



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

REGULATION

ON

**ORGANISATION AND FUNCTIONING
OF
CENTRAL ELECTION COMMISSION**

Based on the article 21, point 25 of the law no. 10019, 29.12.2008 “The Electoral Code of the Republic of Albania”, the Central Elections Commission, adopts/

REGULATION

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Aim and Purpose of Regulation**

This act specifies the rules on the CEC organization and functioning, including the following:

- a) competencies of Chair and Deputy chair of CEC;
- b) rights and obligations of the CEC member ;
- c) regulation of CEC administrative staff relations with members of CEC;
- d) procedures for announcing and holding CEC meetings during election and non-election timeframe
- e) decision - making procedures in CEC;
- f) rights and duties of representatives of electoral subjects in CEC,
- g) decision - making procedures regarding the administration of financing procedures of CEC activity, as well as
- h) rules on the establishment, administration and the documentation in the CEC.

**Article 2
Law and principles where the activity of CEC is based**

1. The CEC duties derive from The Constitution of the Republic of Albania, Law no. 10019, date 29.12.2008, “The Electoral Code of the Republic of Albania”, amended and specific laws.



2. The CEC activity is based on principles of legality, collegiality, independence, professionalism, impartiality and transparency.

CHAPTER II CEC FUNCTIONING

Part one Composition and competencies

Article 3 Composition of the CEC

1. CEC is a collegial body, composed of 7 members, elected according to the procedures provided in articles 14, 15 and 16 of the Electoral Code.
2. The Deputy chair of the CEC is elected according to the procedures stipulated in article 16 of the Electoral Code, and article 32, point 3 of this Regulation.

Article 4 Competencies of the Chair and Deputy Chair of the CEC

1. The CEC Chair has the following competencies:
 - a) Chairs CEC meetings and represents the CEC in its relations with other Institutions.
 - b) Performs duties as 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 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. Cases when the Chair or the Deputy Chair does not exercise the functions for objective reasons are exempt from this rule. As such will be considered; absence based on justified reasons, boycott on participating in meetings and activities of CEC, or refusal which is not legally argued -for signing acts issued according to letter “b” of point 1 of this Article.

Article 5 Rights of the members of CEC

1. The rights of the members of CEC derive from article 17 of the Electoral Code and other laws. The CEC member has the following rights:



- a. To ask information and support to the administration of the CEC and verify and consult each document deposited in the CEC;
- b. To require from the general secretary or the administration to provide the conditions for holding meetings of the CEC;
- c. To get acquaintance regarding the agenda and relevant materials of the CEC meeting:
 - i. no later than 48 hours before the meeting, for the period up to 1 month before the elections;
 - ii. no later than 24 hours before the meeting, for the period 1 month before the elections date until the date of the elections;
 - iii. accordingly, no later than 2 hours before the meeting, on elections day until the announcement of results for each electoral zone.

Article 6

Duties of the members of the CEC

1. The Chair, vice-chair and Members of the CEC, along with the obligations provided in Article 17 of the Electoral Code, have the must to :
 - a. inform the CEC when he/she participates in activities within the quality of CEC member;
 - b. inform the CEC in cases when he exercises activities under article 21, point 3 of the Electoral Code
 - c. adopt attitudes in compliance with the decisions, instructions or other acts of the CEC, when representing the institution in relation to third parties, the public and the media;
 - d. adopt and respect the recognized and accepted norms of ethics in communication and conduct within the CEC and beyond.

Second Part

The CEC Administration

Article 7

1. In order to function and perform duties that derive from the Electoral Code, the CEC has its permanent administration, composed of employees who fall under the category of civil and non-civil servants.
2. The CEC administration consists of the personnel, who are recruited in accordance with the law nr. 152/2013, date 30.5.2013 “Status of the Civil Servant”-changed or the Labour Code.
3. Figures of the personnel, the staff organogram and payment structure are established with CEC decisions.
4. Occasionally the CEC can recruit additional provisional personnel with a part-time (temporary) contract.



Article 8

1. Functioning, duties and rights of the CEC Administration are determined in the internal regulation for the organization and functioning of the CEC Administration.

