

Election Observation Report

Albanian Local Government Elections

October 20, 1996

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I. EXECUTIVE SUMMARY

IRI Observers returning to Albania for the local government elections held on October 20, 1996, found considerable improvements when compared to the flawed parliamentary elections conducted in May 1996. In the October elections, changes to the electoral framework had created an atmosphere in which both the Government and the opposition parties could cooperate in administering the voting process. While the Democratic Party's continued abuse of the powers of incumbency did not create a level playing field, the opposition parties were provided greater access in October to both television and public meeting spaces. Finally, it appeared to most observers that the official results in October reflected the will of the Albanian voters, a view that was reinforced by the results of an exit poll commissioned by the International Republican Institute (IRI).

Despite these comparative improvements, the institutionalization of a democratic electoral processes in Albania is far from complete. After four years in power, the Democratic Party (PD) continues to consolidate power, leading many observers to voice concern about the resurrection of a single party state in post-communist Albania. The PD now controls 87 percent of the seats in Parliament and 90 percent of the local government offices. The broadcast media remains firmly under their control. The armed forces, police and internal security forces are perceived as partisan. The judicial system lacks independence. Even the main labor unions are now seen as closely aligned with the Democratic Party. Finally, the Democratic Party's internal procedures appear to be turning less democratic.

The local government elections held in October 1996 were widely perceived as critical crossroads for Albania. Following the parliamentary elections in May, the October elections were a chance for the ruling Democratic Party to demonstrate to both Albanian voters and the international community that it was not only able to win an election, but to properly administer an election. For the opposition parties, the October elections were an opportunity to reveal the flaws in the country's nascent electoral process, and thereby reinforce their position that the May elections were so flawed that the results ought to be annulled.

In their final analysis, IRI observers found that the October elections demonstrated that legitimate elections could be held in Albania, but the current system remains sufficiently weak to be vulnerable to future manipulation and abuse. Therefore, much remains to be done in further improving the process. The following list of issues and recommendations is designed to help the government, political parties, candidates, non-government organizations, the media, the courts, and law enforcement agencies in Albania focus on the substantive ways Albania's electoral process can be improved for the next elections.

II. ISSUES AND RECOMMENDATIONS

Issue 1

The reporting of election results remains incomplete more than three months after the October 1996 local government elections. Although the law required voting results to be posted immediately after counting, it appears that very few voting centers or electoral commissions actually fulfilled this requirement. In most cases, this was attributable to the lack of training of electoral commission members rather than a premeditated violation of the election law.

Official results for the elections were announced by the Central Election Commission (CEC) several days after the voting in both the first and second rounds. However, these results were neither full nor complete because they only announced the winners of individual mayoral races and the percentage of votes received by parties on the proportional ballot. Results of individual voting centers for all candidates and parties have yet to be released, despite repeated requests from foreign institutions and embassies and repeated assurances from the Central Election Commission and the Albanian Government.

This failure to release comprehensive election results seriously impairs any attempt to resolve claims and counterclaims about alleged irregularities during the voting and vote counting process. Full and complete disclosure of voting results is central to a transparent election process.

Recommendation 1

The Albanian election authorities, either through the Central Election Commission (CEC) or the Government, must release full and complete election results for the October 1996 local government elections, including individual vote totals at the voting center levels. Political parties should compare this information to the voting results collected by their representatives on individual electoral commissions. Election laws should be amended to mandate that all future election results be considered public information, and thus available to the media, political parties, and the general public in a timely and usable format, including, but not limited to, complete election results from the voting center level.

Issue 2

Although reports of violence or physical intimidation during the campaign period were not widespread, IRI observers both witnessed and heard reports of disturbing incidents of intimidation on election day. Specifically, IRI observers in Peshkopi saw the vice chairman of a voting center harassed and physically threatened by a Democratic Party “observer,” as the voting center commission chairman and secretary watched with indifference. In Tirana, observers witnessed physically imposing Democratic Party “observers” at voting centers, often close to the voting booth or ballot box. In the village of Hajdaraj in the commune of Shushice in the district of Elbasan, IRI observers were able to confirm that a local Socialist Party chairman had been arrested on October 18 for “political activity.” In a village in the district of Berat, IRI observers witnessed soldiers being instructed how to vote by the voting

center chairman. In Tirana, IRI observers saw cadets at a police academy being brought to vote by their squad leaders. Furthermore, IRI heard credible reports of other incidents of physical intimidation that merit investigation.

Recommendation 2

The Government should immediately, thoroughly, and publicly investigate all credible reports of physical intimidation or violence that occurred in the October 1996 elections. The permanent Central Election Commission should establish a permanent nonpartisan mechanism for investigating serious election complaints, especially those involving intimidation or violence.

Issue 3

In September, the Central Election Commission (CEC) approved a regulation that required international election observers be at least 23 years old, while domestic observers were required to be at least 25 years old. An additional requirement that domestic observers have experience in at least one previous election was dropped after the Constitutional Court ruled it unconstitutional.

