

Article 80*
Electoral campaign of electoral subjects on the Public Radio and Television

1. During the electoral campaign, the Public Radio and Television provides to registered political parties and to the CEC free airtime for campaigning, which is allocated according to the following rules:

a) a total of two hours is provided to the CEC according to the time slots it requests. At least two-thirds of this time shall be between 18:00 and 22:00;

b) for parliamentary parties that received more than 20 per cent of the seats in the last elections to the Assembly, the CEC allocates equal airtime of no less than 30 minutes on the Public Television and the same airtime on the Public Radio; for the rest of the parliamentary parties, this airtime is no less than 15 minutes. If airtime is increased for one party or one respective coalition, the time allotted to another party or coalition shall be proportionally increased;

c) each party that does not hold a seat in the Assembly, but runs in elections is allocated 10 minutes of airtime on the Public Television and 10 minutes of airtime on the Public Radio;

ç) the respective electoral subject must be clearly identifiable on any political programme or advertisement for purposes of electoral propaganda. If the political programme or advertisement is not clearly identifiable, the CEC orders the immediate suspension of its broadcast until the subject is rendered identifiable according to the requirements in this point.

2. The Public Radio and Television covers the electoral campaign through news or informative programmes in compliance with the principles of impartiality, completeness, truthfulness, and pluralism of information set forth in the legislation that regulates electronic media. The free airtime allocated to political parties in accordance with point 1 of this article may not be allocated as part of news or information programming.

3. The Public Radio and Television broadcasts free political advertising by calculating the broadcasting time within the allocated airtime in accordance with point 1 of this article.

4. During the electoral campaign, advertisements of central and local public institutions are prohibited except for those serving to raise the awareness of voters on election-related aspects and/or other announcements envisaged by law.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 81*

News broadcasts of the Public Radio and Television

1. During the political airtime of news broadcasts, the Public Radio and Television must apply an equal time ratio to all parliamentary parties that in the last elections to the Assembly, obtained up to 20 per cent of the seats in the Assembly. The parties that obtained more than 20 per cent of the seats in the Assembly are entitled to airtime that is allocated equally among them. Each of these parties is entitled double the amount of airtime of a party that has obtained up to 20 per cent of the seats in the Assembly.

2. In case of violation of the ratio of coverage in favour of one party or coalition, the Central Election Commission orders the reduction by the same airtime at the disposal of that political party or coalition, or the compensation of other political parties or coalitions with additional airtime within 48 hours.

3. The broadcasting of the activities of the central or local public institutions is calculated as part of the airtime of the electoral subject that the head of the institution adheres to when this activity is for electoral purposes. An activity is for electoral purposes when it promotes the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject.

4. To cover the activities of the non-parliamentary parties, the public Radio and Television applies the professional criteria for news. The airtime allocated to them shall be no f than the airtime allocated to the parliamentary parties, which have obtained not less than 20 per cent of the seats in the Assembly.

5. Propaganda, political comments or political stances by journalists of the Public Radio and Television are prohibited during the news programmes.

6. In case of violation of the requirements specified in this article, the CEC, depending on the case and the level of responsibility, fines the journalist who has prepared the report with ALL 20,000, the editor responsible with ALL 30,000, the News Director with ALL 35,000 and the Director General with ALL 60,000.

7. The CEC decision constitutes an executive title and is implemented by the Finance Directorate of the Public Radio and Television. An appeal against the decision does not suspend its execution.

Article 82

Free airtime for the CEC

In addition to the time provided under letter “a” of point 1 of article 80 of this Code, the CEC is provided with a total of 90 minutes of free time for voter information by the Public Radio and Television each year. This airtime is to be determined in accordance with letter "a" of point 1 of article 80 of this Code.

Article 83

Broadcasting schedule

1. No later than 30 days before the election date, the Steering Council of the Public Radio and Television, based on the information on registered parties provided by the CEC, determines the time available for each party and, under the supervision of the CEC, organizes a lottery for the allocation of time slots to each registered party.

* Amended by Law no. 74/2012, dated 19 July 2012.

2. The airtime provided to political parties is allotted in the time slot from 18^{00} to 22^{00} each day of the electoral campaign until 24 hours before the beginning of the voting.

Article 84*

Electoral campaign on private radio and television stations

1. Private radios and televisions cover the electoral campaign only during normal and special news editions. Private radios and televisions shall not allocate airtime to political subjects for their electoral campaign. Electoral campaign information prepared and transmitted during the news editions based on the materials made available by the electoral subjects should be clearly identifiable in compliance with the CEC instructions.

2. During normal and special news editions, private radios and televisions shall respect the following conditions:

a) the political airtime of the news editions is divided on time ratios as established by point 1 of article 81 of this Code. In case the coverage ratios are violated in favour of one party, the CEC, on its own initiative or upon the proposal of the CEAZs, fines the local radio/television with ALL 1,500,000 and the national radio/television with ALL 3,000,000. The CEC decision constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. If the violation is repeated, the CEC orders the National Council of Radio and Television (NCRT) to debar the transmissions of that radio/television broadcaster for 48 hours, starting no later than 18:00 of the following day;

b) the airtime covering activities of the central or local public institutions shall be calculated as part of the airtime allocated to the electoral subject that the head of the institution adheres to when this activity has electoral purposes. An activity has electoral purposes when it aims to promote the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject;

c) to cover the activities of non-parliamentary parties and candidates proposed by voters, private radios and televisions apply professional criteria;

ç) propaganda, political comments or stances by journalists are prohibited during news programmes. In the case of a violation, the CEC fines the perpetrating local radio/television with ALL 1,000,000 and the national radio/television with ALL 2,500,000. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. If the violation is repeated, the CEC orders the NCRT to debar the transmission of the local radio/television broadcaster for 48 hours, starting no later than 18^{00} of the following day.

3. Private radios and televisions have the right to organize electoral debates between the competing political parties or candidates. In these debates, the private radio/television broadcasters shall preserve the balance between the political parties participating in the debate.

In the case of violations, the CEC orders the NCRT to debar the transmission of the radio/television broadcaster for 48 hours, starting no later than 18^{00} of the following day.

4. Only those electoral subjects registered for elections are entitled to broadcast political advertisements during the electoral period on private radio, television or audio-visual media, be they digital, cable, analogue, satellite or any other form or method of signal transmission. Political advertisements of electoral coalitions are calculated within

* Amended by Law no. 74/2012, dated 19 July 2012.

the time of the political parties that are members of the coalition according to an individual agreement between each party and the radio or television broadcaster. The political advertisement must clearly identify the commissioning subject. If the political advertisement does not clearly identify the commissioning subject, the CEC orders the immediate suspension of its transmission until its verification according to this point.

5. The total airtime for political advertisements during the entire election campaign on each private radio and television station may not exceed 90 minutes for each party registered in elections. In any case, radio and television broadcasters apply the same fees for the same time slot throughout the campaign. Five days before the beginning of the electoral campaign, the radio and television broadcasters shall submit the fees for each time slot to the CEC. The fees are published on the official website of the CEC.

6. For elections to the Assembly, private national and satellite radios and televisions that accept paid advertisements in accordance with this article are obliged to make available to the electoral subjects, free of charge, half of the total airtime for advertisement provided for in point 5 of this article. The cost for making the free airtime available to the electoral subjects by private radio and televisions is calculated as a deductible expense for taxation purposes. The CEC, the NCRT and the Minister of Finance are responsible for issuing the respective instructions.

7. Political advertisements of electoral subjects are broadcast from 15^{00} to 18^{00} and from 21^{00} to 24^{00} of the daily programme.

8. Advertisements for candidates for mayors of local government units are included in the time of the political subject they represent.

9. Private radios and televisions make available extra airtime for the advertisements of non-parliamentary parties and candidates proposed by the voters, in addition to the airtime applied according to point 5 of this article. The airtime for the advertisements of each non-parliamentary party and candidates proposed by voters shall not exceed 10 minutes for the entire electoral campaign. For non-parliamentary parties and candidates proposed by the voters, the same rates as for parliamentary parties as well as the same criteria for the free time in accordance with point 6 of this article shall be applied. In the case of a violation, the CEC fines the local radio/television broadcaster with ALL 2,000,000 and the national radio/television broadcaster with ALL 3,500,000. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution.

In case of a violation, the CEC orders the NCRT to debar the transmission of the local radio/television broadcaster for 48 hours, starting no later than 18^{00} of the following day.

10. Advertising by central and local public institutions, 60 days before the Election Day, is prohibited, unless it serves to raise the awareness of voters related to aspects of the electoral process or other announcements envisaged by law.

Article 84/1[§]
Coverage of the electoral campaign in local elections

1. In elections for local government bodies, a political party registered as an electoral subject has the right to ask the CEC to approve by a decision the ratios of the time allotted to the respective electoral subject according articles 80, 81 and 84 of this Code, according to the proposal of the subject itself. The party has the right to determine the time ratio allotted for covering the campaign for the councils and the campaign of its candidates for mayors of local government units. The respective

[§] Added by Law no. 74/2012, dated 19 July 2012.

request is filed with the CEC no later than 15 days before the beginning of the electoral campaign.

2. The CEC publishes the time allocation for each electoral subject on its official website. These time allocations are applied by the radio/television broadcaster no later than 10 days before the beginning of the electoral campaign.

Article 85*
Electoral campaign monitoring

1. The CEC, 40 days before the starting of the electoral campaign, shall establish a Media Monitoring Board, which has the duty to monitor the implementation of the provisions of this Code on the electoral campaign by public and private radio and television broadcasters. The Media Monitoring Board exercises its activity in the entire electoral territory. In order to perform its monitoring, the Board uses the NCRT's technical capacities. For local broadcasters that cannot be covered by the monitoring tools of the National Council of Radio and Television, local monitors are appointed. Local monitors are placed at the CEAZ where the radio/television broadcaster to be monitored has its broadcasting station. No later than three months prior to the election date, the CEC and the NCRT sign a memorandum of understanding on the rules, modalities and time limits for the use of the technical capacities of the NCRT for the purposes of monitoring.

2. The Board presents its report on its monitoring conclusions for the previous day to the CEC on a daily basis. The report is to be accompanied, on a case-by-case basis, with proposals for administrative sanctions. The Board, collegially or each of its members, has the right to propose the taking of administrative measures. Local monitors report to the CEAZ where they are located. A copy of the report, together with the opinion of the CEAZ, is sent immediately to the Media Monitoring Board and becomes part of the daily report to the CEC.

3. Complaints of electoral subjects are examined together with the report of the Media Monitoring Board.

4. The CEC examines the reports of the Media Monitoring Board not less than once a week. The CEC makes a decision on the reports every time administrative measures are proposed. CEC decisions may be appealed in accordance with the procedures provided for in this Code.

5. Abrogated

6. Public and private radios and televisions are obliged to register all their broadcasts during the period of the electoral campaign. These registrations are retained for a period of three months after the conclusion of elections and are made immediately available to the commission on the request of the CEC.

Article 85/1§
Establishment of the Media Monitoring Board

The Media Monitoring Board is composed of 7 members. Each of the CEC members appoints one Media Monitoring Board member from the list proposed by national non-for-profit media organisations, according to the following procedure:

a) no later than 4 months before the beginning of the electoral campaign, the CEC asks the District Court of Tirana a list of non-for-profit organizations that operate

* Amended by Law no. 74/2012, dated 19 July 2012.
§ Added by Law no. 74/2012, dated 19 July 2012.

in the media sector, which have been registered at least 1 year before the date of the upcoming elections;

b) no later than 80 days before the beginning of the electoral campaign, the CEC sends to the non-for-profit organizations, which are identified according to letter "a" in this article, a request to propose members for the Media Monitoring Board;

c) within 30 days from the request of the CEC, each of these non-for-profit organizations proposes no fewer than three candidates for board members. The proposed candidates shall be journalists, analysts or media researchers, by profession or experience;

ç) no later than 45 days before the beginning of the electoral campaign, each member of the CEC chooses one name from the submitted proposals, according to letter "c" of this article, for the board member, and presents it to the CEC. The CEC approves the Media Monitoring Board in compliance with the deadline of point 1 of article 85. In case a vacancy rises in the board, the respective member of the CEC immediately proposes to the CEC for a new member of the board one of the names in the proposed list, according to letter "c" of this article.

PART VII

ELECTION AND CAMPAIGN FINANCING

CHAPTER I

ELECTION FINANCING

Article 86*
Funds for the preparation and conduct of elections

1. The budget of the CEC constitutes a separate item in the State Budget.

2. In the budget of an election year, the Assembly allocates the CEC and other relevant institutions funds for the preparation, conduct, supervision, as well as for other aspects of the electoral process.

3. When the budget year is not an electoral year, sufficient funds are allocated to the CEC for its functioning and exercise of responsibilities in accordance with the law.

4. The CEC administers the funds designated for the conduct of elections according to the rules provided for in this Code.

5. In case of early elections, the Council of Ministers allocates to the CEC the funds, in accordance with point 1 of this article, no later than 5 days from the day of the dissolution of the Assembly or of the respective local government body.

CHAPTER II

FINANCING OF ELECTORAL SUBJECTS

Article 87*
State Budget funds to finance parties participating in elections

1. Political parties participating in the elections, which have received no less than 0.5 per cent of votes nationwide, are entitled to State Budget funds, based on the

* Amended by Law no. 74/2012, dated 19 July 2012.

number of votes of each party in those elections. This fund is determined through a decision of the Assembly and comprises a separate item in the State Budget for the respective electoral year. This fund may not be lower than the aggregate sum allocated to political parties in the previous elections.

2. Within 5 days from the declaration of the final result at national level, the CEC determines, by a decision, the monetary value of a valid vote, dividing the adopted general fund by the overall number of valid votes received by the political parties that participated in the last elections which have received no less than 0.5 per cent of valid votes at national level. For elections for local government bodies, the calculation is based on the number of votes received for the local councils at national level.

3. The CEC calculates the amount due to each party, by multiplying the monetary value of one valid vote, as defined in point 2 of this article, with the number of valid votes received by each party in the last elections.

4. From the amount calculated according to point 3, the CEC deducts the financial sanctions, which are imposed on respective parties according to this law, and have become executive titles.

5. The resultant amount after calculations of point 4 is the amount that the party that participates in elections is entitled to from the State Budget.

6. When the amount the party is entitled to, based on point 5 of this article, is smaller than the amount given in advance for the financing the electoral campaign, according to article 87/2, the party is obliged to return the difference. The parties that do not pass the threshold defined in point 1 of this article are not entitled to funds according to point 5.

7. When the amount the party is entitled to, based on point 5 of this article, is bigger than the amount given in advance for financing the electoral campaign, based on article 87/2, the party will be entitled to the respective difference from the State Budget.

8. The party, which does not return the respective funds, based on point 6 of this article, within 90 days, loses the right for new financing from public funds for a period of no less than 5 years, and is not registered as an electoral subject in the next elections, regardless of their type, either alone or as a member of a coalition.

Article 87/1[§]
Financing sources for the electoral campaign

The sources for financing the campaign of electoral subjects are the following:

a) advanced funds given by the State Budget for political parties registered as electoral subjects;

b) income generated by the electoral subject itself, in accordance with the legislation in force;

c) gifts in monetary value, in kind or services rendered, according to article 89 of this Code;

ç) loans taken by the political parties in accordance with the law. The value of a loan shall not exceed the amount of money defined in point 2 of article 89 of this Code.

[§] Added by Law no. 74/2012, dated 19 July 2012.

Article 87/2§

State Budget funds for the electoral campaign

The fund defined through a decision of the Assembly, according to point 1 of article 87, is given in advance to the parties that are registered as electoral subjects as follows:

a) 95 per cent of the fund is distributed to the political parties registered as electoral subjects, which have received no less than 0.5 per cent of the valid votes in the previous elections;

b) 5 per cent of the fund is distributed to the political parties registered as electoral subjects and do not profit according to letter “a” of this article.

Article 87/3§

Calculation of advanced funds

1. The fund defined according to letter “a” of article 87/2 is calculated by dividing this fund with the total number of valid votes received by the political parties, which profit funds according to letter “a” of article 87/2 of this Code. The result from this division is multiplied by the number of valid votes received by the respective political party in the previous elections.

2. The fund defined according to letter “b" of article 87/2 is distributed by dividing this fund with the number of the political parties that profit funds, but in no case may this amount be higher than the smallest amount profited by one party, according to point 1 of this article.

3. For elections to the Assembly, the applied criterion is the result at national level as declared by the CEC for the previous elections to the Assembly. For local government elections, the applied criterion is the result for the local councils at national level, as declared by CEC for the previous local government elections.

4. The fund determined to be distributed, according to article 87/2, is given to each party no later than 5 days from the registration of the multi-name lists, or to the candidates for mayor of the local government unit of the respective party.

Article 88*

Prohibition on using public resources to support electoral subjects

1. Except when otherwise provided by law, resources of central or local public bodies or entities, or of any other entity where the state holds capital or shares or/and appoints the majority of the supervisory or administrative body of the entity, regardless of the source of the capital or ownership, may not be used or made available to support candidates, political parties or coalitions in elections.

2. For purposes of this article, current and fixed assets provided for in article 142 of the Civil Code, as well as any human resources of the institution, shall be considered as “resources”. Use of "human resources" shall mean the obligatory use for electoral purposes of the institution's administration within the work hours, as well as the obligatory and organized use of students of the pre-university system within the lesson hours, in the electoral campaign.

3. During the electoral campaign, the recruitment, dismissal, release, movement or transfer in duty in public institutions or entities is prohibited, except for legally-justified cases. Legally-justified cases shall refer to cases when movement or release from duty

§ Added by Law no. 74/2012, dated 19 July 2012.

* Amended by Law no. 74/2012, dated 19 July 2012.

occurs when the respective legislation is violated, or when recruitment by the public institution or entity, in fulfilling their mission, is carried out within the organisation's staffing and structure in force before the electoral campaign. This does not apply to cases of emergencies arising from unanticipated events, which dictate recruitment.

Article 89*
Financing of electoral subjects through non-public funds

1. Electoral subjects may receive funds for the purposes of their electoral campaigns only from domestic natural or legal persons. For the purposes of this Code, an Albanian citizen who resides outside the territory of the Republic of Albania shall also be considered a domestic natural person.

2. The amount that each natural or legal person may give to an electoral subject may not be larger than ALL 1 million or the equivalent value in kind or services.

3. Donation of funds by a legal person or any of its shareholders is prohibited if one of the following conditions applies:

a) has received public funds, public contracts or concessions in the last 2 years, exceeding ALL 10 million;

b) exercises media activity;

c) has been a partner with public funds in different projects;

ç) has monetary obligations towards the State Budget or any public institution. This obligation is not applicable if the shareholder owns these shares as a result of a public offer.

Article 90*
Registration of non-public funds

1. Each electoral subject must register the amount of funds received for each natural or legal person, as well as other data related to the clear identification of the donor, in a special register which is approved as a template by a CEC decision. At the moment of donation, the donor signs a declaration affirming that none of the circumstances specified in article 89 applies to him/her and that he/she bears personal responsibility for false declaration. The form and content of the declaration is approved by the CEC and its signing is obligatory for all donations.

2. Non-public funds exceeding ALL 100,000 shall be donated only through a special bank account of the electoral subject. The finance officer of the electoral subject declares the number of the bank account opened for this purpose no later than three days from the start of the electoral campaign. The bank account number for each political subject shall be published on the official website of the CEC.

3. The total expenses made by a political party, including its candidates, for an electoral campaign shall not exceed 10 times the highest amount that an electoral subject has received from public funds, according to article 87/3 of this Code. Every expense for the electoral campaign is documented and carried out in respect of the fiscal legislation in force.

4. Obligations provided for in this article are also applicable to candidates proposed by voters who are registered in accordance with articles 69 and 70 of this Code. The total amount that a candidate proposed by voters may spend shall not exceed 50 per cent of the highest amount that an electoral subject has obtained from public funds, according to article 87/3 of this Code.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 91*

Auditing of electoral campaign funds and expenses

1. No later than 5 days after the declaration of the final election result for each political party registered as an electoral subject or for the candidates proposed by the voters, the CEC appoints by lot one or more certified accounting experts, selected in accordance with article 92 of this Code, to perform an audit of the funds received and spent for the electoral campaign. The audit report shall be submitted to the CEC by the deadline provided for in the appointment decision. The report may not include personal data of donors under the value provided for in point 2 of article 90 of this Code.

2. The electoral subjects specified in point 1 of this article shall make available to the auditor appointed by the CEC all information, documents or data that are related to the financing and expenses of the electoral campaign in accordance with this Code.

3. The electoral subjects that are being audited shall make available all the information they have from the banks, institutions or third persons related to the audit, or authorize the auditor to obtain such information from third parties. The CEC shall make available to the auditor the information it receives from third parties about the subject being audited, at each phase of the auditing process.

4. The CEC shall publish the audit reports for electoral subjects no later than 30 days from the date the report has been submitted, or depending on the case, from the date the respective verifications have been completed. The names of persons who donate amounts of no less than ALL 100,000, as well as the respective amounts, are published together with the report.

5. Failure by electoral subjects or donors to comply with the rules provided for in this Chapter, when it does not constitute a criminal offence, shall constitute an administrative offence and is sanctioned according to the provisions of Part XIV of this Code.

Article 92

Selection of auditors by the CEC

1. The CEC selects by competition a list of licensed accounting experts at the beginning of the electoral year.

2. The list should contain at least 20 experts who have been exercising this profession in the last 5 years.

3. Procedures, criteria for the selection of the preliminary list and their appointment are determined by instruction of the CEC. In any case, one auditor may not audit the same electoral subject for two consecutive elections.

