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LOCAL ELECTIONS OF 2013 IN KOSOVO: General Overview and Recommendations on Electoral Reform

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ABBREVIATIONS

AAK	Aleanca për Ardhmërinë e Kosovës / Alliance for the Future of Kosovo
AKR	Aleanca Kosova e Re / Alliance New Kosovo
ACR	Agency for Civil Registration
EU	European Union
EU EOM	European Union Election Observation Mission
DiA	NGO coalition “Democracy in Action”
ENEMO	European Network of Election Monitoring Organizations
EULEX	European Union Rule of Law Mission in Kosovo
GIS	Gradanska Iniciative - “Srpska” - Civil Initiative
IQM	Civil Initiative for Malisheva
KFOR	North-Atlantic Alliance Forces in Kosovo
IMC	Independent Media Commission
CEC	Central Elections Committee
LDD	Lidhja Demokratike e Dardanisë / Democratic League of Dardania
LDK	Lidhja Demokratike e Kosovës / Democratic League of Kosovo
MLGA	Ministry of Local Government Administration
MI	Ministry of Interior
OSCE	Organization for Security and Cooperation in Europe
PDK	Partia Demokratike e Kosovës / Democratic Party of Kosovo
ECAP	Election Complaints and Appeals Panel
CRC	Counting and Results Center
SLS	Samostalna Liberalna Stranka / Independent Liberal Party
SNPK	Srpska Narodna Partija Kosova / Serbian People’s Party of Kosovo
VV	VETËVENDOSJE!

I. INTRODUCTION

No elections have been held under the same electoral system in Kosovo so far, thus, elections have been subject to many experimental changes. The first free elections saw an open-list voting; this was put down for some time only to be reinstated again in the 2007 elections, in which voting was done by choosing up to ten candidates. In the 2010 elections, the candidate list was reduced to five from previously ten, and in the recent local elections this number was reduced to only one candidate. Not only have these frequent changes caused confusion among voters - according to the increasing number of invalid ballots - but they also demonstrate the fragile efforts in reforming the electoral system and in finding the formula to a more legitimate representation.

This is KIPRED's tenth paper on elections and it aims to provide a chronological description of the local elections process of 2013, including the pre-election environment, as well as the effects that the dialogue for the normalization of relations between Kosovo and Serbia has on the elections. The Agreement of April 19, 2013 between the two countries, among others, aimed at holding the first elections in four northern municipalities - inhabited mainly by Serb community - under the laws of the Republic of Kosovo.

The 2013 local elections were held after an election process of 2010 that was characterized by numerous irregularities and manipulation of votes. A record number of local and international observers were accredited to monitor the process, including ones from 103 certified political parties running in the elections, which altogether numbered 30 thousand observers. The first-ever engagement of the State Prosecution; commitment from political parties to a more fair and transparent process; stricter penalties in the Criminal Code regarding election crimes - gave hope for a more orderly process.

In order to improve the electoral system, the Kosovo Assembly created a special committee to amend the Law on General Elections, whose work had been held in suspension due to lack of will on the side of political party leaders in reaching an agreement. Due to this fact, this paper also analyzes the legal framework, as well as the effects on elections from a gender perspective, and concludes with some recommendations on the electoral reform, such as electoral threshold, voting from abroad, as well as some more technical recommendations such as voting booths, which may affect process regularity.

II. LEGAL FRAMEWORK

The primary legislation for the legal framework for elections in Kosovo is defined by the Constitution, Law on General Elections, Law on Local Elections, and the Law on Financing of Political Parties, however, certain parts of the local elections are regulated by the Law on Local Self-Government and the Law on Municipal Boundaries. The Constitution of Kosovo (Article 81) considers the Law on Local Elections and the Law on Administrative Boundaries to be legislation of Vital Interest, the amendment or annulment of which requires a majority vote of the present and voting Assembly members, as well as a majority vote of the members present and voting which hold reserved seats for representatives of non-majority communities. Furthermore, none of these laws is subject to referendum.

The only law that was subject to substantial change in these elections was the Law on Financing of Political Parties, which was actually done only three months before the elections. The most relevant changes to this law include the prohibition of donations from private companies up to three years past the completion of the present working agreement with the institutions of the Republic of Kosovo.¹ Also, these changes addressed the obligation for political parties to have only one bank account and to perform all of their transactions through this account, something which has also been one of the recommendations of the Progress Report of the European Commission for Kosovo for 2012. Now, the law provides for fines as well as tougher sanctions towards parties that do not comply with the legislation.² If parliamentary parties do not submit their annual financial report and those of election campaigns, they are fined 10% of the amount made in the Fund in the prior year, as well as a daily fine of 0.01% of the base amount until the report is submitted. For inaccurate and incomplete information in the balance sheet worth over five thousand euros, they are fined 5 thousand euros. For lacking copies of financial documents, they are fined two thousand euros. For receiving donations which conflict with law, they are fined twice the amount admitted, and if they cannot prove the origin of the funds received for donations worth over 20 thousand euros, they are fined three times that amount. The law also encourages the creation of mechanisms of internal financial control - by forcing political parties to define this in their statutes³ - in order to combat corrupt practices, as well as it encourages the establishment and strengthening of financial management and transparency.

