



**REPUBLIC OF ALBANIA
CENTRAL ELECTION COMMISSION**

DECISION:

**ON VERIFICATION OF DECLARATIONS FORMS OF CANDIDATES FROM THE
MULTINAME LIST FOR FOR THE MUNICIPAL COUNCIL IN IMPLEMENTATION LAW
NO. 138/2015 "ON THE GUARANTEE OF INTEGRITY OF PERSONS ELECTED,
APPOINTED OR EXERCISING PUBLIC FUNCTIONS" FOR ELECTIONS FOR LOCAL
GOVERNMENT BODIES OF 30 JUNE 2019**

The Central Election Commission in its meeting of 19.05.2019, with the participation of:

Klement ZGURI – Chairman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member

Reviewed the case with:

OBJECT :For verification of declarations in the candidate's self-declaration forms from multi-name lists for municipal councils pursuant to Law no. 138/2015 "To guarantee the integrity of the persons being elected, are appointed or exercising public functions ".

LEGAL BASIS: The Central Election Commission, based on Article 23, paragraph 1, letter "a", of the law no. 10019 dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 10, point 1, letter "a" of Law 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 5, point 4, letter "a" of law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; Chapter V, of Assembly Decision no. 17/2016 "On the establishment of detailed rules on the implementation of the prohibitions provided by law no.

138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

NOTES:

The Democratic conviction Party, in accordance with Article 5, paragraph 4, letter "a" of Law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions" has deposited in the Central Election Commission the self-declaration forms of candidates for the commune of Mallakastra as the competent body for the administration, verification, election and appointment to the public function including the function of the councilor of the municipality.

Pursuant to Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", the CEC has verified the data on the self-declaration forms for each multi-name list candidate. By verifying the data in the self-declaration form, it results that none of the candidates have declared any data constituting a condition for non-registration as a candidate for the municipal council, according to law no. 138/2015.

The Central Election Commission pursuant to the law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" and Chapter V, point 2, letter "b" and point 3, letter "c" of Assembly decision no. 17/2016 "On the establishment of detailed rules on the implementation of the prohibitions provided by law no. 138/2015" requested information from the courtroom office and the civil registry office via emails as well as via email for the candidates for members in the municipal councils who submitted the self-declaration forms to the Central Election Commission.

In response to the letter, the courtroom office sent to the CEC a judicial review of candidates for a member of the Mallakastra municipal council, which states that:

FATMIR VEIZAJ candidate registered in the multi-name list Democratic Opposition Party with ordinal number 01, Mallakastra Municipality. According to the memo no. 3448 prot, dated 17.05.2019 of the CEC addressed to the General Directorate of Prisons, the Judicial Status Section, based on Judicial Statements no. v-1577/1, dated 17.05.2019, results with

Decision No. 382, dated 28.05.2015, the Fier District Court found guilty of the criminal offense "Abuse of duty in cooperation" provided by article 248-25 of the Criminal Code and in based on Article 406 of the Code of Criminal Procedure is sentenced to 1 (one) year and 4 (four) months of imprisonment. By decision no.185, dated 30.03.2016, the Vlora Court of Appeal ruled that the above decision was upheld.

ENVER RESULAJ candidate registered in the multi-name list Democratic Opposition Party with ordinal number 03, Mallakashtra Municipality. According to the memo no. 3448 prot, dated 17.05.2019 of the CEC addressed to the General Directorate of Prisons, the Judicial Status Section, based on Judicial Statements no. v-1577/1, dated 17.05.2019, results with Decision No. 458, dated 17.12.2009 Vlora District Court found guilty of the criminal offense of "Forgery of civil status acts" provided by article 191/3 of the Criminal Code he punishes 100,000 (one hundred thousand) fine fine. Pursuant to Article 59 of the Criminal Code, the execution of a prison sentence for a term of 5 years is suspended.

