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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**AMENDMENTS  
TO THE CONSTITUTION  
OF THE REPUBLIC OF ALBANIA**

**Adopted on 21 April 2008  
by the Assembly  
of the Republic of Albania**

**REPUBLIC OF ALBANIA  
ASSEMBLY**

**DRAFT LAW**

**No. \_\_\_\_\_, dated \_\_\_\_\_**

**ON SOME CHANGES TO THE LAW NO. 8417, DATED 21 OCTOBER 1998  
“CONSTITUTION OF THE REPUBLIC OF ALBANIA”, AMENDED**

In reliance to articles 83, point 1 and 177 of the Constitution, upon the proposal of more than one-fifths of the members of the Assembly,

ASSEMBLY  
OF THE REPUBLIC OF ALBANIA

DECIDED:

The law no. 8417, dated 21 October 1998, “Constitution of the Republic of Albania”, amended, be amended as follows:

**Article 1**

Article 64 is amended as follows:

“Article 64

1. Assembly is composed of 140 deputies, elected on proportional system with multi-names electoral zones.
2. The multi-name electoral zone corresponds to the administrative division of one of the levels of the administrative-territorial organization.
3. Criteria and rules on the implementation of the proportional electoral system, on the determination of electoral zones and on the number of seats to be obtained in each electoral zone shall be defined by the law on elections.”

**Article 2**

Article 65 is amended as follows:

“Article 65

1. The Assembly is elected every four years. The mandate of the Assembly starts with its first meeting after the election and ends on the same date, of the same month of the fourth year from the date of the first meeting. In any case, the Assembly remains on duty until the first meeting of the newly elected Assembly.
2. Elections for the new Assembly are held in the nearest electoral period that precedes the date of the termination of the mandate of the Assembly. Electoral periods and the rules for holding the elections for the Assembly are determined by the law on elections.
3. If the Assembly is dissolved prior to the termination of its full mandate, elections are held no later than 45 days after its dissolution.
4. The Assembly may not approve laws during the period 60 days prior to the termination of its mandate until the first meeting of the new Assembly, except in cases when extraordinary measures have been imposed.”

### **Article 3**

Article 67 is amended as follows:

“Article 67

1. The President of the Republic convenes the newly elected Assembly not earlier than the date of the termination of the mandate of the preceding Assembly, but no later than 10 days after such mandate has expired. If the preceding Assembly has been dissolved before the termination of its mandate, the President of the Republic convenes the new Assembly not later than 10 days from the announcement of the election results.
2. If the President of the Republic does not exercise such a competence, the Assembly convenes itself on the tenth day of the period of time provided in point 1 of this Article.

### **Article 4**

Article 68 is amended as follows:

“Article 68

1. Candidates for deputies shall be presented at the level of the electoral zone by political parties, electoral coalitions of political parties as well as by voters. A candidate may be presented by only one of the proposing subjects according to this section. The ranking of the candidates in the multi-name lists may not be changed after the submission of the list to the respective electoral commission. The rules for the registration of the candidates for deputies are determined by the law on elections.
2. The law on elections shall also determine other necessary criteria and rules on the organization and conduct of elections, including those on registration of voters, conduct of electoral campaign, administration, validity of elections and declaration of their results.

### **Article 5**

Article 87 is amended as follows:

“Article 87

- “1. A candidate for President is proposed to the Assembly by a group of not less than 20 MPs. One MP is not allowed to propose more than one candidate at the same time.
2. The President of the Republic is elected by secret vote and without debate by the Assembly. The Assembly conducts up to five voting for the election of the President. The first voting takes place not later than seven days from the beginning of the procedure for the election of the President. Each of the other voting takes place not later than seven days from the unsuccessful completion of the preceding voting. A voting is deemed as completed even when no candidates are running in the competition. New candidates may run in the second, third and fourth voting, in accordance with the conditions of point 1 of this article.
3. The President is elected in the first, second or third voting when one candidate receives not less than three-fifths of the votes of all the members of the Assembly. In the fourth and fifth voting, the candidate that receives more than half of the votes of all the members of the Assembly is elected President.
4. The fifth voting takes place when none of the candidates receive the required majority of votes in the fourth voting. The fifth voting takes place only between the two candidates who have received the highest number of votes in the fourth voting. If there are more than two candidates with the same number of votes, the candidate who will run in the voting shall be determined by lot.

If, after the fourth voting, there are no candidates left to compete, new candidates may run in this voting in accordance with the conditions of point 1 of this article. If more than two candidates are proposed to run, the voting takes place between the two candidates that have ensured the highest number of the proposing MPs.

5. If, even after the fifth voting none of the candidates has received the required majority of votes, or if after the unsuccessful completion of the fourth voting no new candidates are proposed, the Assembly is dissolved. The new elections take place within 45 days from its dissolution.

6. The subsequent Assembly elects the President of the Republic by a majority of all its members.”

### **Article 6**

Article 88 is amended as follows:

“Article 88

Point 2 is reformulated as follows:

“2. The mandate expires on the same date, of the same month of the fifth year from the date the President of the Republic takes his oath. The mandate of the President is extended only in case of war, and for as long as the war continues.”

2) Point 2/1 is added after point 2 with the following content:

“2/1. The procedure for the election of the President begins not later than 60 days before the termination of the preceding presidential mandate. When the presidential mandate terminates during the six months preceding the end of the mandate of the existing Assembly, the procedure for the election of the President starts no later than 60 days prior to the termination of the mandate of the Assembly.”

### **Article 7**

Article 104 is amended as follows:

“Article 104

“1. The Prime Minister is entitled to present to the Assembly a motion of confidence towards the Council of Ministers. If the motion of confidence is voted by less than half of all the members of the Assembly, the Prime Minister, within 48 hours from the voting of the motion, requests the President of the Republic to dissolve the Assembly.

2. The President dissolves the Assembly within 10 days from the receipt of the request. A request for a motion of confidence may not be presented while a motion of no confidence is being examined according to article 105.

3. The voting of the motion may not take place unless three days have passed from its submission.”

### **Article 8**

Article 105 is amended as follows:

“Article 105

“1. One-fifths of the Members of Parliament is entitled to present for voting to the Assembly a motion of no confidence towards the incumbent Prime Minister, by proposing a new Prime Minister.

2. The Assembly may vote a motion of no confidence towards the Prime Minister only by electing a new Prime Minister with the votes of more than half of all the members of the Assembly.
3. The President of the Republic decrees the dismissal of the incumbent Prime Minister and the appointment of the elected Prime Minister not later than 10 days from the voting of the motion at the Assembly.”

#### **Article 9**

Article 149 is amended as follows:

“Article 149

“a) Point 1 is reformulated as follows:

“1. The General Prosecutor is appointed by the President of the Republic with the consent of the Assembly, for a five-year mandate, with the right to be reappointed.”

b) Point 4 is amended as follows:

“4. The General Prosecutor reports to the Assembly on the status of criminality.”

#### **Article 10**

Part 12 of the Constitution “Central Elections Commission” is abrogated.

#### **Article 11**

This law enters into force 15 days after its publication in the Official Journal.

**SPEAKER**  
**Jozefina Topalli (Çoba)**