However, these laws only partially and generally regulate the organizing of elections and the activities of political parties, since most of it is done through secondary legislation; through the electoral rules of the Central Election Commission. So far, this institution has issued 17 electoral rules by which it regulates certain aspects of elections, the registration of political parties and due reporting. The CEC consists of 11 members, four of which reserved for the communities, and one member from each of the six largest parliamentary groups represented in the Parliament. The Chair of the CEC is appointed by the President of the Republic of Kosovo, and is elected from 14 judges of the Supreme Court or the Courts of Appeals, thus limiting the selection down to a narrow group of individuals. The current formula for the makeup of the CEC enables an absolute domination of the position in relation to the opposition, and adding to that the four

¹ Law Nr. 03/L-174 on Financing of Political Parties, Section 6.1

² Law Nr. 04/L-212 on the addition and amendment of Law Nr. 03/L-174 on Financing of Political Parties, added and amended by Law Nr. 04/L058, Section 21

³ Ibid, Section 9.1

members that come from communities, which are usually part of the ruling coalition, the ratio between the two parties in most cases is 7 to 3 in favor of the position. The dominance of position in the makeup of the CEC risks that of secondary legislation suiting the interests of the position, whereas proposals from the opposition can easily be blocked. This composition is unsafe for the fact that the CEC enjoys much authority as a result of legal vacuum, but also because most of the CEC decisions are made by simple majority vote,⁴ except when adopting or amending electoral rules.

III. PRE-ELECTORAL POLITICAL CLIMATE

Date of announcement of elections

According to the Constitution and the Law on Local Elections, the election date is announced by the President of the country with a prior consultation with political parties represented in the Parliament. The electoral legislation⁵ provides for local elections to be held 60 days before the end of the term, but no later than 30 days after the term is completed. Previously, there was a general agreement in political debates and amongst public opinion that elections should be held as early as the legal deadline allows.⁶ The final option mentioned was the end of September or beginning of October, in order to avoid the cold and the daylight saving time when day light is shorter. It was proven in the 2010 elections that the greatest manipulations in polling stations happened exactly during evening hours, when there were problems with the electricity supply⁷.

It was the dialogue between Kosovo and Serbia, however, that which was crucial in determining the election date, and not the dialogue between political parties led by the President of the country. In the end, it was Serbian prime minister Ivica Dacic who said a deal had been reached with Kosovo Prime minister Hashim Thaci, and that November 3rd had been set for the local elections in Kosovo. And so it happened, after ten days, President Jahjaga declared that local elections in Kosovo will be held on November 3, 2013.⁸ This act constitutes a negative precedent for the democratic order in Kosovo, since despite the complexity of Serbs in the north participating in the elections, the date was determined by the outcome of the dialogue with Serbia, regardless of the prior consultations with all political parties represented in Parliament.

Removing the logo from ballots

During the dialogue in Brussels between Kosovo and Serbia, Prime-minister Dacic was negotiating on behalf of citizens of Kosovo Serbs and was setting conditions for their participation in local elections. One of these conditions was the removal of Kosovo's state symbols from all election materials in municipalities of Serb majority, on the grounds that this could be interpreted as recognition of Kosovo by Serbia. Also, Belgrade's request for non-uniform ballots in the territory of Kosovo could install a very harmful practice which could pave

⁴ Law no. 03/L-073 on General Elections, Section 63.4

⁵ Law no. 03/L-072 on Local Elections, Section 4.2

⁶ "Local Elections of late-September", Telegrafi. Accessed on November 26, 2013, <http://www.telegrafi.com/lajme/zgjedhjet-lokale-ne-fund-te-shtatorit-2-31491.html>.

⁷ Democracy in Action. Prishtina, 2011. *Report on the monitoring of parliamentary elections 2010*, p.38

⁸ "President Jahjaga's decision to announce local elections in Kosovo". Accessed on November 13, 2013, <http://www.president-ksgov.net/?page=1,6,2942>.

the way for a duality in the legal system of Kosovo, through which the north would be treated as a separate territory.

The request to remove the state emblem from the ballots was accompanied by fierce debates within the CEC, and one of its members - Fadil Maloku, from the AKR - was dismissed by the President following his party's request. The AKR supported the request for dismissal on the grounds that the latter was not protecting the interest of the party in the CEC, while Maloku said that the request for dismissal was made after he opposed the removal of symbols from ballots. Political clashes between members of the CEC had created an unsuitable working environment and the CEC meetings were frequently postponed or called in non-transparent manners, impeding the preparation process for the local elections. In a meeting called by the CEC for September 2, 2013, the invitations for an extraordinary meeting had been sent to its members only a day earlier, at 23:00. The agenda included only one item dealing with a request from the Ministry of Diaspora to extend the period of registration for voters from abroad. It was a seemingly technical requirement and with nothing extraordinary, as it was received earlier, on August 20, and was reviewed in council procedures which consist of CEC members. The CEC had not informed media representatives⁹ of this meeting, trying to keep the meeting concealed. The meeting of the CEC scheduled to be held at 11:00 was delayed for 12:00, and then was canceled altogether, to be re-scheduled for 16:15.¹⁰ The rush of the CEC to hold an emergency meeting and away from media representatives had in fact nothing to do with the request from the Ministry of Diaspora, but with the third item, proposed by the SLS's representative in the CEC, dealing with the approval of the ballot content (Form - Design) for local elections in 2013.¹¹

Finally, in exchange for participation in the elections of the Serb community of the north, on September 2, 2013, the CEC approved ballots without the symbol of Kosovo, respectively with only the logo of the CEC,¹² thus implementing yet another Belgrade's request for which Prishtina agrees to. Symbols were only removed from ballots, since the emblem was already present in all other election materials, including result forms. The decision to remove the symbols from all ballots in the North was followed by fierce reactions from the civil society and by the opposition on the other hand, regarding it as a neutralization of the Kosovo's statehood and a violation of the Constitution.¹³ However, on the other side, Kosovo legislation doesn't clearly define the design of the ballot and the placement of state symbols in the ballots. This decision by the CEC wasn't in essence a severe violation of the law or the constitution, the manner in which this was done was constitutional.

⁹ Law no.03/L-072 on General Elections, Section 11.9, obliges the CEC to keep their meetings open to observers and media representatives

¹⁰ "Ballots without Kosovo symbols, only with CEC logo", Portal Koha. Accessed on November 3, 2013 <http://www.koha.net/arkiva/?page=1,13,157449>.

