



REPUBLIC OF ALBANIA
CENTRAL ELECTIONS COMMISSION

INSTRUCTION

**ON THE PROCEDURE OF CHECKING AND VERIFICATION OF POLITICAL PARTIES
AND ELECTION CAMPAIGN FINANCING AND EXPENDITURE**

The Central Election Commission, pursuant to Article 21, item 1, Article 23, item 1, letter "b" of the law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended and article 15/2 of the law no. 8580, dated 17.02.2000 "On Political Parties", as amended,

INSTRUCTS:

Part I

GENERAL PURPOSE AND SCOPE

Article 1

This instruction aims to:

- a) establish specific rules for filing, publishing, checking and verifying financial reports filed by political parties and / or electoral subjects, legal auditors and financial experts, related to annual financial reports of political parties or election campaign financing;
- b) administration and review of information, claims, proposals, complaints or charges filed to the CEC by third parties related to election campaign funding or financial reports of political parties;
- c) establishing the criteria to be applied in calculation of sanctions for electoral subjects.

Article 2

Deadlines for the delivery of reports

1. Political parties should make their Annual Financial Report public and submit it to CEC no later than March 31 of each year.

Instruction no. 1 Dated 11.04.2019 Instruction time 12:00 hrs

On the procedure of checking and verification of political parties and election campaign financing and expenditure

2. The legal auditor, contracted by the CEC to audit the funds received and spent by political parties during the calendar year, should file the audit report in the Central Election Commission, also in electronic format, within 30 days after signing the contract.
3. Political parties that are registered with the CEC as electoral subjects should make public and submit to the CEC the Election Campaign Report no later than 60 days from the announcement of the final election result.
4. The financial expert, contracted by the CEC to monitor the expenses incurred by the political parties during the electoral campaign, must file with the Central Election Commission a monitoring report no later than 4 months from the date of the announcement of the election results, also in electronic format.
5. The legal auditor, contracted by the CEC to audit the funds received and spent by political parties during the election campaign, must submit to the Central Election Commission also in electronic format, the audit report no later than 20 days from the submission of the report monitoring.

Article 3 Publication of Reports

The Central Election Commission publishes on its official website the annual financial report, the legal auditor report on annual funds and election campaign funds, the election campaign financial report, the campaign monitoring report by the financial experts, no later than 10 days after they are filed.

Article 4 Preliminary check

1. The CEC administration carries out preliminary check and, as a rule, no later than 5 days from the submission of the annual financial report or the campaign report, notifies the electoral subject about the shortcomings that are found.
2. The scope of the preliminary Check of financial reports is to check if the elements comply with the standard format approved by the CEC.
3. The Electoral Subject, no later than 72 hours from the date of notification by the Central Election Commission, shall refile the corrected report or, depending on the case, the relevant explanations on the shortcomings found.
4. The corrected report or, depending on the case, the explanations of the electoral subject, are published by the CEC on its official website no later than 10 days after they are filed.

Article 5 Verification and control

1. The CEC administration verifies and checks the compliance with the provisions of the Electoral Code, as amended, Law no. 8580, dated 17.02.2000, "On Political Parties", as amended, and the bylaws on the financing of the election campaign, regarding the funds received and spent by the political party during the election campaign
2. The CEC administration checks the financial report of the election campaign submitted by the political party by:
 - a. comparing the data with the findings and conclusions of the Election Campaign Audit Report and the Election Campaign Monitoring Report;
 - b. checking the procedure of donation documentation (if the donor has signed the declaration required by Article 90, item 1 of the Electoral Code, amended, the limit of

Instruction no. 1 Dated 11.04.2019 Instruction time 12:00 hrs

On the procedure of checking and verification of political parties and election campaign financing and expenditure

donation value and whether the donation of non-public funds is made in the special account opened for this purpose) ;

c. checking whether the funds benefitted and spent by candidates for the election campaign are declared in the report submitted by the political party.

d. recalculate the total campaign expenditure declared and compare it with the permissible limit of expenses for the electoral subject

If, after checking campaign financial reports, it is found or there is justifiable doubt on non-compliance or shortcomings, the Central Election Commission may decide to make verifications of the data in the report, by investigating different people and entities, obtain information from responsible authorities that supervise money laundering and illegal financing, by investigating documents related to this issue in the offices of the relevant political parties that filed the report, and obtain information from banks or third parties.