Opposition political parties and independent organizations strongly opposed this provision because its impact disproportionately fell on a single organization -- the Society for Democratic Culture (SDC), a domestic election monitoring organization affiliated with the National Democratic Institute for International Affairs (NDI). In conversations with the Chairman of the CEC about the rationale for this new regulation, direct references were made to the SDC's report on the May parliamentary elections and its role in the local government elections, thus implying that this regulation was intended to limit their activity in the October elections. Since the SDC relied heavily on students for monitoring in large cities, especially in Tirana, this new regulation reduced their observation force by more than half.

Another source of controversy was the withdrawal of two monitoring delegations of the Organization for Security and Cooperation in Europe (OSCE) prior to the October local government elections. Both the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE's Parliamentary Assembly delegation pulled out their monitoring efforts over a dispute with Albanian authorities regarding the size of the observation delegation from ODIHR. The Albanian Government, still publicly unhappy with ODIHR's report on the May elections, refused to approve the full delegation requested by ODIHR and instead offered to allow a small "symbolic" presence. ODIHR refused to limit the size of its delegation and decided not to participate. Following ODIHR's decision, the OSCE Parliamentary Assembly, in a show of support for ODIHR, canceled their planned observation delegation.

Recommendation 3

The regulations that place age limitations on election observers should be made commensurate with the minimum age requirement for voting. In other words, any citizen eligible to vote should be eligible for accreditation to monitor the voting process. Furthermore, as a sign of its commitment to an open and transparent process, the Government should invite ODIHR, the OSCE and other specialized international election monitoring institutions to observe future elections in Albania without any restrictions based upon the size or composition of monitoring teams.

Issue 4

In the May parliamentary elections, the main opposition parties withdrew from the election process in the middle of election day, thus further disrupting an already deeply troubled process. In order to prevent such a boycott in the October elections, the Government amended the local government election law making the “boycott” of official duties by electoral commission members on election day punishable by between one and three years in jail. The opposition political parties complained bitterly about these provisions, pointing out that the other penalties contained in the election law for vote fraud were punishable only by monetary fines. Despite these objections, all political parties eventually agreed to participate in the elections in October.

On election day, the opposition members of the electoral commissions fulfilled their duties and obligations throughout the day. Furthermore, the power-sharing agreement between the Socialist and Democratic parties appeared to function smoothly during the day, but became more tense and confrontational when it came time to count the ballots. In some voting centers visited by IRI observers, opposition members of electoral commissions were generally satisfied with their role in the process. In other voting centers, however, the opposition members had a ready list of complaints, which usually were not of a significant nature or could not be independently corroborated by the IRI observer.

Recommendation 4

Although election officials should be penalized for their failure to fulfill their duties under the election law, such provisions as currently defined in Albania are disproportionate in comparison to other election law violations, including ballot fraud. Therefore, penalties levied on election officials for failure to fulfill official duties should be commensurate with penalties for other election law violations of similar magnitude.

Issue 5

The integrity of voter lists and voter identification documents was the most contentious issue in the campaign period prior to elections on October 20, 1996. Opposition leaders charged that tens of thousands of voters were either listed more than once on voter registration lists, no longer lived in Albania, or were deceased. One opposition leader charged that more than 250,000 such fraudulent names were on the voter lists nationally. Such charges were extremely difficult to corroborate, given the lack of centralized or computerized voter lists.

On election day, IRI observers confirmed cases in individual voting centers where the same voters appeared more than one time on the voting list. In one voting center, there was evidence that two listed voters were under the legal voting age. However, in no cases were IRI observers shown any credible evidence that a voter listed had actually voted more than once. In fact, in the case of the underage voters cited above, IRI learned that the voting center commission had properly checked their identification and refused to allow them to vote.

The validity of charges of fraudulent voter identity documents also were difficult to ascertain. IRI observers clearly witnessed cases where voters used documents other than those specified in law to provide proof of their identification. For example, in voting centers in the University of Tirana, students used their student identify card (which did contain a photo) and in voting centers near the police academy, certificates with photographs signed by the commandant of the academy were accepted.

Recommendation 5

The Central Election Commission should develop a standardized and centralized system for maintaining voting lists. The use of computers would greatly enhance this process. Furthermore, the Central Election Commission should study whether a new system of standardized voter identification documents is feasible, and implement the recommendations of this study prior to the next election in Albania.

Issue 6

Although the campaign for local government elections was dramatically calmer than that for parliamentary elections in May, the tone of campaign discourse was still disturbingly negative. The rhetoric that had poisoned the campaign environment during the parliamentary elections continued throughout the local government elections. Rather than offer voters new programs and visions for local governance, political parties chose to run purely negative campaigns completely focused on the past. One noticeable result of this negative environment was the marked decline in voter participation on election day.

Recommendations 6

The political parties should develop a “Fair Campaign Practices” agreement to guide campaign behavior and insure that future elections offer voters substantive choices. As a major component of this agreement, the parties should agree to engage in a nationally televised debates, directed by an independent moderator, to allow candidates an opportunity to confront one another on the issues.