¹¹ Press Release for the CEC, <http://www.kqz-ks.org/sq/lajme/Details/98>

¹² Ibid

¹³ "Vetëvendosje to take to court CEC's decision on removing symbols", NOA. Accessed on December 5, 2013, <http://www.noa.al/artikull/vetevendosje-do-ta-dergoje-ne-gjykate-vendimin-e-kqz-se-per-heqjen-e-stemes/360591.html>

OSCE's involvement in the North

Item 12 of the April 19, 2013 Agreement between Kosovo and Serbia called on the OSCE mission to facilitate the electoral process in the in northern municipalities of Kosovo in accordance with laws and international standards. It wasn't clear whether the "facilitation" of the electoral process meant that the CEC would be the main management body for organizing elections and that OSCE would have the role of advisory and technical assistant, or, as it happened in reality, OSCE to conduct the whole process in the north with very limited access by the CEC. The lack of an agreement that would define responsibilities has led to a situation in which the CEC did not know how the election preparations were taking place in the north, and sought a report from OSCE regarding preparations being made there.¹⁴ Although members of the CEC publicly and officially sought a report from the OSCE, the latter was reluctant to report about activities and preparations in the north, and a report was not delivered until November 2, one day before Election Day.¹⁵

In the absence of an accurate civil registry for northern municipalities, the representatives of Prishtina and Belgrade agreed for OSCE to assist in the applications collection process for voters outside Kosovo, respectively from Serbia and Montenegro, in order to verify people that have legal right to vote in Kosovo. During the election process, OSCE facilitated voting from abroad for displaced persons¹⁶ - by establishing a collection center located in Nis, and establishing mobile teams to assist displaced persons in voting by mail. Duties of the collection center in Nis included the provision of information on rules and procedures, distribution of application forms for voting abroad, collection of the applications, broadcasting of notices on the right to vote from CEC, collection and transmission of CEC secrecy envelopes to Prishtina.

The OSCE managed to collect about 40 thousand applications from collection points in Serbia and Montenegro, which were submitted to the CEC for verification. The large and unexpected number of applications created a burden on the Secretariat of the CEC, as it had very little time to verify applications one by one. During the verification process, it was reported that a large number of applications were being rejected¹⁷. After reviewing the applications, CEC only approved 8383 applications to register as eligible voters. The legal framework allows for appeals to be made with the board of Election Complaints and Appeals against decisions of the CEC when rejecting an application to vote abroad. Concerned with the large number of rejections, OSCE intervened without any notice and outside of the CRC mandate in Fushe Kosove/Kosovo Polje - where a verification process was being done - to analyze a sample of applications.¹⁸ OSCE used their right to appeal, as a last means for enabling these voters to vote, and delivered 16,000 appeals by rejected parties. After reviewing the appeals in a period of

¹⁴ "CEC requests from OSCE an immediate report regarding the process in the north", KosovaLive360. Accessed on December 12, 2013, <http://www.kosovalive360.com/kqz-kerkon-nga-osbe-raport-urgjent-per-procesin-zgjedhor-ne-veri.html>.

¹⁵ "CEC ready for Sunday, numerous remarks to the OSCE", Portal Koha. Accessed on December 13, 2013, http://koha.net/arkiva/index.php?page=1,13,164226&s=&ch=0&f_d=02.11.2013&t_d=02.11.2013.

¹⁶ According to CEC's rule No. 3/2013 on Voting from abroad, all persons living outside Kosovo but who are registered citizens of Kosovo in the Central Civil Registry are entitled to vote. This regards the people that have left Kosovo on or after January 1, of 1998.

¹⁷ "Intrusion in the works of the CEC", Portal Lajmi. Accessed on December 13, 2013 <http://lajmi.net/nderhyrje-ne-punet-e-kqzse>.

¹⁸ Law No.03/L-072 on General Elections, Section 16.5

approximately seven days, ECAP overturned the CEC decisions to reject about 5,000 cases, increasing the total number to 13.841 voters voting by mail from Serbia and Montenegro.

Certification of the Civil Initiative "Srpska"

Serbia's commitment to end the illegal parallel structures in Kosovo resulted in the installation of direct political influence through the creation of an entity in Kosovo. The Office for Registration and Certification of Political Parties in Kosovo, under the CEC, applied for certifying the Civil Initiative "Srpska". Initially, the CEC was refusing to certify the initiative and asked for a change of name, saying it was in violation of the registration rules of the CEC,¹⁹ as the present name may incite hatred, or ethnic or religious violence.

Like all other issues regarding the Serbian community's participation in elections, this particular one about the name didn't go without any discussion between Kosovo and Serbia in Brussels. The outcome of the negotiations resulted in a name change from the Civil Initiatives "Serbia" to Civic Initiative "Srpska"(Serbian), and was then certified by the CEC. Following that, for the first time, Belgrade called the Serb community living in Kosovo to take part in elections, but this call was associated with a preference to vote for the Civil Initiative "Srpska" and not to the other parties of the Serb population in Kosovo. Belgrade's aim was that through this political entity, to have full control of the Serb population living in Kosovo, as well as to destroy other political options of local Serbs, which were in government coalition and close to Prishtina. Through this, Belgrade became a co-governing factor in Kosovo, installing similar practices of influence which it has, along with Zagreb, in the domestic political scene in Bosnia and Herzegovina after the Dayton accords.

