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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ALBANIA

LAW No. 54/2019

ON THE LEGISLATIVE INITIATIVE OF VOTERS

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Pursuant to articles 78, 81, paragraph 1, and 83, paragraph 1, of the Constitution, on the proposal of members of the Parliament,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

D E C I D E D:

Article 1

Purpose and scope of the law

1. This law establishes the procedures for exercising the legislative initiative of voters in the Republic of Albania, provided for in the Constitution of the Republic of Albania.
2. The legislative initiative of voters aims at their involvement in decision-making processes and is implemented through the proposal of draft laws.

Article 2

Fundamental Principles

1. Any restrictions on participating in the process of proposing draft laws are prohibited, pursuant to the applicable legislation on protection from discrimination.
2. The process of legislative initiative takes place in respect of human rights, in particular the right to freedom of association, freedom of expression, freedom of the press, freedom of movement within the territory of the Republic of Albania, and the right to be informed.

Article 3

Definitions

1. "Deadline" is the time calculated in working days, within which the procedures provided for in this law are carried out.
2. "Signature Collection Forms" are standard forms for collecting signatures of supporters of the initiative, approved by the Central Election Commission, in accordance with the provisions of this law.
3. "Signature collection team" is the structure responsible for collecting signatures supporting the initiative, in both public and private premises.
4. "Memorandum of Understanding" is the preliminary agreement between civil society organizations or between the latter and the citizens who support the initiative, which sets out the rules for coordination and progress throughout the initiative process, up until the initiative is submitted before the Albanian Assembly.
5. "Signature Collection Premises" are public or private facilities, with a specific address and number, where the process of collecting signatures supportive to the initiative is carried out.
6. "Legislative Initiative of voters" is the written proposal of a draft law, signed by at least 20,000 voters, directed to the Assembly of Albania.

7. “The Delegation / Representative Committee of the Initiative” are the structures representing the initiators in all their activities before other citizens, institutions, and the Assembly of Albania.

8. “Registration of the legislative initiative of voters” is the formal registration process of the initiative by the Central Election Commission, upon submission of a request by the Delegation / Representative Committee of the Initiative.

9. “Signature verification” is the verification process of the signature forms, electronic signatures, as well as the data of the supporters of the initiative, carried out by the Central Election Commission, in accordance with the provisions of this law.

10. “Voter” is any citizen with the right to vote, according to Article 45 of the Constitution of the Republic of Albania.

11. “Assisted Voters” are supporters of a legislative initiative, who due to physical disabilities are assisted by family members or other nationals, in order to express their support towards the initiative.

Article 4

The right to legislative initiative

1. Every voter can participate and enjoy equal rights in the legislative initiative process.
2. In any case, the legislative initiative shall be signed by at least 20,000 voters, in accordance with the procedures provided for in this law.

Article 5

Drafting and proposing the legislative initiative

1. Voters exercise their right to legislative initiative by drafting and proposing a draft law to the Albanian Assembly.
2. The draft law proposed in the Assembly shall be drafted in accordance with the Constitution, the rules set forth in the Regulation of the Albanian Assembly, as well as the legal standards for drafting of normative acts.
3. The Assembly shall consider the legislative initiative of the voters in accordance with the provisions of the Regulation of the Assembly.
4. In case of non-approval by the Assembly, the legislative initiative may be submitted again for consideration, but not earlier than six months after the date of non-approval.

Article 6

The Delegation / Representative Committee of the Legislative Initiative of voters

1. Voters who initiate a legislative initiative are represented by the Delegation / Representative Committee.
2. Where the legislative initiative is initiated by individuals, they shall elect a representative of the initiative.