4. The budget for elections should also envisage the fund needed for auditing the electoral subjects.

* Amended by Law no. 74/2012, dated 19 July 2012.

PART VIII

PREPARATION OF THE ELECTION INFRASTRUCTURE AND OF THE COUNTING TEAMS (CT)

CHAPTER I

LOCATION OF THE VOTING CENTRES, CEAZ HEADQUARTERS, BALLOT COUNTING CENTRES AND THE COUNTING TEAMS

Article 93*
Location of the Voting Centres, CEAZ Headquarters and Ballot Counting Centres

1. Voting centres, CEAZ headquarters and Ballot Counting Centre are established, to the extent possible, in public buildings with free access.

2. Voting centres, CEAZ headquarters and Ballot Counting Centre may not be established in:

a) private buildings without prior approval of the CEC. In any case, a voting centre may not be established in a private dwelling;

b) buildings used by the public administration, except for educational, cultural and healthcare institutions;

c) buildings used or owned, partially or totally, by a political party, candidates or their relatives, or that have served as electoral offices during the electoral campaign.

3. The CEC may establish a voting centre in a private building when there are no objective possibilities to use a public building in the polling unit or in a neighbouring polling unit. The proposal for their designation is submitted for two alternative buildings, together with the respective blueprint or pictures of the building, a description of facilities offered by the building for the normal conduct of elections and evidence that it meets the criteria set out in this article. This does not apply in case when it is not possible to find an alternative building.

4. Upon the request of one of its members, the CEC orders its administration to conduct the respective verification on the ground; the administration submits a report on the fulfilment of the criteria stipulated in this Code or in other acts. The decision is made in consultation with the representatives of [political] subjects accredited to the CEC. A copy of the CEC decision is visibly displayed at the entrance of the respective voting centres or ballot counting centres on the election date.

Article 94†
Location and preparation of the Ballot Counting Centres

1. No later than 60 days prior to the election date, the prefect of the region submits to the CEC a complete list of buildings within the territory of the region, that meet the criteria specified in points 1 and 2 of article 93 and of this article. No later than 40 days from the election date, the CEC designates, by a decision, the Ballot Counting Centre. In designating the Ballot Counting Centre, the CEC may select the municipality that is the centre of the region even if it is located outside the territorial jurisdiction of the EAZ, or a municipality within the territory of the EAZ, or even the largest administrative unit, if the municipalities do not meet the criteria specified in article 93 and in this article. In

* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

selecting the location of the BCC, the CEC gives priority to the logistical facilities related to road transportation, the distance from the voting centres and the space of the potential premises. As a rule, the Ballot Counting Centre does not change from one election to another.

The Ballot Counting Centre is designated in large rooms or in gymnasiums. The Ballot Counting Centres are placed at the disposal of the CEAZs no later than 10 days prior to the election date. The CEAZ, no later than 5 days before the election date, invites the electoral subjects and VCC members to get to know the Ballot Counting Centre. In selecting the location, the CEC should also take into consideration the possibility of applying the supporting technology for counting the votes in accordance with point 4 of this article.

2. Before introducing the Ballot Counting Centre to the relevant electoral subjects and respective VCCs, the CEC prepares the necessary logistical infrastructure for the counting centre, including uninterrupted lighting for the beginning and successful execution of the vote counting process according to a model of arrangement approved by the CEC and the respective instructions of the CEC. For this purpose, the CEC arranges work tables for each Counting Team, ensuring that they have sufficient space for conducting the vote counting process. The work tables are arranged in such a way that they are visible for the CEAZ members and observers, candidates or media representatives, and that they allow the application of the supporting technology in accordance with point 4 of this article. The observers remain in front of the Counting Teams at a short distance from the work tables, or, if the technology in accordance with point 4 of this article is used, in front of the screen. The observers must not have physical contact with the voting materials. The work tables of the Counting Teams, as well as the seats of the CEAZ members, must be in the same room where the vote counting process takes place. A Ballot Counting Centre cannot have fewer than 3 and more than 10 work tables. The details for the organisation of work and the number of counting tables for each Ballot Counting Centre shall be established in a normative act of the CEC.

3. The logistical equipment necessary for the vote counting process are provided by the CEC in co-operation with other central or local bodies.

4. The CEC decides on the use of registration cameras and screens for displaying the ballot papers before their evaluation. High resolution cameras are installed above the counting table in such a way as to make possible the recording of the evaluation of each ballot paper. The film recording is transmitted in real time on screens placed in front of the observers of electoral subjects. The filming of the process is recorded electronically and is delivered to the CEC together with the other election materials. The CEC or, when it is possible, the CEAZ as well, shall make reproduction copies of them and put them at the disposal of the electoral subjects against payment of a tariff that covers the reproduction cost.

Article 95*
Establishment of Counting Teams (CT)

1. For the purpose of counting the votes at the EAZ level, Counting Teams are established 10 days prior to the election date by a decision of the CEAZ. There are two Counting Teams for each counting table, in accordance with point 2 of article 94 of this Code. The members of the Counting Teams must meet the criteria provided for in articles 30 and 31 of this Code. The proposals for the appointment of their members shall be submitted to the CEAZ at least 12 days prior to the election date.

* Amended by Law no. 74/2012, dated 19 July 2012.

2. The Counting Teams are composed of four members, where in any case one member is appointed on the proposal of the party to which the Chair of the CEAZ belongs, one member is appointed on the proposal of the political party to which the Deputy Chair belongs, whereas the third member is proposed by the parties of the ruling majority and the fourth member is appointed on the proposal of the opposition parties that have the right to propose members of the Counting Teams for the respective EAZs, according to the procedure specified in article 96 of this Code.

In its decision to appoint the Counting Team, the CEAZ appoints one of the members as the First Counter and one member as the secretary. In half of the Counting Teams, the First Counter is proposed by the largest party of the majority and in the other half by the largest party of the opposition. The secretary of the Counting Team belongs to the political party opposite to the party that proposes the First Counter. The CEC defines by an instruction the procedure for drawing the lots.

3. In case an electoral subject does not submit its proposals within the deadline specified in point 1 of this article, the CEAZ determines the replacement members by lot among the members of the VCCs who belong to the same electoral subject at the level of the electoral zone. If it is not possible to complete the number of Counting Team members, it functions with no fewer than two members.

4. A Counting Team counts not fewer than 5 voting centres and not more than 10 voting centres. At the end of this process, the Counting Team is replaced by the other Counting Team in accordance with point 1 of this article.

5. The CEC specifies by a normative act the criteria for the number of Counting Teams for each Ballot Counting Centre, the working methods, the division of duties among the Counting Team members and the rules on the order of actions.

Article 96*
Procedure to determine the parties that propose Counting Team members

1. The political parties that have the right to propose the third and the fourth member of the Counting Teams, with the exception of parties that propose the Chair and deputy Chair of the CEAZ, are determined by drawing lots at the CEC between the list of political parties of the parliamentary majority and the list of parties of the parliamentary opposition that are registered in the elections and that have won no fewer than two seats in the preceding elections to the Assembly. In each case, after the drawing of lots for each EAZ, the right to propose the two members of the Counting Teams belongs to one party of the parliamentary majority and to one party of the parliamentary opposition.

1/1. If none of the political parties with the right to propose a third and fourth member meets the requirement established in this article, the right to propose is transferred, on a case-by-case basis, to the political party that proposes the Chair or Deputy Chair of the CEAZ within the same political grouping.

2. No later than 30 days before the election date, the CEC organizes the drawing of lots for each EAZ in the presence of the interested political parties. The procedures for drawing lots are determined by a special instruction of the CEC.

* Amended by Law no. 74/2012, dated 19 July 2012.

CHAPTER II

PREPARATION OF ELECTORAL DOCUMENTATION AND SENDING OF THE ELECTION MATERIAL

Article 97[†]
Ballot papers

1. For elections to the Assembly, a voter shall vote with one ballot paper of the same colour and form for all electoral zones.

2. For elections for local government bodies, a voter shall vote with two ballot papers of the same form and in different colours, one for the mayor of the local government unit and the other for the municipal council.

3. *Abrogated*

3/1. The ballot paper for local government elections shall have the same colour on both sides.

4. The number of ballot papers is equal to the number of the voters, with 2 per cent added.

Article 98[*]
Content of the ballot papers

1. The ballot papers for elections are prepared by the CEC. The ballot papers shall be of paper, with such colour, thickness or configuration elements that do not allow the reading of the vote on the reverse side, and they shall also feature security elements, in accordance with the provisions of a CEC normative act.

The ballot paper shall feature technical elements in the form of codes that identify the electoral zone, voting centre and other identification elements that cannot be read with a naked eye.

2. The ballot papers are produced in blocks without stubs. The serial number of the ballot papers' block is noted on the document that accompanies the enwrapped block, in accordance with CEC specifications.

3. The names of the electoral subjects appear on the ballot paper according to a random order, as drawn from the lots. The logo, initials and name of the party Chair are placed next to the name of the party. Each subject listed on the ballot paper has a dedicated space for the voter to mark the vote.

4. Parties participating in an electoral coalition are listed one after the other on the section of the ballot paper dedicated to the electoral coalition. The name of the party, logo, initials and the name of the party Chair are placed for each of the political parties in a coalition. Each political party participating in an electoral coalition has a dedicated space for the voter to mark the vote. They are ranked randomly by drawing lots.

5. Immediately following the completion of the registration of multi-name list at the CEC or, as the case may be, at the CEAZ, the CEC organises the drawing of lots for obligations arising from this article. The rules for drawing lots shall be established by a normative act of the CEC.

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

[*] Amended by Law no. 74/2012, dated 19 July 2012.

Article 99*

Delivering election materials from the CEC to the CEAZ

1. The CEC sends the following election materials divided into separate boxes for each voting centre to the CEAZ headquarters no later than 3 days before the election date:

a) the necessary number of ballot papers, in compliance to the number of voters registered in that voting centre, together with the additional ballot papers. As a rule, ballot papers are delivered enwrapped in blocks of 100 ballot papers, together with the document that indicates the respective serial number of the ballot papers block;

b) the stamp of the VCC;

c) the official records of the voting centre, including the templates of the official records and of the decisions for the sealing of the ballot boxes, the opening of the voting centre, the suspension of voting, a request for police assistance and police departure, as well as the closing of the polls;

ç) the Meeting Record Book of the VCC;

d) an envelope marked “SPOILED BALLOT PAPERS”;

dh) an envelope marked “UNUSED BALLOT PAPERS”;

e) an envelope marked “ENVELOPE FOR THE RECORD OF SEALING”, and

ë) the special ink to mark the voter and the equipment for checking it.

2. Apart from the boxes with the election materials, according to point 1 of this article, the CEAZs are also provided with the following:

a) ballot boxes for each voting centre, in compliance to the requirements of this Code;

b) a sufficient number of security codes, according to the CEC decision;

c) a sufficient number of voting booths;

ç) a sufficient number of copies of the Electoral Code and election manuals;

d) a sufficient number of stamps for the VCC Chairs; and

dh) other equipment necessary for the voting process.

3. The CEC delivers to the CEAZ the seals packaged in accordance with article 100 of this Code enclosed in security packaging, and without identifying the serial number of the seal.

4. Apart from the materials for the VCCs according to point 1 of this article, the CEC also deliver to the CEAZ the Meeting Record Book of the CEAZ, the Tables for VC Results by the Counting Teams, the Tables of Election Results for the Electoral Administration Zone, the stamp of the CEAZ, as well as other materials necessary to it for the administration of elections.

The equipment and technological materials specified in point 4 of article 94 and in Annex III of this Code are sent and installed in accordance with the procedures specified by a special instruction of the CEC.

Article 100*

Delivering election materials from the CEAZ to the VCC

1. No later than 15 hours prior to the opening of the polls, the CEAZ delivers the election materials to the VCCs under its jurisdiction. The Chair and the secretary of the VCC, accompanied by any other member upon request, shall go to the CEAZ headquarters and receive the following:

a) the box with election materials, in accordance with point 1 of article 99 of this Code;

* Amended by Law no. 74/2012, dated 19 July 2012.

b) the ballot box/es;
c) the voter list;
ç) the voting booths;
d) seals with the security codes; and
dh) other equipment necessary for the voting process.

2. The Chair of the VCC receives the stamp of the Chair from the CEAZ. The Chair of the respective VCC, in the presence of the CEAZ members, performs the following actions in turn:

a) randomly takes a stamp from the relevant pile of packaged stamps;

b) tears the wrapping of the stamp;

c) stamps, on a white sheet of paper, a sample for the comparison of the stamp; and

ç) writes, under each stamp, his/her name and surname by hand and signs in the presence of the CEAZ members.

3. The white paper with the sample for the comparison of each stamp, in accordance with point 2 of this article, is signed on its reverse by the CEAZ members and is kept safely by the secretary of the CEAZ.

4. The seals with the security codes are handed over with a separate official record, where the security codes for each seal are noted. The VCC receives as many seals with security codes as are needed to seal the ballot boxes and the box with election materials, as well as three additional seals to be used only in the event they get damaged. The additional seals must be of a different colour from those that, as a rule, are to be used for sealing the ballot box. One copy of the official record where the security codes are noted, including the additional security codes, is kept by the CEAZ and one copy is given to the VCC.

5. The stamps of the VCCs and those of the VCC Chairs, each separately, are produced and delivered to the CEC in a security package. The number of the stamps produced for the VCCs and the VCC Chairs are equal to the number of the VCCs and VCC Chairs nationwide.

PART IX

VOTING

CHAPTER I

PROCEDURES FOR OPENING OF THE VOTING

Article 101*
Preliminary actions of the VCC

1. The VCC, under the direction of its Chair and secretary and in the presence of the observers of the subjects, one hour prior to the opening of the voting, performs the following duties:

a) arranges the tables, chairs and voting booths in such a manner as to ensure the secrecy of the voting and the free and rapid movement of voters;

b) removes any propaganda material that may be found in the voting centre and within a range of 150 meters around it;

c) posts instructions for conducting the voting at a suitable and visible place in the voting centre;

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* Amended by Law no. 74/2012, dated 19 July 2012.

ç) places other materials required by the CEC;

d) checks all materials received;

dh) shows to observers the empty ballot boxes and closes them according to the procedure specified in letter “e” of this point;

e) seals the ballot boxes with the security codes and records the numbers of the security seals in the Record of Sealing of the ballot boxes and in the VCC Meeting Record Book, which are signed by all VCC members. If any of the seals with the security codes is damaged during the closing of the box, it is replaced by one of the additional seals. The number of the security code of the damaged seal and that of the additional one is noted in the VCC Meeting Record Book and the Record of Sealing. The original official record is enclosed within the envelope marked “ENVELOPE FOR THE RECORD OF SEALING,” which is put into the ballot box for the electoral subjects before the beginning of the voting process. Copies of the Record of Sealing with the stamp of the VCC are given to the VCC members and to observers of the parliamentary parties;

ë) clearly writes the number of the voting centre on one of the lateral sides of the box, and places distinguishing signs that make it clear to the voter where to cast each of the ballot papers.

2. The VCC members, in the presence of the observers, take a decision on opening the voting and sign it.

3. When the Electronic Verification System (EVS) is used, according to Annex III of the Code, the procedures, deadlines and actions with the device before and after the closing of the voting by the personnel in charge for the operation of the electronic devices at the voting centre, shall be defined by a normative act of the CEC.

Article 102
Opening the voting and the presence of the VCC members and secretary

1. After performing the duties provided for in article 101 of this Code, the Chair of the VCC declares the voting open, but not before the time prescribed in article 11 of this Code.

2. The secretary of the VCC notes in the VCC Meeting Record Book the time of departure and return of any VCC member who leaves the voting centre. When the Chair leaves the voting centre, he/she shall pass the Chair's stamp to the other member of the same political affiliation, to use it until his/her return. The VCC secretary makes the respective notation in the VCC Meeting Record Book. When the secretary leaves the voting centre, the VCC stamp and the Meeting Record Book shall be transferred for use to the Deputy Chair until the return of the VCC secretary. The respective notation is made in the VCC Meeting Record Book to reflect this fact.

Article 103*
Stamping the ballot papers

1. The ballot papers are stamped on their reverse with the stamp of the VCC and that of the VCC Chair. If one of the stamps is damaged or taken out of the voting centre, the VCC is provided immediately with a spare stamp to replace the stamp rendered out of use. Rules for the administration and delivery of the spare stamp shall be laid down in a normative act of the CEC. The fact that the stamp is rendered out of use, as well as the respective time, are noted in the Records Protocol Book of VCC Meetings. Damaging the stamp intentionally or taking it out of the voting centre constitutes a criminal offence and is punishable according to article 326/a of the Criminal Code.

* Amended by Law no. 74/2012, dated 19 July 2012.

2. The stamp of the VCC contains the text “VOTING CENTRE COMMISSION” and the number of the respective voting centre. The stamp of the VCC Chair contains the text “CHAIR” and a five-digit serial number. The text of the spare stamp shall be determined by the CEC and shall be unique for each stamp.

3. The stamp of the VCC Chair is used only to stamp the ballot papers; no other election document shall be stamped with it.

4. When the Electronic Counting System (ECS) is used, according to Annex II of this Code, the ballot paper is stamped only with the VCC stamp.

CHAPTER II

PROCEDURES DURING VOTING

Article 104[‡]
Number of ballot boxes

1. In elections to the Assembly, only one ballot box shall be placed in the voting centre.

2. In elections for local government bodies, two ballot boxes shall be placed in the voting centre, one for the mayor of the local government unit and one for the municipal council.

3. *Abrogated*

Article 105[*]
Presentation of voters at the voting centre

1. After entering the voting centre:

a) the voter states the name and presents to the VCC one of the following official valid identity documents bearing biometric data:

i) identity card; or

ii) passport;

b) one of the members, assigned by a decision of the VCC, upon the voter’ presentation at the VCC and before the voter is given the ballot paper, checks the voter on both hands to determine whether or not he/she has been marked with special ink. If the voter has been marked, the member immediately informs the other members of the VCC, who shall immediately verify it. The name and surname of that voter is recorded in the VCC Meeting Record Book and he/she shall not be given the ballot paper;

c) after verifying that the data about the identity of the voter correspond to those on the voter list and that the voter is the same as the person on the identity document, the Chair records the type and serial number of the identity document on the voter list and draws a line through the name of the voter on this list;

ç) the voter signs the voter list next to his/her name;

d) the ballot paper is stamped on its reverse side with the stamp of the VCC and the stamp of the VCC Chair. When the ECS is decided to be used, according to this Code, the ballot paper is stamped only with the VCC stamp;

dh) one of the members of the VCC, assigned by its decision, marks the left hand of the voter with a special ink, visible with a naked eye and indelible for at least 24 hours, in order to avoid voting more than once, and after that the voter is given the ballot paper. If the voter refuses to be marked with the special ink, he/she shall not be given the ballot paper and his/her identity is recorded in the VCC Meeting Record Book.

2. One of the members assigned by decision of the VCC takes care of the orderly queuing of the voters.

[‡] Amended by Law no. 31/2015, dated 2 April 2015.

[*] Amended by Law no. 74/2012, dated 19 July 2012.

3. In case a voter who is not registered on the final voter list, but has obtained a court decision recognizing his/her right to vote in that voting centre according to article 55 of this Code, appears before the VCC, the VCC records in a special register the voter's name, the number of the identification document and attaches the court decision.

Article 106*
Voting

1. On receipt of the ballot paper, the voter proceeds alone to the voting booth and votes on the ballot paper by marking next to the name of the electoral subject or of the party which is member of a coalition with the sign "x" or "+" or another sign that clearly indicates the voter's choice.

2. After making his/her mark on the ballot paper, the voter folds the ballot paper so that the mark cannot be seen but at least one of the stamps on the reverse side of the paper is visible. After leaving the voting booth, the voter deposits the ballot paper in the respective ballot box and leaves the voting centre.

3. With the exception of the case specified in article 108 of this Code, a voter shall vote only on his/her own behalf.

4. The VCC members and secretary vote upon completion of the voting by all voters present in the voting centre by the scheduled time for closing the polls. The rules determined by this article are also applicable to the voting by the VCC members and its secretary.

5. The VCC members who have allowed a voter to vote more than once or on behalf of other voters shall be subject to criminal liability in accordance with article 248 of the Criminal Code, except for the case provided for in article 108 of this Code.

Article 107
Spoiled ballot papers

1. If the ballot paper, or at least one of the ballot papers, is marked outside the voting booth, the voter shall not be permitted to deposit the ballot paper(s) in the box. The VCC Chair takes this ballot paper, writes "SPOILED" on its back and places it in the envelope "SPOILED BALLOT PAPERS". In this case, the voter is provided with another ballot paper of the same type and the case is recorded in the VCC Meeting Record Book. If the voter marks the ballot paper outside the voting booth again, the second ballot paper is also placed in the envelope "SPOILED BALLOT PAPERS" and the voter shall not be given a ballot paper again.

2. If a voter marks or damages a ballot paper accidentally and requests a second ballot paper, the ballot paper is considered as spoiled and is placed into the envelope "SPOILED BALLOT PAPERS" and the voter is given a second ballot paper. The case is recorded in the VCC Meeting Record Book. If the voter again marks or damages the second ballot paper accidentally, the second ballot paper is also placed in the envelope "SPOILED BALLOT PAPERS" and the voter shall not be given another ballot paper.

