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Elections in Kosovo

November 3 Local Elections

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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Table of Contents

| | |
|--|---|
| Who will Kosovars elect on November 3, 2013? | 1 |
| What is the political situation and why are these elections significant?..... | 1 |
| What is the structure of the government? | 2 |
| Who manages the electoral process in Kosovo? | 2 |
| How are local elections organized? | 3 |
| How many registered voters are there and who is eligible to vote?..... | 3 |
| How many polling centers and polling stations are set up on Election Day? | 4 |
| What is the gender balance within the candidate list? | 4 |
| Is out-of-country voting allowed?..... | 5 |
| How will voters with disabilities or special circumstances cast their ballots? | 5 |
| What is the counting and tabulation process? | 6 |
| When will the results be announced? | 6 |
| How will election disputes be adjudicated? | 6 |
| Who can observe during Election Day? How can they get accreditation? | 7 |
| Resources | 8 |

Disclosure:

These FAQs reflect decisions made by the Kosovar election authorities as of November 1, 2013, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

Who will Kosovars elect on November 3, 2013?

Local elections will be held on November 3, 2013, during which voters will cast their ballot for municipal mayors and municipal assembly deputies in all 38 districts of Kosovo. A total of 103 political entities have been certified to run in these elections, including political parties, coalitions and individual candidates. The campaign period was between October 3 and November 1.

Run-off elections will be held on December 1 in municipalities where no mayoral candidate obtains 50 percent plus one of all votes in the first round.

For municipal assembly elections, voting is done through an open list proportional representation system, in which voters select a political party. Parties are then allocated seats in proportion to their share of votes.

What is the political situation and why are these elections significant?

The 2013 municipal elections will be the first elections held throughout the whole of Kosovo, including the four Serbian-populated municipalities north of the Ibar River.

In February 2008, Kosovo unilaterally declared independence from Serbia. The Serbian government refused to recognize this declaration. The municipalities north of the Ibar River have a Serbian majority, and have historically refused to participate in elections.

An internationally-backed agreement regarding the status of recognition and the relationship between Serbia and Kosovo was signed in April 2013. This agreement calls for local elections – for the first time – in these northern municipalities. Both Kosovar and Serbian officials have publicly called for Kosovar Serbs to participate in the upcoming electoral process. The agreement provides that elections will be organized in accordance with Kosovo's electoral legal framework and facilitated by the Organization for Security and Co-operation in Europe (OSCE). As part of the process, the European Union will conduct an international observation mission and has signed a memorandum of understanding with the Central Election Commission to accomplish this.

In accordance with the April 2013 agreement, a new Association of Serb-Majority Municipalities will be formed following the elections. This will include the four northern municipalities, with the possibility of other Serb-majority municipalities elsewhere in Kosovo joining the association.

What is the structure of the government?

Kosovo is a multi-party parliamentary democratic republic. The Prime Minister is the head of government and the President, elected by the Assembly of Kosovo, is the Head of State. Executive power is held by the Prime Minister, and legislative power is held by the Assembly of Kosovo. The judiciary is independent of the executive and legislative branches.

The Prime Minister is elected by the Assembly. Ministers are nominated by the Prime Minister and then elected by the Assembly. Regulated by the constitution, the Assembly of Kosovo is composed of 120 members elected for four-year terms. Of these members, 100 are directly voted into the Assembly; the remaining 20 seats are reserved for Kosovo's minority populations.

The Assembly passes all laws in Kosovo; ratifies international treaties; appoints the President, Prime Minister, ministers and justices of all courts; adopts the budget; and performs other duties established by the constitution.

At the local level, Kosovo is organized into 38 municipalities, each governed by a municipal mayor and a municipal assembly. Municipal responsibilities include, but are not limited to, overseeing the management of public services and utilities, as well as providing public primary health care, education, public housing and economic development.

All municipalities where the majority of the population is Serbian have additional powers over the appointment of local police commanders, as well as religious and cultural heritage sites within their boundaries. Some of these municipalities have powers related to universities and health care, which are usually the responsibilities of the national government.

Who manages the electoral process in Kosovo?

There are three levels of election management bodies in Kosovo: the Central Election Commission (CEC), the Municipal Election Commission (MEC) and the Polling Station Committee (PSC). Each body has its own management structure and responsibilities.