Part three Representatives of political parties

Article 9 Registration of representatives of political parties in the CEC

1. Representatives of political parties and their substitutes are appointed and have subsequent rights and duties determined by the Electoral Code.
2. The data on representatives of political parties are kept in a specific register, which is administered by the Protocol. A copy of this register is sent to the CEC members and all departments.
3. Representatives of political parties are given the respective ID document, according to the model approved by the General Secretary of the CEC.

Article 10

REPRESENTATION ACT

1. Representatives of political parties in the CEC, and their substitutes must submit at CEC the authorization signed by the chair of the party.

Article 11 Rights and duties

1. Representatives of political parties participating in the CEC meeting have the right to make present their opinions, to present requests and proposals in accordance with the rules which are stated in the Electoral Code and in this Regulation. They cannot delegate their right of representation or other rights to other people.
2. In case if in the CEC meeting do participate at the same time representatives of political parties and their substitutes, the right to speak according to article 22, point 4 of the Electoral Code belongs to only one of them.
3. In each case, the issue which is discussed according to article 22, point 4 of the Electoral Code, must be relevant to the elections and activity of CEC.



4. The CEC General Secretary sends a notification related to the day, time and the agenda of the meeting to the representatives of parliamentary parties as following:
 - a. no later than 48 hours before the meeting, for the period up to 1 month before the elections;
 - b. no later than 24 hours before the meeting, for the period 1 month before the elections date until the date of the elections;
 - c. accordingly, no later than 2 hours before the meeting, on elections day until the announcement of results for each electoral zone.
5. In each case, to the representatives of parliamentary parties are made available materials on the agendas of meetings, by sending them at the headquarters of the party or by making them available at CEC premises. Representatives of other parties have the right to withdraw them from the Secretary General or the Protocol.
6. Representatives of political parties have the right to obtain copies of the acts of CEC from the Protocols' Office.
7. Representatives of political parties, with a written request, may require documents to the Office of Protocol or Archive. In these cases, the Secretary General of the CEC appoints a schedule according to which, representatives of political parties can obtain requested documents from Protocols' Office or Archive.

III CHAPTER MEETINGS OF THE CEC

Part One

Meetings of the CEC during non election timeframe, pre-election period and on elections day

Article 12

Calling, announcement and preparation of the meeting

1. Meetings of CEC are called, announced and prepared according to the provisions of Article 22 of the Electoral Code of the Republic of Albania
2. The announcement act of the meeting is drafted in three samples and contains the date, time, agenda, as well as respective signatures of those who call the meeting. This act is sent to the Protocol Office to be registered.
3. In case if the meeting has not been called by the Chair of the CEC according to article 22, point 1 of the Electoral Code, the later is informed in advance through a copy of the meeting announcement.



4. Immediately after the registration at the Protocol, the announcement act of the meeting, is sent to the Secretary General of the CEC, who is responsible for notifying the Deputy Chair, members and representatives of political parties.
5. A copy of the meeting announcement act is put in the assigned place at the entrance of the CEC and it is published in the CEC official web page.
6. Meetings of CEC are called as following:
 - a. no later than 48 hours before the meeting, for the period up to 1 month before the elections;
 - b. no later than 24 hours before the meeting, for the period 1 month before the elections date until the date of the elections;
 - c. accordingly, no later than 2 hours before the meeting, on elections day until the announcement of results for each electoral zone.

Article 13

Calling and announcement of CEC meeting, from the setting of the election date to the declaration of final results.

During the period from the setting of the election date until the declaration of the final election results, CEC shall meet regularly every day. During this period, the CEC meetings shall end with the setting of the agenda for the following meeting.

In special cases, during the timeframe of 1 month before the election date until the announcement of the final results of the election, CEC can meet twice daily.