EU mission to monitor elections

In order to closely monitor the implementation of the agreements reached under its mediation, the EU requested to monitor local elections in Kosovo through its own monitors. To meet this requirement of the EU, as something that has become common practice in relations between the EU and Kosovo, President Jahjaga addressed a letter to the High Representative for Foreign Policy of the European Union,²⁰ Catherine Ashton, in which it calls on the EU to send a mission to oversee the elections. After consulting with member states and the European Parliament, Lady Ashton responded positively,²¹ by sending an Election Monitoring Mission of the EU, consisting of 99 monitors. Comprising this mission team were representatives of 28 member countries of the EU, as well as Switzerland and Norway, and the team was led by a member of the European Parliament. Following the first round of elections, the mission came with a preliminary report about the elections progress, focusing on assessing whether the electoral process was in accordance with international commitments to elections and with the Kosovo laws. The report concluded that preparations for the elections were not held in the same way

¹⁹ CEC rule No. 1/2013 on the Registration and Activities of Political Parties, Section 5, item c.

²⁰ "President Jahjaga's letter addressed to Lady Catherine Ashton". Accessed on December 15, 2013 <http://president-ksgov.net/?page=1,6,2973>.

²¹ "Lady Ashton's response to the President". Accessed on December 15, 2013; <http://president-ksgov.net/?page=1,6,3057>.

throughout the territory of Kosovo because of the specific situation in the north,²² but it praised the legal framework of Kosovo and its commitment to meet principles of international conventions on elections as well as human rights and freedoms, despite the fact the Kosovo had not signed any international commitment.

IV. INTRA-PARTY ELECTIONS AND NOMINATIONS FOR LOCAL ELECTIONS

Before the local elections, PDK, AAK and AKR went through a process of internal elections, whereas LDK and VV planned to hold them after elections. The legislation in effect obliges political parties to organize internal elections at least once in every 48 months;²³ otherwise they cannot be certified to participate in elections. Organization of internal elections and nomination of candidates for local elections in most political parties was formal enough to satisfy legal requirements, as all current heads of parties were re-elected without having to compete against another candidate. A similar situation happened in party branches as well, where heads of parties and candidates for mayor were elected based on the preferences of the leaders, and in some cases were selected against the will of the members.

Democratic Party of Kosovo (PDK) - The internal elections in PDK once again confirmed Hashim Thaci for its leader, who has been standing at the head of this party for 13 years. At the 6th Convention of the Party held on January 26, 2013, Hashim Thaci was the only candidate for party head, he was elected by open vote and there was only one vote against, out of 719 delegates present. Ironically, Thaci was the only one who had voted in favor of closed voting, whereas the majority of the delegates decided to have an open voting.²⁴ The PDK Convention did not see the participation of until-then deputy Fatmir Limaj, as well as general secretary Jakup Krasniqi, whom the leadership - although they were not present - proposed them for Members of the General Council.²⁵ The convention signaled the start of the greatest discontent within PDK, resulting in organized detachments from its branches and open conflicts among the contenders. Members of the jury, Fatmir Limaj and Jakup Krasniqi, unsatisfied with their treatment inside the party, decided to establish the Civil Initiative in Malisheve, and respectively in Drenas, created recently by former members of PDK in those branches.

PDK's troubles with "problematic" branches were found in Lipljan, whose mayor, along with 19 other members resigned²⁶ in order to create the Civil Initiative for Lipjan, but following that they switched to AAK. Non endorsement of the will of the branches and centralization of power at the party center was seen in the Vitina branch. Based on results of internal elections at this branch, the branch leadership and steering council had proposed and voted Xhevat Bislimi for candidate for mayor of Vitina, whereas the PDK center was in support of the insofar municipal

²² EU EOM. 2013. *Preliminary Statement*. See http://www.eucem.eu/files/pressreleases/other/preliminary-statement-in-kosovo-05112013_sq.pdf

²³ CEC, Rule No.1/2013, on the registration and activities of political parties, section 15.1

²⁴ "One vote against Hashim Thaci, a symbolic act of democracy", *Gazeta JnK*. Accessed on December 20, 2013, <http://gazetajnk.com/?cid=1,1018,4534>.

²⁵ "Krasniqi and Limaj are proposed for members of PDK's Steering Committee", *Gazeta JnK*. Accessed on December 20, 2013, <http://gazetajnk.com/?cid=1%2C1018%2C4530>.

²⁶ "PDK head of Lipjan, Fitim Selimi, resigns along with nineteen others", *Kosova Live 360*. Accessed on December 22, 2013, <http://www.kosovalive360.com/kryetari-i-pdk-se-se-lipjanit-fitim-selimi-ve-tinentembedhjetika-dhene-doreheqje.html#sthash.IOMP2Tbj.dpbs>.

mayor Nexhmedin Arifi, whose name had been sent for certification at CEC, without the approval of the Vitina branch.²⁷ Branches of Gjilan and Ferizaj also had discontentment. After many delays and clashes between contenders for head of PDK branch in Gjilan, mediated by the party leader Hashim Thaci, who had managed to convince the party leadership to vote in consensus for Zenun Pajaziti as head of Gjilan branch as well as for candidate for mayor of the municipality. It wasn't long before Zenun Pajaziti resigned from all functions in the branch, leaving the spot available for Qemajl Mustafa, who although not initially, was however, officially appointed for candidate for mayor. Prishtina branch saw tensions between candidates, but it was well managed from the inside and all sides acknowledged the outcome. However, the decision for the candidate for mayor of Prishtina was brought at the last minute and to everyone's surprise - including the candidate himself - as the decision named FSK minister Agim Ceku, who had just arrived in PDK.

In other municipalities where PDK had been ruling until then, the leadership decided to re-candidate existing mayors with another mandate, including the ones who had been under investigation for abuse of public post. Nine municipal mayors from the PDK, who had come out from the local elections of 2009, were either under charges or were in a court process at local courts.²⁸ Among the accused candidates who were to be re-candidate included mayor of Skenderaj, Sami Lushtaku, who was in custody after charges for war crimes, as well as Prizren's Ramadan Muja, charged for abuse of public and municipal property. This way, as the party governing the executive sector, the PDK made an override of the legislative, and did not take into account the court processes that had been initiated to its officials. Furthermore, it didn't even bother taking into account inconveniences that may be caused to the citizens of these municipalities, as, in case that charges are confirmed, these municipalities would have to see to another round of elections.