3. Under no circumstances shall the spoiled ballot papers be placed into the ballot box.

Article 108
Voters who cannot vote themselves

1. A voter who, for physical reasons, is unable to perform the voting procedures him/herself may request the assistance of a family member or another voter who is on

* Amended by Law no. 74/2012, dated 19 July 2012.

the voter list for that polling unit. Both voters must be present in the voting centre when this procedure is used.

2. A person may assist only one voter who cannot vote him/herself.

3. Before marking the ballot paper, a person who assists another voter makes a statement in the VCC Meeting Record Book that he/she will vote as instructed, will not influence the voter's decision, will not make the vote public and has not voted on behalf of any other voter.

4. Members of the election commissions and the secretary may not help any voter who is unable to vote him/herself.

5. The mark on the ballot paper must necessarily be made inside the voting booth.

6. Within the period of the revision of voter lists, voters specified in point 1 of this article have the right to request the mayor of the local government unit that prepares the voter list for the respective voting centre to register them as voters who cannot vote themselves. The request for registration is accompanied by the official documentation that proves the type and category of disability. The registration as a voter who cannot vote him/herself is carried out to facilitate the voting process for these voters.

7. In any case, when there are voters registered according to point 6 of this article who have difficulties accessing the voting centre premises, the voting centres shall be designated and organized in such a manner as to guarantee free access for this category of voters. If this is impossible, in compliance with the instructions of the CEC and at CEC expense, the mayors of the local government units appoint support personnel or equipment to guarantee free access.

8. In case of blind voters, the mayor of the local government unit notifies the CEC on the number of blind voters and their voting centres. The CEC, in accordance with the procedures and deadlines for the distribution of the election materials, supplies the commissions of these voting centres with special voting devices that allow the voters to read or understand the ballot paper and to vote independently. A blind voter is informed by the VCC of the manner of voting with special voting devices and is supplied with them upon his/her request. Otherwise, the voter shall vote in accordance with points 1 and 3 of this article.

Article 109*
Order and orderly voting

1. The voting centre is arranged in such a way to facilitate the voting process and guarantee the secrecy of vote. The voting centres are arranged according to a design specified by a CEC instruction.

2. The use of mobile telephony at the voting centre is prohibited and the voter shall not be allowed to vote with a mobile phone in their hands. If a voter attempts to use the mobile phone or any other recording device in the voting booth, the procedure laid down in point 1 of article 107 shall be applied.

3. When order or orderly voting are endangered at the voting centre, the VCC informs the State Police and the CEAZ, as well as fills in the records for the suspension of the voting for that reason. The time of the notification and of the suspension is noted down in the official records. The VCC also notes in the Meetings Records Book the incident, the time the voting was suspended and the time voting resumed.

4. The Chair or any member of the VCC immediately notifies the CEAZ on the incident. The CEAZ is bound to record the notification and the time it was received in the Meeting Records Book. The CEAZ immediately forwards the request to the State Police.

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* Amended by Law no. 74/2012, dated 19 July 2012.

5. Once order is restored in the voting centre, the VCC requests the State Police to leave the voting centre and takes measures to immediately resume voting. This fact is reflected in the records for resuming the voting.

Article 110
Persons present at the voting centre

1. Only the following persons may stay in a voting centre:
a) the members and the secretary of the VCC;
b) voters who are carrying out the voting procedures until they are completed; and
c) accredited Albanian and foreign election observers.
2. No armed persons shall be allowed to stay within the premises of a voting centre. State Police employees, when carrying out their duty according to article 109 of this Code, as well as prison police employees within the territory of a prison or detention centre where a special voting centre has been established, are excluded from this rule.

Article 111
(Abrogated by Law No. 74/2012, dated 19 July 2012)

CHAPTER III

CLOSING OF THE POLLS AND COUNTING OF BALLOTS

Article 112
Closing of the polls

1. Voting centres close at the hour established in accordance with points 1 and 2 of article 11 of this Code. If, even after the closing time, there are still voters queuing, the VCC collects the identification documents of all the voters present and calls them one by one in order to conduct the voting. No other voter is allowed to vote if he/she was not in the queue at the time identification documents were collected.
2. After the last person present has voted, the VCC makes a decision to close the polls by filling in the respective type of form, writing on it also the time of closing of the polls. The decision for the closing of the polls and the exact time of closing are recorded in the VCC Meeting Record Book. Afterwards, only the members and secretary of the VCC, as well as the accredited Albanian and/or foreign observers and accredited representatives of the media, may remain in the voting centre.

Article 113*
Actions performed after closing of the polls

After making the decision to close the polls, the Chair, together with the members of the VCC, perform the following actions according to this order:
1. The Chair, under the observation of all members of the VCC:

* Amended by Law no. 74/2012, dated 19 July 2012.

a) records the number of the voters who have voted, according to their signatures on the voter list, as well as on the special register, in accordance with article 57 of this Code;

b) states the figure aloud to the other members of the VCC and the observers that are present;

c) invites them to verify the figure stated by him/her; and

ç) orders the secretary of the VCC to record the number of persons who have voted in the voting centre, according to letter “a” of this point, in the Records of the Closing of the Polls and in the VCC Meeting Records Book. In case of an objection to the figure, the claims shall be written in the records. The VCC secretary writes the claim in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

2. The Chair, under the observation of all VCC members, reflects the full number of ballot papers of that voting centre in the Records of the Closing of the Polls and in the VCC Meeting Records Book, based on the data that have accompanied the receipt of the ballot papers from the CEAZ.

3. The Chair, under the observation of all members of the VCC, starts the count of unused ballot papers and, at the end of the count, informs the members of the VCC of this number. When requested by a member of the VCC or any of the observers, the Chair is obliged to restart the count of unused ballot papers. Upon completion of the count, unused ballot papers are enclosed within the envelope marked as “UNUSED BALLOT PAPERS”. The number of unused ballot papers is reflected in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

4. The Chair, under the observation of all members of the VCC, counts the spoiled ballot papers that are found in the envelope for “SPOILED BALLOT PAPERS”. The number of spoiled ballot papers is reflected in the Records of the Closing of the Polls and the VCC Meeting Records Book.

If an observer has objections, they are recorded immediately in the Meeting Records Book or submitted by the observer in writing. The written objections are administered by the secretary and are enclosed inside the box of electoral materials together with the rest of the documentation for that voting centre.

5. At the conclusion of the actions envisaged in points 1 to 4 of this article, the following are enclosed inside in the box of election materials:

a) the envelope marked as “UNUSED BALLOT PAPERS”;

b) the envelope marked as “SPOILED BALLOT PAPERS”;

c) the voter list, including the special register, in accordance with article 57 of this Code;

ç) original copies of VCC decisions and the unused templates for VCC decisions;

d) the stamp of the VCC;

dh) the stamp of the VCC Chair;

e) seals with the unused security codes;

ë) seals with the damaged security codes; and

f) the VCC Meeting Records Book.

6. The numbers of the security codes to seal the ballot box and the elections material box are first written down in the Records of the Closing of the Polls and in the VCC Meeting Records Book. After all the data are recorded in the Record of the Closing of the Polls, the exact time of closing the records is noted. The original of the Records of the Closing of the Polls is placed in the ballot box which is sealed immediately with the last security code, whereas its copy is placed in the box of electoral materials, which is then sealed with the respective security codes. Copies of the Records of the Closing of the Polls are given to members of the VCC and to observers of the parliamentary parties.

7. When the seal with the security codes is damaged during the closing of the ballot box, it shall be replaced by one of the spare seals. The number of the security code of the damaged seal is written down in the Records of the Closing of the Polls and in the VCC Meeting Records Book.

8. The Records of the Closing of the Polls is signed by all VCC members. If any of the VCC members has any remarks, they are written in the space dedicated to remarks in the records.

Article 114
Accompaniment of the ballot boxes and voting materials to the Ballot Counting Centre

1. Immediately after the completion of the actions specified in article 113 of this Code, the ballot boxes with the ballot papers and the box with voting materials are sent to the Ballot Counting Centre, designated in accordance with article 94 of this Code. Other materials used during the voting process are submitted to the CEAZ within the deadlines and in the manner specified by the CEC.

2. The ballot box/es with the ballot papers and the box with voting materials are delivered to the Ballot Counting Centre as early as possible, but no later than 3 hours from the closing of the polls in the voting centre. Their delivery is performed with a motor vehicle, in which are seated the members and the secretary of the VCC, as well as a police officer, who is charged with guaranteeing the accompaniment and the integrity of the ballot box/es with the ballot papers and of the box with voting materials. The CEC authorizes the CEAZ, while also providing it with the necessary funds, for ensuring the transportation by motor vehicle of the ballot boxes with the ballot papers and the box with voting materials.

3. The police officer, under point 2 of this article, is a permanent police officer of the State Police, except for the criminal police, charged with the duty of accompanying by the CEC on the proposal of the General Director of the State Police. The accompanying police officer shall wear at all times the uniform of the State Police and, in a visible place, the number assigned by the CEC, as well as his/her surname in a legible size.

CHAPTER IV

DELIVERY OF VOTING MATERIALS AND COUNTING OF BALLOTS

Article115*
Receipt of voting materials by the CEAZ

1. The CEAZ assigns one or more receiving teams to receive the ballot box/es with the ballot papers and the box/es with voting materials. The receiving teams consist of two CEAZ members with different political affiliations, proposed respectively by the Chair and Deputy Chair of the CEAZ.

If deemed necessary, the CEAZ may appoint 2 persons for each team to assist the team for receiving the boxes, and who mainly deal with the arrangement of the boxes under the direction of the CEAZ. The support personnel are selected from the list of the members of the Counting Teams, while guaranteeing, in any case, the political balance between the majority and the opposition. The ballot box/es with the ballot papers and the box/es with voting materials are received as soon as they arrive at the Ballot Counting Centre, according to rules established by the CEC.

* Amended by Law no. 74/2012, dated 19 July 2012.

2. During the receiving process, the receiving teams:

a) record in the Records of Receipt the numbers of the security codes of the seals, with which the ballot box with the ballot papers and the box with voting materials has been closed;

b) verify immediately whether the numbers of the security codes of the seals with which the ballot box with the ballot papers and the box of voting materials are closed match the numbers of the security codes, according to the records kept for this voting centre, in compliance with article 113 of this Code. If these codes do not match, the receiving team informs the CEAZ about the discrepancy and requests it to mark the box as an “IRREGULAR BOX”. The CEAZ verifies the discrepancy immediately and makes a decision, in accordance with point 4 of this article. The discrepancies found are recorded in the Records of Receipt and the CEAZ Meeting Records Book.

3. When, while receiving the ballot boxes with the ballot papers and the box with the voting materials, the receiving team finds that:

a) one or more seals with security codes are missing or broken;

b) the seals with the security codes have been placed in a way that allows space between the box itself and its lid;

c) the box has fissures or cracks in its body or lid that make it possible to insert or retrieve ballot papers or other voting materials; or

ç) the box is of a different type, shape or size from those established by the CEC;

then the receiving team immediately informs the CEAZ about the irregularity and requests it to mark the box as an “IRREGULAR BOX”. The CEAZ immediately verifies the irregularity and makes a decision, according to point 4 of this article. The irregularity found is recorded in the Records of Receipt and the CEAZ Meeting Records Book.

4. In cases when receiving teams find irregularities in one of the boxes with ballot papers, in accordance with points 2 and 3 of this article, while receiving the boxes with ballot papers for a voting centre, then that box is considered an “IRREGULAR BOX” and is sent to the corner of irregular boxes, whereas the box with voting materials, and in the case of local elections, the other box with ballot papers, are subject to procedures in accordance with articles 116 to 119 of this Code.

If, in the case of local elections, both boxes with ballot papers are considered irregular, then both boxes with ballot papers and the respective box of voting materials are placed in the corner of irregular boxes. When only the box of voting materials is defined as an “IRREGULAR BOX”, it is subject to the opening and counting procedures along with the ballot boxes with the ballot papers.

5. The ballot boxes defined as an “IRREGULAR BOX” shall not be opened at any time and for any reason by the CEAZ and shall not be forwarded to the Counting Team. They are sent together with the box of voting materials to the CEC for administrative investigation purposes, in accordance with article 136 and point 4 of article 138 of this Code.

6. The CEAZ keeps a Record of Findings, in which it notes data about the ballot boxes with ballot papers or boxes with voting materials declared as irregular, in accordance with points 2, 3 and 4 of this article, as well as data on the inaccuracies and irregularities found during the application of the procedures of article 116 of this Code. Copies of the Record of Findings are given to the CEAZ members and to observers of parliamentary parties.

7. The members of the receiving team, the Chair, Deputy Chair and secretary of the VCC, as well as the police officer assigned with the duty of accompanying, sign the Records of Receipt. The original Records of Receipt is administered by the CEAZ, which gives a copy respectively to the Chair, Deputy Chair of the VCC and to the police officer assigned with the duty of accompanying. The police officer shall leave immediately after receiving a copy of the Records of Receipt, which is delivered together with the service report to his/her respective command structure.

8. The Records of Receipt is prepared by the CEC as a template and shall contain the time of receipt, the number of the voting centre, the seals with the security codes with which the boxes with the ballot papers and boxes of voting materials are sealed, the space for describing discrepancies or irregularities found, as well as the space for signatures.

9. The ballot boxes with the ballot papers and the boxes of voting materials, received by the receiving teams, are placed in the place designated in advance for that purpose by the CEAZ. This place shall be in the same premises where the count of ballots takes place and shall be secured from any interference by unauthorised persons.

10. The ballot boxes with the ballot papers received as regular shall, in any case, be subject to procedures for opening and counting at the Ballot Counting Centres in accordance with the provisions of this Code. Refusal to count leads to immediate discharge of persons responsible for counting or, as the case may be, of the CEAZ. Refusal to count a box received as regular constitutes a criminal offence and is punishable according to article 330/a of the Criminal Code.

Article 116[†]
Counting the ballots

1. The CEAZ shall make a decision to start the counting of votes only after having received all boxes with the ballot papers and boxes of voting materials from all the voting centres under its jurisdiction.

2. The Counting Team members take from the stack of ballot boxes, one after the other and in ascending order of the ordinal numbers of the voting centres, the ballot boxes with the ballots of only one voting centre and place them by the table of the respective Counting Team. Next, the Counting Team members receive from the secretary of the CEAZ the sample of the VCC Chair stamp, deposited in compliance with point 2 of article 100 of this Code.

3. Then, the First Counter places the ballot box with ballot papers on the table and opens it, by breaking the seals with the security codes. Initially, the Counting Team verifies the data in the Records of the Closing of the Polls.

4. If the Records of the Closing of the Polls is found in the box and is filled in accordance with article 113 of this Code, the counting will continue in accordance with procedures set out in this article. If the Records of the Closing of the Polls is missing, or if the data under article 113 of this Code are not filled in, the procedure specified in article 116/1 shall apply.

5. After the Records of the Closing of the Polls is taken out, or after the Records of Findings is filled in, the First Counter and members of the Counting Team take the ballot papers and the envelope with the Records of Sealing out the box, unfold the ballot papers and place them on the table with the reverse of the sheet facing up.

6. The stacked ballot papers are counted by the First Counter, who, at the conclusion of the count, declares the figure to the Counting Team members and the observers of electoral subjects. The declared figure is checked against the figure on the voter turnout that is written down in the Records of the Closing of the Polls. If the figures do not match or if requested by any of the Counting Team members, the First Counter shall recount the ballot papers.

7. If the verification reveals discrepancies, then the Counting Team or any of the observers of the electoral subjects who identifies the discrepancies, notify immediately

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

the CEAZ about them. The notification is done by raising one's hand and without moving from own place. The raising of the hand suspends any further action of the Counting Team until the CEAZ is informed of the issue and verifies it. If the CEAZ confirms the irregularity, it reflects it in the Records of Findings. The CEAZ makes a decision to continue the procedures for the counting of votes by the Counting Team only after recording the inaccuracy or irregularity in the Records of Findings. The Counting Team is informed immediately about the decision of the CEAZ.

Article 116/1[§]

Opening of the boxes with voting materials

1. The box with voting materials shall be opened during the counting process at the Ballot Counting Centre only when the Records of the Closing of the Polls is missing from the box with ballot papers, or when the data according to article 113 of the Code are not recorded in the Records of the Closing of the Polls.

2. In this case, the Counting Team or any of the observers of the electoral subjects, who identifies this, notifies immediately the CEAZ about it. The notification is done by raising one's hand and without moving from own place. The raising of the hand suspends any further action of the Counting Team, until the CEAZ is informed of the issue and verifies it. If the CEAZ confirms the inaccuracy or irregularity, it reflects it in the Records of Findings. The CEAZ makes a decision to continue the procedures for the verification of the voting material and the suspension of the counting of votes by the Counting Team only after recording the inaccuracy or irregularity in the Record of Findings. The Counting Team is informed immediately about the decision of the CEAZ.

3. The box with ballot papers, the counting of which is suspended, is placed by the counting table and the First Counter takes the box with voting materials of the respective voting centre. Then, the Counting Team opens the box with voting materials, by breaking the security seals. First, it is verified whether the Records of the Closing of the Polls is found in the box, [and whether it is] filled in according to the requirements of the Code. In this case, the Records of Findings is filled in and the Records of the Closing of the Polls is given to the CEAZ. Next, the box is closed with security seals and the Counting Teams continues the counting of the ballots, according to procedures set out in point 5 and onward of article 116 of the Code.

4. When the Records of the Closing of the Polls is not found in the box with voting materials or it is not filled in according to article 113, the Counting Team fills in the Records of Findings and then performs the following procedures:

a) it verifies whether the following are found in the box:

i) the envelope marked as "UNUSED BALLOT PAPERS";

ii) the envelope marked as "SPOILED BALLOT PAPERS";

iii) the voter list, including the special register, in accordance with article 57 of this Code;

iv) original copies of VCC decisions and unused templates for VCC decisions;

v) the stamp of the VCC;

vi) the stamp of the VCC Chair;

vii) seals with the unused security codes;

viii) seals with the damaged security codes, if any;

ix) the VCC Meetings Record Book; and

x) the accompanying documentation of ballot papers with the respective serial numbers;

b) initially, the First Counter compares the stamp of the VCC Chair with the sample stamp and presents the finding to the team members;

[§] Added by Law no. 74/2012, dated 19 July 2012.

c) the First Counter counts the unused ballot papers and, at the conclusion of the counting, declares the figure to the Counting Team members and the observers of the electoral subjects. If any of the members of the Counting Team requests a recount, the First Counter shall recount the unused ballot papers;

ç) the First Counter counts the spoiled ballot papers and, at the conclusion of the counting, declares the figure to the Counting Team members and the observers of electoral subjects. If any of the members of the Counting Team requests a recount, the First Counter shall recount the spoiled ballot papers;

d) the First Counter counts the voters who have voted, according to the signatures on the voter list, including those in accordance with article 57 of this Code, and, at the conclusion of the count, declares the figure to the members of the Counting Team. If the figures do not match, or if any of the members of the Counting Team requests a recount, the First Counter shall recount the voters who have voted. The remarks are written down in the Records of Findings;

dh) the First Counter records the data on the total number of ballot papers delivered to the VCC, according to their accompanying documentation;

e) then the box is sealed with security codes and the Counting Team continues with counting of ballots in accordance with the procedures set out in point 5 and onward of article 116 of this Code.

5. At the conclusion of the counting and tabulation of the EAZ result, boxes with voting materials shall be sent to the CEC together with the ballot boxes. Boxes with voting materials shall be opened by the CEC during the examination of complaints, in accordance with article 136 and/or point 1 of article 138 of the Code, if the requested evidence is administered according to this Code, in the box with voting materials.

Article 117*
Types of votes and criteria for evaluating a vote

1. Ballot papers are divided into valid and invalid votes.

2. Only ballot papers on which a vote has been clearly cast for only one of the electoral subjects or for a political party which is a member of a coalition on the respective ballot paper are valid votes.

3. Invalid votes are the ballot papers where:

a) the ballot paper does not have the same size, colour or format as the ballot paper approved by the CEC;

b) the stamps provided for in article 103 of this Code are missing from the ballot paper;

c) notations or signs are made on the ballot paper that make the evaluation of the vote impossible;

ç) notations in favour or in disfavour of certain electoral subjects are made on the ballot paper;

d) there is a vote for more than one of the electoral subjects on the ballot paper;

dh) no electoral subject is voted for on the ballot paper;

e) it is not clear for whom the vote is cast; or

ë) the voter has voted for a person or a subject that is not on the ballot paper.

4. The evaluation of votes aims at identifying, as much as possible, the voter's intent. Pursuant to this article, the CEC shall draft special guidelines to facilitate the work and unify the practice of evaluation of the ballot papers by commissions and persons tasked under this Code for the counting and evaluation of votes.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 118*
Evaluation of votes

1. The evaluation of votes begins immediately after the completion of the counting of ballot papers. The First Counter of the Counting Team unfolds completely every ballot paper, evaluates it aloud, and acts in the following order:

a) he/she verifies whether the ballot paper has the same size, shape and colour as the ballot paper approved by the CEC; if not, he/she evaluates the vote as invalid;

b) he/she verifies whether the ballot paper carries the stamp of the VCC and the stamp of the VCC Chair; if not, he/she evaluates the vote as invalid;

c) he/she verifies whether there is any of the other reasons for declaring the vote invalid, as described in letters "c" to "ë" of article 117 of this Code; if one of these reasons exists, he/she evaluates the vote as invalid.

