



REPUBLIC OF ALBANIA CENTRAL
ELECTION COMMISSION

DECISION

ON THE VERIFICATION OF THE STATEMENTS ON THE SELF-DECLARATION FORM OF THE CANDIDATES FOR MUNICIPALITY COUNCIL FROM THE MULTI-NAME LISTS, OF THE PARTY "DENIED RIGHTS" 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 council from the multi-name lists, of the party "Denied Rights", 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. 578 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 council from the multi-name lists, of the party "Denied Rights", 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

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

NOTES:

The Denied Rights Party, 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 Peshkopi, Bulqize 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: Peshkopi, Bulqize, 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", except: Ordinal number 3, Edmond Miftari, rehabilitated.

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 municipality Peshkopi, Bulqize, according to which they result unpunished by Albanian courts, except:

Municipality of Bulqiza – Ordinal Number 3, Edmond Miftari, based on Decision No. 83, dated 06.10.2008, of the District Court of Diber has been found guilty of the criminal offense of Illegal Possession of Weapons of Arms and pursuant to Article 278/2 of the Criminal Code with a sentence of 12 months imprisonment. The Appeal Court of Tirana, by decision no. 716, dated 24.12.2008 has decided to give effect to the above decision. Rehabilitated under Article 69 of the Criminal Code.

Pursuant to the decision no.132, dated 22.05.2014 of the District Court of Diber, was found guilty of the criminal offense of "Irregular Direction of the Vehicle" and pursuant to Article 291 of the Code of Criminal Procedure with a sentence to 6 months imprisonment. Pursuant to Article 406 of the Criminal Code, it is 1/3 of the sentence and is sentenced to 4 months imprisonment. Pursuant to Article 59 of the Criminal Code, imprisonment for a period of 18 months shall be enforced. Rehabilitated based on Article 69 of the Criminal Code.



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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 the law no. 138/2015. The CEC has also published self-declaration forms on the official website.

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.

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 municipality of Peshkopi, Bulqize, proposed by the party "Denied Rights" 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".

DECIDED:

1. To notify the respective CEAZs for the continuation of the procedures for the registration of the candidates for municipality council of the municipality of Peshkopi, Bulqize, proposed by the party "Denied Rights" for the elections for local government bodies of 30 June 2019.
2. This decision goes effective immediately.
3. An appeal can be filed against this decision within 45 days at the Tirana First Instance Administrative Court

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