Procedures for calling, notification and preparation of the meeting during the period from the election date assignment until the announcement of the final election results are contained as possibly to the procedures in Article 12 of this Regulation

Part two

The materials of CEC meetings

Article 14

The content of the file of materials for the CEC meeting

1. The material related to each issue to be discussed in the CEC meetings shall contain:



- a. explanatory report;
- b. supporting material;
- c. as a rule, the draft act,
- d. according to the case , links or attached material :
- e. proposals of changes or additional materials from electoral subjects, if there are any, according to article 15 of this Regulation

2. The explanatory report includes the reasons and/or causes why the discussion of the respective issue is requested in the daily agenda, the purpose and depending on each case, the financial expenses for the implementation of the respective act. The supporting materials include acts, reports, information etc. that support the explanatory report

Article 15

Proposals for amendments and additions to the draft acts / meeting materials, submitted to the CEC

1. Representatives of political parties attending the CEC meetings have the right to present proposals in written form related to changes or additions to the draft acts which will be considered in the next meeting of the CEC.
2. Proposal for changes and additions specified in paragraph 1 of this article, when in written form, shall be officially deposited beside the Protocol Office of CEC.
3. Proposals can be accompanied by an explanatory note in order to facilitate understanding or in order to clarify its scope, except cases in which it is self-explanatory.

Article 16

Preparation of materials for meetings called by at least two members of the CEC

1. When a meeting is called by two members of the CEC, meeting materials are prepared by the caller of the meeting, in cooperation with the CEC administration which it is bind to cooperate to comply with the terms of the notice of the meeting under point 2 of Article 12 of this Regulation.
2. Immediately after registration in the office of protocol, meeting materials and the act of calling, compiled under the provision of the article 12, point 6 of this Regulation, should be sent to the General Secretary of CEC, for further adjustments of formal character. After that, General Secretary informs the other members and the representatives of the political party.



Article 17

Preparation of meeting materials of the CEC

1. The CEC Secretary General is responsible for the preparation of meeting materials, in cases of issues / acts, which are part of working program of CEC or which derive from the enactment of CEC decisions and instructions. In this case, the Secretary General consults the CEC Chair in advance.
2. The preparation of meeting materials according to point 1 of this article follows this procedure:
 - a. When the respective structure responsible for the preparation of acts is not assigned by working program of CEC, The Chair appoints the Directory that in cooperation with the General Secretary will prepare in advance the summary report and the draft act.
 - b. According to each case the respective department forwards to the other departments of the CEC the respective material.
 - c. Each Directory reports in written form about what is requested.
 - d. In each case, the responsible Directory consults the Law Department related to the legal basis of the Draft-Act.
 - e. In any case the report of draft act must be signed by all its drafters;
 - f. When necessary, the Secretary-General, makes appropriate adjustments, or completes the file with other supporting materials.
- 3 The Secretary-General submits to the Chair, the file with documents prepared according to point 2 of this Article.
4. In the absence of the Secretary-General, the respective material is submitted to the Chair and presented at the meeting of the CEC by the directory or the department that has compiled it.
5. In all cases, the Secretary General is responsible for distributing copies of meeting materials to CEC members.

Article 18

Maintenance and management of meeting materials

1. Regarding each issue of the daily agenda a special file is prepared, which in addition to the materials provided in point 1 of Article 14 of this Regulation, contains an overview of data on the issue.
2. The file with the original materials of the meeting is kept by the department that has prepared the draft act. In case if the materials are prepared by members of the CEC, the respective file is kept by the Secretary-General. After the approval by decision, the file is deposited at the Office of Registry of Acts and Documentation (Protocol).



Article 19

Maintenance and electronic management of meeting materials

1. The Secretary General jointly with appropriate structures lead the process of maintaining and administering meeting materials in electronic format, in their final version, before they are reviewed the respective CEC meeting.
2. In each case, on the website of CEC, meetings' materials are to be published jointly with the notification for the meeting.
3. Meeting materials are stored in an electronic database, for not less than 12 months.

Part three

The meetings of CEC

Article 20

Proceedings of the meeting

1. Members of the CEC have to be present on the date and time when the meeting is called, in the meeting room of the CEC.
2. At the beginning of the meeting, its leader/Chair, declares the daily agenda and the members attending the meeting.
3. During the period of 1 month before the elections date until the announcement of the final results in case of absence of a quorum for holding the meeting, the later is postponed for no more than 12 hours.
4. Beyond the period specified in point 3 of this Article, if the necessary quorum for holding the meeting is not available, the later is postponed to no later than three days.
5. Meetings of the CEC are always public and CEC spokesperson takes measures for notifying the media and reflects the meetings in them.