2. If none of the circumstances described in point 1 of this article applies, the First Counter of the Counting Team gives his/her evaluation and then proposes to the other members to evaluate which political party or candidate the vote has been cast for. The First Counter shall show the ballot papers to the members of the Counting Team, as well as make possible the reading of the ballot paper by the recording camera in accordance with point 4 of article 94 of this Code.

If the members of the Counting Team and observers of the electoral subjects at the count agree with the First Counter's evaluation, the ballot paper is categorised according to the evaluation and the First Counter proceeds with the next ballot paper.

If any of the members of the Counting Team or any of the observers of electoral subjects does not agree with the First Counter's evaluation, the latter places the contested ballot paper in a special place designated for contested ballot papers and proceeds with the next ballot paper.

3. In accordance with the evaluation described in point 1 of this article, the ballot papers are divided on the work table into specific and separate places in groupings of votes for each electoral subject, invalid votes and contested votes. In case of coalitions, the valid votes for each of the member parties of the coalition are grouped separately and near each-other, thus identifying the votes for each of the member parties of the coalition.

4. At the end of counting of the ballot papers for each ballot box, the Counting Team re-evaluates the contested ballot papers, in accordance with the third paragraph of point 2 of this article.

If there are still contested ballot papers after the re-evaluation, the First Counter or each member calls the CEAZ for the evaluation of the contested votes of that box. The CEAZ makes immediately an evaluation of each of the contested ballot papers and takes a decision on it. The result declared by the CEAZ is noted in the record book of CEAZ and is included in the respective table of results of the VC which is compiled by the Counting Team.

5. For each contested ballot paper, the First Counter of the Counting Team notes clearly on its reverse side the reasons for contesting it.

A special official record shall be kept for contested votes, in accordance with a form determined by a decision of the CEC, in which the total number of contested ballot papers for the respective VC is reflected. Upon the tabulation of the result, according to article 119 of this Code, the contested ballot papers and the respective official record shall be enclosed in the envelope marked as "CONTESTED BALLOTS".

6. After the counting and evaluation of the votes, according to this article, the First Counter counts the votes for each electoral subject, for each box with ballot papers, starting according to the order of the subjects on the ballot paper. After each count, he/she makes the figure known to the Counting Team members and to observers of

* Amended by Law no. 74/2012, dated 19 July 2012.

electoral subjects. If requested by any of the members of the Counting Team, the First Counter shall restart once again the counting of the votes for that electoral subject.

If there are still objections after this second count, the First Counter of the Counting Team or the objecting member informs the CEAZ by raising his/her hand. Raise of the hand suspends any further action of the Counting Team until the CEAZ makes a decision. The CEAZ counts on the spot the votes for the electoral subject, which are subject to contestation, and orders the Counting Team to record the figure decided by it in the table of results for that Voting Centre.

7. The First Counter and the secretary of the Counting Team are responsible for implementing the obligations arising from the contestation of the ballot paper, according to this article. Failure to comply with this obligation is punishable by a fine according to article 171 of this Code.

Article 119*
Tabulation of the election result by the Counting Team

1. At the conclusion of the procedure specified in article 118 of this Code, the First Counter, together with the other members of the Counting Team, completes the table of results for that voting centre according to the template form prescribed by the CEC.

2. The original table of voting results, according to point 1 of this article, including contestations, if any, by a member of the Counting Team, is delivered immediately in person to the CEAZ by the Counting Team. A copy of the table of results is given to each member of the Counting Team and to the observers of electoral subjects. If any of the observers of electoral subjects has contestations regarding the tabulated results, they are recorded immediately in the CEAZ Book of Records.

One copy is immediately sent electronically to the CEC. The CEC publishes immediately on the web page the official results for each voting centre, upon official receipt from the CEAZ. The publication shall clearly state that this is a preliminary result.

3. After the completion of the procedures specified in points 1 and 2 of this article, the ballot papers are put in separate envelopes by electoral subjects, except for the contested ballot papers, whereas the invalid ballots are put in the envelope marked with “INVALID VOTES”. The envelopes with the ballot papers for the electoral subjects, the envelope with the invalid ballot papers, the envelope with the contested ballot papers, and the envelope with the Records of Sealing, are put inside the ballot box. The box is sealed with seals with new security codes. The numbers of the codes are recorded in the table of results.

One copy of the Records of Sealing, together with the Records of the Closing of the Polls, is given to the CEAZ secretary, who is responsible for their administration. The box is sealed with seals with new security codes. A copy of the Records of Sealing is given also to observers from electoral subjects.

After that, in the case of local elections, the box is placed near the table of the Counting Team and the box with the ballot papers for the council is taken. In the case of local elections, for the ballot boxes with the ballot papers for the political parties or electoral coalitions, the Counting Team performs the same actions specified in articles 116 to 119 of this Code.

4. The Counting Team takes the ballot boxes with the ballot papers of the next voting centre from the stack of the ballot boxes only after it has sent the processed boxes to the designated place inside the room of the Ballot Counting Centre and has handed over the respective table of results for the counted voting centre to the CEAZ.

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* Amended by Law no. 74/2012, dated 19 July 2012.

5. Counting continues uninterruptedly until the completion of counting of all ballot boxes received as regular by the CEAZ. Counting may be interrupted by a CEAZ decision only for reasons that do not depend on the election administration and that hamper the normal counting process. The reasons are justified in the CEAZ Meeting Records Book, including the decision to resume counting.

Article 120[†]
Order of counting for local government elections

1. For the elections for local government bodies, the CEAZ groups the ballot boxes by the respective body.

2. For each municipality, the counting starts with the counting of the votes for the mayor and then with the counting of the votes for the respective council.

3. Vote count for one body shall not start unless all the ballot boxes for the preceding body are counted.

4. Upon completion of the counting of a box, the table of its results is filled according to article 122 of this Code. The table of results for the voting centre contains also a column for votes for other bodies, but miscast in that box, which clearly specifies the number of miscast ballots in that box divided by the body for which the votes are cast.

5. When such ballots are found, the Counting Team sets them apart, folded, and does not evaluate them. At the conclusion of the counting for that box, these ballot papers are put in the envelope marked with “MISCAST VOTES” in separate envelopes for the body for which the votes were cast. The number of miscast votes found in that box is recorded in the special column the table of results. The next box is opened only after procedures are completed and the previous box is sealed.

6. After the respective Counting Team completes the counting of the last box, the First Counter fills in the Records of Findings, writing down the number of miscast ballots for each body found in each envelope. The envelopes with the miscast votes are sealed and delivered to the CEAZ along with the Records of Findings. The CEAZ opens the envelopes, makes the relevant annotations in the Meeting Records Book, and places these votes in special boxes, without opening the ballot papers. These boxes are the same as ballot boxes, and are opened and closed according to the procedures for the ballot boxes specified in this Code. The CEAZ has one box for miscast votes for each body for which elections are held in its territory.

7. Upon completion of the counting of all boxes for one body, the CEAZ compiles the Preliminary Aggregate Table of Results for the EAZ reflecting the result for the body for each voting centre. This table does not include the result of the box with the votes for the relevant body which are cast in the wrong box, specified in point 8 of this article.

The result reflected in the Preliminary Aggregate Table of Results for the EAZ is not final. The table and any of its publication shall display the note that this result is not final.

8. At the conclusion of the vote counting for all ballot boxes of the EAZ, the CEAZ appoints immediately one of the Counting Teams to evaluate and count the votes cast in the wrong boxes for each body, administered according to this article. These votes are counted in accordance with the procedures specified in articles 116, 117 and 118 of this Code. The box with miscast ballots for one body is opened upon the completion of the counting of boxes for the respective body.

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

9. The result of the box is entered into a separate table of results for miscast votes, which specifies the body for which the votes are cast. The table is filled in and signed according to the procedures specified in article 119 of this Code.

10. Upon completion of the procedure specified in point 8 of this article, the CEAZ fills in the Aggregate Table of Election Results for that EAZ, reflecting the results of each counted box and the result of the box with miscast votes, filled in according to point 8 of this article.

Article 121
Persons present during the vote counting process

1. Only the members and secretary of the CEAZ, the members of the Counting Teams, the candidates, observers of the electoral subjects, other accredited observers, accredited media representatives, and the technical personnel authorized by the CEC for the maintenance of the camera system, are to be present during the vote counting process at the Vote Counting Centre.

2. The CEAZ takes measures and is responsible for not allowing persons other than those specified in point 1 of this article in the Vote Counting Centre. When persons other than those according to point 1 of this article are present, the CEAZ by decision immediately notifies the State Police officers and the case is recorded in the CEAZ Meeting Records Book, including the precise time of arrival and departure of the State Police officers.

Article 122[†]
Issuance of the Aggregate Table of Election Result by the CEAZ

1. The Aggregate Table of Election Result for the respective Electoral Administration Zone is issued by the CEAZ no later than 22^{00} of the day following the Election Day.

2. Immediately after the completion of the counting, in accordance with the procedures provided for in articles 116 to 119 of this Code, the CEAZ completes the Aggregate Table of Election Results for the zone it administers, which reflects the results of each subject for each voting centre, based on the original tables of results of each voting centre filled in by the Counting Teams.

3. The Aggregate Table of Election Results of the EAZ is approved by the CEAZ by decision. If this is not the case, point 5 of article 35 of this Code shall apply. One copy of the Aggregate Table of Results and of the tables of results for each voting centre is immediately sent to the CEC, including by electronic means of communication.

4. Copies of the Aggregate Table of Election Results of the EAZ, of tables of results of the voting centres, and copies of the Record of Findings are given to the members of the CEAZ and to the observers of electoral subjects, whereas their originals, stamps and any other voting materials are handed over to the CEC.

5. In the case of local elections, the CEAZ approves by decision the Aggregate Table of Results of the municipality. In case the territory of a municipality is not subject to a single CEAZ, each CEAZ approves by decision the Aggregate Table of Results for the respective part of the territory of the municipality. In any case, the CEAZ applies the

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

same criteria and procedures specified in this article. The decision may be appealed in compliance with the procedures provided for in Part X of this Code.

6. The original of the Aggregate Table of Results of the CEAZ and the Tables of Results for each voting centre are sent immediately to the CEC to issue the result, in accordance with article 123 of this Code.

Article 123*

Tabulation of results by the CEC

1. The CEC verifies and tabulates the election results for the electoral zone for the Assembly or local government unit, whose territory is divided into two or more EAZs, based on the table of results issued by each CEAZ of the respective electoral zone. For this purpose, the CEC fills in the Aggregate Table of the Results for the Electoral Zone and approves it by a decision no later than 48 hours from the receipt of all the tables of the Electoral Zone.

2. Before filling in the Aggregate Table of the Results for the Electoral Zone, according to point 1 of this article, the CEC verifies, on its own initiative or upon request of the parties and before making a decision according to this article, whether the tables of the EAZ results for the respective zone include all the tables of the voting centres of that zone. When the CEC finds that the table of results for one EAZ does not include the tables of all the voting centres of that EAZ, whose boxes are received as regular, it orders the CEAZ to fill in immediately the table and resubmit it to the CEC within 24 hours. In case of failure to comply with this deadline, the table is filled in by the CEC. If the votes in a box which is received as regular are not counted, the CEC orders the initial counting of uncounted votes for the Voting Centre that is not included in the table of results. The deadline specified in point 1 of this article starts after the filling in of each table of results for the EAZ according to this point.

In any case, according to this article the Aggregate Table of Results for the Electoral Zone, shall not be approved by the CEC unless all the boxes received as regular according to this Code are counted; otherwise, the decision to approve the Aggregate Table of Results for the Electoral Zone, according to this article, shall be invalid.

3. If the CEC, during the compilation of the table, according to point 1 of this article, upon its own initiative or upon request of the parties, notices discrepancies between the number of votes for the subjects in the table of results for the EAZ and the tables of results of the voting centres, it takes a decision to approve the Aggregate Table of Results with the corrected figures, based on the originals of the tables of the voting centres. One copy of the decision on the approval of the Aggregate Table of Results for the Electoral Zone is given to all electoral subjects that participated in the elections in the respective electoral zone.

4. The CEC decision on the approval of the Aggregate Table of Results for the Electoral Zone, according to this article, may be appealed to the CEC itself in accordance with the procedures envisaged in Part X of this Code.

5. The CEAZ decision on the approval of the Aggregate Table of Results of the EAZ, any decision taken by the CEAZ during the procedure of the receiving of the electoral material and documentation from the VCC, as well as during the counting and tabulation of the voting result, are interim decisions and can be appealed to the CEC together with the complaint against the decision of the CEC on the approval of the Aggregate Table of Results of the Electoral Zone, taken in accordance with point 1 of this article.

* Amended by Law no. 74/2012, dated 19 July 2012.

PART X

ADMINISTRATIVE COMPLAINTS OF THE DECISIONS OF ELECTION COMMISSIONS

Article 124*
The right to complain

1. Any political party, whether or not a member of a coalition, and a candidate proposed by the voters have the right to complain to the CEC against CEAZ decisions which affect their legal interests, within three days from the announcement of the decision.

2. The CEAZ decision on the declaration of election results for local government units under its jurisdiction, taken according to article 122 of this Code, may be appealed to the CEC no later than 5 days from the announcement of the decision for the approval of the Aggregate Table of Results of the Electoral Zone. The complaint against the decision may seek the amendment of the Aggregate Table of Results of the Electoral Zone or/and invalidation of the result in one or several Voting Centres, according to article 160 of this Code.

3. The CEC decision on the approval of the Aggregate Table of Results of the Electoral Zone, taken in accordance with article 123 of this Code, may be appealed to the CEC no later than 5 days from the announcement of this decision. The complaint against the decision may seek the amendment of the Aggregate Table of Results of the Electoral Zone or/and invalidation of the result in one or several Voting Centres, according to article 160 of this Code.

4. In any case, the complaint for invalidation, according to article 160, and the complaint for the amendment of the table of results are submitted in the same administrative complaint, according to points 2 and 3 of this article. The complaint specifies the Voting Centres for which the amendment of the result or invalidation is requested.

5. The right to complain, according to point 1 of this article, is granted also to those individuals or political parties whose requests for registering as an electoral subject have been refused, and to those subjects referred to in article 6 of this Code, complaining against the rejection of requests for accreditation as observers, when the accreditation of the observers is delegated to the CEAZs. The CEC decisions for the registration or rejection to register as an electoral subject, taken in accordance with Part IV of this Code, may be appealed to the Electoral College, in accordance with Chapter I, Part XI of this Code.

6. During the examination of the submitted administrative complaints, the CEC examines the entirety of the case therein, including the invalidation of elections in specific voting centres, but not limited to the object of the administrative complaint submitted by the electoral subject.

Article 125*
Calculation of deadlines

1. The deadlines, which are specified by hours in Parts X and XI of this Code, are calculated by excluding the hour in which the right to appeal or the administrative obligation arises. Whenever the deadlines in this Code are calculated in hours, the administrative body assigned by this Code is required to mark on an administrative act

* Amended by Law no. 74/2012, dated 19 July 2012.

the hour when the act was announced. Otherwise, the deadline is calculated beginning at 8^{00} of the following day.

2. The deadlines in this Part that are stated in days are calculated by excluding the day on which the right to appeal or the administrative obligation arises.

3. If the end of a deadline, according to point 2 of this article, falls outside the official working hours determined in the CEC decision, then the running of the time is suspended at the close of the official working hours and resumes at the starting time of the official working hours of the following day.

4. If the end of the deadlines falls on days of rest or on an official holiday, the deadline resumes on the next working day.

5. Deadlines for appeals, according to this Part, cannot be reset.

6. For the purposes of this article, unless otherwise specified by a CEC decision, the official working hours are calculated from 8^{00} until 16^{00}, and Saturdays and Sundays are days of rest.

Article 126

Form and content of a complaint against decisions of a CEAZ and decision of the CEC to declare the election result

1. Electoral complaints against decisions of a CEAZ or against the decision of the CEC, in accordance with article 123 of this Code, is submitted in the form of a administrative complaint and must contain the following elements:

a) the full name of the electoral subject making the complaint and its address;

b) reference to the decision which is appealed;

c) the legal grounds;

ç) a short description of the violation claimed;

d) a description of facts, arguments and legal provisions supporting the complaint;

dh) an indication of the evidence, requested to be examined during the process of the review of the complaint, as well as its source; and

e) the date and the signature of the complainant.

A request for the invalidation of elections contains, to the extent possible, the elements provided for in this point.

2. The complainant electoral subject shall deposit, together with the administrative complaint, the full decision against which the complaint is made, except for when the CEAZ fails to make a decision.

Article 127*

Registration of administrative complaints by the CEC

1. Administrative complaints are deposited at the headquarters of the CEC. The CEC creates and keeps a special register for the registration of administrative complaints. The Register of Electoral Complaints is valid only for on-going elections.

2. The Register of Electoral Complaints contains:

a) ordinal number of the administrative complaint;

b) date and time when the complaint was submitted;

c) the complaining subject;

ç) object of the complaint;

d) number and type of documents attached to the administrative complaint.

* Amended by Law no. 74/2012, dated 19 July 2012.

3. After annotations have been made in the register, the complaining subject receives from the CEC an attestation, which bears evidence of the delivery and receipt of the administrative complaint.

4. The CEC shall not refuse, for any reason, to record administrative complaints.

5. The Register of Electoral Complaints is valid only for current elections. The Register of Electoral Complaints for the current elections is opened no later than 24 hours from the declaration of the final result of previous elections. Administrative complaints related to partial elections held between two general elections are also recorded in this register.

Article 128

(Abrogated by Law No. 74/2012, dated 19 July 2012)

Article 129

Verification of completion of the form and content of the administrative complaint

1. The CEC designates, by lot, one of its members as a rapporteur for each administrative complaint recorded. The rapporteur verifies the existence of the formal elements, according to article 126 of this Code, and of the elements stipulated in article 130 of this Code. The verification result is reported at a CEC meeting no later than 24 hours from the moment the administrative complaint has been recorded.

2. The rules for drawing the lot to appoint a rapporteur, according to point 1 of this article, are established by a CEC decision.

3. The CEC performs the preliminary verification of the administrative complaint and decides:

a) to accept the complaint for review;

b) not to accept the complaint due to lack of the elements stipulated in article 130 of this Code; or

c) to send back the complaint for completion of the formal elements stipulated in article 126 of this Code.

4. In the case provided for in letter “c” of point 3 of this article, the complainant shall complete the complaint and resubmit it within 24 hours from the moment this decision is announced. The administrative complaint may be sent back for completion only once. The second verification of the administrative complaint shall be completed within 24 hours of its resubmission.

Article 130

Object of preliminary verification

The CEC makes a decision on whether or not to accept the administrative complaint after it verifies the following elements:

a) the competency of the CEC to examine the complaint;

b) the complainant’s standing; and

c) compliance with the legal deadlines for a complaint.

Article 131
Content of the decision to accept for review the administrative complaint

1. In the decision to accept for review an administrative complaint, the CEC shall specify the date and hour of the examination of the case in a public session. The decision is posted for the public at the entrance of the CEC headquarters no later than two hours after it has been taken.

2. The review hearing takes place no earlier than 24 hours and no later than 48 hours from the date the decision to accept the request has been announced.

Article 132*
Joining administrative complaints

1. The examination of administrative complaints against the result of an electoral zone, according to article 124, starts only after the deadline specified in points 2 and 3 of article 124 has expired. The CEC, prior to or during the examination of an administrative complaint, decides to examine it jointly with one or more other administrative complaints submitted by various subjects against the same decision of the CEAZ, according to article 122, or, depending on the case, of the CEC, taken in accordance with article 123, on the election result and/or invalidation.

2. When several administrative complaints are submitted to the CEC for the same electoral zone and when at least one of them seeks the invalidation of elections in one or more voting centres, in accordance with article 160 of this Code, the CEC examines first the claim for the invalidation of elections in those voting centres. The CEC decision for the invalidation of one or more voting centres, according to article 160, is an interim decision, and may be appealed to the Electoral College together with the CEC decision that adjudicates the complaint submitted in accordance to article 124 of the Code.

3. The CEC decision to join administrative complaints is final.

4. The CEC decision to join administrative complaints is posted for the public at the entrance of the CEC headquarters no later than two hours after it has been taken.

Article 133
Parties to the administrative review

1. In the CEC's examination of a complaint, only the following have the right to take part by submitting a request, making and refuting claims, as well as submitting evidence:

a) the complainant;

b) an interested party. An interested party is any electoral subject whose rights and legitimate interests, be they individual or collective, are or could be violated by a decision that may be made at the conclusion of the administrative procedure.

2. An interested party files a request to participate in an administrative review no later than by the time set for holding the session. Filing the request beyond this deadline leads to the rejection of the request.

3. The acceptance of a party as an interested party in an administrative procedure is made by a decision of the CEC at the beginning of the respective session and after verifying the participation of the other parties.

4. The parties are entitled to be represented during the administrative procedure by their authorized representatives or by making a declaration in the session. As a rule, the electoral subjects represented at the CEC are represented by their accredited representatives to the CEC.

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* Amended by Law no. 74/2012, dated 19 July 2012.

Article 134
Administrative review

1. The administrative review of an administrative complaint is performed by the CEC in a plenary session.

2. The Chair of the CEC chairs the plenary session.

3. The time limits for performing the administrative investigative actions are established by the CEC in consultation with the parties.

4. The review of an administrative complaint in front of the CEC is done verbally, but the parties may present their explanations and claims about the case in writing.