Democratic League of Kosovo (LDK) – The last time LDK held internal elections was in 2010, which means that this party is not obliged to have internal elections before the end of 2014. According to the LDK statute, the leadership reviews and approves suggestions for local elections candidates from the municipal leadership at party branches (Article 30). Whereas, nominating and approving candidates for municipal assembly ballot lists are decided by the branches (Article 45.4), in cooperation with the General Council.

LDK leader Isa Mustafa, stated in one of his meetings with the people during the election campaign that political rotation is crucial, otherwise democracy is at a risk of going bad.²⁹ However, he had forgotten that it was also himself that was running for a third mandate in a row for the municipality of Prishtina. Isa Mustafa's candidacy wasn't officialized until the very last moments, as many other names had been circulating for LDK candidate options. Furthermore, the party had been long proclaiming its party leader for the next prime-minister of the country, which made the candidacy for Prishtina's mayor a contradictory issue, as the two posts cannot be

²⁷ PDK branch leadership of Vitina warns of complaint with the Constitutional Court", Portal Koha. Accessed on January 8, 2014, <http://www.koha.net/arkiva/?page=1,17,163189>.

²⁸ Çollaku, Petrit, "Ten mayors charged or convicted", Gazeta JnK. Accessed on January 12, 2014, <http://gazetajnk.com/?cid=1,3,5757>.

²⁹ "Which Isa Mustafa should we trust", Lajm Online. Accessed on January 12, 2014, <http://www.lajmonline.com/sq/Politike/Cilit-Isa-Mustafe-ti-besojme-33875>.

held simultaneously. Not only did Isa Mustafa decide to re-candidate himself for Prishtina, in order not to try a risk with other candidates, he brought back to the race former mayors of Prizren, Gjilan and Suhareka. Municipal mayors from the LDK were re-nominated, whereas candidates for other municipalities were selected from inside the party.

Alliance for the Future of Kosovo (AAK) - This party had been operating without its leader for a long time, as he had been on trial at the International War Crimes Tribunal for the Former Yugoslavia. Upon his return, internal elections were organized, and on May 4, 2013 the party held the 6th internal Assembly elections, which selected the party structures. Re-elected leader for a four year mandate was Ramush Haradinaj, who holds the position since the party was established. Haradinaj received 403 votes from the 404 delegates present, in a race against no other opponent, done in a closed vote. Haradinaj's wish was to continue working with those members of the party leadership which he had left when he went to The Hague.³⁰ Consequently, the internal elections in the AAK served to legitimize the party leader's wish, as that is enabled by the party statute. The party president has the right to nominate the party leadership, vice presidents, secretaries, and other members at all levels (Article 23), which are subsequently approved by the Governing Council, with one third of whose members being appointed by the party leader. Furthermore, for an issue that is voted on by the Management Board, the leader has a one-time veto (Article 23.6).

In the AAK, the decisions for mayoral candidates are made by a working group which sends forward proposals to the General Council. In practice, there have been cases when the party president elected a branch president without prior consultation with the other party organs. In the last elections in the Mitrovica branch, the chairman of the branch was elected directly by the party leader on the grounds that "in the past elections we had open list voting for the branches, but then we had problems in closing them".³¹ The nomination of candidates for election lists, however, is a responsibility of the branches.

Alliance New Kosova (AKR) - During 2013, even the AKR organized internal elections in all its structures, ranging from sub branches, branches, and other forums. In its 3rd Assembly Elections, the AKR once again chose Behgjet Pacolli for its president, for another three year term, which was alone in the race with no opposing candidate and with no votes against.³² Pacolli is the founder and main financier of this party since the beginning. During the time he served as President of Kosovo, Pacolli's post of party leader was temporarily replaced by his cousin, thus, not leaving the party outside family control.

The AKR statute enables branches to propose lists of candidates for municipal assemblies and mayoral candidates (Article 14), however, the central leadership, in cooperation with branches makes the final decision. Presiding over both the central leadership and the branches is the president of AKR, statutorily enjoying numerous privileges. He has the right to propose and reject the list of candidates for elections at all levels, even to suggest to the leadership that a decision be made on the distribution of the branch leadership (Article 31). The appointing of

³⁰ Statement by Anton Berisha, member of the AAK leadership, on Klan Kosova, December 24, 2013

³¹ Statement by the leader of AAK, Mr. Ramush Haradinaj, on internal elections for Mitrovica branch

³² "Behgjet Pacolli reelected president of AKR", Press Release from AKR. Accessed on January 25, 2014, <http://akr-ks.com/article/behgjet-pacolli-rizgjedhet-president-i-akr-se/>.

candidates for local elections within the AKR was met with issues in the branch of Gnjilan. Re-elected for a second term as head of branch, Daku Omar, was discharged by party president Pacolli,³³ after four months, on the grounds that he had been attempting to offset the party from the elections through supporting another entity. Head of the branch, Daku, who was looking forward to run for mayor once more,³⁴ was replaced by Faton Bislimi, initially as head of the branch, then as mayoral candidate. As for a candidate for the mayor of Prishtina, many names were being speculated. In the end, failing to find a serious candidate from within the party, LDK's Korab Sejdiu was recruited. Sejdiu's nomination was made directly by Pacolli, what caused dissatisfaction among the earliest members of the branch.