- **Central Election Commission (CEC)** – The CEC is composed of 11 members, including the Chair. The Chair of the CEC is appointed by the President of Kosovo from among the Supreme Court judges. The other members of the CEC are representatives of political entities that have seats in the Assembly of Kosovo. The main responsibilities of the CEC are to prepare and publish electoral rules; certify political entities; maintain the voter list; accredit observers; conduct voter education activities; establish municipal election commissions and polling station committees; and announce and certify election results.

- **Municipal Election Commission (MEC)** – The MEC is appointed by the CEC within 15 days of the announcement of an election, and is disbanded 15 days after election results are confirmed. It is composed of at least seven members. The MEC Executive Officer, who is a full time CEC employee, serves as Chair. Other members of the commission represent political entities. The MEC is responsible for administering the election within its municipality and ensuring the legality, legitimacy and efficiency of the electoral process.
- **Polling Station Committee (PSC)** – During the election period, PSCs are also established. As per Article 74.1 of the Law on General Elections in Kosovo, “Composition of Polling Station Committee (PSC) reflects the structure of members of MEC.”¹ PSC members are nominated to the MEC by certified political entities, nongovernmental organizations and other civic organizations, and are appointed by the CEC. PSCs are responsible for the administration of the voting process on Election Day; opening and closing of the polls; and counting of ballots.

How are local elections organized?

Each municipality is considered a single electoral zone. Mayoral candidates are elected directly by voters registered in the municipality. For municipal assemblies, an open list of candidates for each municipality must be submitted by political entities to the Central Election Commission (CEC) for approval, and at least 30 percent of candidates must be from the opposite gender. Voters will receive the two ballots described below.

- **Ballot for Municipal Assembly:** While voting for the municipal assembly, voters must vote for a political entity and may also vote for one candidate from that political entity’s candidate list. If a ballot is marked for more than one candidate, only the political entity indicated is counted.
- **Ballot for Municipal Mayor:** Voters may vote for one mayoral candidate. A candidate is elected if he or she received 50 percent plus one vote of the total valid votes cast in that municipality. If none of the candidates receives 50 percent plus one of the total votes, a run-off election is held between the two candidates who received the most votes. The candidate that wins in the run-off election is elected mayor.

How many registered voters are there and who is eligible to vote?

The final voter list was certified by the Central Election Commission (CEC) and was released on October 18, 2013. A total of 1,779,357 citizens, separated into 38 municipalities, have been approved to vote. This is an 11.72 percent increase in voters from the 2010 national elections.

¹ Article 73.1 Law on General Elections.

Every citizen of Kosovo who is 18 or older on Election Day has the right to vote as long as he or she satisfies at least one of the following criteria:

- Is registered as a citizen of Kosovo in the Central Civil Registry.
- If residing outside Kosovo, left on or after January 1, 1998, provided he or she meets the criteria for being a citizen.
- Obtained refugee status, as defined in the Convention Relating to the Status of Refugees on or after January 1, 1995, and is eligible to be registered in the Central Civil Registry.

Persons serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia; who are under indictment and have failed to appear before the Tribunal as ordered; or who have been declared mentally incompetent by a final court decision are barred from voting.

If a person has a valid form of ID, but their name cannot be found on the final voter list, that person may cast a conditional ballot. Conditional ballots are not counted in the polling stations, but are reviewed for eligibility at the Count and Results Center. If eligible, they are tabulated and added to final vote counts for the relevant municipality.

How many polling centers and polling stations are set up on Election Day?

The Central Election Commission has established 798 polling centers and 2,366 polling stations across Kosovo.

What is the gender balance within the candidate list?

Kosovo has a 30 percent quota for women in municipal and national assemblies.

According to the Law on Local Elections and Central Election Commission (CEC) regulations, a political entity submits a list of candidates for the municipality/municipalities in which it intends to run for the municipal assembly. Each candidate list must have at least 30 percent of its certified candidates be of the opposite gender to be approved by the CEC.

Within each party that wins seats in the municipal assembly, approximately 30 percent of seats won by a political entity in a municipal assembly must be allocated to minority gender candidates. If a gender is underrepresented through Kosovo's open list proportional representation system for municipal assemblies, candidates of the minority gender will be given priority in seat allocation until the 30 percent minimum quota is met.

Is out-of-country voting allowed?

Yes. Out-of-country voting will be conducted in this election. Eligible voters residing outside of Kosovo who are not currently registered as an out-of-country voter were able to apply to vote by mail by September 4, 2013. Each application is reviewed by the Central Election Commission (CEC) for eligibility. To be eligible to vote outside of Kosovo, a person must prove his or her identity; be at least 18 years old on Election Day; and be registered in the Civil Register of Kosovo or can prove eligibility through other documentation.