Issue 7

As in the May parliamentary elections, the October local government elections were administered by thousands of electoral commissions organized at various level which received sporadic training on how to administer the new election law. Despite the CEC's stated intention to train all electoral commission members, very few had undergone such training by election day. One forum was organized by the CEC for district level electoral commission members, and additional sessions were organized for local level commission members by the State Secretariat for Local Government, with the assistance of a foreign advisor from the International Foundation for Electoral Systems (IFES). In other cases, training was provided only to those electoral commission members who were officials of the Democratic Party.

However, no such training was provided for the vast majority of electoral commission members -- the estimated 40,000 members representing various parties and individual candidates. As a result, IRI observers saw many instances of procedural errors, such as the acceptance of non-standard voter identification documents, improperly completed protocols, and a general failure to post results at the voting centers.

Recommendation 7

The permanent Central Election Commission (CEC) should develop a training program for election officials. Such training should be offered on a regular basis to potential election officials in order to create a large pool of qualified individuals in advance of future elections. Training should be provided to all electoral commission members regardless of political party affiliation.

Issue 8

During the local government election campaign, many Government officials, who were also members of the Democratic Party, were observed using official cars, equipment, personnel and other state resources for partisan purposes. To a lesser degree, members of other political parties who controlled local governments also used public resources for partisan purposes. In addition, the Democratic Party was widely perceived by many Albanians to control not only government activities, but also the military, police, and television. As a result, it was often unclear whether these institutions were acting as public servants during the campaign or serving the more narrow and partisan interests of the Democratic Party. However, some positive steps were taken during the local government elections, including new rules governing police behavior and a visible effort by television to provide fairer coverage of opposition political parties.

Furthermore, some opposition party leaders raised serious questions about the financing of the Democratic Party's campaign, charging funds from the official state budget were used. Others charged that the Government used money from the country's many pyramid schemes to finance their activities. Such charges were impossible to substantiate because political parties were required to disclose neither the source nor disposition of funds spent on campaign activities. As a result, the distinction between state and party resources remains

obscure and, as such, is one of the most problematic issues facing the development of a competitive, multi-party system in Albania.

Recommendation 8

The political parties should vigorously debate, and Parliament and the Government should approve, comprehensive new laws, regulations and rules defining improper use of state resources. In addition, new public disclosure requirements should be implemented regulating how political parties and candidates raise and spend their funds in order to provide the media, political opponents, and the general public with the ability to make independent judgements about campaign receipts and expenditures.

Issue 9

The distribution of both campaign funds and television time, during the campaign for the local government elections was strongly biased towards the ruling Democratic Party. Under the law amended for the local elections, funds were allocated based on the nationwide support that individual parties received in the October 1996 local elections. Consequently, campaign funds for the election were actually distributed to parties after the election was completed. The new law also allowed the Ministry of Finance to provide limited funding in advance of the elections to those parties that had won at least two percent of the vote in the 1992 local government elections. As a result, new political parties were denied the opportunity to receive much needed funding during the campaign period. Given the lack of easily available credit in Albania, smaller political parties that were unable to obtain state funds were denied the opportunity to campaign effectively.

Furthermore, the distribution of time on television was also strongly biased in favor of the Democratic Party. According to the new formula, there would be only four hours of time available on television for campaign advertisements during the entire campaign period -- two for those parties in the government coalition and two hours for those in opposition. Because the breakdown for each individual party would be based upon their results in the last national election, this formula reinforced the status quo by providing smaller and newer parties a very limited opportunity to convey their programs to the voters.

Recommendation 9

In future elections, the Government should commit substantially more funding and television time for political advertising and debates during the campaign period. Election laws should be amended to distribute both funds and television time in a manner that neither reinforces the status quo, nor discourages new political parties from developing.

III. PRE-ELECTION ENVIRONMENT

May 26, 1996 Parliamentary Elections

The pre-election environment for the local government elections in October 1996 was directly linked to the parliamentary elections held in May 1996. In fact, many political parties seemed to believe the central issue of the October elections was which parties should have rightly won the May elections. For the ruling Democratic Party, therefore, the local government elections were an opportunity to demonstrate that they were capable of organizing a “clean” election, that they still retained the support of the electorate, and that the results of the parliamentary elections were accurate. The opposition parties hoped that the local government elections would reveal that the Democratic Party (PD) did not have the support of the people and, therefore, the May elections had been a farce. From all perspectives, the May elections were an administrative disaster.

For the opposition, the defeat was near total. Any residual influence the opposition parties may have had before the elections quickly evaporated when they received less than ten percent of the total seats in Parliament. The demoralizing loss weakened their ability to remain a viable opposition force, much less a constructive one. Furthermore, the opposition’s coordinated withdrawal on election day raised troubling questions about their commitment to the electoral process. In the eyes of many observers, the opposition parties had withdrawn not because of purported threats, as the opposition claimed, but because they knew they would lose.

The credibility of the boycott, however, was enhanced by the fact that the parliamentary election campaign was filled with intolerance, intimidation and outright violence. Determined to achieve the “final death of communism,” the Democratic Party (PD) and its Government appeared willing to use whatever means it had at its disposal to insure victory. Members of Parliament representing the Democrats were able to rush through a series of electoral law amendments that favored the PD. In changing the electoral system from a mixed system into a primarily majoritarian one, the number of proportional seats was diminished, and smaller parties challenging the PD’s mammoth party machine were likely to win fewer seats. Furthermore, the increase in single-mandate electoral zones from 100 to 115 allowed the PD to draw the boundaries for new zones that would maximize the number of seats it would win.