5. During the examination of an administrative complaint, a staff member appointed by the CEC keeps the minutes, and, to the extent possible, an audio and/or video recording of the session is made. The explanations of the parties are summarized in the minutes and the evidence received, as well as orders and intermediate decisions of the CEC, are fully reflected.

Article 135
The opening of the session for the review of an administrative complaint

1. On the day and at the hour designated, the parties give notice of their presence to the secretariat specifically established by the CEC.

2. Before the session begins, the administration of the CEC summons the parties or their representatives and invites them to take their designated places.

3. After the examination session is declared open, the procedural standing of the parties is verified, in accordance with article 133 of this Code.

4. If one or several of the parties do not appear on the day and at the hour designated, the session is held regardless of their participation.

5. Before the parties present their claims, the CEC:

a) accepts or rejects the individual statements of the CEC members on the existence of conflicts of interests, according to point 3 of article 17 of this Code;

b) decides on the requests of the parties concerning the exclusion of CEC members due to the existence of a conflict of interests, in accordance with point 4 of article 17 of this Code;

c) decides on the requests of the parties or of the rapporteur for the CEC not to review the case because of a lack of competence on the part of the CEC or because of the expiry of the deadline for complaints.

6. After it has made a decision on the preliminary requests of the parties, and if these do not lead to the dismissal of the administrative review, the CEC reviews and decides the case on its merits without interrupting the session. The session is interrupted only when the acquisition of evidence from third parties is necessary.

Article 136[*]
Submission of claims and request for evidence

1. At the conclusion of the actions specified in article 135 of this Code, the CEC invites the parties to submit their claims and:

a) to provide explanations about the requests specified in the complaint;

b) to demonstrate the facts and evidence on which their claims rest. The types of the evidence are provided for in the Civil Procedure Code; and

[*] Amended by Law no. 74/2012, dated 19 July 2012.

c) to request the acquisition of evidence to prove facts, if the preliminary provision of this evidence was impossible for them, while submitting at the same time the reasons why it was not possible for them to secure this evidence.

2. After the submission of the claims of the parties, the CEC, at the request of each of them or on its own initiative, may decide to receive other evidence when it considers it to be useful for reaching a judgement.

3. The request to obtain evidence, in accordance with letter “c” of point 1 of this article, when endorsed by two CEC members and when the evidence is administered only by the CEC, is accepted immediately without being subjected to debate or voting at the CEC. The CEC is bound to proceed immediately with receiving and examining the requested evidence.

4. The CEC may refuse a request of the complainant or of the interested party to obtain evidence, under letter “c” of point 1 and point 2 of this article, only if it considers that the evidence does not serve the purpose of proving the facts claimed. The CEC’s reasoning for refusing to receive evidence shall be provided in detail in its final decision. The CEC cannot refuse a request for evidence made in accordance with point 3 of this article.

5. The submission of the claims of the parties begins with the complainant and continues with the interested parties, in the order decided by the CEC Chair. This order is retained during the entire proceeding.

6. Regardless of the specifications made in this article, when the CEC assesses that a fact, circumstance or event has occurred, it shall be accepted as evidence regardless of it not being recorded in any electoral document.

Article 137
Obligation for other bodies to make evidence available

1. The CEC requests other bodies of public administration to make available information, documents or any other evidence required or considered necessary for the administrative investigation.

2. Public administration bodies are required to make evidence available, in accordance with point 1 of this article, upon receiving the request from the CEC and by the deadline established in it.

3. If the public administration body, without legal reasons, refuses to fulfil the request or does not fulfil it by the deadline, the CEC, in accordance with article 172 of this Code, shall fine or, as appropriate, file criminal charges against the persons responsible specified in article 4 of this Code.

Article 138*
Examination of election material

1. For the purpose of administrative investigation, the CEC, when it has accepted the request of the parties or in accordance with the provisions of point 3 in article 136 of this Code, examines the documentation and election material that are found inside the box of election materials and/or ballot boxes and the ballot papers, as well as any other documentation or other election material. If the election material is inside the boxes with security seals, they shall be opened and resealed according to procedures provided for in this Code for the opening and closing of the boxes, by showing and recording the codes with which the respective boxes are sealed by the CEAZ, as well as the numbers with which they are reclosed.

* Amended by Law no. 74/2012, dated 19 July 2012.

2. The election material is examined in the presence of the parties and the public. After the examination of the election documentation and/or material, the parties have the right to present their assessments and claims. The evidence found is recorded in the minutes of the CEC meeting.

3. When the CEC, upon the request of parties or upon its own initiative, deems that a recount and/or re-evaluation of certain votes is needed in order to make a decision, it shall recount and/or re-evaluate the votes, in the presence of the parties, and shall reflect the conclusion and its respective decision in the minutes of the CEC meeting. Certain votes are votes identified or contested, according to procedures set out in articles 116 and 118 of this Code, which evaluation or number has been contested during the counting process, as well as the votes of the table of the contested result, according to point 2 of article 119 of this Code. If the request to recount and/or re-evaluate certain votes is made by two members of the CEC, it is obliged to perform the recount and/or re-evaluation of the requested votes.

4. When the object of the complaint are ballot boxes found to be “IRREGULAR BOXES” by the CEAZ, in accordance with article 115 of this Code, the CEC is obliged to conduct an administrative investigation during the examination of the complaint for that electoral zone, according to article 124 of this Code. The investigation is not limited to examining the box externally by evaluating the entire facts and circumstances that have led to the evaluation of the box as an “IRREGULAR BOX”, but also whether these irregularities have affected the electoral material. If the CEC, upon its own initiative or upon the request of the electoral subject, makes a decision that the boxes are regular, the CEC conducts the initial counting of the votes in these boxes.

The voting in those voting centres whose box/es have been evaluated as “IRREGULAR BOXES”, according to article 115 of this Code, and no complaint has been made against them according to article 124, is considered invalid.

5. The CEC decisions, taken in accordance with points 3 and 4 of this article, may be appealed together with the decision of the CEC.

Article 139
Universally known facts and expert testimony

1. There is no need for verification of universally known facts and facts known to the CEC due to its functions. During the administrative investigation of a case, the CEC confirms in the session its knowledge and the taking into consideration of these facts during the review of the case.

2. When special knowledge in scientific or technical fields is needed for the ascertainment or clarification of facts related to the review of administrative complaints, the CEC may summon one or more experts.

Article 140
Rebuttals of evidence

1. The parties in an administrative review are entitled to submit their rebuttals to challenge:

a) the method of obtaining the evidence submitted by other parties;

b) the facts shown by this evidence; or

c) the veracity and reliability of the facts that are shown by this evidence.

2. In support of these rebuttals, the parties have the right to submit other evidence in addition to that required in accordance with article 136 of this Code.

Article 141*

Closing of the administrative investigation

1. If new facts or evidence emerge during the administrative investigation, which the complainant could not have known before the complaint was submitted, the object of the complaint may be added or changed before the CEC ends the administrative investigation, in accordance with point 2 of this article. The request may include the amendment of the table of result or the invalidation of elections in certain voting centres. The CEC is obliged to examine the new claim and reopen the administrative investigation.

2. After the conclusion of the administrative investigation, the CEC asks the parties for any additional requests or evidence useful for the examination of the case; if they are not accepted, the CEC ends the administrative investigation and invites the parties to present their closing arguments.

3. The CEC decides, on a case-by-case basis, whether the parties will present their closing arguments verbally or in writing.

Article 142*

Withdrawal of claims or their renunciation

The complainant has the right to fully or partially withdraw the object of the complaint at any stage of its examination. In this case, the CEC decides to dismiss the case as a whole or the part which has been renounced. After this, the complainant may not resubmit a complaint for which the dismissal of the case was decided.

Article 143*

Type of CEC decisions after examining complaints and deadlines

1. At the conclusion of examining the complaint, the CEC decides, on a case-by-case basis, to:

a) dismiss the examination;

b) uphold the CEAZ decision;

c) amend the CEAZ decision;

ç) declare the elections invalid in one or several voting centres of the electoral zone or in the entire electoral unit;

d) uphold or amend the decision on approving the Aggregate Table of Results, in accordance with article 122 or article 123 of this Code.

2. Regardless of what the complainant has requested in his/her complaint, the CEC takes a decision, according to one of the cases provided for in point 1 of this article.

3. No later than 10 days from the date the respective complaint is recorded, the CEC takes a final decision concerning complaints against the decision on the approval of the Table of Election Results. In any other case, the CEC takes a decision no later than two days from the date the complaint was submitted.

4. In case administrative complaints are joined, deadlines are calculated from the date when the last administrative complaint was recorded.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 144
Content of CEC decisions

1. A CEC decision shall always be in writing.
2. CEC decisions pertaining to electoral complaints shall consist of:
a) the parties participating in the administrative review;
b) the requests of each party;
c) an indication of any evidence taken under review;
ç) an explanation of circumstances and facts that have emerged from this evidence;
d) a legal analysis of the case; and
dh) a section providing the order.
3. A CEC decision shall contain the number, date, respectively the hour when it is announced, as well as the signatures of the CEC members together with the declaration of their vote.
4. A decision shall be accompanied by the minority opinion or the concurring opinion signed by the members who support it.
5. A decision shall also contain the explanation of the right of the parties to make a court appeal against the decision, as well as the time limits for appeals.
6. In no case shall the CEC issue decisions that do not contain all the elements mentioned in this article.

PART XI

COURT APPEALS AGAINST CEC DECISIONS AND INVALIDATION OFELECTIONS

CHAPTER I

COURT APPEALS AGAINST CEC DECISIONS

Article 145
The right to appeal to court

1. Electoral subjects have the right to appeal to the Electoral College of the Court of Appeals in Tirana against CEC decisions which affect their legal interests, by the deadline established in article 152 of this Code. Individuals or political parties whose request to be registered as an electoral subject have been rejected also have the right to appeal according to this article.
2. Electoral subjects have the right to appeal to the Electoral College against the CEC failure to make a decision by the legal deadline. In this case, the Electoral College shall not judge the case on its merits and, if it accepts the request, shall compel the CEC to make a decision. This rule shall not apply to CEC decisions to reject an administrative complaint in relation to decisions taken in compliance with letters “a”, “b”, “c” and “ç” of article 24 of this Code.
3. Subjects mentioned in article 6 of this Code, who have been refused a request for accreditation as observers, also have a right to appeal according to this article. If accreditation of observers has been delegated to CEAZs, then the right to appeal according to this point shall begin with an administrative appeal, in accordance with article 124 of this Code.

Article 146*

Composition of the Electoral College of the Court of Appeals in Tirana

1. The Electoral College of the Court of Appeals in Tirana consists of eight judges selected by a drawing of lots conducted by the High Council of Justice.

2. The names of all judges of all appellate courts of the Republic of Albania, with the exception of judges specified in article 148 of this Code, are included in the drawing of lots conducted by the High Council of Justice to select the eight judges who constitute the Electoral College of the Court of Appeals in Tirana.

3. The drawing of lots for the selection of the eight judges of the Electoral College of the Court of Appeals in Tirana is conducted no later than 5 days after the decree which sets the date of elections to the Assembly. No later than 48 hours after the decree is issued, the High Council of Justice publicly announces and publishes, in at least three newspapers with the highest circulation, the date, time, and location where the lots will be drawn, and sends to the parliamentary parties the list of judges who will be included in the lot. The lot is drawn in the presence of the public, representatives of political parties, coalitions and the media. The names of eight judges are drawn from the lottery box. Prior to the drawing, the persons who are present may inspect the lottery box and the names of judges placed in it. After the inspection, eight names are drawn from the box. They constitute the Electoral College of the Court of Appeals in Tirana and are delegated into office by the High Council of Justice immediately after the drawing of lots.

4. Within 24 hours of their selection by lot, the eight judges of the Electoral College of the Court of Appeals in Tirana shall take an oath in a public ceremony administered by the President of the Republic, in the presence of the High Council of Justice. The oath shall have the following content**: "I do solemnly swear that I shall respect, I shall defend, and I shall obey the Constitution and laws of the Republic of Albania, that I shall respect the rights and freedoms of citizens, and I shall fulfil my duties. I swear that I shall discharge my duties to the best of my ability and in an impartial and just manner, and without favouring any person or party"**.

5. The Court of Appeals of Tirana provides sufficient working space, supplies, and personnel to the Electoral College to enable it to perform its duties in a timely and professional manner.

Article 147

The term of office and sessions of the Electoral College

1. The Electoral College of the Court of Appeals in Tirana shall exercise its functions during the whole duration of a legislature of the Assembly resulting from elections for which the drawing of lots was conducted, and it shall function for all kind of elections.

2. The inaugural meeting of the College takes place immediately after the oath and is summoned by the Deputy Chair of the High Council of Justice no later than 45 days before the elections. The College remains in session until the end of the adjudication of appeals or until the expiry of the deadlines for appeal for those elections.

3. The College shall be re-summoned by the Deputy Chair of the High Council of Justice no later than 48 hours after the decreeing of partial elections and for referenda. The College remains in session until the end of the adjudication of appeals or until the expiry of the deadlines for appeal for those elections.

4. The College shall be re-summoned upon request of the Chair of the Court of Appeals of Tirana every time an appeal against a CEC decision is filed with this court beyond the deadlines specified in points 2 and 3 of this article.

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* Amended by Law no. 74/2012, dated 19 July 2012.

Article 148*
Criteria for the exclusion of judges from the drawing of lots

1. Judges against whom:
a) criminal proceedings are underway;
b) a disciplinary measure is in force;
c) disciplinary proceedings have been initiated
are not included in the drawing of lots, according to article 146 of this Code.
2. Besides the cases envisaged in point 1 of this article, the incumbent judges of the Electoral College are not included in the drawing of lots.

Article 149
Immunity of the Electoral College judges

A judge of the Electoral College cannot be subject to disciplinary proceedings during the entire term for which the College is constituted.
During this period, judges of the Electoral College of the Court of Appeals in Tirana cannot be removed from the office of judge for reasons specified in article 32 of Law No. 9877, dated 18 February 2008, "On the organization of the judicial power in the Republic of Albania", as well as for professional shortcomings. They cannot be given the performance evaluation of "incapable".

Article 150
Invalidity of secondment

1. The secondment of judges to the Electoral College is invalid if they have been included in the drawing of lots in violation of the requirements specified in article 146 of this Code.
2. The invalidity of the secondment constitutes grounds for the exclusion of the judge from the adjudication of electoral disputes.

Article 151*
Excluding a judge from hearing a case

1. The parties to a case before the Electoral College have the right to request the exclusion of any of the judges of the Electoral College from adjudicating a case.
2. An exclusion shall take place if it turns out that the judge has any interests in the case, has been an employer, employee, advisor, representative or attorney of any of the parties, has family relations or a close relation by marriage to any of the parties, or it turns out that he/she cannot fulfil his/her task impartially, fairly and without favouring any of the parties.
3. The exclusion of the judge from adjudicating a case is performed by the Electoral College. All judges of the Electoral College decide together on the validity of a challenge to any of the judges.
4. The appellant or the interested party shall submit the request for exclusion to the court secretary after the names of the judges who will judge the case are announced.

* Amended by Law no. 74/2012, dated 19 July 2012.

5. The request for exclusion contains the specific reason why is not suitable for a certain judge of the Electoral College to adjudicate the appeal.

6. Requests for excluding a judge submitted beyond the deadlines and procedures of this article shall not be taken into consideration.

Article 152
The deadline for a court appeal

1. Appeals, according to this Code, are submitted to the Court of Appeals of Tirana, which forwards them to the Electoral College.

2. An appeal against all decisions that the CEC makes during the period that starts 48 hours after the issuance of the decree for partial or general elections until the termination of administrative review of election complaints or expiry of deadlines for election complaints, is made within 5 days after their declaration. The deadline to appeal to the Electoral College against CEC decisions taken outside this period is 30 days.

Article 153
Form and content of the appeal

1. An appeal shall be submitted in the form of a court complaint and shall contain:

a) information on the identity of the plaintiff;

b) an indication of the defendant;

c) an indication of the interested parties. Interested parties are the parties participating in the administrative review at the CEC;

ç) the object of the request;

d) the legal grounds;

dh) a description of the alleged violation and the points of the CEC decision to which the appellant objects; and

e) facts, arguments and legal provisions supporting the appeal.

2. The court complaint shall be filed in as many copies as the number of parties in the proceedings and is also accompanied by a copy of the CEC decision and, as appropriate, by a request for excluding a judge.

3. The court complaint shall be recorded upon its submission.

Article 154
Preliminary actions related to the court complaint

1. After recording the court complaint, the Chair of the Court of Appeals in Tirana forwards the case to the Electoral College for examination.

2. The Electoral College shall acquaint itself with the court complaint no later than 24 hours after it has been sent, according to point 1 of this article and shall:

a) take a decision on the plaintiff's request to exclude a judge;

b) draw lots for the composition of the judicial panel and the rapporteur of the case; and

c) set the date and starting time of the judicial examination.

3. Immediately after his/her selection, the rapporteur performs the following preliminary actions:

a) notifies the parties of the date and time of the judicial examination and the composition of the judicial panel;

b) when appropriate, requests the plaintiff to complete the court complaint, no later than 24 hours before the date set for the judicial examination;

c) sends the interested parties copies of the court complaint and informs them about their legal right to request the exclusion of a judge of the panel, according to article 151 of this Code. The interested parties shall submit any request for the exclusion of a judge within 48 hours of receipt of notification, according to letter "a" of this point. Requests, according to this letter, are examined by the Electoral College within 24 hours of the submission of the request;

ç) if the CEC has not issued a decision according to article 144 of this Code, he/she requests the CEC to submit its decision to the court no later than 24 hours prior to the date set for the judicial examination.

Article 155
Procedures for examining the court complaint

1. During the judicial examination of court complaints concerning all procedural actions that are not regulated by this Code, the Electoral College shall apply the rules provided for in the Civil Procedure Code on the adjudication of cases at the first instance.

2. The Electoral College shall judge with a judicial panel consisting of five judges. The panel is presided over by the rapporteur of the case.

Article 156*
Rights of the parties in the proceedings

1. The parties at the judicial examination proceedings of the appeal are entitled to all procedural rights provided for in the Civil Procedure Code, except when this Code provides otherwise.

2. The CEC shall bring in the trial all evidence it administers during the administrative examination, regardless of whether this is requested by the parties, as well as any other evidence requested by the Electoral College.

3. When new facts or evidence have emerged during the judicial investigation, of which the appellant could not be aware of before the appeal was submitted, the scope of the appeal may, upon a request of the appellant, be expanded or amended before the Electoral College ends its judicial investigation. The request may include the amendment of the table of results, or the invalidation of elections for voting centre/s.

4. The absence of one party in the proceedings does not constitute an impediment for the Electoral College to continue the adjudication, unless the College decides otherwise.

Article 157
Deadline for adjudication by the Electoral College

1. The Electoral College adjudicates and decides on an appeal within 10 days of the deposit of the court complaint.

2. For cases provided for in the last sentence of point 2 of article 152 of this Code, the Electoral College decides within 30 days of the deposit of the court complaint.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 158
Types of decisions of the Electoral College

1. Depending on the case to be examined, the Electoral College decides to:

a) dismiss the case;

b) judge the case on its merits; or

c) compel the CEC to make a decision.

2. The Electoral College decides to dismiss the case when it finds that the appeal has been submitted beyond the deadlines stipulated in this Code, or that it lacks the competence to adjudicate it. When the Electoral College finds that it lacks competence, it forwards the case to the competent body.

3. In judging the case on its merits, the Electoral College decides on the full or partial acceptance of the appeal, or on its full or partial rejection.

4. The Electoral College compels the CEC to make a decision in compliance with point 2 of article 145 of this Code. In this case, the Electoral College shall set a fixed time limit of no longer than 10 days for making a decision.

5. The decision of the Electoral College is final. No appeal may be made against it.

6. The Electoral College is required to transcribe its decision no later than three days from the day the decision is given.

Article 159
Content of decisions of the Electoral College

1. A decision of the Electoral College consists of an introduction, a descriptive-reasoning section, and a section that includes the court order.

2. The introduction of the decision mentions:

a) the court, panel of judges, and the secretary;

b) the time and place the decision was announced;

c) the parties, indicating their identity and their role as plaintiff, defendant, interested party, as well as their representatives;

ç) the object of the court complaint; and

d) final requests of the parties.

3. The descriptive-reasoning section of the decision mentions:

a) the circumstances of the case, as they have been found during the proceedings and the conclusions drawn by the court;

b) the evidence and reasons supporting the decision; and

c) the legal provisions supporting the decision.

4. The section of the decision that includes the court order mentions, *inter alia*:

a) what the court has decided; and

b) when appropriate, who is responsible for bearing the court costs.

5. The decision is accompanied by the minority opinion or the concurring opinion signed by the judges who support it.

CHAPTER II

INVALIDATION AND REPETITION OF ELECTIONS

Article 160*
Invalidation of elections in a Voting Centre

1. The CEC, upon its own initiative or upon the request of electoral subjects, shall declare elections invalid in one or more voting centres when:

a) there have been violations of the law, which have seriously affected the electoral process, or when the entirety of the violations of the law in those voting centres, in accordance with this point, may have affected the electoral process to such an extent that the distribution of seats in the electoral zone may have been affected;

b) there have been natural disasters of such proportions that the participation of voters in the voting has been hindered; or

c) voting has not begun or has been suspended for more than five hours.

2. Electoral subjects, in compliance with the rules and the deadline specified in article 124 of this Code, have the right to request at the CEC the invalidation of elections in specific voting centres.

