



REPUBLIC OF ALBANIA CENTRAL  
ELECTION COMMISSION

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**DECISION**

**ON THE VERIFICATION OF THE STATEMENTS ON THE SELF-DECLARATION FORM OF THE CANDIDATES FOR MUNICIPALITIES IN ACCORDANCE TO LAW NR. 138/2015 "TO GUARANTEE THE INTEGRITY OF PERSONS ELECTED, APPOINTED OR EXERCISING PUBLIC FUNCTIONS", FOR THE ELECTIONS TO LOCAL GOVERNMENT BODIES OF 30.06.2019**

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

Klement	Zguri	-	Chairwoman
Denar	BIBA-		Deputy Chair
Bledar	SKËNDERI	-	Member
Edlira	JORGAQI-		Member
Rezarta	BITRI	-	Member

Reviewed the issue with:

**OBJECT:** On the verification of the statements on the self-declaration form of the candidates for municipality councils from the multi-name lists, in accordance to law nr. 138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions", for the elections to local government bodies of 30.06.2019.

**LEGAL BASIS:** Article 23, point 1, letter "a", of Law No. 10019, dated 29.12.2008 "The Electoral Code of the Republic of Albania", amended; article 5, point 4, letter "a" of law nr.138/2015, "To guarantee the integrity of persons elected, appointed or exercise public functions"; head V, of Assembly Decision nr/ 17/2016 ""For the designation of detailed rules on the implementation of prohibitions provided in law nr. 138/2015", "To guarantee the integrity of persons elected, appointed or exercise public functions"



**Nr. 573 of Decision**

**Date 19.05.2019**

**Time 18:00 of Decision**

On the verification of the statements on the self-declaration form of the candidates for municipality councils from the multi-name lists, in accordance to law nr. 138/2015 "To guarantee the integrity of persons elected, appointed or exercise public functions", for the elections to local government bodies of 30.06.2019.

Central Election Commission, after examining the documents presented and heard the discussions of the people present,

### **NOTES:**

The Communist Party of Albania, in accordance to Article 5, point 4, letter "a" of Law no. 138/2015 "On guaranteeing the integrity of the persons elected, appointed or exercising public functions", has submitted to the Central Election Commission the self-declaration forms of the candidates for municipality council of Bulqize and Kukes, as the competent body for administration, verification, the application of prohibition of 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 the persons elected, appointed or exercising public functions", the CEC verified the data on the forms self-declaration for each candidate of the multi-name list. From the verification of the self-declaration form of the candidates for municipality council, for the municipality council of Bulqize and Kukes, none of them has stated any data related to the provisions to prohibition in Law No.138 / 2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions.

The Central Election Commission, in accordance to 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", has requested information from the state's office and judicial office through written requests and electronic mail for the candidates for members in the municipality councils who submitted the self-declaration forms to the Central Election Commission.

The judicial office has sent to the Central Election Commission, the verification of the judicial situation for the candidates for municipality council for the municipalities Bulqize and Kukes, according to which it results:

BEHAR CANI candidate registered in the multi-name list Communist Party of Albania with ordinal number 01, Bulqizë Municipality. According to the memo no. 3663 prot, dated 16.05.2019 of the CEC addressed to the General Directorate of Prisons, the Judicial Status Section, based on the Judicial Statements no. v. 1531/1, dated 17.05.2019, pursuant to decision no.166 / 687, dated 17.10.2011, the District Court of Dibra declares him guilty to the criminal offense of "Organized Illegal Lotteries" provided by Article 197/1 of Penal Code and 406 Code of Criminal Procedure is sentenced to 40,000 (forty thousand) Lek fine. Mr. Behar Cani for this criminal offense has been rehabilitated under Article 69 of the Criminal Code.

ALTIN MIFTARI candidate registered in the multi-name list of the Communist Party of Albania with ordinal number 03, Bulqizë Municipality. According to the memo no. 3663 prot, dated 16.05.2019 of the CEC addressed to the General Directorate of Prisons, the Judicial Status Section, based on the Judicial Statements no. v. 1531/1, dated 17.05.2019, based on the decision no.128, dated 11.05.2015, the District Court of Debar declares him guilty to the criminal offense of "Illegal construction" provided by Article 199 / a / 2 of Penal Code and in application of Article 406 of the Code of Criminal Procedure, sentenced to eight (eight) months of imprisonment. Pursuant to Article 59 of the Criminal Code, the execution of the punishment of imprisonment is suspended and is put to the test for 18 (eighteen) months.



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According to article 4, point 9 of the above mentioned law...

