



**REPUBLIC OF ALBANIA
CENTRAL ELECTIONS COMMISSION**

DECISION

ON DISMISSAL OF COMPLAINT NO.61, SUBMITTED TO THE CEC ON JULY 11, 2019

The Central Elections Commission, in its meeting on July 12, 2019, with the participation of:

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

Reviewed the issue with the following

PLAINTIFF: **Mr. Ylber Gjeta**

OBJECT: On dismissal of the election complaint no. 61, dated 11.07.2019, submitted by Mr. Ylber Gjeta, candidate for Mayor of Kamza municipality, requesting the announcement of the invalidity of elections in Kamza municipality, for local government elections of June 30, 2019”.

LEGAL REFERENCE: Article 23, item 1, letter 'a', article 129, item 1,3, letter 'b", article 126, item 2, article 130, letter b and c, of the law No. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended.

The Central Elections Commission, after reviewing the submitted documentation and hearing the discussions of the representatives of political parties,

NOTES



The plaintiff Mr. Ylber Gjeta has filed a complaint to the CEC which meets the criteria defined in article 127 of the Electoral Code and is registered in the Register of Election Complaints, with register number no.61, dated 11.07.2019, with rapporteur Mr. Edlira Jorgaqi.

Regarding the election complaint no.61, dated 11.07.2019, through which Mr. Ylber Gjeta, candidate for Mayor of Kamza Municipality, requested the invalidity of elections in Kamza Municipality and appealed the decision no.953, dated 06.07.2019, it was found that the request was submitted beyond the legal deadline, outside official working hours.

The CEC, based on article 129 of the Electoral Code, made the preliminary verification of the complaint, whether it met the criteria of the form, defined in article 126 of the Electoral Code, and verifies the following elements defined in article 130 of the Electoral Code:

- a. The CEC competence to review the complaint
- b. The legitimacy of the plaintiff
- c. Meeting the legal deadlines for the complaint

On July 12, 2019, at 12.00, after the report of Mrs. Edlira Jorgaqi, it was found that the complaint no.61, with object "On announcing the invalidity of elections in Kamza municipality", filed by the candidate for Mayor, Mr. Ylber Gjeta. Based on article 124, paragraph 1, where it is specifically stated that: "Every political party, member or not of a coalition and the candidate proposed by the voters have the right to complain to the CEC against the CEAZ decisions". In this case, based on article 124, item 4, the plaintiff –the candidate for Mayor is not legitimate in his request filed to the CEC. The complaint lacks the element of legitimacy, provided in letter b, article 130 of the Electoral Code.

Regarding the provisions of article 130, letter c, the complaint is filed to the CEC on July 11, 2019, within the legal deadline provided by the CEC, but it was filed at 21.00 hrs, after the working hours.

As the complaint was filed after the working hours, this complaint does not meet the elements provided in article 130 of the Electoral Code. Therefore, the complaint does not meet the criteria required in article 130, letter b and c of the Electoral Code, regarding the legitimacy and the deadline.

Regarding the above, based on article 129, item 3, letter b of the law no. 10019, dated 29.12.2008 "Electoral Code of the Republic of Albania", as amended, the complaint cannot be passed for review.

FOR THESE REASONS

The Central Elections Commissions, based on article 129, item 3, letter b of the law no.10019, dated 29.12.2009, "The Electoral Code of the Republic of Albania", as amended:



DECIDED:

- 1.To dismiss the complaint no.61, dated 11.07.2019, filed by Mr. Ylber Gjata.
2. This decision comes immediately into effect.
3. This decision can be appealed in the Electoral College, Tirana Court of Appeals, within 5 days after its publication.

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

