



## KOMISIONI QENDROR I ZGJEDHJEVE

### KOMISIONERI SHTETËROR I ZGJEDHJEVE

Tirana on 16.02.2022

The speech of the State Election Commissioner, Mr. Ilirjan Celibashi in the conference organized by KRIIK on "Civil and political society; for a comprehensive dialogue and participation - the need for a comprehensive electoral reform; policy financing".

Dear participants,

The initiatives of various groups of interest, to push and drive, mainly the political factor towards a new and a comprehensive election reform, are worthy at all times. And in this case they should be welcomed and echoed by everyone who interested in the elections as a legal and political process, as well the governance of the country in general.

KRIIK continues to demonstrate the will, the energy to contribute in this direction. Therefore, it is natural to convey the appreciation and positive assessments to this organization for its consistency and persistence in bringing to attention, especially the political factor, the need for a deep and comprehensive electoral reform. It is positive that KRIIK is not alone in this commitment. There are several civil society organizations that are actually involved in this driving process.

I believe that all of us here are aware that in any legal reform, especially an electoral reform, are first of all political processes. As such, they cannot ignore such interests of the main political actors as the parties.

Therefore, as we can all imagine, it is difficult for civil society, or even other stakeholders, to get the best expected result from such reformation processes.

However, what is always important is that aspects that are directly related to compliance with the best international standards for free and fair elections are properly addressed in the context of the electoral reform.

The CEC is part of the interest of the civil society to push ahead the electoral reform process in order to have, in the end, a product which, first of all, considers and takes into account the interests of the voters, the interests of society as a whole.

Given its experience, we consider the CEC contribution in this upcoming new reform as useful for all the interested parties, including political parties. There are many aspects of the electoral process, which in our opinion are worth addressing in the framework of this reform.

We as an institution do not have, can not have and prefer not to have our own institutional opinion regarding the electoral system that would be the best fit for the political, economic, cultural, historical, characteristics of our society.



But we, as the institution responsible for the organization and administration of elections in the country, consider that it is to the interest of all factors, to have their say in this reform regarding many administrative, technical and organizational aspects of the electoral process, which the new reform is expected to address them, or rather readdress them.

The composition, organization and functioning of second and third level commissions, or in general, the administration of the electoral process at the local level, out of the country voting, procedures of the appeal, registration of electoral subjects, electoral campaign, media coverage of the campaign and monitoring, procedures of tabulation of results, election observation, denunciations, behavior of public administration and use of public assets during the election period, as well as the financing of campaigns, or of political parties as a whole, are some of the issues that we as an institution think that they should be on the list of issues to be addressed in the framework of the new electoral reform.

I think it is time to radically change some aspects of the preparation and administration of the electoral process, mainly the technical ones.

On the one hand, I think that political parties will have to have, for a little longer, some rights and responsibilities in the process of preparation and administration of elections, but on the other hand, there should be the technicians, not those proposed by the offices of the parties- who should have more responsibility in administering and managing various aspects of the electoral process. It would be ideal if the parties were not involved at all in the preparation, administration and technical management of elections, but we must be realistic that this is not possible today. The deep lack of mutual trust among the political parties in the country leaves no room for such a model, at least for the present. But there are other formulas that, on the one hand, ensure the trust of the parties in the preparatory and administrative process of the elections, and on the other hand guarantee the development of these processes in a professional manner and outside the influence of political parties.

By dwelling on only one of the above issues today, such as the financing of political parties in general and election campaigns in particular, first of all I want to say that at least in terms of legislation, today the Electoral Code has rules which aim to increase transparency and make political parties more accountable for the money they receive and spend on their political activity in general and election campaigns in particular.

The amendments to the Electoral Code of 2020 have precisely addressed this issue.

Nevertheless, I think we are still a long way from the standard of the Western democracies, whose models we intend to follow.

Therefore, I think that the expected new electoral reform should address some of the aspects of financing the campaigns of political parties and other electoral subjects.

Thus, it seems that there is a need for clearer rules on the registration, declaration and publication of non-public funds that are benefited by the electoral subjects. The same goes for electoral expenses.

We think there is also a need to clarify the procedures for selecting auditors of funds received from parties and / or election campaign candidates.

We believe that the time, or the moment when these auditors are selected to perform the task required by law, should change.

It would be more suitable if the auditors were ready to start the audit process the day after election day, or at least to select them immediately after election day. I do not know why the Electoral Code currently defines as the time of their selection, "no later than 5 days after the announcement of the final election results.

The new potential amendments to the Electoral Code regarding this issue, need to clearly define the modality of work of the auditors.

On the other hand, I think there is a need to provide some guarantees for those auditors who are engaged in auditing the funds of parties, or candidates. We can not ignore the political and social reality, in which these auditors will have to perform their job.

The above considerations related to auditors also apply to campaign monitors.

There is a need for a better definition of the responsibilities of election campaign monitors. Their scope and competencies should be clear. Past experience has shown that this responsibility is often exercised formally, with no substance. Probably we should find another campaign monitoring formula.

Article 92/4 of the Electoral Code, in my opinion, is very general in terms of "campaign monitoring"

It is not clear who does what, where and how.

On the other hand, it does not seem that the Electoral Code provides for the right or responsibility of the CEC to develop this regulatory aspect through by-laws that it has the competence to adopt.

I also think that, both the auditors and the monitors, not only should be selected by the CEC long before the moment when they start to exercise their respective duties, but it would be useful that once selected, these individuals should have a continuity in their commitment.

This would enable the CEC to train this category better and on an ongoing basis. This one aspect. The other aspect is that their experience in monitoring or auditing increases the efficiency of the process they perform.

Another aspect related to the transparency of the financing of political parties, or even other entities, is the increase of the institutional capacities of the CEC

If it is required to investigate and verify more deeply and more concretely into the money the parties receive, their origin, or the way they are spent, then we will not only have to define more clearly and fully these competencies in electoral law, but more importantly, the CEC must have sufficient human and financial capacities in order to properly exercise this responsibility.

It has already become a routine, and not only for the electoral law, but for the legislation as a whole, not to estimate properly the costs that are related to certain competencies, that we assign to different institutions. Therefore, I want to bring to the attention of all actors, but especially of the Assembly and the government that needs the support of the CEC in increasing and strengthening the capacity of this institution in the framework of transparency in the financing of election campaigns

Regarding the CEC and what this institution is doing at the moment, I express our commitment to technically improve the reporting and administration process on party financing and election campaigns.

We are working with our international partners to build a better accessible and information platform for third parties on audit reports. This project also includes the improvement of the portal of reports and denunciations coming from the citizens.

We also focus on training programs for CEC staff, but also the staff who is part-time engaged in the processes of reporting, auditing and monitoring the campaigns and their financing.

The final goal is that, by fulfilling the OSCE / ODIHR recommendations for the future elections, we make significant progress in the standard of upcoming 2023 local elections.

Thank you