The allocation of public resources for campaign purposes also reinforced the Democratic Party’s dominant position. Although the use of official state resources to further the PD’s partisan goals was considered by many to be widespread, there was no mechanism in place to confirm or deny such allegations. The lack of resources available to smaller opposition parties was evident when compared to the PD. The blatant partisanship of the campaign news coverage on Albanian Television meant that Albania’s only national television channel was reduced to the role of a propaganda mouthpiece for the PD.

The ability of the opposition parties to hold campaign rallies was restricted by the Government through the selective application of a communist-era law on public meetings. Police also applied numerous other laws that served to hinder the activities of the opposition, including impounding motor vehicles, closing campaign offices, and arresting party members. Credible allegations of police misconduct and claims about the activities of state security forces created an intimidating environment throughout the campaign.

Given such a pre-election environment, the rapid deterioration of events on election day was not a surprise. A general attitude of mistrust and intolerance prevailed from the moment voting centers opened on May 26. The determination of the Democratic Party's representatives to monopolize the process and use the police to enforce their decisions on voting center commissions lent credibility to the opposition claim that their boycott was due to personal safety concerns for their representatives.

The absence of opposition representatives in the vote-counting process worsened the already troubled situation. Believing the opposition boycott amounted to a forfeiture of the elections, remaining commission members may have felt relieved of their responsibilities and obligations in the tabulation process. Numerous international observers saw brazen examples of ballot tampering, ballot box stuffing, and the falsification of protocols. The audacity of such acts committed in the presence of international observers led many to wonder what occurred when observers were not present. Furthermore, the failure of election and government authorities to fully disclose election results raised more troubling questions about the process. Finally, the clash between opposition forces and riot police in Tirana's Skanderbeg Square two days after the election reinforced the impression that the Democratic Party would hold onto power at any cost.

Summer Stalemate

In the month after the May elections, international pressure against the Albanian Government steadily increased; especially from the U. S. Government, which was the only foreign government that openly called for new parliamentary elections. Rejecting such calls, the Democratic Party instead seated the newly-elected parliament, approved a new Government, and prepared for local government elections in the fall. Refusing to recognize the legitimacy of the new Parliament, the opposition parties refused to accept their seats and refused to discuss their participation in local elections until new parliamentary elections were held. Although some initial discussions occurred between the Democrats and Socialists in the summer of 1996, talks soon broke down into political stalemate. With little ground for compromise, the prospects dimmed for local elections as the summer wore on.

In July 1996, IRI issued its *Final Report on the Parliamentary Elections of May 26, 1996*, which contained a comprehensive list of 31 recommendations designed to improve the electoral process. The main opposition parties immediately accepted IRI's recommendations in full and, if the government reciprocated, announced they would participate in local government elections in October.

In August 1996, IRI launched a new initiative to restart dialogue and improve the political environment by organizing a "Working Conference on Improving Election Laws and Campaign Practices." IRI's conference featured a panel of three election law experts and included representatives of all major political parties, the Government, Parliament, the Central Election Commission and state television. With IRI's 31 recommendations providing the framework for discussion, the conference marked the first time in more than two months that all political forces in Albania were discussing substantive issues. With IRI acting as an arbitrator, the parties were able to

find significant areas of agreement on the rules governing local government elections. IRI's conference cleared a path for agreements made at a political party round table called by President Berisha in early September, which subsequently were translated into amendments and passed into law by the Albanian parliament. Thus, an opposition boycott of the October local elections was narrowly averted. Below is an analysis of the most significant electoral law changes made by Parliament for the local elections in October 1996 .

Changes to Election Law

1) Creation of a permanent Central Election Commission

The decision by President Berisha in July 1996 to create a permanent Central Election Commission (CEC) by presidential decree was in response to the mounting pressure to hold new parliamentary elections. All of the international election observer delegations to the May elections had made this recommendation, as had delegations observing the 1992 elections (including IRI's). However, President Berisha's decree established a permanent CEC that inevitably would be dominated by the Democratic Party, because the Chairman, Vice Chairman and Secretary would all be chosen by the Government. With IRI's encouragement, Berisha modified this decree before the October local elections to require that the opposition be allowed to name the Vice Chairman.

2) Inclusion of an opposition party vice chairman on all electoral commissions

The inclusion of an opposition party representative as the vice chairman on electoral commissions at all levels of the process was the single most important change in the local election law. The domination of the electoral process by the Democratic Party (PD) in the May parliamentary elections was centered around the fact that the PD was able to appoint all commission officers (i.e. chairman, vice chairman, and secretary). Opposition party representatives were then excluded from playing any meaningful role in the administration of the elections, and often prevented from even clearly viewing the commission activities. Under the amended law, the vice chairmen at all levels would come from the principle opposition party and they would have equal powers with the chairmen.