3. A request for the invalidation of elections shall include the legal causes, a description of cases of violation, and a detailed reasoning of their consequence.

4. Requests are examined in accordance with the procedures specified in Part X of this Code. The CEC, in taking a decision on the invalidity of elections, may consult with the respective CEAZ. The legal causes, the proved cases of violations, and the detailed reasoning of their consequence shall be described in the reasoning of the CEC decision.

Article 161*
Repetition of elections

1. After the completion of the appeals process, no later than three days from the tabulation of the result of the electoral zone, the CEC, upon its own initiative or upon a request of the subject, declares elections invalid and orders their repetition in an entire electoral zone, if the invalidation that is declared for one or more voting centres, in accordance with article 160 of this Code, impacts the allocation of seats in the electoral zone or nationwide.

2. A case when the number of voters who have voted or could have voted in the voting centre or centres declared invalid is equal to or larger than the number of voters required for the allocation of one seat in the respective electoral zone, based on the calculation of valid votes in the electoral zone, performed in accordance with article 162, shall be considered an impact on the allocation of seats for the elections to the Assembly. For elections of a mayor of a local government unit, a case when the number of voters in centres declared invalid is larger than the difference between the two candidates who have received the highest number of valid votes shall be considered an impact on the result.

3. In the event of invalidation due to a natural disaster, in accordance with letter “b”, or failure to start the voting or its suspension for more than five hours, in accordance with letter “c” of point 1 of article 160, the total number of the voters registered in the voting centre that was declared invalid is taken into consideration.

4. In the event of invalidation due to violations of the law, in accordance with letter “a” of point 1 of article 160, or when the voting is declared invalid in accordance with

* Amended by Law no. 74/2012, dated 19 July 2012.

the second paragraph of point 4 of article 138 of this Code, and in the event the voting process has ended in accordance with this Code, the number of the voters who have voted in the voting centre that was declared invalid is taken into consideration when determining the impact.

5. A repetition of the elections is ordered by the same decision of the CEC that declares them invalid. Elections for local government councils shall not be repeated.

6. Elections declared invalid and which the CEC has decided to be repeated, in accordance with this article, are repeated on the same day for all the electoral zones where their repetition has been decided. The decision for determining the date of repetition of elections is taken by the CEC upon the completion of the appeal procedures, in accordance with this Part, or upon the expiry of the legal deadlines for the appeal provided for in this Part. The repetition of elections shall take place no later than 4 weeks from the date of the decision.

7. An appeal against a CEC decision whether or not to declare elections invalid is made in accordance with the deadlines and procedures set in this Part.

PART XII

ALLOCATION OF SEATS

CHAPTER I

SEATS FOR THE ASSEMBLY

Article 162
Calculation of seats of the electoral subjects

1. No later than 3 days from the completion of the appeals process against a decision on the approval of results of the electoral zone or the invalidation of elections, in accordance with this Code, the CEC calculates the allocation of seats for each electoral zone based on the number of valid votes obtained by the subjects in the electoral zone. For elections to the Assembly, parties that run on their own and that have obtained less than 3 per cent, and coalitions that have obtained less than 5 per cent of the valid votes in the respective electoral zone are excluded from the allocation of seats.

2. The number of valid votes in the electoral zone for each subject is divided continuously by consecutive natural numbers, called denominators, starting with the number 1 and ending with the natural number that corresponds to the number of seats allocated to the respective electoral zone. The step from one denominator to the next is 1. If the quotient obtained through the division is a number with a decimal remainder, the nearest whole number shall be considered as the quotient.

3. When the electoral subject is a candidate proposed by the voters, his/her votes are divided only by the denominator 1.

4. The quotients obtained through each division, including also the result of point 3 of this article, are placed on a list ranked from the largest quotient to the smallest one, listing alongside them the subject to which the respective quotient belongs. If the quotient is a number with a decimal remainder, the nearest whole number shall be considered as the quotient. The ranking continues until as many quotients as the number of seats to be allocated in the respective electoral zone are ranked.

5. An electoral subject shall be allocated the number of seats equal to the number of quotients included in the list specified in point 4 of this article. If there are two or more electoral subjects with the same quotient for the allocation of the last seat in the list specified in point 4 of this article, the seat is allocated to the subject that has

obtained the largest number of votes and, if they have obtained the same number of votes, then it shall be decided by lot among those subjects. The lot is drawn publicly at the CEC in the presence of the interested subjects.

Article 163
Allocation of seats within a coalition

1. Immediately after the completion of the calculation of the result in accordance with article 162 of this Code, the CEC calculates the allocation of seats within a coalition for each electoral zone, based on the number of valid votes won by each member party of the coalition in the respective electoral zone and on the number of seats won by the coalition in the respective electoral zone.

2. The number of valid votes for each party is divided continuously by odd natural numbers, called denominators, starting with number 1 and by ending with the natural number that corresponds to the double of the number of seats allocated to the respective electoral zone. If the quotient obtained through the division is a number with a decimal remainder, the closest whole number shall be considered the quotient.

3. The quotients obtained through each division are placed on a list ranked from the largest quotient to the smallest one, listing alongside them the subject to which the respective quotient belongs. If the quotient is a number with a decimal remainder, the nearest whole number shall be considered as the quotient. The ranking continues until as many quotients as the number of seats to be allocated within the coalition in the respective electoral zone are ranked.

4. A political party shall be allocated a number of seats equal to the number of quotients included in the list defined in point 3 of this article. If there are two or more subjects with the same quotient for the allocation of the last seat in the list defined in point 3 of this article, the seat is allocated to the subject that has obtained the largest number of votes and, if they have obtained the same number of votes, then it shall be decided by lot among those parties. The lot is drawn publicly at the CEC in the presence of the interested subjects.

5. Immediately after the completion of the procedures for the allocation of seats to each political party in accordance with this article, the CEC determines the nominal seats for each political party based on the ranking of the candidates in the list deposited in accordance with point 4 of article 67 of this Code, in a descending order, starting from the ordinal number one.

6. A party Chair who has been registered on more than one list, in accordance with point 3 of article 67 of this Code, and who has won a seat in more than one electoral zone, keeps only the seat won in the electoral zone where the winning list has received the smallest number of votes, in accordance with the calculations of articles 162 and 163 of this Code. The other seats won by the party's Chair shall be allocated to the other candidates who rank immediately after him/her on the respective multi-name list.

7. The allocation of seats for each electoral zone, in accordance with article 162 and this article, is approved by a decision. The decision is taken separately for each electoral zone. The decision may be appealed to the Electoral College, in accordance with the procedures of Part XI of this Code, by the subjects provided for in point 1 of article 124, including also the candidates of the multi-name list.

Article 164[†]
Interruption of a mandate and filling in the vacancy

1. The mandate a deputy won in accordance with articles 162 and 163 of this Code may be interrupted only for the reasons provided for in article 71 of the Constitution. Preliminary individual or collective agreements or declarations to withdraw from a seat do not constitute reasons for the interruption of the mandate. In the case of letters "a" and "b" of point 2 of article 71 of the Constitution, the deputy declares publicly, in front of the respective Assembly's committee, his refusal to take the oath or his withdrawal from the seat. In this case, the Assembly notifies the CEC of the creation of the vacancy within 30 days.

2. The interrupted mandate of a deputy or of a member of the municipal council is transferred to the next candidate on the list of the same political party in the respective electoral zone. As an exception to this rule, when the vacancy arises from an interrupted mandate won in accordance with point 6 of article 67, it is filled with the first candidate in the list belonging to the respective gender, regardless of the ranking in the list. The other names belonging to that gender go up in the list taking the ranking of the preceding candidate belonging to the same gender. This rule does not apply when the names from the respective gender have been exhausted.

3. The CEC decides on giving the mandate to the next candidate in the list of candidates registered in accordance with article 67 of this Code. The decision is notified to the candidate and published on the Official Journal. In the event the next candidate in the list fails to report to the Assembly within 30 days from the notification, without any justified reason, the mandate passes to the next candidate in the list, in accordance with the procedure specified in points 1 or 2 of this article. The same procedure is followed until the exhaustion of the list of candidates of the same political party.

4. When the list of candidates of a political party that is a member of a coalition is exhausted, the seat passes to the party of the coalition that has the largest quotient. When the interrupted mandate belongs to a candidate proposed by the voters, the seat passes to the electoral subject with the largest quotient. When the interrupted mandate belongs to an electoral coalition, the seat is allocated to the party member of the coalition with the largest quotient.

CHAPTER II

ELECTION SYSTEM FOR LOCAL GOVERNMENT BODIES

Article 165
The system of local elections

1. The mayors of the municipalities, as well as the councils of municipalities, are elected by a direct vote by the voters with a domicile in the territory of the municipality.

2. The members of the councils of the municipalities are elected on the basis of the multi-name lists submitted by the political parties, coalitions or of candidacies proposed by the voters.

3. Political parties registered as a coalition at the CEC propose only one joint candidate for the mayor of a municipality.

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[*] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

Article 166
The election of local government bodies

1. The candidate who obtains the largest number of valid votes of the voters who have voted in the respective local government unit is elected mayor of the respective municipality.

2. When two or more candidates obtain an equal number of votes, lots shall be drawn between them. The drawing is organized by the CEC in a public session, with the participation of the candidates. The rules of the drawing are determined by the CEC.

3. The seats of the local councils are allocated by the CEC on the basis of the proportional system, in accordance with the same procedures provided for in articles 162 and 163 of this Code.

CHAPTER III

DECLARATION OF THE FINAL ELECTION RESULT

Article 167
The final election result

The final election result is declared by the CEC no later than 5 days from the date of the declaration of results for allocation of the seats for each electoral zone, in accordance with point 7 of article 163 of this Code, and after the procedures on appeals set out by this Code have been completed.

PART XIII

RESPONSIBILITIES AND SANCTIONS

Article 168
Responsibility of persons charged with the administration of elections

Members of election commissions and public administration employees in the service of these commissions shall bear criminal and administrative liability for violations of the provisions of this Code, according to the legislation in force.

Article 169*
Failure to cooperate with the CEC

The refusal of the local or central government officials to cooperate with or provide information to the CEC as specified by this Code, is punishable by a fine of ALL 10,000 to 50,000.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 170
(Abrogated by Law No. 74/2012, dated 19 July 2012)

Article 171
Administrative sanctions

1. A violation of the provisions of this Code by members of the election commissions or by persons charged with duties, according to this Code, when it does not constitute a criminal offence, is punishable by a fine of ALL 3,000 to 90,000.

2. Other violations of the provisions of this Code, when they do not constitute a criminal offence, is punishable by a fine of ALL 1,000 to 2,500.

3. The violation of rules provided for in articles 34 and 41 of this Code, respectively by the secretary of the CEAZ or of the VCC, is punishable by a fine of ALL 30,000 to 60,000 or imprisonment of up to 6 months.

4. Persons charged by this law with the preparation and approval of voter lists shall be subject to criminal liability under article 186 of the Criminal Code when they include in these lists false data or when they leave out voters.

5. The violation of other rules and deadlines specified in Part II of this Code, when it does not constitute an abuse of duty according to article 248 of the Criminal Code, is punishable by a fine of ALL 10,000 to 100,000. The fine shall be imposed by the head of the institution; it constitutes an executive title and is executed by the respective finance office.

Article 172
Sanctions for violating the principles of the Code

1. The violation of any one of the general principles specified in articles 3, 4 or 5 of this Code, in cases when this violation has not affected the election result, constitutes an administrative offence and is punishable by a fine of ALL 100,000 to 500,000.

2. The amount of the fine is determined by the following circumstances:

a) the risk posed by the violation to the organization and administration of future elections;

b) the fact whether the perpetrator of the offence has benefited financially from the violation or, through the violation, has affected the allocation of the seat to a candidate, political party or coalition;

c) the duration and the range of actions that led to the commitment of the offence;

ç) the fact whether there have been efforts to hide the violation and the extent of these efforts;

d) the attitude of the perpetrator of the offence following its detection;

dh) the fact whether officials have taken part in the commitment of the offence or whether public resources have been used for it;

e) the fact whether the violation has been repeated;

ë) the fact whether it is has been committed in co-operation with others;

f) the potential risk to free, fair, democratic and transparent elections.

3. Fines, in accordance with point 1 of this article, are imposed by the CEC.

4. In case the violations specified in point 1 of this article impact on the election results, they shall constitute a criminal offence and are punishable by imprisonment of 6 months to 2 years.

Article 173
Sanctions related to campaign financing

1. A violation of the provisions on electoral campaign financing by the chief of finance of a political party is punishable by a fine of ALL 50,000 to 100,000.

2. Failure of the electoral subject to co-operate with the CEC auditor is punishable by a fine of ALL 1,000,000 to 2,000,000.

3. The refusal to make the financial resources of a campaign transparent, or to allow the auditor to exercise his/her activity is punishable by a fine of ALL 2,000,000 up to the suspension of the public financing of the political party for 5 years.

4. Violations related to article 90 of this Code by the donor are punishable by a fine of 30 per cent of the amount donated.

5. Violation of the maximum limit of expenses by the electoral subject is punishable by a fine of 10 per cent of the value above the limit allowed for expenses, in accordance with article 90 of this Code.

Article 174
Violation of the electoral silence

1. The electoral subject which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 500,000.

2. The publisher or radio/television broadcaster which violates the electoral silence, according to article 77 of this Code, is fined by the CEC with ALL 2,000,000.

3. An appeal against a CEC decision on a fine shall not suspend its execution.

Article 175[†]
Sanctions related to gender equality

1. Failure by the electoral subject to comply with the obligations specified in point 6 of article 67 of this Code regarding the composition of the list, is punishable by the CEC with a fine of ALL 1,000,000 as well as the additional sanction, in accordance with point 2 of this article, in the case of elections to the Assembly, and with refusal of the political party's list of the candidates for municipal councils for elections for local government bodies.

2. In case a violation by an electoral subject is identified, the CEC applies as an additional sanction the replacement of each vacancy in the list of the subject, in the zone where the violation has been identified, with the next candidates in the list belonging to the least represented gender until the gender quota is reached. In case the CEC decides to apply this sanction, the exception of point 2 of article 164 shall not apply, and the vacancy is filled in accordance with this point.

3. The sanctions envisaged in this article are applied to each electoral zone where a violation is identified.

[†] Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

Article 176
Execution of administrative sanctions

A fine imposed by the CEC, in accordance with this Part, constitutes an executive title and is executed in accordance with the procedures provided for in article 510 of the Civil Procedure Code.

PART XIV

FINAL AND TRANSITIONAL PROVISIONS

Article 177
(Abrogated by Law No. 31/2015, dated 2 April 2015)

Article 178*
Retention of records

1. No official records of a VCC, CEAZ or any other electoral commission may be destroyed without the prior consent of the CEC.

2. All official records of a VCC or any other commission established by the CEAZ shall be given to the CEAZ in the manner and at the time established by the CEC.

3. The CEAZ retains one copy of:

a) the documentation of candidates and political parties taking part in the election;

b) the list of names and addresses of all members of a VCC and other commissions;

c) the list of voting centres;

ç) the voter lists for the electoral zone;

d) the names and addresses for all members of the CEAZ;

dh) the map of the electoral zone showing the boundaries of all polling units;

e) a written description of the boundaries of all the Electoral Administration Zones;

ë) the decree setting the election date, official election notices issued by the CEAZ, the declaration of election results for each voting centre and the final declaration of results;

f) a statement of the costs incurred for the administration of the elections.

4. The original documents, referred to in point 3 of this article, shall be forwarded to the CEC within three months from the declaration of the election results. The CEC shall retain one copy and shall forward the original documents to the Central State Archives, in the manner required by it, within 24 months after the declaration of the final results of the elections.

5. Immediately following the declaration of results by the CEAZ, the commission shall forward to the CEC, in the manner specified by it, all sealed ballot boxes with the official records of voting, the stamp of the commission, ballot papers used in the election, as well as unused ballot papers.

6. Six months following the declaration of the final result of elections, in accordance with this Code, the CEC opens all ballot boxes, removes the official records of voting, the tabulations and ballot account statements, the documentation that is put inside the boxes of voting materials and sends them to the Central State

* Amended by Law no. 74/2012, dated 19 July 2012.

Archives in the manner specified by it. All ballot papers are destroyed in the manner specified by the CEC.

Article 179*

The Action Plan on the use of information technology in elections

1. For the introduction and implementation of the new information technology in the electoral process, the CEC shall approve an Action Plan. The decision is approved by the votes "in favour" of no less than 5 members of the CEC.

2. The approval or non-approval of the Action Plan on the application of technology in the whole country shall not affect the partial application of ECS and EVS in accordance with article 179/1 of the Code.

3. The Action Plan shall provide for and guarantee at least:

a) a feasibility study of the electronic counting and verification systems in use. This study will identify the benefits and risks of implementing such systems, and especially the legal, operational and financial aspects;

b) a transparent procurement, testing and certification, training, education of voters, and implementation. It shall specify a date for the issuance of the CEC's normative act on the operational details of the electronic counting system;

c) a gradual expansion approach regarding the introduction of new information technology, starting with a limited pilot project, as a rule on 20 per cent of voters. Each consecutive expansion of its use shall result from addressing the recommendations deriving from evaluations and from public consultations;

ç) certification requirements in compliance with the domestic legislation and international good practices. The certification requirements shall be available to the public in due time and shall comprise a relevant part of the procurement process;

d) testing the system before use shall be obligatory;

dh) clear guidelines on how the CEC will continue to develop the electronic counting and identification systems in the event that the audit identifies serious shortcomings;

e) specification of the persons responsible for making the electronic counting and identification systems operational, who shall be trained specifically and in due time on their tasks;

ë) personal data protection, sanctioning that:

i) the staff of the voting centre shall inform each voter, before the collection or transfer of data from the personal identification document, on the identity of the Controller, categories of data which are collected and transferred, purposes for transferring data, Processor of the data (that may include technical specifications of the system), and recipient of the data;

ii) the consent of the voter for the scanning of the personal identification document is received.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 179/1[§]

Measures for application of new information technology in the 2013 elections to the Assembly

1. No later than 30 days from the entry into force of this law, the CEC shall start the preparation of the project for the establishment of the voter verification and registration system (EVS) and the electronic counting system (ECS). Representatives of the Ministry of Interior shall also be involved in the preparation of the EVS project.

2. The Council of Ministers shall give the necessary endorsement, including financial support, for the consultancy service that is needed to draft the project's terms of reference for the EVS and ECS.

3. The CEC shall prepare the plan for the implementation of the ECS project in the entire Region of Fier for the 2013 elections to the Assembly.

4. The CEC shall prepare the plan for the implementation of the EVS project in the entire Region of Tirana for the 2013 elections to the Assembly.

5. For the purpose of implementing the EVS, the voting centres may not have more than 700 voters. If a polling unit has more than 700 voters, the division criteria shall be the same as those specified in point 6 of article 62 of this Code.

6. The procedures for purchasing the ECS and EVS service and/or devices shall be carried out with well-recognized operators that offer technology that has proven to be successful in the respective areas. The procurement procedures, as a rule, shall end no later than 6 months before the 2013 elections for the Assembly.

7. The CEC shall periodically inform the Assembly regarding the preparation and implementation progress of the projects provided for in this article.

Article 180[‡]

Division of Electoral Administration Zones

For the 2015 elections for local government bodies, the electoral administration zones are specified in Annex 1 to this Code, based on the number of voters for the elections for local government bodies of 21 June 2015.

Article 180/1[^]

For the 2015 elections for local government bodies, the responsibilities and duties provided for in Part III of this Code, "Voters and compilation of the voter list", for the Municipality of Tirana shall be carried out by the mayors of Tirana boroughs.

Article 181[*]

Election of the CEC members

1. The Assembly, 30 days from the promulgation of this law, shall elect the CEC members, in accordance with articles 14 and 15 of this Code.

2. The vacancy for the Chair of the CEC shall be published immediately following the promulgation of this law.

3. The oath shall be taken no later than 24 hours from the day the Chair of the CEC is elected.

[§] Added by Law no. 74/2012, dated 19 July 2012.

[‡] Amended by Law no. 31/2015, dated 2 April 2015.

[^] Added by Law no. 31/2015, dated 2 April 2015

[*] Amended by Law no. 74/2012, dated 19 July 2012.

Article 182*
Interruption of mandate of existing CEC members

1. The CEC members, whose mandate is interrupted prematurely due to the amendments to this Code, shall remain in office until their replacement by the new members elected in accordance with the Code.

2. The CEC member, whose mandate is interrupted due to article 181, shall receive his/her salary until 31 December 2012.

3. The CEC member, whose mandate is interrupted, shall be returned to his/her previous public office, or shall be appointed to an equivalent position.

Article 183*
Partial renewal of CEC members

1. With the purpose of partial renewal of the CEC, two of the members elected in accordance with point 1 of article 14 and article 181 of this Code shall exercise their first mandate for three years, with the right to be re-elected. A member, whose mandate is interrupted prematurely, shall be selected by drawing lots among three members proposed by the parliamentary majority and the other member among the three members proposed by the parliamentary opposition, in accordance with point 1 of article 14 of this Code.

2. The CEC shall draw the lots in a public session no later than 10 days from its first meeting.

Article 184†
Issuance of secondary legislation

1. The CEC shall be tasked to issue the secondary legislation, in compliance with the specifications and deadlines specified in this Code, for the purpose of its implementation.

2. No later than 60 days from its first meeting, the CEC elected following the entry into force of this law, shall approve the CEC Rules of Procedure, which shall also set out the relations of its members with the CEC administration.