VETËVENDOSJE! (VV) - Was among the very few political parties to respect the formal rules of internal democracy and their statute. In appointing mayoral as well as municipal assembly candidates, in August 2013, VV organized internal elections and members voted their favorite candidate in a one-member one-vote principle. The selection process for the candidates was divided in two phases. In the first, mayoral candidates were elected, who in accordance with the statute (Article 82.2) can propose themselves or be proposed by gathering one fifth of signatures from activists of a VV center, or by collecting one fifth of signatures from Council Center delegates. Candidates for mayor were selected by votes at council branches from all activists of the respective municipality. The second phase was the selection of municipal assembly candidates, whose candidacy was reviewed by the Council Center. A candidate for municipal assembly can be proposed by activists of a Council Point, of the Council Center or can propose themselves, through addressing a written request to the Council Center.³⁵

However, in statements of the VV regarding the performance of their internal elections, it didn't become clear whether there were more candidates running for mayors of municipalities. VV's press releases only stated names of winners, who in most cases won 95% of votes and without any complaints filed in the Center's ad-hoc Election Committees. The process, despite being a more advanced one than that of the other parties - as candidates were directly subject of voting from activists - has nevertheless room for further improvement in opening up the race to more candidates.

V. ELECTION CAMPAIGN

The campaign for the first round of the local elections officially lasted for 30 days, although some candidates started their campaigns much earlier using holes in the law. The current legislation defines the time period for official campaigning, fines and sanctions in case of violation of electoral silence; however, besides preventing public gatherings and the setting up of promotion materials it does not prevent electoral campaigning before its official opening. Having a campaign begin before the official date is damaging to other candidates and entities that comply with legal deadlines, as they are more likely to have promotion capability, and, since

³³ "Omer Daku discharged, Faton Bislimi ready to take over for AKR", Ora Info. Accessed on January 28, 2014, <http://www.orainfo.com/?FaqeID=2&LajmID=27999>.

³⁴ "Daku: I came to lead the AKR with a vision for winning local elections", Rajoni Press. Accessed on January 28, 2014, <http://rajonipress.com/shfleto-artikujt.php?id=9925>

³⁵ Lëvizja VETËVENDOSJE!, Charter, Section 81.1

persons holding public positions usually focus on the electoral race, they lose efficiency at the work for which they are mandated.

In the overall election campaign, the political parties did not bring any innovation besides what we have been accustomed to seeing in past campaigns. Civic gatherings was key, generally in small groups or in door-to-door visiting, maximally avoiding large gatherings in high-school halls or in open areas, and cities were overwhelmed by billboards with images of candidates, which didn't convey any other message besides calling to vote.

The advantages of this campaign compared to last year's was that political parties took care to prepare written programs, although most of them were handed in too late, or were not detailed enough but only concentrated in describing the situation in the municipalities in the country instead of providing alternatives. Then, the overlapping of central and local authorities consumed a large part of public attention, especially with the Prime minister's promises of millions of capital investments, exceeding the Kosovo budget, and with the race in who can promise more jobs. Election promises surpassed every fiction and imagination and often seemed like sarcasm, and the most common answer heard whenever there was the question of how to secure financial resources for the implementation of these projects were - public-private partnerships.

Considering that out of 7,929 election candidates, 1,904 were public employees - about 24% of overall candidates³⁶ - the use of public administration resources for election were high. The use of official cars to go to rallies organized throughout municipalities was done by the prime minister, ministers, mayors, and down to lowest ranking officials.³⁷ Also, the advertising spaces reserved for citizen

information were used by municipalities for electoral purposes, as well as inaugurations of projects at the time of campaigns, including unfinished ones, as was the case with the opening of the new Prishtina International Airport terminal, which - on an invite by the Prime Minister - saw the visit of Turkish Prime minister Erdogan, as well as Albanian Prime minister, Rama.

During the election campaign, the Independent Media Commission (IMC) monitored the 25 providers of audiovisual media services, of which, the three national television broadcasts, 18 regional and local television stations, and 4 program services providers. The focus of the IMC has been on monitoring news coverage, election stories, interviews, debates, and political ads at the time slots of highest viewership. According to the IMC, the first week of campaign³⁸ saw the

PUBLIC SERVANTS IN ELECTIONS

1,904



Public servants in elections

7,929



Candidates in elections

³⁶ "Country under Elections", GAP Institute. <http://www.institutigap.org/lajme/488>.

³⁷ Democracy in Action. February, 2014. *Report on the monitoring of local elections 2013*, p. 19

³⁸ See IMC's report: <http://kpm-ks.org/?mod=njoftimet&id=632&gjuha=1>

media reporting fairly and impartially at large. During the first week of the campaign, IMC received two complaints regarding non-coverage of election campaign by the media, to which it dealt by taking legal action, and it also identified eight other media which had not previously declared their political ads or exceeded the foreseen time for the ad slots. IMC identified only one case of open favoritism and candidate promotion, and even the preliminary statement by the European Mission of Election Monitoring³⁹ found that the public broadcast RTK 1 showed clear partiality in showing the ruling party, PDK. Even during the 2010 parliamentary elections, the media monitoring report of the campaign observed favoritism from the RTK towards the ruling party⁴⁰, proving this public institution's loyalty towards certain political parties.