Article 21

General rules for participants in the meeting

1. Before the start of the meeting, the Secretary General of CEC assigns the seats for participants in the meeting.



2. During the meeting is prohibited to interrupt the speakers, except in cases when it is provided in this regulation.
3. It is also forbidden to speak without permission, to use mobile phones and smoking.
4. Participants in CEC meetings must respect rules of ethics and communication.

Article 22

Sanctions related to violations of the rules on the CEC meetings

1. The chair of the meeting is responsible for the maintenance of rule and ensures compliance with this regulation
2. The chair of the meeting opens, suspends, closes and leads discussions at the CEC meetings.
3. In cases where there are violation of rules related to the conduct of the meeting, the chair may decide to suspend it, for 10 to 30 minutes.
4. In case if the political parties representatives, violate rules for holding meetings, the Chair of the meeting will draw attention to anyone who causes such a situation.
5. In the case of any other person participating at CEC meetings breaking the rules, the Chair of the meeting may decide their expulsion from the room of meetings of CEC
6. If further proceeding of the meeting is impossible, the CEC decides to postpone it by vote and with no debate.

Article 23

Discussing issues out of the daily agenda

1. At the beginning of the meeting, after introducing the agenda the Chair verifies the necessary quorum of members of the CEC, under Article 22, point 5. After carrying out these actions, the Chair, under Article 22, point 4 of the Election Code asks the participants if there are any discussions on issues that are not included on the daily agenda, recording the speakers according to each case.
2. After the registration of speakers, the chair of the meeting appoints speeches according to the order of registration.
3. Registered speakers have the right to speak only once and for no longer than five minutes.
- 4 After the end of recorded discussions, none of the participants can ask and take the floor to speak about issues that are not included on the daily agenda.



Article 24

The order of issues to be discussed in meetings

1. The order of reviewing issues at the CEC meetings is determined on the agenda.
2. CEC, by consensus may decide to change the order of the issues on the agenda.

Article 25

Participants who have the right to discuss at CEC meetings.

The participants that have the right to discuss and give opinions at CEC meetings are only CEC members, political parties' representatives in the CEC or their substitutes with the permission of the Chair of the Meeting and furthermore CEC Administration participating in the Meeting and other persons related to preparation and administration of elections.

Article 26

Reviews under CEC meetings

1. Examination of the case begins with the report of the Secretary-General and / or the department that has prepared the case, while in the case when the draft act has been prepared by members of the CEC, the report is submitted by them. The report is presented in a summary.
2. After presenting the report, participants have the right to ask questions, demanding explanations for the different elements of the report.
3. Participants, who want to ask questions, should express in advance the request to ask questions.
4. The chair of the meeting gives participants the turn related to the right to ask questions.
5. While answering, it is not allowed to comment or interrupt the speaker.
6. By approval of the chair of the meeting, participants can make a question in response to the received answer.

Article 27

Voting in principle and opening the discussions

1. After the procedure provided in Article 26, the leader proposes the approval in principle of the project/draft act if the act that has to be approved is a normative act and according the case opens the discussion upon the grounds of the case.
2. The Chair of the meeting invites the participants, starting from political party representatives, to discuss in regards of the issue.



Article 28

The time available for discussions

1. Representatives of political parties and any other interested participants in the meeting have 8 minutes time available to discuss issues and this is reflected in the meeting room monitors.
2. Regarding the same issue, participants have the right to take the floor to speak only once, according to the rule, for no more than 3 minutes, but still no more than the time of the first discussion.
3. When the representatives of political parties and other participants in the meeting conclude discussions, the CEC members can discuss. After the last discussion of the Chair of the CEC, the discussions are closed.

Article 29

Closing the discussions

1. Closing the discussions is made by chair of the meeting, with the consent of the CEC members.
2. The right to propose the end of the discussions is granted to any member of the CEC
3. After closing discussions, the chair of the meeting invites participants to present their proposals.
4. Before voting for each proposal, members of the CEC have the right to discuss about them for no more than 5 minutes.

