



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

DECISION

ON THE DECLARATION OF NON-ELECTION OF THE CANDIDATE OF THE MULTI-NAME LIST OF THE DEMOCRATIC PARTY, REGION OF ELBASAN, MR. MIKEL SHËRBET TABAKU, FOR THE FULFILLMENT OF THE VACANCY ANNOUNCED BY THE ALBANIAN ASSEMBLY.

The Central Election Commission, in its meeting on 14.05.2019, with the participation of:

Klement	ZGURI -	Chairman
Denar	BIBA -	Deputy Chairman
Bledar	SKËNDERI-	Member
Edlira	JORGAQI-	Member
Rezarta	BITRI-	Member

Examined the issue with

OBJECT: On the declaration of non-election of the candidate of the multi-name list of the democratic party, region of Elbasan, Mr. Mikel Shërbet Tabaku, for the fulfillment of the vacancy announced by the Albanian Assembly.

Legal Reference: Article 23, Point 1, letter "a", article 164, point 2, 175, point 2, of law nr. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania", amended, article 11, of law nr. 138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions" and head III, article 2, 3, of decision nr. 17/2016 of the Assembly "For the designation of detailed rules on the implementation of prohibitions provided in law nr. 138/2015."

The CEC, after examining the submitted documentation and hearing the discussions of the representatives of political parties,

NOTES

Through the letter nr. 792/1 prot., date 25.02.2019, directed to the Central Election Commission, the Secretary General of the Assembly, Mr. Genci Gjonçaj, announces the vacancies in the Albanian Assembly, due to the early termination of the mandate of the parliamentarian for the electoral zone, region of Elbasan, of the political subject "Democratic Party".



Nr. 338 of Decision Date 14.05.2019 of Decision Time 14:00 of Decision

On the declaration of non-election of the candidate of the multi-name list of the Democratic Party, region of Elbasan, Mr. Mikel Shërbet Tabaku, for the fulfillment of the vacancy announced by the Albanian Assembly.

Article 164 of the Electoral Code defines that in case of termination of a parliamentarian's mandate, the Assembly notifies the CEC for the creation of the vacancy and the CEC makes a decision for giving the mandate of the parliamentarian to the next candidate on the multi-name list of the same political party in the relevant electoral zone, registered according to article 69 of the Electoral Code.

The Central Election Commission, with decision nr. 555, date 26.07.2017, declared the final result of the parliamentary elections for the Albanian Assembly, date 25.06.2017 and approved the name list of the elected parliamentarians for each subject and for each electoral zone. According to the above mentioned decision, the Democratic Party for the electoral zone for the region of Elbasan, for the parliamentary elections for the Albanian Assembly of the date 25 June 2017, has won 03 (three) mandates and the winning candidates from the multi-name list of the Democratic Party, region of Elbasan, who are serial numbers 01 (one) Mr. Edmond Shyqyri Spaho, serial number 02 (two) Mr. Endri Nuri Hasa and serial number Mr. Luçiano Dhimitër Boçi.

It results that the multi-name list of the Democratic Party in the region of Elbasan, does not fulfill all the required criteria in article 67, of the Electoral Code, including also the gender criteria. The CEC, with decision nr.566, date 05.10.2017 decided the administrative sanction of a fine in the extent 12.000.000 (twelve million) Lek, to the Democratic Party.

In accordance to article 175, point 2, of the Electoral Code, the CEC in a case of a vacancy created in the mandates won from the multi-name list of the Democratic Party, in the Electoral Zone, region of Elbasan, must have applied even the complementary sanction, by substituting the created vacancy with the next candidate from the least represented gender.

In accordance to article 175, point 2, of the Electoral Code, the sequential candidates from the least represented gender of the multi-name list of the Democratic Party, for the parliamentary elections of Albania in 2017, region of Elbasan, have been depleted. In accordance to article 164, point 2, of the Electoral Code, the last sentence, the sequential candidate to whom the parliamentary mandate is passed on, is the candidate for parliamentarian, with the serial number 19 (nineteen) Mr. Mikel Shërbet Tabaku.

In reference to article 11, of law nr.138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions", self-declaration and verification of the conditions of the information, in accordance with this law, is done for each candidate of the multi-name list for the forerunning elections for the Assembly who is eligible to win the parliamentarian mandate for the vacant position, according to the Electoral Code.

The Central Election Commission, in accordance to Head II, point 3, of decision nr. 17/2016 of the Assembly "For the designation of detailed rules on the implementation of prohibitions provided in law nr. 138/2015", with letter nr. 2891 prot., date 11.05.2019, has been directed to Mr. Mikel Shërbet Tabaku, by notifying him for the submission in CEC of the self-declare form for the guarantee of the candidate's integrity.

In response to the request for the submission of the self-declare form, Mr. Mikel Shërbet Tabaku, with letter nr. 3161 prot, date 13.05.2019, has submitted in the Central Election Commission the notification where he declares that: **I refuse to submit the self-declare form, by refusing to accept the CEC's proposal for candidacy, election or nomination.**



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In reference to article 5, point 2, of law nr.138/2015 and head II, point 2, of the Assembly's decision nr. 17/2016, the refusal to submit the self-declare form or the non-appearance of the form constitutes a cause for not being registered or not elected as a parliamentary candidate of the Assembly. In this case, the competent body interrupts the procedure for the proposal of this subject to candidate, be elected or nominated in that public function.

In this situation, in reference to article 11, point 2 of law nr 138/2015, since the following candidate on the multi-name list of the Democratic Party, of the region of Elbasan, refused to present the self-declare form, the CEC declares the non-election of Mr. Mikel Shërbet Tabaku, as a parliamentarian in the Albanian Assembly and begins the procedure for the substitution of the mandate with the following candidate, according to the rules provided in article 164, 175, of the Electoral Code.

**FOR THESE
REASONS:**

The Central Election Commission, in accordance to article 23, point 1, letter "a", article 164, point 2, article 175, point 2, of law nr. 10017, date 29.12.2009 "The Electoral Code of the Republic of Albania", amended, article 11, of law nr. 138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions", head II, point 2, 3, of decision nr. 17/2016 of the Assembly "For the designation of detailed rules on the implementation of prohibitions provided in law nr. 138/2015",

DECIDED:

1. To declare the non-election as a parliamentarian in the Albanian Assembly, of the candidate in line on the multi-name list of the Democratic Party, region of Elbasan, Mr. Mikel Shërbet Tabaku.
2. This decision goes effective immediately.
3. A complaint can be filed against this decision in the Tirana Court of Appeals, within 45 days from its publication

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Denar	BIBA -	Deputy Chairman
Bledar	SKËNDERI-	Member
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