The election campaign was characterized by increased presence of Serbian government officials in the majority Serb municipalities in Kosovo, who openly called and pressured on the citizens of the Serb community to vote the Civil List "Srpska"⁴¹. There have been threats of various forms, from labeling individuals as 'traitors', to physical threats, threats to halt the social assistance which the Serbian government allocates, as well as other forms. The Kosovo government tried to obstruct the visits of Serbian officials at the time of campaign, but only temporarily, as they - without the permission of the government of Kosovo - entered the territory of Kosovo for electoral purposes.⁴²

Financing election campaigns and expenses

Expenses for an election campaign are legally defined in Kosovo, and political parties cannot exceed more than 0.5 euro per registered voter.⁴³ Taking into account the total number of registered voters, then it turns out that political parties competing in all municipalities cannot spend more than 886,869 euro. Before the start of the official campaign, five of the biggest

Amount of funds allocated from the Kosovo Budget for purposes of election campaigns of political entities	
For parliamentary entities	713,700 euro
For non-parliamentary entities included in the ballots	79,300 euro
Total:	793,000 euro

political stated that they plan to spend about 1.5 million euro⁴⁴ for purposes of the campaign, although some of them hadn't even drafted their campaign plans or strategies. For the financing of election campaigns, by proposal from the government, the Assembly can allocate funds from the Kosovo Budget, but not more than 0.05% of the total amount of the

³⁹ EU EOM. 2013. *Preliminary statement*. See http://www.eueom.eu/files/pressreleases/other/preliminary-statement-in-kosovo-05112013_sq.pdf

⁴⁰ KIPRED. 2011. *Media monitoring during pre-electoral campaign 2010*.

⁴¹ Prosecutor's Report and Ivanovic's and Petrovic's statements. See <http://www.zeri.info/artikulli/21234/beogradi-kercenon-serbet-votoni-srpskan>

⁴² "Although prohibited, Vulin enters Kosovo", Ikub. Accessed on January 25, 2014, http://time.ikub.al/08dd788d4c/5713c12761383327664eb71d0032bb9f/Lajm_Ndoneze-e-ka-te-ndaluar-Vulin-futet-ne-Kosove.aspx.

⁴³ CEC, Electoral rule No. 12/2013 on limiting election campaign expenditure and financial statement, Section 3.1

⁴⁴ "Political Parties declare 1.5 million Euro for campaign", Free Europe. Accessed on January 25, 2014, <http://www.evropaelire.org/content/article/25124686.html>.

budget.⁴⁵ Out of the total budget, 90% is allocated to political entities based on the number of seats in the Parliament, whereas 10% is allocated to other non parliamentary entities included in the ballots.

The Law on Financing Political Parties also provides for membership fees, donations from legal entities in the amount of not more than ten thousand euro within a calendar year, from individuals in the amount of not more than two thousand Euros within a calendar year, as well as from profitable financial activities, such as selling party items and promotional materials,⁴⁶ the income from which is subject to profit tax whereas donations are tax exempt. Vetevendosje was the first party to ever utilize the right to conduct profitable activities, such as their sale of items and publications online.⁴⁷ VV also developed a campaign called "Donate for change" aiming to crowd-fund the election campaign from supporters. According to VV officials, in the first 18 days of this campaign they managed to collect about 40 thousand Euros, or about 2,180 Euros per day.⁴⁸

All political parties are required to submit a Financial Statement of the Election Campaign to the Office for Registration and Certification of Political Parties under the CEC, no later than 45 calendar days after Election Day.⁴⁹ As for the public, campaign expenditure reports should be made available no later than six months from Election Day. Political parties are obliged to publish their brief campaign spending report, their annual financial report, in one of the national daily newspapers, and the full report should be available to the public at their official website for at least one year. According to unofficial reports⁵⁰ the cost of election campaign spending by political entities was about 800 thousand euro for PDK, LDK 768,691 euro, AAK about 300 thousand euro, VV 259,396.33 euro. LDK and VV have been more transparent with their expenses before the legal deadline, by publishing the amount of expenses in the printed media,⁵¹ unlike other entities that have been closed to the public.

VI. ELECTION PROCESS

Certification of political parties and candidates

In order to run in the local elections in the 38 municipalities of Kosovo, the CEC certified 103 political entities, of which: 33 political parties, two coalitions, 52 citizen initiatives, and 16 independent candidates. Of the total number of certified entities, 51 were of the Albanian community and 52 were of minority communities (28 from the Serb community, 11 from Bosniak, 3 from the Turkish community, and the rest from other communities living in Kosovo). CEC certified 7,926 candidates who were competing for 993 municipal assembly seats, and of which 30% were female - owing to the gender quota, and out of 224 candidates for mayor only 9 were women.

⁴⁵ Ligji Nr.03/L-174 për Financimin e Subjekteve Politike, Neni 10

⁴⁶ Ligji Nr. 03/L-174 për Financimin e Subjekteve Politike, Neni 5

⁴⁷ Shih: vitrina.vetevendosje.org

⁴⁸ Dardan Molliqaj, prononcim për Gazetën Jeta në Kosovë, <http://gazetajnk.com/?cid=1,1018,6583>

⁴⁹ KQZ, Rregulla Zgjedhore Nr. 12/2013, Kufizimi i shpenzimeve të fushatës dhe deklarimi financiar, Neni 4.1

⁵⁰ Blakaj, Lumturie. 2013. "Partitë fshehin shpenzimet e fushatës". Gazeta "Zëri", 17 janar, faqe 5

⁵¹ Po aty.

Election Day

Not only are elections one of the most important instruments in citizen decision making, local elections of 2013 were significant for at least two reasons. The first was that they were held after industrial-scale fraud that occurred in the 2010 election, and second, for the fact that it was the first time that elections were held in northern Kosovo-Serb majority under Kosovo laws.

Observation

To increase the transparency of the electoral process, 30,173 local and international observers were accredited by CEC. Observers from entities certified to participate in the elections constituted the highest number (26,985), whereas the rest consisted of representatives of civil society organizations (2,479), as well as from Albanian, as well as Serbian media (191), the representative of the Ombudsman, the diplomatic mission in Kosovo (210) and international organizations (254).

- Coalition of NGOs "Democracy in Action" stationed about 1,600 observers in all polling sites;
- European Network of Election Monitoring Organizations (ENEMO), had 34 election observers from its member organizations who monitored 221 polling stations in all municipalities of Kosovo via mobile teams;
- The European Union Election Observation Mission (EUEOM) had 99 mobile observers;
- State Prosecutor, with 50 prosecutors accompanied by Kosovo Police investigative units, involved for the first time in the field on Election Day.