3. Exceptionally for the 2015 elections for local government bodies, the deadlines provided for in article 28 and onward of the Electoral Code, which cannot be met, shall be approved by CEC decision immediately upon the entry into force of this law.

Article 185
Abrogations

1. Upon entry into force of this Code, Law no. 9087, dated 19 June 2003, “The Electoral Code of the Republic of Albania”, as amended, as well as any other legal act or secondary legislation that contradicts it, shall be abrogated.

2. Notwithstanding the stipulations made in point 1 of this article, Part Nine “Referenda” of Law no. 9087, dated 19 June 2003, “The Electoral Code of the Republic of Albania”, as amended, as well as any part of its provisions that are related to it, shall remain in force until the approval of the new law on general and local referenda. The administration of the referendum process and the tabulation of their result shall be carried out in accordance with this Code.

Article 186
Entry into force

This law enters into force 15 days after it has been published in the Official Journal.

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* Amended by Law no. 74/2012, dated 19 July 2012.

† Amended by Law no. 74/2012, dated 19 July 2012 and Law no. 31/2015, dated 2 April 2015.

ANNEX I

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
1	Shkodër	1	MALËSI E MADHE	1	Koplik	8,489	42,556	01
				2	Gruemirë	10,205		
				3	Kastrat	9,711		
				4	Kelmend	5,102		
				5	Qendër	4,622		
				6	Shkrel	4,427		
		2	SHKODËR	7	Ana e Malit	4,610	67,689	02
				8	Bërdicë	7,245		
				9	Dajç	7,035		
				10	Guri i Zi	8,619		
				11	Postribë	8,216		
				12	Pult	2,250		
				13	Shosh	963		
				14	Rrethinat	17,366		
				15	Shalë	4,222		
				16	Velipojë	7,163		
				17	Shkodër (zone VC 0235 to 0245, zone VC 0269, zone VC 0279, zone VC 0280, zone VC 0282, zone VC 0284, zone VC 0286 to 0297 and zone VC 0299 to 0304)	91,021	31,029	03
					Shkodër (zone VC 0246 to 0263, zone VC 0265 to 0268, zone VC 0270, zone VC 0276, zone VC 0316, zone VC 0318, zone VC 0319 and zone VC 0321)		30,472	04
					Shkodër (zone VC 0271 to 0275, zone VC 0277, zone VC 278, zone VC 281, zone VC 0283, zone VC 0285, zone VC 0298, zone VC 0305 to 0315, zone VC 0317, zone VC 0320, zone VC 0322 and zone VC 0323)		29,520	05
		3	VAU-DEJËS	18	Vau-Dejës	8,677	36,276	06
				19	Temal	1,532		
				20	Bushat	18,148		
				21	Hajmel	4,972		
				22	Vig-Mnelë	1,660		
				23	Shllak	1,287		
		4	PUKË	24	Pukë	4,047	12,717	07
				25	Rrapë	1,276		
				26	Gjegjan	3169		
				27	Qerret	2,456		
				28	Qelëz	1,769		
		5	FUSHË-ARRËZ	29	Fushë-Arrëz	3,536	8,951	08
				30	Blerim	992		
				31	Qafë-Mali	1,435		
				32	Fierzë	1,539		
				33	Iballë	1,449		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
2	Kukës	6	TROPOJË	34	Bajram Curri	6,412	21,532	09
				35	Bujan	2,202		
				36	Bytyc	1,556		
				37	Fierzë	1,844		
				38	Lekbibaj	1,439		
				39	Llugaj	1,655		
				40	Margegaj	2,313		
				41	Tropojë	4,111		
		7	HAS	42	Krumë	5,360	15,275	10
				43	Gjinaj	1,058		
				44	Golaj	5,890		
				45	Fajza	2,967		
		8	KUKËS	46	Kukës	16,518	43,326	11
				47	Kolsh	985		
				48	Bicaj	4,360		
				49	Ujmisht	1,612		
				50	Bushtricë	1,205		
				51	Grykë-Çajë	1,182		
				52	Kalis	695		
				53	Malzi	2,661		
				54	Shishtavec	3,852		
				55	Shtiqën	2,536		
				56	Surroj	1,216		
				57	Arrën	366		
				58	Tërthore	2,310		
				59	Topojan	1,797		
				60	Zapod	2,031		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
3	Lezhë	9	LEZHË	61	Lezhë	22,742	39,732	12
				62	Balldren	7,820		
				63	Shëngjin	9,170		
				64	Blinisht	4,328	41,535	13
				65	Dajç	5,419		
				66	Kallmet	5,335		
				67	Kolsh	5,121		
				68	Shënkoll	12,079		
				69	Ungrej	2,318		
				70	Zejmen	6,935		
		10	MIRDITË	71	Rrëshen	11,011	28,444	14
				72	Kaçinar	1,522		
				73	Rubik	6,208		
				74	Fan	3,444		
				75	Kthellë	2,410		
				76	Selitë	1,396		
				77	Orosh	2,453		
		11	KURBIN	78	Laç	22,664	54,782	15
				79	Mamurras	16,814		
				80	Fushë-Kuqe	6,591		
				81	Milot	8,713		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
4	Dibër	12	MAT	82	Burrel	13,195	29,441	16
				83	Baz	2,348		
				84	Derjan	1,085		
				85	Macukull	1,381		
				86	Komsi	3,855		
				87	Lis	3,545		
				88	Rukaj	2,576		
				89	Ulëz	1,456		
		13	KLOS	90	Klos	7,679	15,449	17
				91	Gurrë	2,835		
				92	Suç	2,569		
				93	Xibër	2,366		
		14	BULQIZË	94	Bulqizë	9,055	29,100	18
				95	Fushë-Bulqizë	2,827		
				96	Gjoricë	3,734		
				97	Martanesh	1,826		
				98	Ostren	2,407		
				99	Trebisht	745		
				100	Shupenzë	4,759		
				101	Zerqan	3,747		
		15	DIBËR	102	Peshkopi	14,136	57,022	19
				103	Arras	2,701		
				104	Fushë Çidhën	2,606		
				105	Kala e Dodës	2,175		
				106	Kastriot	5,287		
				107	Lurë	1,067		
				108	Luzni	2,168		
				109	Maqellarë	9,697		
				110	Melan	3,210		
				111	Muhurr	2,529		
				112	Selishtë	1,347		
				113	Sllovë	2,235		
				114	Tomin	6,181		
				115	Zall-Dardhë	906		
				116	Zall-Reç	777		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
5	Durrës	16	KRUJË	117	Krujë	12,874	59,320	20
				118	Fushë - Krujë	19,017		
				119	Bubq	6,358		
				120	Cudhi	2,262		
				121	Thumanë	11,645		
				122	Nikël	7,164		
		17	DURRËS	123	Manëz	8,398	67,355	21
				124	Sukth	19,671		
				125	Ishëm	6,414		
				126	Katundi i ri	11,489		
				127	Rrashbull	21,383		
				128	Durrës (zone VC 1408 to 1424, zone VC 1458, zone VC 1459, zone VC 1463, zone VC 1467 to 1470)	164,188	54,103	22
					Durrës (zone VC 1429, zone VC1433, zone VC 1443, zone VC 1444, zone VC 1446 to 1451, zone VC 1461, zone VC1462, zona 1471 to 1482, zone VC 1484 to 1494, zone VC 1501, zona 1503 and zone VC 1504)		56,307	23
					Durrës (zone VC 1425 to 1428, zone VC1430 to 1432, zone VC 1434 to 1442, zone VC 1452 to 1457, zone VC 1460, zone VC 1464. zone VC 1465, zone VC 1483 and zone VC 1495 to 1500)		53,778	24
		18	SHIJAK	129	Shijak	10,390	33,882	25
				130	Gjepalaj	4,479		
				131	Maminas	5,652		
				132	Xhafzotaj	13,361		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
6	Tiranë	19	VORË	133	Vorë	15,025	27,442	26
				134	Bërxull	7,307		
				135	Prezë	5,110		
		20	KAMËZ	136	Kamëz	60,432	60,432	27
				137	Paskuqan	29,251	29,251	28
		21	TIRANË	138	Baldushk	4,041	44,905	29
				139	Kashar	17,680		
				140	Ndroq	6,893		
				141	Petrelë	4,884		
				142	Pezë	4,290		
				143	Vaqarr	7,117		
				144	Bërzhitë	4,381	40,467	30
				145	Dajt	10,578		
				146	Farkë	9,213		
				147	Krrabë	2,298		
				148	Shëngjergj	2,104		
				149	Zall-Bastar	3,961		
				150	Zall-Herr	7,932		
				151	Njësia Bashkiake Tiranë1	40,956	40,956	31
				152	Njësia Bashkiake Tiranë2	63,498	63,498	32
				153	Njësia Bashkiake Tiranë3	35,975	35,975	33
				154	Njësia Bashkiake Tiranë4	50,081	50,081	34
				155	Njësia Bashkiake Tiranë5	68,046	68,046	35
				156	Njësia Bashkiake Tiranë6	52,548	52,548	36
				157	Njësia Bashkiake Tiranë7	56,875	56,875	37
				158	Njësia Bashkiake Tiranë8	33,522	33,522	38
				159	Njësia Bashkiake Tiranë9	48,724	48,724	39
				160	Njësia Bashkiake Tiranë10	24,377	24,377	40
				161	Njësia Bashkiake Tiranë11	49,577	49,577	41
		22	KAVAJË	162	Kavajë	31,239	60,004	42
				163	Golem	9,143		
				164	Helmas	3,692		
				165	Luz i Vogël	7,690		
				166	Synej	8,240		
		23	RROGOZHINË	167	Rrogozhinë	8,826	30,167	43
				168	Sinaballaj	1,327		
				169	Gosë	6,333		
				170	Kryevidh	6,787		
				171	Lekaj	6,894		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
7	Elbasan	24	PEQIN	172	Peqin	6,911	28,469	44
				173	Karinë	1,431		
				174	Gjocaj	5353		
				175	Pajovë	6,553		
				176	Përparim	4,149		
				177	Shezë	4,072		
		25	BELSH	178	Belsh	10,740	24,240	45
				179	Rrasë	1,733		
				180	Fierzë	3,192		
				181	Grekan	3,735		
				182	Kajan	4,840		
		26	CËRRIK	183	Cërrik	11,660	35,117	46
				184	Gostimë	9,492		
				185	Klos	3,098		
				186	Mollas	5,647		
				187	Shalës	5,220		
		27	ELBASAN	188	Bradashesh	9,772	59,226	47
				189	Gracen	1,769		
				190	Funar	2,335		
				191	Gjergjan	5,900		
				192	Gjinar	3,662		
				193	Zavalinë	1,451		
				194	Labinot-Fushë	4,737		
				195	Labinot-Mal	4,050		
				196	Papër	6,755		
				197	Shirgjan	7,591		
				198	Shushicë	7,906		
				199	Tregan	3,298		
				200	Elbasan (zone VC 2300 to 2323, zone VC 2327, zone VC 2328)	99,848	34,897	48
					Elbasan (zone VC 2356 to 2378)		32,608	49
					Elbasan (zone VC 2329 to 2355)		32,343	50
		28	GRAMSH	201	Gramsh	10,455	27,258	51
				202	Kushovë	867		
				203	Skënderbegas	1,466		
				204	Kodovjat	2,442		
				205	Lenie	876		
				206	Kukur	2,309		
				207	Pishaj	4,961		
				208	Poroçan	1,238		
				209	Sult	978		
				210	Tunjë	1,666		
		29	LIBRAZHD	211	Librazhd	7,916	32,590	52
				212	Stëblevë	1,035		
				213	Hotolisht	5,108		
				214	Lunik	2,697		
				215	Orenjë	3,728		
				216	Polis	3,833		
				217	Qendër-Librazhd	8,273		
		30	PRRENJAS	218	Prrenjas	6,670	24,331	53
				219	Qukës	7,793		
				220	Rajcë	7,719		
				221	Stravaj	2,149		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
8	Fier	31	LUSHNJË	222	Allkaj	4,830	56,596	54
				223	Ballagat	2,799		
				224	Bubullimë	5,675		
				225	Dushk	8,763		
				226	Fier Shegan	7,222		
				227	Golem	5,891		
				228	Hysgjokaj	2,589		
				229	Karbunarë	4,166		
				230	Kolonjë	6,596		
				231	Krutje	8,065		
				232	Lushnjë	43,681	43,681	55
		32	DIVJAKË	233	Divjakë	10,798	40,729	56
				234	Grabian	4,776		
				235	Gradishtë	8,434		
				236	Remas	5,021		
				237	Tërbuf	11,700		
		33	FIER	238	Cakran	12,346	75,248	57
				239	Dërmenas	9,654		
				240	Frakull	7,899		
				241	Levan	13,252		
				242	Libofshë	8,238		
				243	Portëz	8,523		
				244	Qendër	9,343		
				245	Topojë	5,993		
				246	Fier	71,787	79,734	58
				247	Mbrostar Ura	7,947		
		34	PATOS	248	Patos	24,742	33,571	59
				249	Ruzhdie	2,383		
				250	Zharrëz	6,446		
		35	ROSKOVEC	251	Roskovec	6,803	23,958	60
				252	Kuman	6,308		
				253	Kurjan	3,984		
				254	Strum	6,863		
		36	MALLAKASTËR	255	Ballsh	9,532	32,798	61
				256	Aranitas	3,294		
				257	Ngraçan	745		
				258	Fratar	3,791		
				259	Selitë	1,170		
				260	Greshicë	1,510		
				261	Hekal	3,601		
				262	Kutë	2,555		
				263	Qendër Dukas	6,600		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
9	Berat	37	URA-VAJGURORE	264	Ura-Vajgurore	9,052	29,631	62
				265	Cukalat	3,182		
				266	Kutalli	9,650		
				267	Poshnje	7,747		
		38	KUCOVË	268	Kuçovë	24,154	43,628	63
				269	Kozare	6,112		
				270	Lumas	5,293		
				271	Perondi	8,069		
		39	BERAT	272	Berat	50,952	77,997	64
				273	Otllak	11,087		
				274	Roshnik	2,984		
				275	Sinjë	3,971		
				276	Velabisht	9,003		
		40	POLICAN	277	Polican	6,592	14,008	65
				278	Tërpan	1,965		
				279	Vërtop	5,451		
		41	SKRAPAR	280	Çorovodë	5,062	15,924	66
				281	Bogovë	2,524		
				282	Çepan	858		
				283	Gjerbës	1,003		
				284	Zhepë	832		
				285	Potom	852		
				286	Qendër-Skrapar	3,195		
				287	Leshnje	563		
				288	Vëndreshë	1,035		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
10	KORÇË	42	POGRADEC	289	Pogradec	30,982	69,858	67
				290	Buçimas	13,323		
				291	Çërravë	7,371		
				292	Dardhas	2,671		
				293	Udenisht	5,708		
				294	Proptisht	4,663		
				295	Trebinjë	2,589		
				296	Velçan	2,551		
		43	MALIQ	297	Maliq	6,170	48,685	68
				298	Gorë	1,877		
				299	Moglicë	1,240		
				300	Libonik	10,655		
				301	Pirg	7,365		
				302	Pojan	13,397		
				303	Vreshtas	7,981		
		44	PUSTEC	304	Pustec	4,301	4,301	69
		45	DEVOLL	305	Bilisht	8,047	33,431	70
				306	Hoçisht	5,508		
				307	Miras	8,127		
				308	Progër	4,712		
				309	Qendër Bilisht	7,037		
		46	KORÇË	310	Drenovë	8,741	34,000	71
				311	Mollaj	5,063		
				312	Vithkuq	1,980		
				313	Qendër Bulgarec	10,832		
				314	Voskop	4,593		
				315	Voskopojë	2,056		
				316	Lekas	735		
				317	Korçë	72,909	72,909	72
		47	KOLONJË	318	Ersekë	5,699	16,123	73
				319	Leskovik	2,151		
				320	Barmash	576		
				321	Qendër Leskovik	587		
				322	Mollas	2,668		
				323	Çlirim	590		
				324	Qendër Ersekë	532		
				325	Novoselë	3,320		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
11	Gjirokastër	48	PËRMET	326	Përmet	8,350	16,483	74
				327	Çarçovë	2,401		
				328	Petran	2,507		
				329	Qendër Piskovë	2,663		
				330	Frashër	562		
		49	KËLCYRË	331	Këlcyrë	4,022	9,809	75
				332	Ballaban	1,699		
				333	Dëshnicë	1,954		
				334	Sukë	2,134		
		50	MEMALIAJ	335	Memaliaj	5,553	16,770	76
				336	Memaliaj Fshat	2,144		
				337	Krahës	3,115		
				338	Qesarat	1,942		
				339	Luftinjë	2,857		
				340	Buz	1,159		
		51	TEPELENË	341	Tepelenë	6,478	12,816	77
				342	Qendër Tepelenë	4,180		
				343	Kurvelesh	1,151		
				344	Lopës	1,007		
		52	GJIROKASTËR	345	Gjirokastër	27,636	42,633	78
				346	Cepo	3,600		
				347	Picar	1,613		
				348	Lazarat	2,686		
				349	Lunxhëri	4,321		
				350	Antigonë	1,394		
				351	Odrie	1,383		
		53	LIBOHOVË	352	Libohovë	4,321	7,098	79
				353	Qendër Libohovë	1,383		
				354	Zagorie	1,394		
		54	DROPULL	355	Dropull i Poshtëm	8,176	20,074	80
				356	Dropull i Sipërm	9,180		
				357	Pogon	2,718		

No.	Region	No.	Municipality	No.	Administrative unit	Voters per unit	Voters per EAZ	EAZ
12	Vlorë	55	VLORË	358	Orikum	8,908	43,372	81
				359	Novoselë	12,778		
				360	Qendër Vlorë	14,452		
				361	Shushicë	7,234		
				362	Vlorë (zone VC 4429 to 4434, zone VC 4436, zone VC 1437, zone VC 4443, zone VC 4456 to 4459, zone VC 4494, zona 4495, zone VC 4499 to 4506 and zone VC 4510)	110,495	35,149	82
					Vlorë (zone VC 4427, zone VC 4428, zone VC 4438 to 4442, zone VC 4444 to 4455, zone VC 4482 to 4487, zone VC 4507 to 4509)		38,671	83
					Vlorë (zone VC 4460 to 4481, zone VC 4488 to 4493, zone VC 4496 to 4498)		36,675	84
		56	SELENICË	363	Selenicë	5,426	27,179	85
				364	Armen	5,148		
				365	Brataj	3,693		
				366	Kotë	5,161		
				367	Sevaster	2,374		
				368	Vllahinë	5,377		
		57	HIMARË	369	Himarë	11,271	22,336	86
				370	Horë - Vranisht	3,034		
				371	Lukovë	8,031		
		58	DELVINË	372	Delvinë	12,111	15,174	87
				373	Vergo	3,063		
		59	SARANDË	374	Sarandë	36,291	43,166	88
				375	Ksamil	6,875		
		60	FINIQ	376	Aliko	4,890	29,585	89
				377	Dhivër	5,525		
				378	Finiq	4,990		
				379	Livadhja	8,736		
				380	Mesopotam	5,444		
		61	KONISPOL	381	Konispol	2,424	10,976	90
				382	Markat	2,431		
				383	Xarrë	6,121		
					TOTAL	**3,382,295**	**3,382,295**	**90**

ANNEX II

COUNTING AND EVALUATION OF BALLOTS THROUGH THE ELECTRONIC COUNTING SYSTEM (ECS)

Section 1 – Scope

1. The scope of this Annex is to specify the basic requirements for the Electronic Counting System (ECS) and the procedure to be followed at the ballot counting centre where the ECS will be applied.

2. The CEC specifies by a normative act the rules related to the verification of the ECS accuracy at the counting centre, use and administration of the ECS, as well as counting procedures and evaluation of ballot papers through the ECS, including the tabulation of the result and administration of any data produced by the ECS.

3. The normative act of the CEC may change any of the procedures envisaged in this Annex, if it will result in the optimisation of the ECS, but in any case without affecting the principles envisaged in Section 2 of this Annex.

Section 2 - Electronic Counting System (ECS)

1. The Electronic Counting System (ECS) consists of the entirety of electronic and computer equipment and various computing programmes, through which the counting and evaluation of ballot papers, as well as the tabulation of the electoral result is done automatically and independently.

2. The ECS shall guarantee that:

a) it counts each ballot paper consecutively and without damaging it;

b) the processing of ballots by the device can be observed with a naked eye;

c) the evaluation of the ballot paper is carried out one time only, regardless of the number of scans run on the ballot paper;

ç) it counts and evaluates the ballots, regardless of the type of the body for which they are cast;

d) both sides of the ballots are scanned;

dh) it automatically calculates the election result for the relevant voting centre and the EAZ;

e) it processes and saves the data of the scanned ballots, grouped by voting centre;

ë) it saves the image of each scanned ballot paper;

f) it physically separates the evaluated ballot papers from unevaluated ones;

g) it displays on the screen the image of ballot papers unevaluated by the ECS and other data;

gj) it enables the recording of each decision-making of the CEAZ or remarks during the ballot counting and evaluation process, in accordance with this Code, and saves auditable records regarding them;

h) it generates tables of results for each VC, EAZ, and a report with the decision-making records of the CEAZ processed in the ECS;

i) it saves all decision-making records and any data processed by the ECS for six months from the end of the elections, in accordance with the specifications of the normative act of the CEC. The processed data and the image of the ballots scanned in ECS are used for administrative investigation during the phase of the examination of appeals.

