

THE ELECTORAL CODE OF THE REPUBLIC OF ALBANIA

*(Approved by Law no. 10 019, dated 29 December 2008,
and amended by Law no. 74/2012, dated 19 July 2012)*

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PART VI

THE ELECTORAL CAMPAIGN AND THE MEDIA

Article 77

The period of the campaign and of electoral silence

1. The electoral campaign begins 30 days before the election date and ends 24 hours before the election date.

2. The day prior to the election date and the election date until the hour of the closing of the polls constitute the period of electoral silence. During the period of electoral silence no electoral campaign through media outlets, as well as rallies or other electoral activities, is allowed.

Article 78^{*}

Rights and obligations of electoral subjects during the campaign

1. During the election campaign, every electoral subject has the right to make electoral propaganda in every lawful manner.

2. Each electoral subject has the right to have its electoral programme and messages broadcast by all radio and television operators in a fair, unbiased and uncensored manner.

3. The results of electoral polls may not be made public during the last 5 days before the election date and on the election date until the closing of the polls.

4. The publication of electoral poll results shall also include the name of the pollster, its sponsor, the number of persons interviewed, the margin of error, and the time period during which the poll was taken.

5. Electoral campaigning in public institutions is prohibited.

* Amended by Law no. 74/2012, dated 19 July 2012.

Article 79
Propaganda materials

1. The mayor of the local government unit designates, fairly and impartially, public places for posting propaganda materials.

2. By special instruction, the CEC approves the criteria for the selection of these places.

3. Any posting of propaganda materials outside the authorized public places shall lead to their removal by the law enforcement authorities under the competence of the local government unit.

Article 80^{*}
**Electoral campaign of electoral subjects
on the Public Radio and Television**

1. During the electoral campaign, the Public Radio and Television provides to registered political parties and to the CEC free airtime for campaigning, which is allocated according to the following rules:

a) a total of two hours is provided to the CEC according to the time slots it requests. At least two-thirds of this time shall be between 18⁰⁰ and 22⁰⁰;

b) for parliamentary parties that received more than 20 per cent of the seats in the last elections to the Assembly, the CEC allocates equal airtime of no less than 30 minutes on the Public Television and the same airtime on the Public Radio; for the rest of the parliamentary parties, this airtime is no less than 15 minutes. If airtime is increased for one party or one respective coalition, the time allotted to another party or coalition shall be proportionally increased;

c) each party that does not hold a seat in the Assembly, but runs in elections is allocated 10 minutes of airtime on the Public Television and 10 minutes of airtime on the Public Radio;

ç) the respective electoral subject shall be clearly identifiable on any political programme or advertisement for purposes of electoral propaganda. If the political programme or advertisement is not

* Amended by Law no. 74/2012, dated 19 July 2012.

clearly identifiable, the CEC orders the immediate suspension of its broadcast until the subject is rendered identifiable according to the requirements in this point.

2. The Public Radio and Television covers the electoral campaign through news or informative programmes in compliance with the principles of impartiality, completeness, truthfulness, and pluralism of information set forth in the legislation that regulates electronic media. The free airtime allocated to political parties in accordance with point 1 of this article may not be allocated as part of news or information programming.

3. The Public Radio and Television broadcasts free political advertising by calculating the broadcasting time within the allocated airtime in accordance with point 1 of this article.

4. During the electoral campaign, advertisements of central and local public institutions are prohibited except for those serving to raise the awareness of voters on election-related aspects and/ or other announcements envisaged by law.

Article 81^{*}

News broadcasts of the Public Radio and Television

1. During the political airtime of news broadcasts, the Public Radio and Television shall apply an equal time ratio to all parliamentary parties that in the last elections to the Assembly obtained up to 20 per cent of the seats in the Assembly. The parties that obtained more than 20 per cent of the seats in the Assembly are entitled to airtime that is allocated equally among them. Each of these parties is entitled double the amount of airtime of a party that has obtained up to 20 per cent of the seats in the Assembly.

2. In case of violation of the ratio of coverage in favour of one party or coalition, the Central Election Commission orders the reduction by the same airtime at the disposal of that political party or coalition, or the compensation of other political parties or coalitions with additional airtime within 48 hours.

3. The broadcasting of the activities of the central or local public institutions is calculated as part of the airtime of the electoral subject

* Amended by Law no. 74/2012, dated 19 July 2012.

that the head of the institution adheres to when this activity is for electoral purposes. An activity is for electoral purposes when it aims to promote the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject.

4. To cover the activities of the non-parliamentary parties, the Public Radio and Television applies the professional criteria for news. The airtime allocated to them shall be no more than the airtime allocated to the parliamentary parties, which have obtained no less than 20 per cent of the seats in the Assembly.

5. Propaganda, political comments or political stances by journalists of the Public Radio and Television are prohibited during the news editions.