3) Adoption of a new law on public meetings

In the May elections, political parties desiring to hold public meetings were subject to the provisions of a communist-era law that allowed the police great latitude in granting permission. The application of this law was clearly biased in favor of the ruling Democratic Party. Based upon the recommendations of IRI, the Government drafted a new law that removed restrictions based upon speech content and which no longer required the permission of police for meetings held in closed environments, such as theaters, meeting halls or sports arenas. Meetings held in public spaces still required police permission, based only upon legitimate public safety concerns.

4) New regulations governing the role of police

Based upon IRI's recommendations, the Ministry of Public Order developed new regulations governing police activities during the campaign and on election day. The most important change was that police were not allowed to remain inside of or immediately adjacent to voting centers on election day. They were only allowed to enter the voting centers upon the request of both the chairman and vice chairman, or a majority of the commission members in the event of a disagreement between the chairman and vice chairman. These regulations were released to the public about four weeks prior to the local government elections.

5) Posting of results at voting centers

In the May elections, the lack of transparency during the vote counting process, and the failure of the Government to release full and complete voting results made it impossible to ascertain both claims and counter-claims regarding vote fraud and manipulation of results. In order to make the process more transparent, IRI had recommended that the election law be amended to require that the results of each voting center be publicly posted as soon as the voting center has completed its work. Furthermore, the electoral commissions at the city, commune, district and central levels should be required to do the same. This recommendation was included in the election law amendments passed by the Albanian Parliament in September 1996.

6) Extending timeframes

The compressed timeframe for the May parliamentary elections had resulted in a widespread failure to meet procedural deadlines established by the election law, especially regarding the designation of voting centers and the posting of voter registration lists. In the amended law for local elections, several time frames were extended: voter lists were required to be published 17 days prior to election day (*Article 12*); voting center commissions were to be in place 10 days prior to election day (*Article 26*); and voting center locations were to be specified 30 days prior to election day (*Article 21*).

7) Simplifying the ballot design

The format of the ballot in the May parliamentary elections was confusing for both voters and the election officials. In keeping with communist-era traditions, voters were required to cross off the names of all candidates or parties that they did not support and to leave unmarked the candidate or party of their choice. Because the ballot paper contained two parts (the left side for candidate selection and the right side for party preference), voters sometimes extended their lines all the way across the ballot, mistakenly thinking that the two parts were aligned in the same order. Furthermore, the ballot format made the counting process more time consuming because the two parts of the ballot could not be separated into individual piles. Many voting centers took several hours to count the ballots because discrepancies could only be resolved by recounting more than one thousand ballots. Following IRI's recommendation, the ballot for the October elections was re-designed to provide a separate ballot for each type of vote, and to require voters to affirmatively mark the

candidate or party they supported rather than crossing out candidates or parties they opposed.

8) Improved opening procedures for voting centers

In the May elections, the opening of voting centers was often chaotic because no official provision was made for voting centers to complete basic administrative tasks before opening their doors to voters. As a result, many voting centers either opened late or failed to follow proper procedures. In the amended law, (*Article 66*) members of voting center commissions began their work at 7:00 a.m., but the actual voting did not begin until 8:00 a.m., thus allowing time for proper preparation of voting materials in the presence of the full commission membership.

9) Requiring more than one voting booth in large voting centers

In the May elections, voting centers were required to have only one voting booth and, consequently, many voters encountered long lines to enter voting centers throughout the country. The local government election law was amended to require voting centers to provide up to three voting booths, depending on the number of voters registered.

IV. CAMPAIGN PERIOD

Political Apathy

The campaign period leading up to the local government elections of October 20, 1996 was generally quiet, though this calm resulted more from growing apathy and cynicism about the political process than from a new spirit of tolerance among the political parties. Because the opposition parties did not agree to participate in the local elections until mid-September, the one month period for organizing and executing a political campaign was extremely short. Furthermore, the controversial elections in May not only dampened the enthusiasm of candidates, party leaders, and political activists in the democratic process, it may have led to a loss of faith among the general population. Finally, as in most electoral systems, popular interest in the local elections was generally lower than it was in the national elections.

Given a revised funding formula that allocated only half of the funds prior to the election, opposition political parties lacked resources to mount a visible campaign. Opposition party posters did not appear throughout most of the country, and where they did, they were either posters printed for parliamentary elections or printed at the expense of local candidates. Even in Tirana, the site of the country's most important mayoral race, there were few visible signs of a campaign a week prior to the election.

Commensurate with the decrease in campaign activity was a decrease in campaign-related violence compared to the May elections. While some scattered clashes were reported in the October election campaign, most opposition parties were able to freely hold meetings throughout the country.

In fact, opposition leaders stated in pre-election meetings with IRI observers that the campaign environment had significantly improved; and their biggest concerns involved the manipulation of voter registration lists and a fraudulent vote count.

The Role of State Television

In the May parliamentary elections, the campaign news coverage of the state television channel was justifiably criticized for its obvious bias in favor of the ruling Democratic Party. Albanian television (TVSh) significantly improved its coverage of the October campaign by making open and public efforts to instill more fairness in their coverage of the campaign for local government elections. While still providing more positive coverage to the Democratic Party than any other party, opposition parties were given more air time. In addition, the issue of media bias was raised by officials of state television themselves, thus publicly addressing what had been a major criticism of the May elections.