Section 3 – Preliminary testing of ECS

1. No later than 90 days before the election date, in the presence of representatives of political parties, observers and the media, the CEC fully tests the functioning of the ECS by

simulating a real counting. The CEC drafts a report regarding the conducted test, which is discussed in a public session. In the event that the report indicates technical deficiencies, they shall be repaired before the election date in accordance with the deadline set by the CEC.

2. The normative act on the use of the ECS shall also provide for technical causes which affect the integrity and functioning of the ECS, in accordance with this Code. In this case, the CEC, by a decision approved with no fewer than 4 votes "in favour", decides to apply the manual counting. For this purpose, the CEC may require the completion of an independent audit by a specialised entity, which submits a report to the CEC no later than 75 days before the election date.

3. The economic operator that has been selected to implement the ECS, in accordance with this Code, shall fully co-operate with the auditing entity and provide all the information requested by the auditor, with the scope of evaluating the integrity of the ECS. The auditing entity shall preserve the secrecy of the commercial data learned during the audit. This obligation is not applicable in its relations with the CEC.

Section 4 – Persons responsible for the counting and the supervision of the process

1. The responsibility to manage the ECS rests only with the technical staff of the ECS. The technical staff of the ECS is fully responsible for the administration of the ECS equipment, the opening and closing of the ballot boxes, the extraction and arrangement of all the ballot papers for evaluation in the equipment, entering of any data or decisions of the CEAZ in the ECS, as well as other tasks envisaged in this Code or in the normative act of the CEC.

The staff does not take any decisions regarding the process or the evaluation of ballots. The operator in charge with implementing the ECS is responsible for the recruitment and training of the technical staff. The selection of the staff is made jointly with the CEC in accordance with the procedures envisaged in the normative act of the CEC.

2. The ballot counting process is led and overseen by the CEAZ. The CEAZ is fully responsible for supervising the actions of the ECS staff, decision-making regarding the ballot papers which have not been evaluated by the ECS, the checking of the recording of each data in the ECS, and the signing of the tables of results, in accordance with the provisions of this Code. For a better supervision of the process, the CEAZ may be divided into several two-member teams, while preserving at all times the political balance of the CEAZ.

3. The CEAZ assigns four representatives of electoral subjects who are in charge only of the verification of the materials in the ballot box, pursuant to the procedures set forth in article 116/1 of the Code. In each ballot counting centre, a special table is organized only for this purpose. The party proposing the Chair of the CEAZ proposes one representative and the party proposing the Deputy Chair of the CEAZ proposes another representative. The two other representatives are proposed respectively by the majority and minority party that have the right to propose members to the CEAZ, except for the parties which propose the Chair and the Deputy Chair. The persons are assigned by the CEAZ no later than 5 days before the election date.

4. The observers of electoral subjects stay in front of the tables where the counting device is placed and of the table of the verification of voting materials, at a small distance from the working tables and in front of the ECS screens. The observers shall not have physical contact with the voting materials and the ECS equipment; however, they shall have full access to watch the actions of the ECS staff without obstacles. The observers have the right to put forward their remarks to the CEAZ, which is obliged to record them in the CEAZ Meeting Records Book.

Section 5 – Verification of the ECS accuracy at the counting centre ("a posteriori" verification)

1. Before the start of the counting of ballots, in accordance with Section 6, the CEAZ orders the making of the ECS accuracy verification. For this purpose, for each counting device, after

the counting of the first two boxes is completed, in accordance with the ECS counting procedures, these boxes are subject to manual recounting. The rules and procedures to be followed for the verification of the ECS accuracy are specified in the normative act issued by the CEC in accordance with point 2 of Section 1 of this Annex.

2. Recounting is carried out by the ECS staff, under the supervision of the CEAZ, only for the ballots "evaluated by the ECS".

3. If the result of the manual recounting is the same as the one issued by the ECS, or if the difference between the two counts is smaller than 0.5 per cent, then the counting continues normally, in accordance with Section 6 of this Annex.

4. In the event that the discrepancy between the result generated by the ECS and the result of the manual counting is more than 0.5 per cent, the CEAZ orders the suspension of the counting for that device. The finding is noted in the Meeting Records Book and the CEAZ immediately notifies the CEC.

5. In the event that the same discrepancy is found for all the ECS devices in that CEAZ, the counting is suspended until the CEC takes a decision. The decision of the CEC is taken no later than two hours from receiving notification from the CEAZ.

6. Upon receiving the notification and verifying the problem, the CEC orders the manual counting of ballots, specifying the time of start and the arrangement of the hall for manual counting, in accordance with the procedures and criteria for manual counting as envisaged in this Code and in the secondary legislation.

Section 6 – Counting of ballot papers

1. The ballot counting starts upon a decision of the CEAZ, after all the boxes of voting centres under the jurisdiction of the CEAZ have been received. The ECS staff, one after the other and only in ascending order of the ordinal numbers of the voting centres, starting from the voting centre with the smallest number, takes from the stack of the ballot boxes the ballot boxes with the ballot papers of only one voting centre. Then the staff put the box on the table and open it by breaking the seals with the security codes.

2. For the local elections, the ballot box of a voting centre for political parties and/or electoral coalitions is counted together with the box with the ballot papers for candidates for mayors of local government units of that voting centre. The counting is carried out consecutively, starting with the box for the mayor of the local government unit. The ECS staff take out the Record of the Closing of the Polls from the box and enter on the ECS the data on the voter turnout, ballot papers distributed in the voting centre, the damaged ballot papers, and the unused ballot papers. The entry of the data is done under the supervision of at least two CEAZ members, who have the right to closely observe the Record of the Closing of the Polls.

3. The CEAZ shall be informed in case the Record of the Closing of the Polls is not found in the ballot box or the data on the number of voters who have voted, ballot papers delivered in the voting centre, unused ballot papers and damaged ballot papers have not been entered in the Record of the Closing of the Polls. The CEAZ orders the ECS technical staff to close the ballot box, to fill in the Record of Findings for this fact, noting down the closing seals, to leave aside the ballot box/es of that voting centre until the verification and filling in of the Record of Findings, in accordance with the procedures of point 3 of article 116/1 of this Code, and to open the box of voting materials of that voting centre.

4. Then, the ECS staff take the box with the voting materials and put it on the special table for the verification of the voting material by the representatives of the subjects specified, in accordance with point 3 of Section 4 of this Annex. The representatives of the subjects carry out the procedures envisaged in article 116/1 of this Code.

5. When the voting material is subject to verification procedures, the ballot box/es of the voting centre is left aside in the spot predefined by the CEAZ and the counting continues with the consecutive voting centre, guaranteeing uninterrupted counting of the ballot boxes. Once the voting material is verified, the data entered in the Record of Findings are submitted to the

CEAZ, which orders their immediate entering in the ECS by the ECS staff. Then the counting of the ballot papers shall start immediately, by opening the box with the ballot papers from that voting centre.

6. The ECS staff take the ballot papers out of the boxes, unfold them, placing them on the table, one on top of the other, with the reverse side of the ballot facing up. If miscast ballots are found during the process, they are separated, grouped and stacked according to the respective categories of the bodies for which is being voted, in accordance with the specification in the normative act of the CEC. Then the ECS staff group, stack and place them in the optical counting device, with the purpose of the counting and evaluation of the ballots by the device itself, in accordance with the procedures envisaged in the normative act of the CEC. Following counting and evaluation, the ballot papers are put inside the relevant envelopes by the ECS staff, in accordance with the procedures envisaged in this Code.

7. With the objective of optimizing the ballot counting process, the CEC, by a normative act, may decide to have at least four boxes counted consecutively by the same counting device, applying the same procedures used for the opening of the ballot box. The normative act shall specify the procedures and actions to be carried out by the ECS staff regarding the sorting, grouping, arranging and counting of the ballot papers of the ballot boxes by the same device without interruption. The table of results for each counted box is printed following the completion of the counting and evaluation of all ballot papers of the four boxes. The normative act of the CEC also specifies the manner of handling, arranging and putting the ballot papers inside special envelopes following the counting process. The ballots, which are scanned and separated by the ECS, are put inside special envelopes, in accordance with the specification of point 12 of Section 7 of this Annex, and are enclosed inside the relevant box in accordance with the specifications of the CEC.

8. Independent of whether the CEC has taken a decision, in accordance with point 7 of this Section, in any case, the last four boxes of the EAZ for each counting device are counted without issuing the relevant table of results of the box. The table of results for these boxes is compiled and printed only after the completion of the counting and evaluation of all ballot papers of all four boxes. The CEC, by a normative act, specifies the actions to be carried out by the ECS staff, the CEAZ, as well as the manner of handling, arranging and putting the ballots inside special envelopes following the counting process.

Section 7 - Evaluation of votes and issuance of the result through the ECS

1. The counting and evaluation of the votes is done according to the criteria envisaged in article 117 of this Code and is accomplished automatically by the ECS, which separates the votes physically into “evaluated by the ECS” and “contested by the ECS”.

2. The ballot papers “contested by the ECS” are ballots for which the ECS is not able to accurately determine the voter’s intention, which are not read by the ECS because they do not contain the technical elements and form adopted in the normative act of the CEC, or because they are physically damaged. Their evaluation is done by the CEAZ.

3. The CEAZ is notified by the raising of the hand by the ECS staff, without moving from the spot, or, depending on the case, by a member of the CEAZ, after the evaluation of the other ballots of the box by the ECS is completed. The raising of the hand suspends any further action of the ECS staff until the CEAZ examines and evaluates the ballot papers. The image of the ballot is displayed on the screen for evaluation by the CEAZ, as well as for examination by the observers. The evaluation of these votes is done through a decision of the CEAZ.

4. The CEAZ evaluates the votes “contested by the ECS” through the examination of the electronic image saved in the ECS for each of such votes, as well as the physical examination of the ballots, which have not been read by the ECS, in accordance with point 2 of this Section. The ECS enables the physical separation of the unread ballots from the other ballots contested by the ECS.

5. The CEAZ, after examining the ballots, decides on their evaluation and orders the inclusion of the evaluation, in accordance with article 117 of the Code, in the relevant columns of the ECS by the technical staff. The evaluation done by the ECS staff is displayed on the screen for the observers of the electoral subjects.

6. The ballots evaluated by the CEAZ are noted digitally in the ECS as “ballot evaluated by the CEAZ” and are saved electronically in a special column. If the evaluation is contested by at least one member of the CEAZ, the note “ballot contested by the CEAZ” is made in the ECS. The ECS enables the electronic saving of the image of these ballots in a special column called “Ballots Contested by the CEAZ”. If a need arises, the CEAZ may physically examine the ballots placed in the envelope of the ballot papers contested by the ECS.

7. The ballots unread by the ECS are physically examined by the CEAZ in order to check whether they are ballot papers, according to the form and content specified by the CEC, or whether the ballot paper is damaged at such extent that it cannot be scanned by the ECS. If the ballot paper is damaged, it is calculated in the total of ballots used in the voting and is evaluated by the CEAZ, in accordance with the criteria envisaged in article 117 of the Code and in the normative act of the CEC.

8. The data and the image of the ballot are entered in the ECS by the technical staff, in accordance with the procedures specified in the normative act of the CEC. Any other ballot, which does not have the form, size and technical characteristics approved by the CEC, is not calculated in the total ballots used in the voting and this fact is noted in the Record of Findings by the CEAZ.

9. Following the counting of all the ballots in the box, the ECS staff check the data under the supervision of the CEAZ and, if there is no objection, confirm them. The data are displayed simultaneously also on the screen for the observers. If observers have objections, the CEAZ is informed about the problem and notes the objections in the Meeting Records Book. The CEAZ takes a decision and then orders the tabulation of results.

10. If the ECS finds a difference between the counted ballots and the data entered in the system on voter turnout, according to the Record of the Closing of the Polls or, as the case may be, in the Record of Findings, the technical staff informs the CEAZ. The discrepancy is noted in the Record of Findings by the CEAZ, which then orders the compilation of the table. The table is compiled and printed by the ECS with the note “discrepancy”. If any of the observers has a remark, it is noted by the ECS staff before the table of results is printed.

11. The table of results of the counted box is immediately printed by the ECS in several copies, signed by the technical staff of the ECS and the CEAZ, and then stamped with the CEAZ stamp. One copy of the table is provided to the observers of electoral subjects or the accredited observers, and one copy is administered by the CEAZ secretary. The data of the results are saved in the system and transmitted electronically to the CEC, which publishes them immediately. The format of the table of results is specified in the normative act of the CEC.

12. Following the completion of the procedures envisaged in points 1 to 11 of this Section, the ballots evaluated as valid are put inside the envelope with the note “VOTES EVALUATED BY THE ECS,” whereas the votes contested by the ECS and evaluated by the CEAZ are put inside the envelope with the note “VOTES CONTESTED BY THE ECS.” These two envelopes, together with the envelope of the Record of Sealing, are placed inside the ballot box. One copy of the Record of Sealing, together with the Record of the Closing of the Polls, is submitted to the CEAZ secretary, who is in charge of their administration. The box is closed with seals with new security codes. One copy of the Record of Sealing is given to the observers of the electoral subjects.

13. The boxes counted in accordance with this Section are sent to the specified spot within the hall of the Ballot Counting Centre. The counting process continues without interruption until all boxes considered as regular by the CEAZ are counted. The counting process is interrupted through a decision of the CEAZ only for reasons which do not depend on the election administration or that obstruct the normal counting process. The reasons are explained in the CEAZ Meeting Records Book.

14. Pursuant to article 122 of this Code, the Aggregate Table of Election Results of the EAZ is compiled automatically and printed by the ECS. The CEC specifies, by a normative act, the format and procedure to be followed in this case.

15. Upon their request, one copy of the documentation produced in accordance with letter "i" of point 2 of Section 2 of this Annex, and a copy of the images in "read-only" format for each scanned ballot of each voting centre, is given to the electoral subjects or the observers accredited by the CEC, following the issuance of the result of the electoral zone, no later than 48 hours from the request, against the fee covering the reproduction cost. The fee is specified by a decision of the CEC.

ANNEX III

USE OF TECHNOLOGY FOR THE VERIFICATION AND REGISTRATION OF VOTER PARTICIPATION ON VOTING DAY (EVS)

Section 1 – Scope

1. An electronic integrated system for the verification and registration of voter participation on the voting day (EVS) is established in order to verify and register the participation of voters on the voting date. The technical solution shall integrate all the necessary elements, including equipment, programmes, respective licenses or certificates to guarantee a secure and easy use.

2. Technical characteristics of the system, equipment, procedures for the functioning of the technology, form of communication with the central computer unit, reporting format, form of distribution, delivery, administration of the device in the voting centre and the entry of data from the voting centre devices into the CEC, system administration rules, as well as every issue related to the use of the EVS, are specified by a normative act of the CEC.

3. The normative act of the CEC may amend any of the procedures envisaged in this Annex, if it affects the optimization of the EVS, but in any case without affecting the principles envisaged in Section 2.

Section 2 – Voter Verification and Registration Electronic System (EVS)

1. The Electronic System for the Verification and registration of voter participation on the voting day (EVS) consists of:

a) the central computer unit installed at the CEC;

b) the entirety of equipment used for electronic reading of the content of the identification document, used at the voting centre; and

c) any technical device or programme related to them.

2. The device used in the voting centre functions in an independent manner from the central unit, reading the content of the identification document with biometric data. The technical criteria and procedures are specified in the normative act of the CEC.

3. The device used in the voting centre automatically reads and registers the information contained in the circuit with contact and/or without contact of the identification document. The first name, surname, date of birth, personal identification number, and the identification document number are the data which are read.

4. The device used in the voting centre shall guarantee:

a) a minimum intervention, by the person in charge of operating it, in order to function;

b) a high level of protection and safety against attempts of illegal outside tampering;

c) that the data read from the identification document are saved in its electronic memory;

ç) that the data read from the identification documents are not registered in a chronological

order during the voting day;

d) that it registers the data of an identification document only once, regardless of the number of times the machine reads the document.

5. The final technical characteristics and the specifications regarding the devices, and the method of operation and control are determined in the normative act of the CEC.

6. The EVS shall be able to remotely check the state of functioning of the device throughout the voting day in each voting centre where the EVS is applied.

Section 3 – Use of reading devices in the voting centre and staff

1. As a rule, each voting centre shall be equipped with a device for the electronic reading of the identification document. The deployment of the EVS and the specification of the voting centres in which the EVS may not be used for technical reasons, are determined by the CEC no later than 30 days before the Election Day.

2. Upon closing of the voting, the device transmits only the full number of documents read in the voting centre. The full data for each document read in the respective voting centre are downloaded from the electronic memory of the device and are entered in the central system immediately upon arrival at the CEC. The entry of data in the system is done under the supervision of the CEC auditors. The procedures and criteria for entering the data in the central system are determined in the normative act of the CEC.

3. In the event that the device does not work, the voting takes place without interruption, in accordance with the procedures envisaged in article 105 of this Code, recording the number of the identification document on the voter list of the voting centre. The fact that the device is not working is recorded in the Meeting Records Book of the voting centre, the respective CEAZ is also notified and it [CEAZ] reflects this fact on its Meeting Records Book. When the device resumes work, the process continues by using the device for the verification and registration of the voter participation. The procedures of communicating, replacing and reporting, according to this point, are determined in the normative act of the CEC.

4. The devices are administered and used only by the CEC specialized and authorized staff. The operator in charge of the EVS's operation is responsible for the recruitment and training of the technical staff, according to the procedures determined in the normative act of the CEC and in the manuals approved by the CEC. Upon completion of voting, the devices are sent to the CEC. The procedures, deadlines and actions for handing over, transporting, installing, and verifying the functioning of the electronic devices in the voting centre, by the staff responsible for using them, are specified in the normative act of the CEC.

5. The data downloaded from the electronic memory of the device are administered by the CEC for administrative investigation purposes, in compliance with articles 136 or 138 of this Code. The discrepancy of the data transmitted in the EVS does not constitute grounds for complaint according to Part X of this Code.

Section 4 – Data processing, reports and system administration

1. Immediately after the completion of the voting process countrywide, and based on the data transmitted by the devices used in the voting centre, the central unit produces a report on the centres where the system failed to function for a part of or the entire voting time, as well as the number of documents read for each voting centre. The reporting format is specified in the normative act of the CEC.

2. After downloading the data from the voting centre's reading device into the CEC, the central unit produces a report, in case it is found that the data from the same document is registered more than once, as well as it generates specific reports related to them. The format is specified in a normative act of the CEC. The report does not contain details about the identity

of individual voters. This report is provided only to the CEC members through the auditors.

3. Access to the central unit is allowed only for the authorized technical staff, the CEC technical auditors, appointed according to article 61 of this Code, and the CEC members, who are provided with the respective access certificates. The CEC technical auditors have full rights to check every action performed in the system, the entry of any data from the electronic memory of each reading device used in the voting centre in the central unit at the CEC, including the methodology for generating the reports specified in this Section. The CEC approves the rules of procedure for the administration of the EVS and the rules for access rights to the system for the persons specified in this Section by at least 5 votes "in favour" of its members.

4. In addition to the auditors appointed in accordance with article 61 of this Code, the CEC may select a company for the external auditing of the system's security and functioning. The auditing and reporting take place no later than 60 days before the Election Day. The audit report is reviewed by the CEC in a public hearing.

5. The data processed and entered from the devices into the CEC, after the closing of the polls, are retained in the CEC for a period of 6 months from the election date, and are subject to a full audit by the CEC immediately after the declaration of the final result. The auditors present a final report to the CEC on the completed audit within 30 days from the declaration of the final result. If evidence is found during the audit of illegal tampering with the system or of voting more than once, the CEC is obliged to press criminal charges.

6. The data processed and saved in the system are handled according to the legislation on the protection of personal data. The notification of the voter, according to article 52 of this Code, contains also information on the data to be processed from the voter identification document and that the exercising of the right to vote is considered as consent given for such data to be processed by the device.

7. The report compiled according to point 1 of this Section is generated immediately after the closing of the polls countrywide, and is presented to the CEC members by the technical auditors no later than 24 hours from the closing of the polls. One copy of the report is given to the representatives of the electoral subjects at the CEC, upon their request, within 24 hours from the request, and is also posted on the CEC website.

Section 5 – Procedures at the voting centre

1. Following the procedures on voter presentation at the voting centre specified in article 105 of this Code, and immediately after the performance of the actions specified in letter "c" of point 1 of article 105, the VCC Chair identifies the voter through the identification document, finds the name on the voter list, and hands over the identification document to the person in charge of reading and registering it through the electronic device. The person in charge places the respective identification document on the reading device for reading the data of the identification document. A voter is allowed to vote only after the identification document is registered.

2. In cases when the device does not work, as specified in point 3 of Section 3 of this Annex to the Code, voting starts and/or is conducted without interruption, regardless of the device's failure, and the voter is allowed to vote regularly and without any obstacle.

3. The VCC and the technical staff are responsible for fulfilling this obligation. The technical staff take full legal responsibility for administering the device and for registering every identification document on the device.

4. For purposes of letter "a" of point 1 of article 113 of this Code, on determining the number of voters who have voted, this figure is determined based on the number of documents read by the reading device in the voting centre. When the device has not worked, as specified in point 3 of Section 3 of this Annex, the number of voters is determined based on the number of signatures on the voter list. The Record of the Closing of the Polls, in addition to the VCC members, is signed also by the EVS technical staff.

5. The actions of the technical staff before, during and after the voting process are specified in the normative act of the CEC.

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