Reduction of the amount of punishment due to a shortened trial or similar proceeding that passes the punishment reduction, amnesty, depenalization, pardon, suspension of punishment, premature parole or punishment, in accordance with the law, do not affect in the application of this law and are not calculated in the function of shortening the term of the sentence, in order to shorten the period of the prohibitions provided by this law. This law does not apply to penalties imposed on provisions that have been repealed by the Constitutional Court after the issuance of the appropriate punishment as provisions contrary to the Constitution in force at the time of the punishment.

In reference to article 406 of the Code of Criminal Procedure...

When giving a sentence, the court decreases one third of the sentence by imprisonment or fine. Based on decision no.128, dated 11.05.2015, the District Court of Diber, Altin Miftari was found guilty of the criminal offense "Illegal Construction" and pursuant to Article 199 / a / 2 of the Penal Code and Article 406 of the Code of Criminal Procedure, sentenced to eight (eight) months of imprisonment. In accordance to Article 59 of the Penal Code, it is ordered to suspend the execution of the sentence and to put it to trial for a period of 18 (eighteen) months. According to the punishment calculation, for ALTIN MIFTARI a candidate registered in the multi-name list of the Communist Party of Albania with ordinal number 03, Bulqizë Municipality, regardless of its reduction based on article 406 of the Code of Criminal Procedure, has been more than 6 (six) months.

In reference to letter ç, item 1 of article 2, Law No.138 / 2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions", prohibition on running, election or exercise of the function applies to persons who commit intentionally a crime that is not included in letters "a" and "b" of this paragraph, and when they have been sentenced to not less than six months of imprisonment.

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 for the prohibition, candidacy, election or exercise of the function shall apply, depending on type of criminal offense declared / convicted.

According to article 4, point 4 of the above mentioned law...

For persons referred to in point "ç" of paragraph 1 of Article 2 of this Law, the prohibition shall continue from the moment of termination of the sentence of imprisonment, according to the final court decision, until the moment of rehabilitation under Article 69 of the Criminal Code.

In reference to article 69 of the Penal Code...

Shall be deemed to be unpunished: a) those who have been sentenced to imprisonment for a period of up to six months or by any other easy punishment and who have not committed another criminal offense during the two years following the serving of the sentence;

In reference to the data in the self-declaration form filled out by Mr. Altin Miftari candidate with ordinal number 03, for member of the council of the Municipality of Bulqiza, confirmation of the judicial situation regarding the criminal offense, "Illegal construction", provided by article 199 / a / 2 of the Criminal Code, no.128, dated 11.05 .2015 The District Court of Diber, Altin Miftari for the commission of this criminal offense is within the period of detention for election in office,



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candidate for councilor of the city council Bulqiza.

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. Altin Miftari and to ask the Albanian Communist Party electoral subject 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. Altin Miftari is in the unenviable condition of being a candidate for a member of the Bulqiza City Council.

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

In reference 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 reference to Law no. 138/2015 "On guaranteeing the integrity of persons elected, appointed or exercising public functions" and point 5/1, 6 of article 9 of instruction no. 2, dated 29.01.2013 "On the establishment of rules for deposition and verification of candidacy documentation and deadlines for publication of candidate lists", the CEAZ should continue the procedures for the registration of candidate for municipality council for the municipalities of Bulqize and Kukes, proposed by the "Communist Party of Albania" for elections to local government bodies of 30 June 2019.

#### **FOR THE ABOVE REASONS:**

The Central Election Commission based on Article 23, paragraph 1, letter "a" of law nr. 10019 dated 29.12.2008 "The Electoral Code of the Republic of Albania", amended, article 5, point 4, letter "f", of law nr. 138/2015, "On guaranteeing the integrity of persons elected, appointed or exercising public functions"; chapter V, of decision nr. 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".



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## DECIDED:

1. To refuse the candidacy of Mr. Altin Miftari for the Council of the Municipality of Bulqize, the Communist Party of Albania.
2. The announcement of the Communist Party of Albania to replace the candidacy within the deadline for the submission of the candidates.
3. To notify CEAZs nr. 11 and nr. 18 for the continuation of the procedures for the registration of the candidates for municipality council of the municipalities of Bulqize and Kukes, proposed by the party Communist Party of Albania for the elections for local government bodies of 30 June 2019.
4. This decision goes effective immediately.
5. An appeal can be filed against this decision within 45 days at the Tirana First Instance Administrative Court

<b>Klement</b>	<b>ZGURI-</b>	<b>Chairwoman</b>
<b>Denar</b>	<b>BIBA-</b>	<b>Deputy Chair</b>
<b>Bledar</b>	<b>SKËNDERI-</b>	<b>Member</b>
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