The Vlora Court of Appeal, with its decision no.143, dated 01.04.2013, has decided to leave Decision No. 458, dated 17.12.2009 with the amendment: Dismissal of this decision for the part that is fine penalty and dismissal of the case for this part. Mr. Enver Resulaj for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

Referring to item b of point 1 of article 2 of Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", prohibition of running, election or exercise of the function applies to persons b) committing acts or omissions that constitute a criminal offense under articles 110 / c, 244, 245, 248, 248 / a, 259, 260, 319, 319 / ç, or in the field of elections provided for in Chapter X "Criminal Offenses Affecting free elections and democratic system of elections "of the Criminal Code;

Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 4 provides for the period during which the provisions of this law apply for the prohibition, running, election or exercise of the function, depending on the type of offense declared.

According to Article 4 of the aforementioned law

4. For persons referred to in letter "b" of paragraph 1 of article 2 of this law, the prohibition of candidacy, election or exercise of office lasts 20 years from the moment of termination of imprisonment, according to the judicial decision of the form cut.

Referring to the data in the self-declaration form filled out by Mr. Fatmir Veizaj is a candidate with ordinal number 01, for the member of the commune of Mallakastra, the confirmation of the judicial situation regarding the criminal offense provided by article 248-25 of the Criminal Code, date of decision no. 382, dated 28.05.2015, of the Vlora District Court, sentencing Mr. Fatmir Veizaj for the commission of this criminal offense is within the period of detention for election to the post, candidate for councilor of the commune of Mallakastra.

For the foregoing, since the conditions for detention have been verified before the candidacy process, referred to in Article 10, paragraph 1, letter "a" of Law 138/2015, the CEC should reject the candidacy of Mr. Fatmir Veizaj and ask the electoral subject Party Democratic Opposition to replace the candidacy within the deadline for submission of candidacies.

For the above, the Central Election Commission referred to Article 10, paragraph 1, letter "a" of Law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions" announces the fact that Mr. Fatmir Veizaj is in a state of non-election as a candidate for Mallakastra City Council member.

The Central Election Commission, referred to point 2, last paragraph, of Chapter V of Decision no. 17/2016 of the Assembly ascertains that for the other persons listed in the multi-name list their data do not constitute a condition for not registering as a candidate for the commune of Mallakastra according to law no. 138/2015. The CEC has also made the publication of the declaration forms on the official website.

Referring to article 33, letter "f" of the Electoral Code, the Electoral Administration Zone Commission has the power to register candidates for local government elections in those municipalities administered by a CEAZ.

In this case, the CEAZs should continue the procedures for the registration of the multi-name list for the Mallakastra Municipality Council of the Democratic Opposition Party for elections to local government bodies of 30 June 2019.

FOR THESE REASONS:

The Central Election Commission, based on Article 23, point 1, letter "a", of the law no. 10019 date 29.12.2008 "Electoral Code of the Republic of Albania", as amended; Article 10, point 1, letter "a" and article 11 of Law 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions", Article 5, point 4, letter "a" of law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; Chapter V, of Assembly Decision no. 17/2016 "On the establishment of detailed rules on the implementation of the prohibitions provided by law no. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions".

Decided

1. To refuse the candidacy of Mr. Fatmir Veizaj for the commune of Mallakastra, the Democratic conviction Party
2. The announcement of the Democratic Opposition Party to replace the candidacy within the deadline for submitting the candidates.
3. Notification of the CEAZ No. 61 on the continuation of procedures for the registration of the multi-name list for the Mallakastra Municipality Council, Democratic Conviction Party for Local Government Elections of 30 June 2019, according to the attached attachment.
4. This decision shall enter into force immediately.
5. An appeal may be filed against this decision within 45 days of the Administrative Court First Level Tirana.

Klement ZGURI – Chairman

Denar BIBA - Deputy Chairman

Bledar SKËNDERI- Member

Edlira JORGAQI- Member

Rezarta BITRI- Member