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Elections in Kosovo

2014 Parliamentary Elections

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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Disclosure:

These FAQs reflect decisions made by the Kosovar election authorities as of June 3, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

Who will Kosovars elect on June 8, 2014?

Kosovars will go to the polls on June 8, 2014, to vote for their representatives in the Assembly of Kosovo. There are a total of 120 seats to be contested by all political parties, coalitions, citizens' initiatives and independent candidates, distributed in proportion to the number of valid votes received. Twenty of these 120 seats are guaranteed for representation of the national minorities and will be contested by parties representing minority communities (Serbian, Turkish, Bosnian, Ashkali, Egyptian and Roma).

While the parliamentary election was initially planned for later in the year, the Kosovo Assembly voted to dissolve on May 7, 2014 and snap elections were called for June 8.

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

The 2014 National Assembly elections follow several months of stalemate during which the opposition was unable to obtain sufficient votes to pass a vote of no confidence in the governing coalition, and the governing coalition was unable to gain enough support to implement key political reforms, including the creation of the Kosovo Armed Forces.¹ The issue of the armed forces, as well as that of varying the arrangements for minority seats, are constitutional changes, and need a two-thirds majority of both majority and minority community representatives in the Assembly to pass.

The issue of armed forces in Kosovo has been a matter of contention both in the Kosovo Assembly, and in Serbia. Belgrade expressed concern at plans to create a conventional military force in Kosovo,² and stated that this would "constitute a violation of the standing UN Security Council Resolution 1244."³

These elections will be the first parliamentary elections to be held in the entirety of the country, including the Serbian communities north of the Ibar River, since Kosovo's 2008 declaration of independence. According to the 2007 Ahtisaari Plan, the June 8 vote will also be a test for minority community political entities: for the first time they will only gain seats according to their proportion of the vote (with a minimum number of seats guaranteed). Previously, the share of the vote obtained by minority community political entities won them seats in open competition *in addition* to their guaranteed seats. In practice, it will be very difficult for most ethnic communities to win more than the guaranteed seats in these coming elections.

¹ Kosovo currently has a lightly armed Security Force, which is mandated to conduct crisis response operations in Kosovo and abroad; civil protection operations within Kosovo; and to assist civil authorities in responding to natural disasters and other emergencies.

² "Kosovo armed forces unacceptable to Serbia". (2014, March 7). *B92*, http://www.b92.net/eng/news/politics.php?yyyy=2014&mm=03&dd=07&nav_id=89549

³ UN Security Council Resolution 1244 required a withdrawal of all military, police and paramilitary forces in 1999, with a limited return of some personnel permitted under the supervision of the international security presence.

The system of 20 guaranteed seats for ethnic minorities will continue as it has in previous elections. The Kosovo Serb community is entitled to a minimum of ten of these seats, the Bosnian community to three, the Turkish community to two, and the Gorani community to one. The Ashkali, Egyptian and Roma communities are all allocated one seat each, with the 20th seat being awarded to the community among these latter three that secured the highest overall vote total.

What is the structure of the government?

The Republic of Kosovo is a multi-party, parliamentary democratic republic. The Prime Minister is the head of government and the President, who is elected by the Assembly of Kosovo, is the head of State. Executive power is headed 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 of Kosovo; ministers are nominated by the Prime Minister and then elected by the Assembly. The Assembly, which is regulated by the constitution, is composed of 120 members directly elected for a four-year term; 20 of these seats are guaranteed 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.

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 Commissions (MEC) and the Polling Station Committees (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 commissions; and announce and certify election results.
- **Municipal Election Commission (MEC):** The MEC is appointed for each election by the CEC, within 15 days of the announcement of the 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, the composition of which reflects that of the corresponding MEC.⁴ PSCs are responsible for the administration of the voting process on Election Day; opening and closing of the polls; and counting of ballots.

What type of electoral system will be used on June 8?

Kosovo is a single, multi-member electoral district with a proportional representation voting system using the Sainte-Laguë method for allocating seats.⁵ Voters may vote for up to five candidates from their selected party list.

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

A total of 1,782,454 citizens, separated into 38 municipalities, are registered to vote in the June 8 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.

⁴ Per Article 74.1 of the Law on General Elections in Kosovo, the composition of the PSC should reflect the structure of members of the MEC.

⁵ The Sainte-Laguë method is used to allocate seats in proportion to the number of votes won by that party.

How many polling stations are set up on Election Day?

The Central Election Commission has established 2,374 polling stations across Kosovo.

What is the gender balance within the candidate list?

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

The Law on General Elections in the Republic of Kosovo states that each political entity must contain at least 30 percent male and at least 30 percent female candidates, with one candidate from each gender included at least once in each group of three candidates, counting from the first on the list.

If candidates of a minority gender within the political entity have not been allocated at least 30 percent of the total seats following seat allocation, the last elected candidate of the majority gender will be replaced by the highest vote winning unelected candidate of the opposite gender until the total number of seats allocated to the minority gender is at least thirty percent.

Is out-of-country voting allowed?

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 May 19, 2014. Each application is reviewed by the Central Election Commission (CEC) for eligibility. To be eligible to vote from 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 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, "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 to ensure access.

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 must register as a voter with special needs from May 20-29, 2014.

What is the counting and tabulation process?

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.

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).

Conditional ballots, by-mail ballots and special needs ballots are counted at the CRC. CRC staff will tabulate results by polling station and generate the national election results, and reports on voting in each municipality on behalf of the CEC.

When will the results be announced?

Results will be certified and announced once the tabulation at the Count and Results Center is complete. There is no legal deadline.

The Central Election Commission (CEC) intends to 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. This preliminary results system is known as K-vote and was inaugurated during the November 2013 local elections.

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.⁶ 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 applied by other authorities.⁷ 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 has to be submitted to Central Election Commission between May 9 and 30, 2014.

Resources

- UNSC Resolution 1244 ([Link](#))

⁶ ECAP Rules of Procedure, Article 6.10.

⁷ Article 120.5 Law on General Elections.