As the law had required, free television time was distributed equally between parties in the governmental coalition and those in opposition. With a total of only four hours allotted for this free time, it meant that most parties had less than 20 minutes to present their parties programs and platforms.

V. ELECTION DAY OBSERVATIONS

Dissemination of Voting Materials

Under the amended election law, the chairmen and vice chairmen of electoral commissions at the district, city, and commune levels were to receive ballot materials and jointly distribute them to their counterparts at the voting center level. In order to insure that both the Democratic and Socialist parties were involved in the secure distribution, transport, and storage of unmarked ballots and other election documents, both the chairmen and vice chairmen of each voting center were required to sign a receipt for these materials. Unfortunately, this led to a number of cases in which either the chairman or vice chairman of voting centers failed to appear, causing delays in the distribution process.

In Tirana, the chairman of the city electoral commission, who was appointed by the Democratic Party, accused the Socialists of purposely trying to sabotage the process by instructing their voting center vice chairmen not to participate in the distribution of ballots. The Socialists countered that many of the delays were caused by the tardiness of voting center chairmen. Furthermore, because the materials were distributed the night prior to election day, there were many questions about where the materials were stored overnight. In some cases, an effective compromise was achieved when the voting center chairman was made responsible for the overnight storage of ballots and voter lists and the vice chairman retained the official seals.

Opening of Voting Centers

As a result of the amendment to election law that required commission members to report to voting centers one hour before voting was scheduled to begin, the opening procedures for voting centers was noticeably improved. Voting center commissions almost universally were able to allow voters to begin voting at 8:00 a.m. as stated in the law.

Another amendment to the election law required the voting center to validate each ballot by affixing the center's official stamp and the signature of all three commission officers. In other words, legal requirements meant that the chairman, vice chairman, and secretary of voting centers with maximum number of registered voters (i.e. 1,000) would be required to sign and stamp over three thousand ballots before the center's doors could be opened to voters, a process which could take several hours to complete.

On the night before the election, the Central Election Commission (CEC) sent verbal orders to all voting center commissions that voting should begin at 8:00 a.m. regardless of whether this requirement was fulfilled. In many cases, the signatures were applied to each ballot as voting proceeded throughout the day.

Lower Voter Participation

In comparison with observations made in May, IRI observers noted a significantly lower level of voter participation in the October elections. In the May parliamentary elections, IRI observers at voting centers routinely saw long lines of voters waiting throughout the morning and into the early afternoon; while in October, observers did not report any lines. When observers periodically checked registration lists to determine how many voters had voted, the numbers indicated a significantly lower rate than was both observed and reported in the May election (the official turnout percentage in the May parliamentary elections was 89 percent, although IRI's exit poll projected a significantly lower turnout of approximately 75 percent).

Despite the Democratic Party's claim that voter turnout in the local elections was at least 75 percent, no IRI observers could reconcile such a high claim with what they had seen throughout the day. Furthermore, IRI's exit poll for the local government elections estimated a turnout of 58 percent. To date, no official figure on voter turnout has been produced by either the Central Election Commission of the State Secretariat for Local Government.

Orderly Voting Process

Although troubling incidents of voting irregularities were reported, IRI and other international observers generally saw an orderly voting process on election day. In comparison to the May elections, voting centers functioned in a greatly improved environment of cooperation. Voting center chairmen and vice chairmen worked together to insure a peaceful environment in which voters could freely choose the candidates and parties of their choice (with a few exceptions noted below). IRI observers did not rely exclusively on information provided by voting center chairmen, but made a special effort to talk with vice chairmen from the opposition parties. The vast majority of vice

chairmen reported their satisfaction with the voting process, although some expressed their trepidation over the counting procedures to follow.

Intimidation

There were several troubling incidents of intimidation observed by IRI's delegation. For example, in the village of Hajdaraj in the commune of Shushice in the Elbasan district, IRI observers received a report that the Socialist Party Chairman, who is also an elected city council member, had been arrested on October 18, 1996 for engaging in political activity. After interviewing the alderman himself, local election officials, opposition party officials, and local police, IRI confirmed that the alderman had been arrested both on October 18 and prior to the May 26, 1996 elections. In the Village of Peshkopi, an IRI observer saw the vice chairman of the voting center commission harassed and physically threatened by a Democratic Party observer to the indifference of the commission chairman and secretary. In Tirana, observers witnessed apparent intimidation in the form of placement of physically imposing "observers" at the voting center, often close to the voting booth or ballot box. In Berat, IRI observers witnessed soldiers being instructed how to vote by the voting center chairman.

Vote Counting

IRI's observer delegation found the vote counting process on election day to be much improved over that of the May elections, in large part due to the active participation of the opposition political parties. IRI observers did not note any flagrant violations of the election laws, although there were other credible reports by international observers of isolated cases of irregularities in the vote counting. With the simplified ballot design, the counting was accomplished much quicker, with most voting centers finishing within a few hours after the polls had closed.