4. The CEC administration carries out the verification of financial reports of political parties, campaign monitoring reports and audit reports of funds received and spent by political parties during the campaign as a rule no later than 2 months after the delivery of the final monitoring report of the election campaign.

5. At the end of the verification process, the administration submits to the Central Election Commission the draft act and the relevant finding regarding the results of verification of election campaign funding reports in a public session.

6. The CEC shall comply with the procedures provided for in this Article on the verification of financial reports for the calendar year.

PART II

Article 6

Interim reports of financial experts on election campaign monitoring

The financial experts, contracted by the CEC to monitor election campaign expenditures, should submit, on weekly basis, a report on monitoring results to the CEC, which is also in electronic format. The CEC immediately sends copies of the interim report, for information and for rejection to the electoral subject.

2. The CEC reviews the results of the interim report within 24 hours after the report is filed.

3. If after the verification and review of the interim report and the objections submitted by the electoral subject, violation of the provisions of the law "On Political Parties", as amended, are found, related to organization of the election campaign, the CEC notifies the Mayor of the Municipality where the violation was found and the electoral subject in order to take measures to restore legitimacy.

Instruction no. 1 Dated 11.04.2019 Instruction time 12:00 hrs

On the procedure of checking and verification of political parties and election campaign financing and expenditure

4. The interim report and when necessary, the CEC decision on the measures taken is immediately made public.

Article 7 Third Party Action

1. Third parties have the right to file information, requests, complaints or charges to the CEC related to financing of election campaign and funds received and spent by political parties during the calendar year.

2. Information, claims, complaints, charges by third parties must be done according to model no. 1, attached to this instruction. The application must be sufficiently clear and specify the plaintiff and the defendant, by attaching proof and evidence to support the allegations submitted.

3. The CEC records the information, claims, complaints or charges made by third parties and makes following preliminary checks:

- a) checks if the CEC is the competent body to review the claim.
- b) If the subject and type of alleged violation are clearly identified.

4. After the preliminary verification, if the requirements of paragraph 3 of this Article are met, the CEC shall forward the information, request, complaint, or charges made by third parties, to the respective political or electoral subject, in order for the claim to be communicated or refuted, within 24 hours after they are filed, setting a deadline of maximum 5 days to appeal it.

5. When a CEC decision is needed to resolve the case, the case will be discussed at the meeting no later than 5 days from receiving the response from the subject.

At the meeting, the CEC may decide on further verifications to be made by the CEC administration or to forward the matter to the legal auditor or financial expert. In this case, the CEC should map the actions to be taken as well as the deadline for reviewing the case at the meeting.

6. When reviewing third party information, claims, appeals or charges made during the election campaign, the CEC shall, to the greatest extent possible, follow the procedures provided for in this Article by applying reasonable time limits in order to address them effectively.

7. Information, allegations or facts made public regarding violations of the provisions of the Electoral Code, as amended, and the Law "On Political Parties", as amended, on financing of the electoral campaign will be reviewed by the CEC along with the final reports of financial experts and / or legal auditors.

PART III

Article 8 Sanctions

Instruction no. 1 Dated 11.04.2019 Instruction time 12:00 hrs

On the procedure of checking and verification of political parties and election campaign financing and expenditure

1. If the CEC finds violations of the legal provisions and normative acts issued by the CEC, if they do not constitute a criminal offense, it applies the sanctions provided for in Article 172, Article 173 of the Electoral Code, as amended, and Article 24/2, item 7 of Article 23/4 of Law no. 8580/2000 "On Political Parties", as amended.
2. In setting sanctions, the CEC is guided by the principle of proportionality.

Article 9

Criteria for determining the fine

in cases of violations of provisions on the financing of the election campaign or annual financing of political parties, the CEC shall take into account the following criteria in choosing and determining the amount of the fine,:

- a) the circumstances under which the violation is committed;
- b) the degree of violation;
- c) whether it is a repeated offence of this electoral subject
- d) the attitude of the electoral subject related to CEC recommendations, cooperation with the CEC during the verification process;
- e) the consequences of actions or failure to the act of the declaring subject;

Neni 12

This instruction comes immediately into effect.

Klement ZGURI - Chairman

Denar BIBA – Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member

Instruction no. 1 Dated 11.04.2019 Instruction time 12:00 hrs

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