3. Where the legislative initiative is initiated by one or more civil society organizations, the initiative shall be represented by a representative committee, with each of the organizations having the right to appoint a representative.
4. Where the legislative initiative is initiated by individuals in collaboration with civil society organizations, the representation is carried out by the initiative's representative committee, which consists of one to three members elected by the group of individuals, as well as one representative for each civil society organization.
5. The Delegation / Representative Committee is responsible for:
 - a) Initiating and running the entire process of voters' legislative initiative;
 - b) Coordinating and communicating with responsible institutions;
 - c) Respecting the voters' right to information;
 - ç) Representing the interests of the initiators in relation to third parties.
6. The Delegation / Representative Committee, on behalf of the initiators, shall submit a draft law to the Assembly of Albania, which may be withdrawn prior to its adoption in plenary session.
7. The Delegation / Representative Committee informs the public about the purpose and content of the initiative, public activities that will be conducted to promote it, rules of organization for the representatives of the initiative and its supporters, and any other information deemed necessary to inform the public.
8. The Delegation / Representative Committee may publish on the initiative's official website or other public information means, lists of signature collection groups, their respective meeting places, as well as data containing standard forms approved by the Central Elections Commission, pursuant to Article 10 of this Law.

Article 7

Funding

1. The expenses for the preparation of the signature collection forms and the collection of the signatures of voters are borne by the Delegation / Representative Committee of the Legislative Initiative.
2. The initiators shall determine in advance the manner of covering the expenses referred to in paragraph 1 of this Article, as well as any other expenses necessary for the legislative initiative, through the Memorandums of Understanding.
3. The sources and extent of funding the legislative initiative are periodically made public on the initiative's official website, and the final report on the funding of the initiative is published no later than the day the initiative is submitted to the Assembly.

Article 8

Designation and approval of signature collection premises

1. Signatures for a legislative initiative are collected in public or private premises, which are assigned by decision of the head of the respective local government unit, on the proposal of the Delegation / Representative Committee.
2. The head of the local government unit approves the public and private premises where signatures will be collected, applying the rule of having a public / private facility for no more than 5,000 voters.

3. The request for the approval of public and private premises for signature collection is submitted to the head of the local government unit by the Delegation / Representative Committee.
4. The head of the local government unit takes a decision no later than 20 days from the day of submitting the request, pursuant to paragraph 3 of this article.
5. In case the head of the local government unit does not take a decision within the time limit provided for in paragraph 4 of this Article, the signature collection premises shall be determined by the Delegation / Representative Committee. In any case, the design of premises must respect the maintenance of public order and the normal development of the activity of institutions.
6. The location of the signature collection premises shall be made public by the Delegation / Representative Committee, through the legislative initiative's website, as well as on the outside premises of each local government unit.

Article 9

Signature collection teams

1. The signature collection process for the legislative initiative of voters is carried out by signature collection teams, in public and private premises designated under this law.
2. The signature collection teams shall consist of at least two members, who are appointed by the Delegation or Representative Committee, in accordance with the rules set forth in the memoranda of cooperation signed for this purpose.

Article 10

Signature collection forms

1. The Delegation / Representative Committee of the Legislative Initiative of voters submits a written request to the Central Election Commission, in order to be provided with the standard signature collection forms.
2. The Central Election Commission shall adopt by decision the template of the signature collection form and publish it on the CEC's official website, in a downloadable format, within 15 days of the submission of the request, pursuant to paragraph 1 of this Article.
3. The signature collection form contains information on the legislative initiative to be proposed to the Assembly, its purpose and a brief explanation, as well as information on the Delegation / Representative Committee. The signature collection form contains:
 - a) Serial number;
 - b) Generalities of the voter who is supporting the initiative;
 - c) Place and date of birth;
 - ç) The voter's ID card or passport number;
 - d) The column for voters' signatures;
 - dh) the appropriate space for the name and surname of the members of the signature collection team involved in the signature collection process, where they sign for the fact that they have performed this process.
4. Members of the signature collection team shall ensure that citizens sign once and only after completing the information required in paragraph 3 of this article.

5. If due to a physical disability a voter cannot sign, a family member or person assisting him signs the form in his presence, as instructed by him. In this case, the signature collection team shall keep a separate record, sign it and file it at the Central Election Commission, together with the signature collection form.

6. The information on the signature collection form completed by the voter constitutes personal data and is protected under the legislation in force on personal data protection.

Article 11

Special procedures

1. If a voter, for health reasons, is unable to go to the signature collection premises, through the signature collection team, based on a written request submitted by the voter, or the person assisting him/her, receives the form at the place where he/she is located. In any case, the request shall be submitted to the signature collection team no later than 24 hours before the deadline for collection. The request shall be attached to the signature collection form and deposited together at the Central Election Commission.