6. In case of violation of the requirements specified in this article, the CEC, depending on the case and the level of responsibility, fines the journalist who has prepared the report with ALL 20,000, the editor responsible with ALL 30,000, the News Director with ALL 35,000 and the Director General with ALL 60,000.

7. The CEC decision constitutes an executive title and is implemented by the Finance Directorate of the Public Radio and Television. An appeal against the decision does not suspend its execution.

Article 82

Free airtime for the CEC

In addition to the time provided under letter “a” of point 1 of article 80 of this Code, the CEC is provided with a total of 90 minutes of free time for voter information by the Public Radio and Television each year. This airtime is to be determined in accordance with letter “a” of point 1 of article 80 of this Code.

Article 83

Broadcasting schedule

1. No later than 30 days before the election date, the Steering Council of the Public Radio and Television, based on the information on registered parties provided by the CEC, determines the time

available for each party and, under the supervision of the CEC, draws lots for the allocation of time slots to each registered party.

2. The airtime provided to political parties is allotted in the time slot from 18⁰⁰ to 22⁰⁰ of each day of the electoral campaign until 24 hours before the beginning of the voting.

Article 84^{*}

Electoral campaign on private radio and television stations

1. Private radios and televisions cover the electoral campaign only during normal and special news editions. Private radios and televisions shall not allocate airtime to political subjects for their electoral campaign. Electoral campaign information prepared and transmitted during the news editions based on the materials made available by the electoral subjects should be clearly identifiable in compliance with the CEC instructions.

2. During normal and special news editions, private radios and televisions shall respect the following conditions:

a) the political airtime of the news editions is divided on time ratios as established by point 1 of article 81 of this Code. In case the coverage ratios are violated in favour of one party, the CEC, on its own initiative or upon the proposal of the CEAZs, fines the local radio/television with ALL 1,500,000 and the national radio/television with ALL 3,000,000. The CEC decision constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. If the violation is repeated, the CEC orders the National Council of Radio and Television (NCRT) to debar the transmissions of that radio/television broadcaster for 48 hours, starting no later than 18⁰⁰ of the following day;

b) the airtime covering activities of the central or local public institutions shall be calculated as part of the airtime allocated to the electoral subject that the head of the institution adheres to when this activity has electoral purposes. An activity has electoral purposes when it aims to promote the institutional achievements, investments, inaugurations or the progress in public works or when it promotes specific aspects of the electoral programme of the electoral subject;

* Amended by Law no. 74/2012, dated 19 July 2012.

c) to cover the activities of non-parliamentary parties and candidates proposed by voters, private radios and televisions apply professional criteria for news;

ç) propaganda, political comments or stances by journalists are prohibited during news editions. In the case of a violation, the CEC fines the local radio/television with ALL 1,000,000 and the national radio/ television with ALL 2,500,000. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution. If the violation is repeated, the CEC orders the NCRT to debar the transmission of the local radio/ television broadcaster for 48 hours, starting no later than 18⁰⁰ of the following day.

3. Private radios and televisions have the right to organize electoral debates between the competing political parties or candidates. In these debates, the private radio/television broadcasters shall preserve the balance between the political parties participating in the debate.

In the case of violations, the CEC orders the NCRT to debar the transmission of the radio/television broadcaster for 48 hours, starting no later than 18⁰⁰ of the following day.

4. Only those electoral subjects registered for elections are entitled to broadcast political advertisements during the electoral period on private radio, television or audio-visual media, be they digital, cable, analogue, satellite or any other form or method of signal transmission. Political advertisements of electoral coalitions are calculated within the time of the political parties that are members of the coalition according to an individual agreement between each party and the radio/television broadcaster. The political advertisement shall clearly identify the commissioning subject. If the political advertisement does not clearly identify the commissioning subject, the CEC orders the immediate suspension of its transmission until its verification according to this point.

5. The total airtime for political advertisements during the entire election campaign on each private radio and television station may not exceed 90 minutes for each party registered in elections. In any case, radio/television broadcasters apply the same fees for the same time slot throughout the campaign. Five days before the beginning of the electoral campaign, the radio/television broadcasters shall submit the fees for each time slot to the CEC. The fees are published on the official website of the CEC.

6. For elections to the Assembly, private national and satellite radios and televisions that accept paid advertisements in accordance with this article are obliged to make available to the electoral subjects, free of charge, half of the total airtime for advertisement provided for in point 5 of this article. The cost for making the free airtime available to the electoral subjects by private radio/televisions is calculated as a deductible expense for taxation purposes. The CEC, the NCRT and the Minister of Finance are responsible for issuing the respective instructions.

7. Political advertisements of electoral subjects are broadcast from 15⁰⁰ to 18⁰⁰ and from 21⁰⁰ to 24⁰⁰ of the daily programme.

8. Advertisements for candidates for mayors of local government units are included in the time of the political subject they represent.