Another significant difference from the May elections was that all members of the voting center commissions were provided with an original signed copy of the protocols. This provided parties an opportunity to verify the aggregation of results. It appears that no party other than the Democratic Party was sufficiently organized to conduct such a parallel vote count.

One aspect of the new law that was not implemented was the new requirement that voting results be posted at the voting centers. IRI observers did not see voting results posted at any voting centers; nor did they record any protests from opposition party representatives when the results were not posted. It appeared that the opposition representatives were satisfied to receive their own copies of the protocols and, given the lateness of the hour and the length of the election day, were anxious to leave the voting centers.

Preliminary Results

On election night, the Democratic Party claimed a great victory. According to its own projections for the first round, the Democratic Party would win more than 61 percent of the mayoral races for cities and 58 percent of the commune-level mayoral races, with the Socialists taking only 6 percent of the races as the main opposition party.

As official results were reported from the various administrative districts, cities and communes in the days after the election, the Democrats had won in 37 cities, the Socialists had won in four cities, with an independent winning in one city and races in 22 cities going to a run-off election. In the country's 310 communes, the Democrats won 193 mayoral races in the first round, while the Socialists won 12, smaller parties took seven, with the remaining 98 cities going to a second round.

On the proportional ballot for 36 district councils, the official nationwide percentage received by the Democratic Party was 52.5 percent, compared to 31.2 percent for the Socialist Party, with the Republican Party finishing third with just under 3.5 percent. However, full and complete election results have never been released by either the Central Election Commission or the State Secretariat for Local Government, despite repeated requests from international organizations such as IRI as well as the foreign embassies. For mayoral races, the official results that were released generally provided only the number of votes received by the winning candidate, in both numeric and percentage terms, and failed to provide such information for losing candidates. Cross-checking such information against the results collected by parties in a parallel vote count, or against the results of IRI's exit poll, could have provided valuable validation of the official results. As had been the case in the parliamentary elections, the failure to release complete results remains one of the most problematic issues in these elections.

VI. ELECTION DAY SURVEY

IRI commissioned an election day exit survey of voters for the local government elections on October 20, 1996. IRI contracted the American-Albanian firm *Pikepamja Shqiptare*, a professional polling company headed by an American pollster with Albanian partners who supervised the field work. The exit survey had two purposes: 1) to provide external validation for the official results through a national sample and smaller subsamples in five cities; and 2) to gauge voter attitudes on political issues relating to the elections and other important issues, such as a new constitution. The survey consisted of 4,328 interviews with voters after they voted, utilizing self-administered questionnaires. The margin of error for this survey was plus or minus 3.1 percent, with a 95 percent degree of confidence.

All of the field workers received two full days of training by the American pollster and more than 50 percent of them had previous experience from earlier IRI survey research projects. A supervisory staff of twelve worked to insure that field workers followed proper procedures in gathering voting center data, mock ballot box setup and respondent selection. Each field worker team received at least unscheduled visits from the supervisors, and some of IRI's observers were also able to observe the activities of field worker teams.

IRI's exit survey estimates that the Democratic Party received 58 percent of the votes cast in the 36 district council races, compared to 22 percent for the Socialist Party. Although the official results also showed a Democratic Party victory, the figures released by the government showed the PD winning 52.5 percent and the PS winning 31.2 percent. Both of the figures fall outside the margin of error for IRI's survey.

The exit survey results support the PD's claim of victory in the local elections, but the results do not corroborate the actual results reported by the government. This opinion is based on the study of the exit survey results as well as on other evidence about voter opinion in Albania. Several legitimate surveys conducted in Albania since November 1995 have all found the level of voter support for the Democratic Party (PD) to range in the high fifty percent level and that of the Socialist Party (PS) to be in the low twenty percent range.

The attitudinal and value foundations of party support, whether it is the positive perceptions of the direction of the country or the relatively small number of people directly dependent on government institutions for financial security, were very stable in the year leading up to the October elections. The demographics of participation in the October elections, featuring strong turnout from younger men and low turnout from older people, especially older women, point toward greater than expected support for the PD -- not lower than expected. The abrupt surge of support from PD to PS suggested by the government's results given the level of campaigning and election news reporting prior to election day. While predicative surveys, such as those conducted prior to election day, are subject to significant errors as voters may make their decisions in the final moments of a campaign; explanatory exit surveys such as IRI's have a much better record of accurately reflecting voting behavior.

In addition to the nationwide sample, a sufficient number of interviews were conducted to provide a reliable validation of the *results* of mayoral races in the cities of Tirana, Berat, and Elbasan. In Fier and Gjirokastra, the number of interviews were sufficient to validate the *outcomes* of city mayor elections. Specifically, IRI's poll estimated that the Democratic Party (PD) candidate in Tirana, Albert Brojka, won 61 percent to the Socialist Party's (PS) candidate's 25 percent. The result officially reported by the government showed Brojka winning with 54 percent of the vote, somewhat less than estimated. In Berat, IRI's poll estimated that the PD's candidate Milika Jaho won 54 percent to 20 percent for the PS's Jani Dushniku. The reported result was a victory by Jaho with the same 54 percent of the vote estimated by the exit survey. In Elbasan, IRI's poll estimated that the PD's candidate, Engjell Dakli, won by 72 percent to 18 percent over the PS's candidate, Dritan Cerma. The reported result was a victory by Dakli with 60 percent of the vote, somewhat less than estimated by the exit survey.