If a person has registered to vote by mail in a previous election, or is registered at the Civil Registration Agency, then he or she must only prove their identity to be included in the list of voters outside of Kosovo. If eligibility is approved, ballots will be sent to the voter prior to the election, and must be returned to the CEC by midnight two days before Election Day.

If an application is rejected, citizens have the right to appeal the decision to the Electoral Complaints and Appeals Commission (ECAP). Where appeals are not upheld by ECAP, citizens have the right to further appeal to the Supreme Court.

How will voters with disabilities or special circumstances cast their ballots?

The Law on General Elections states that “No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.”

The Central Election Commission (CEC) is required to ensure persons with disabilities are provided with a way to participate in the electoral processes in Kosovo. Polling stations must be located in accessible places.

The CEC is also required to establish voting programs that provide access for homebound voters and voters confined to an institution, such as those who are hospitalized, in designated homes for the elderly, inmates in prisons or detainees in detention centers. The CEC is also obligated to ensure that voter education campaigns target rural, disabled and illiterate voters.

Citizens with special circumstances had to register as a voter with special needs for the municipal elections between September 4 and October 19.

What is the counting and tabulation process?

The ballots cast at each polling station are tabulated at the polling station, and all materials from each station within a polling center are sent to municipal election commissions (MECs). From the MECs, all polling station materials will be delivered to the central Count and Results Center (CRC), where the results from each polling station are compiled. After ballot boxes are delivered to the CRC from each MEC, reconciliation and results forms from each polling station are tabulated for the mayoral and municipal assembly election in each municipality.

Where materials are missing from a polling station – or where there are inconsistencies in the results information provided by a polling station – an investigation is conducted, whose results may resolve the issue or may lead to a recommendation for further action, such as a recount of ballots, to the Central Election Commission (CEC).

Only conditional ballots, by-mail ballots and special needs ballots are counted at the CRC. CRC staff will tabulate results by polling station and generate results for each municipality on behalf of the CEC.

When will the results be announced?

It is expected that results for the mayoral election will be announced around November 7, providing sufficient time to prepare for any second round elections on December 1. Election results for municipal assemblies are expected to be announced later in November.

The Central Election Commission (CEC) will also release unofficial voting results on the CEC website late on Election Day. Operators using tablets will be assigned to polling centers by the CEC, and will electronically transmit polling station results to the CEC as Election Day progresses.

How will election disputes be adjudicated?

Election disputes and electoral complaints are reviewed and adjudicated by the Election Complaints and Appeals Panel (ECAP), a permanent and independent institution established by the Law on General Elections. The 10 members of ECAP include a Chair, who is a judge of the Supreme Court. Other members are judges of district courts.

All eligible voters of Kosovo, representatives of political entities, polling station commissioners and domestic observers have the right to file a complaint. Complaints must contain the complainant's details and signature; a description of the alleged violation; its date, time and location; and have any relevant supporting documentary, video or audio evidence attached.

Complaints related to the campaign must be submitted within 72 hours of the occurrence. Election Day complaints must be submitted within 24 hours after the polls close. Complaints related to counting and results tabulation must be reported within 24 hours of the incident.

If a complaint or appeal is determined valid, ECAP has the capacity to sanction or fine the offender commensurate to the electoral offence.² ECAP imposes stronger fines on political entities, which are represented in the Assembly of Kosovo, than for those that are not. The imposition of a fine or other sanction by ECAP does not preclude any criminal sanction that may be applied³ by other authorities. ECAP's judgments are immediately made available to the public through their website.

Who can observe during Election Day? How can they get accreditation?

Accreditation of individuals for observation of elections in the name of any organization had to be submitted to the Central Election Commission between July 3 and October 3. As of October 28, 27,410 observers for local elections have been accredited, categorized as follows:

| Political Entities | Institutions | Embassies | International NGOs (includes EU) | Local NGOs | Media |
|--------------------|--------------|-----------|--|------------|-------|
| 24,568 | 48 | 202 | 191 | 2,314 | 87 |

² ECAP Rules of Procedure, Article 6.10.

³ Article 120.5 Law on General Elections.

Resources

- April 2013 International Agreement: *New York Times* article ([English](#))
- Constitution of the Republic of Kosovo ([English](#))
- Central Election Commission ([English](#))
- Law on General Elections ([English](#))
- Law on Local Elections ([English](#))
- Election Complaints and Appeals Panel ([Albanian](#))