2. Collection of signatures from voters who are isolated for security reasons, after being considered suspects, are charged or are being tried for a criminal offense, or are serving a sentence, shall be carried out in accordance with the procedure provided in paragraph 1 of this Article, within the security institution, based on the written requests that these persons send to the Delegation / Representative Committee through the administration of the relevant institution.

3. Voters who reside outside the Albanian territory during the collection of signatures may sign the relevant forms in the embassies or consular posts of the Republic of Albania. The place and time of collecting signatures shall be determined by the head of the relevant representative office and shall be notified in a manner that ensures full access to information for Albanian citizens.

4. The Delegation / Representative Committee of the initiative ensures cooperation with other state institutions, in order to facilitate the process of collecting signatures for specific categories of persons supporting the initiative.

Article 12

Collection of electronic signatures

1. The electronic collection of signatures is carried out in accordance with the legislation in force on electronic signing, electronic document and the one on electronic identification and trusted services.

2. The collection of electronic signatures shall, as far as possible, comply with the requirements of Article 10, paragraph 3 of this law for the data contained in the signature collection form.

Article 13

Signature collection deadline

1. The Central Election Commission, within 15 days from the submission of the written request of the Delegation / Representative Committee for providing signature collection forms, shall determine, upon the proposal of the Delegation / Representative Committee, the time period

during which the process of collecting signatures, in public and private premises, as well as electronic signatures takes place.

2. Signature collection forms are submitted to the Central Election Commission by the Delegation / Representative Committee no later than five days after the end of their collection process, together with the accompanying documentation of voters, who could not sign in public premises, the records of initiative support groups for voters who, due to physical disabilities, cannot sign on their own, and the electronically collected signatures, in accordance with applicable legislation.

Article 14

Signature verification

1. The Central Election Commission shall verify the signatures, as well as the accuracy of the identification documents of the supporters of the initiative, in accordance with the procedures provided for in the Electoral Code for signature verification and the legislation in force for electronic signature, within 30 days of their submission, and shall take one the following decisions:

- a) registers the legislative initiative of voters;
- b) sets a deadline for correcting signature inaccuracies;
- c) refuses to register an initiative if verification shows that the number of initiators who supported it by depositing their identities and signatures, is less than 20,000 voters.

2. If applicable, the Central Election Commission may request additional information from central and local institutions, and may consult experts.

3. In case of discrepancies in the information contained in the forms, the Central Election Commission shall return them to the Delegation / Representative Committee, seeking to correct them within 20 days from the date of return.

4. After the return of the revised forms, the Central Election Commission re-performs the relevant verifications and within 2 days, notifies the Delegation / Representative Committee of the legislative initiative.

5. In case of refusal to register the initiative or signature forms, and in case of seeking a revision, the decision of the Central Election Commission shall be reasoned.

Article 15

Submission of the legislative initiative to the Assembly

The complete draft law together with the report that describes and analyses the purpose it seeks to achieve and which justifies the financial costs for its implementation, as well as the decision of the Central Election Commission on the registration of the legislative initiative of voters, shall be submitted to the Albanian Assembly by the Delegation / Representative Committee, in line with the procedures set forth in the Regulation of the Assembly.

Article 16

Appeal against the decision of the Central Election Commission

Against the decision of the Central Election Commission, which refuses to register the signature forms or the initiative, the Delegation / Representative Committee of the initiative may file an appeal before the administrative court.

Article 17

Penalties

1. Violation of procedures and deadlines related to the collection of signatures and registration of the initiative by responsible persons constitutes an administrative offense and is punishable by a fine of 50,000 to 100,000 ALL.
2. When persons charged by this law with the collection of signatures include false data, they shall be held criminally liable under the provisions of the Criminal Code.
3. The Central Election Commission considers administrative violations according to the procedures provided in the Code of Administrative Procedures.
4. The decisions of the Central Election Commission may be appealed before the administrative court.

Article 18

Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal.

S P E A K E R

Gramoz RUÇI

Approved on 18.07.2019