9. Private radios and televisions make available extra airtime for the advertisements of non-parliamentary parties and candidates proposed by the voters, in addition to the airtime applied according to point 5 of this article. The airtime for the advertisements of each non-parliamentary party and candidates proposed by voters shall not exceed 10 minutes for the entire electoral campaign. For non-parliamentary parties and candidates proposed by the voters, the same rates as for parliamentary parties as well as the same criteria for the free time in accordance with point 6 of this article shall be applied. In the case of a violation, the CEC fines the local radio/television broadcaster with ALL 2,000,000 and the national radio/television broadcaster with ALL 3,500,000. The decision of the CEC constitutes an executive title and is executed by the bailiff's office. An appeal against the decision does not suspend its execution.

In case of a violation, the CEC orders the NCRT to debar the transmission of the local radio/television broadcaster for 48 hours, starting no later than 18⁰⁰ of the following day.

10. Advertising by central and local public institutions, 60 days before the Election Day, is prohibited, unless it serves to raise the voter awareness on aspects of the electoral process or other announcements envisaged by law.

Article 84/1^{*}

Coverage of the electoral campaign in local elections

1. In elections for local government bodies, a political party registered as an electoral subject has the right to ask the CEC to approve by a decision the ratios of the time allotted to the respective electoral subject according to articles 80, 81 and 84 of this Code, according to the proposal of the subject itself. The party has the right to determine the time ratio allotted for covering the campaign for the councils and the campaign of its candidates for mayors of local government units. The respective request is filed with the CEC no later than 15 days before the beginning of the electoral campaign.

2. The CEC publishes the time allocation for each electoral subject on its official website. These time allocations are applied by the radio/ television broadcaster no later than 10 days before the beginning of the electoral campaign.

Article 85^{**}

Electoral campaign monitoring

1. The CEC, 40 days before the starting of the electoral campaign, shall establish a Media Monitoring Board, which has the duty to monitor the implementation of the provisions of this Code on the electoral campaign by public and private radio and television broadcasters. The Media Monitoring Board exercises its activity in the entire electoral territory. In order to perform its monitoring, the Board uses the NCRT's technical capacities. For local broadcasters that cannot be covered by the monitoring tools of the NCRT, local monitors are appointed. Board local monitors are placed at the CEAZ where the radio/television broadcaster to be monitored has its broadcasting station. No later than three months prior to the election date, the CEC and the NCRT sign a memorandum of understanding on the rules, modalities and time limits for the use of the technical capacities of the NCRT for the purposes of monitoring.

* Added by Law no. 74/2012, dated 19 July 2012.

** Amended by Law no. 74/2012, dated 19 July 2012.

2. The Board presents its report on its monitoring conclusions for the previous day to the CEC on a daily basis. The report is to be accompanied, on a case-by-case basis, with proposals for administrative sanctions. The Board, collegially or each of its members, has the right to propose the taking of administrative measures. Local monitors report to the CEAZ where they are located. A copy of the report, together with the opinion of the CEAZ, is sent immediately to the Media Monitoring Board and becomes part of the daily report to the CEC.

3. Complaints of electoral subjects are examined together with the report of the Media Monitoring Board.

4. The CEC examines the reports of the Media Monitoring Board no less than once a week. The CEC makes a decision on the reports every time administrative measures are proposed. The CEC decisions may be appealed in accordance with the procedures provided for in this Code.

5. Abrogated

6. Public and private radios and televisions are obliged to record all their broadcasts during the period of the electoral campaign. These recordings are retained for a period of three months after the conclusion of elections and are made immediately available to the commission on the request of the CEC.

Article 85/1^{*}

Establishment of the Media Monitoring Board

The Media Monitoring Board is composed of 7 members. Each of the CEC members appoints one Media Monitoring Board member from the list proposed by national non-for-profit media organisations, according to the following procedure:

a) no later than 4 months before the beginning of the electoral campaign, the CEC asks the District Court of Tirana a list of non-for-profit organizations that operate in the media sector, which have been registered at least 1 year before the date of the upcoming elections;

b) no later than 80 days before the beginning of the electoral campaign, the CEC sends to the non-for-profit organizations, which are identified according to letter “a” of this article, a request to propose members for the Media Monitoring Board;

* Added by Law no. 74/2012, dated 19 July 2012.

c) within 30 days from the request of the CEC, each of these non-for-profit organizations proposes no less than three candidates for board members. The proposed candidates shall be journalists, analysts or media researchers, by profession or experience;

ç) no later than 45 days before the beginning of the electoral campaign, each member of the CEC chooses one name from the submitted proposals, according to letter "c" of this article, for the board member, and presents it to the CEC. The CEC approves the Media Monitoring Board in compliance with the deadline of point 1 of article 85. In case a vacancy arises in the board, the respective member of the CEC immediately proposes to the CEC for a new member of the board one of the names in the proposed list, according to letter "c" of this article.