Article 30

Registration of meetings of CEC

1. All the meetings of CEC or electronically recorded with sound also visually. The records of the meeting shall mark a summary of all discussions, the date and time of the meeting, issues addressed, participants, topics of discussions, the decisions taken and the type and results of voting.
2. Minutes of the meeting which are not transcribed and which are handwritten in summary by the stenograph, should be immediately submitted to the Office of /Preservation and Administration of Documentation in CEC.



3. Records of the meetings of CEC are stored in the Archive, according to the procedures specified in the regulation and other acts.
4. During the electoral period, if it is not possible to provide the CEC members with the hard copy of Meeting Record, they should be given the electronic recording of the meeting, in case if it is required, before the signing of the specific Act

IV PART

Decision-making

Article 31

Voting of proposals reviewed at the meeting of the CEC

1. Reviewing the project act, the CEC decides by specific voting for the content of each article or part thereof, as appropriate.
2. In each case, the draft-act will be voted only after proposals of representatives of political parties and members of the CEC being voted, according to the order of their proposal.
3. The Chair of the meeting at the end of voting process announces the voting results.

Article 32

Voting

1. The vote in CEC is open. Open voting is done by raising hands or by declaration.
2. Voting is secret only in cases provided by law
3. Secret vote is made according to the following procedures:
 - a) CEC approves by a decision the voting sheet prepared by the Secretary-General;
 - b) CEC members vote according to alphabetic order
 - c) Note on the voting sheet is made only in voting booth
 - d) The voting sheet is put folded in the ballot box, in order to not allow the identification of voters.

Article 33

Form of the act

1. The act approved by the CEC, according to appendix 1, part of this Regulation, is in written form and it contains:

- The emblem of the Republic of Albania
- Name of the institution
- Title of the act



- Object of the act
- Legal basis
- The reasoning , according the case
- Prescriptive part
- The name of the members who participated in voting.
- CEC logo
- The number, date and time of approval

2. The act is signed by the members who voted.

3. According the case, every act can be accompanied by parallel opinion and /or minority opinion

Article 34

The signature of the act

1. The Department that has prepared the draft, prepares the rationale/reasoning and transmits it to the members of the CEC in order to be signed.

2. CEC members sign the act and if they do not agree with the rationale may present a parallel opinion.

Article 35

1. The act drafted in 3 copies. Two copies are signed according paragraph 2 of Article 34 of this Regulation and 1 copy, after completing the above procedure is signed only by the Secretary General.

2. The signatures of the members of the CEC are also put in the attachments of the Act which is approved.

V Part

Reviews of electoral complaints

Article 36

1. The procedures for presenting, relating and review of the complaint requests are made pursuant to article 124 to 144 of the Electoral Code
2. For every complaint request which is recorded, the CEC appoints by lot one member as reporter. The reporter makes verifications of formal elements under Article 126 and Article 130 elements' of the Electoral Code and presents verifications at the meeting of the CEC, no later than 24 hours from the registration of the complaint request
3. The decision made by CEC regarding the complain reviews are justified by the Reporter.



Chapter IV
FINANCING AND THE BUDGET OF CEC

Article 37

1. The CEC administers the funds allocated from the state budget and other legal sources. The structure of expenditures is approved by decision of the CEC.
2. The budget is approved by the decision of the CEC within the timeframe specified by the Ministry of Finance.

Article 38

Issues related to the financing of electoral subjects are approved by decisions of the CEC.

Article 39

The CEC might benefit from different external/foreign donations according to the incumbent legislation, under the condition that the respective independence and authority is not put at risk.

Article 40

The administration of mobile phone services in use CEC members is regulated by special order of the Chair, in accordance with the sub-law acts in force.

Part V

Documents of CEC

Registration of acts and documents in the CEC

Article 41

1. The registration of acts and documents is made in the following registers:

- a) Register of correspondence
- b) Register of decisions of CEC
- c) Register of guidelines of CEC
- d) Complaints register
- dh) Observers register
- e) Register of orders of the Chair
- ë) Register of procurement orders

2. Registers are administered by the Office of Protocol.



Article 42

The regulation of the CEC approved by Decision No. 26, dated 03.03.2005 "On approval of the Regulation on organization and functioning of the Central Election Commission" is repealed.

CHAPTER VI FINAL PROVISIONS

Article 43

This Regulation shall enter into force after publication in the Official Journal.