In Fier, IRI's poll predicted the PD's candidate, Agron Milaj, would come in first, but not necessarily with the 50 percent support needed to avoid a run-off in a second round of elections. The reported result was a first-round victory for Milaj with 60 percent of the vote. Finally, in Gjirokastra, IRI's polling indicated that no candidate would win on the first ballot. It found the level of support for both PD and PS candidates to be too close to determine a leader between the two. The official results reported 46 percent of the vote for the PS' Besnik Shehu and 34 percent for the PD's candidate, Ylli Asliani.

The October exit survey revealed the mixed opinions among Albanians about the previous May elections. In thinking about the May parliamentary elections, 65 percent of the respondents judged them to be fair versus 32 percent who thought they were not fair. However, when asked whether there were problems in the May elections, 49 percent of respondents thought there were problems, but only 26 percent thought that the problems had affected the outcome. When asked to

compare the October local elections to the May parliamentary elections, 68 percent responded that the electoral process in October was better than the May parliamentary election process, while 25 percent said it was the same and only four percent said that it was worse than in May.

Among different findings, the October exit survey points to some troubling issues with the development of democratic attitudes in Albania. Attitudes are deeply polarized between the PD majority and the PS minority, indicating that prospects are bleak for the near-term development of a society more tolerant of political pluralism. For example, PD voters are near unanimous in their satisfaction with the development of democracy in the country (97 percent), of economic reform (90 percent), or their view that the May elections were 'fair' (88 percent). PS supporters, on the other hand, are strongly dissatisfied with the conditions of democracy and the economy (70 percent for both), and strongly believed that the May elections were not fair (80 percent). Most political perceptions in the country are also sharply divided along these partisan lines. While cross-cleavages of opinion can promote pluralism in a political culture, the tendency of Albanians to consistently align themselves with the same grouping on a broad range of issues may ultimately retard political tolerance.

The October exit poll and other survey research conducted by IRI has identified a second problem facing the development of democracy in Albania. Strong evidence suggests that general policy preferences or evaluations of the ruling party's performance in office play little role in the formation of Albanian public opinion. More subjective evidence indicates that current party affiliation evolved from personal and family histories under the old regime rather than current ideological beliefs. It is true that the PD and its policies appeal slightly more to younger people, small merchants, and others favoring a market economy; and that the PS wins stronger support from older people dependent upon state pensions and former employees of state industries. However, the alignment of voters, and thereby the political structure of the country, more strongly reflects the legacy of winners and losers under the former communist regime. As long as the policy choices of voters are secondary to such historical animosities, it will be difficult for democratic values and institutions to develop in Albania.

Finally, there is some evidence in the October exit survey of a willingness in Albanians to accept that the ends of political activity justify the means used to reach them. A large majority of voters in the October elections thought that there were 'problems' with the May elections (75 percent) and thought that the conduct of October elections was better than in May (68 percent). Despite these attitudes, 65 percent of voters thought that the May elections were 'fair.'

IRI's exit poll also showed that 23 percent of Albanian voters believe that new elections for Parliament should be held immediately, 19 percent thought they should be held within a year and 10 percent believe parliamentary elections should occur between one and three years, while 43 percent thought the elections should be held in the year 2000 as scheduled. In addition, 54 percent of Albanian voters believe that if a new constitution is approved, this would be reason enough for holding early parliamentary elections.

When asked if the opposition parties were justified in leaving the voting process during the parliamentary elections in May, 42 percent said they were justified, while 54 percent said they were

not. Also, when asked whether the Socialist Party should take their seats in Parliament, 55 percent said “yes”, while 38 percent said “no”. (For full poll results, see Appendix IV.)

VII. POST ELECTION DEVELOPMENTS

Second Round

In the second round of local elections held one week after the first round, more than one-third of the city mayoral races and one-fourth of the communal mayoral races remained undecided. With one week between rounds, and official results for the first round only being announced by Wednesday or Thursday, there was very little time for campaigning. One notable exception was in the northern city of Shkodra where the Democratic Party was squaring off against a joint candidate of two rightist parties, the National Front and the monarchist parties. Shkodra was historically considered a stronghold of the Democratic Party, given its deeply held animosity for the previous communist regime.

In the second round, generally the same voting pattern emerged, with the Democrats winning the majority of races. In the Shkodra race, however, the rightist coalition candidate won a surprise victory over the Democratic candidate. Of those observers who remained in Albania for the second round, most reported more problems than had been observed in the first round. In particular, many of the mayor’s races, especially in Shkodra, were highly contested and allegations of intimidation, violence, and vote fraud were rampant.

Appendix I. Official Results

Appendix II. Preliminary Statement

Appendix III. Exit Poll

Appendix IV. IRI Recommendations from May Parliamentary Elections

Appendix V. IRI Election Law Statement

Appendix VI. Local Government Elections Law

Appendix VII. Public Meetings Law

Appendix VIII. Police Regulations

Appendix IX. Observer Regulations