Incidents during the voting process

Election Day was generally calm and with no incidents that would affect the progress of elections.^{[52][53]} Polling stations were opened on time, without noted delays and were equipped with necessary materials. Throughout local elections of 2013 there were 19 incidents in 2,366 polling stations,⁵⁴ cases which have only been isolated ones mainly in the form of threats or temporary closing of the station. Until later hours, the process happened normally in the four northern municipalities despite intensive campaign undertaken there to boycott elections. Witnessing that the call to boycott was not yielding the desired results, masked individuals physically hindered the election process in northern Mitrovica. In the evening, polling stations within "St. Sava School", "Technical School" and "Medical High School" were attacked, ballot boxes were demolished and voter lists taken. Following those attacks, OSCE representatives who were facilitating the elections process in the north of Kosovo, abandoned these polling

⁵² BE EOM. 2013. *Preliminary statement*. See http://www.eueom.eu/files/pressreleases/other/preliminary-statement-in-kosovo-05112013_sq.pdf

⁵³ Democracy in Action. 2014. *Report on the monitoring of local elections 2013*.

⁵⁴ *Ibid*, page 31

sites leaving all election materials in the hands of the attackers.⁵⁵ These incidents have shown the weaknesses of the law and order enforcement there.

Other irregularities

Other cases of irregularities identified on Election Day were: unauthorized persons staying within the polling stations, attempting to influence the citizens' vote, but also voter assistance by the same person several times.⁵⁶ In an effort to prevent the phenomenon of "corrupted vote", CEC decided to place materials in polling stations indicating that it is prohibited to photograph the ballot, but the practice continues to be present. Moreover, the practice of "corrupted vote" has advanced to the so-called "Bulgarian train", which is achieved by getting one regular ballot outside of the polling station and delivered to the buyer waiting outside, who then gives the sealed ballot to the new vote-seller to place in the box, and a new blank ballot is brought outside. This way, the buyer constantly gets a properly sealed ballot pulled outside the polling station, and through that it is ensured that votes are dropped in the box the way it is desired. Claims that such phenomena have occurred on Election Day were submitted by VV, relying on the argument that there was a mismatch between the number of signatures on the final list of voters and the number of ballots inside the ballot boxes.⁵⁷

Numerous problems were identified in the voter lists as a result of their failure to clean up lists from deceased persons and to update information for those who have changed their polling station and which had problems finding their name on the voters list. The CEC, aware of the inaccuracy of the voter lists at the polling sites, distributed a smaller amount of ballots than the number of voters. Family voting still remains a frequent violation of electoral processes. On its preliminary statement on Election Day, the DiA reported over 200 cases of recorded family voting.⁵⁸

Voter turnout

The number of registered voters to take part in the local elections was 1,792,913 and out of them 811,489 or 46.31% used their right to vote. This election recorded the highest participation of citizens in the electoral process compared with the seven last elections, which is an increase by 9.8% compared to the previous elections of 2010. If we refer to the percentages of citizens who participated in elections, then it is significantly higher due to the inaccuracy of the voters list. Despite several initiatives of the CEC to cleanse the voter list from names of deceased persons as well as those who may have renounced Kosovo citizenship, the list of voters is still incorrect.⁵⁹ Number

⁵⁵ "OSCE and DiA run away from masks in the North", *Gazeta JnK*. Accessed on January 28, 2014, <http://gazetajnk.com/?cid=1,1070,6934>.

⁵⁶ Democracy in Action. Preliminary statement. See http://demokracianeveprim.org/al/index.php?subaction=showfull&id=1383508353&archive=&start_from=&ucat=&

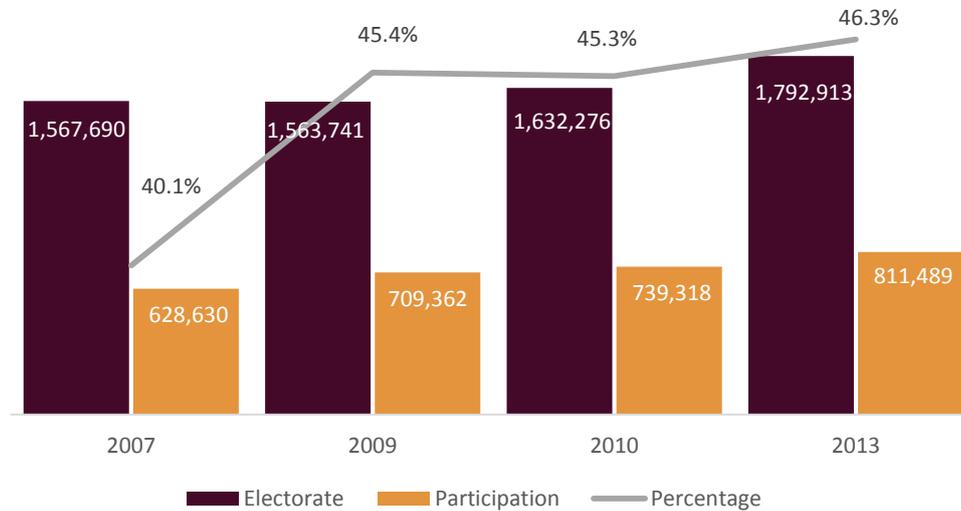
⁵⁷ "Industrial-scale vote buying", Press release from VV. November 8, 2013. See http://www.vetevendosje.org/news_post/blerja-industriale-e-votes/.

⁵⁸ Democracy in Action. Preliminary statement. See http://demokracianeveprim.org/al/index.php?subaction=showfull&id=1383508353&archive=&start_from=&ucat=&

⁵⁹ "Non cleaned list troubles the Commission", *Gazeta JnK*. Accessed on January 18, 2014, <http://www.gazetajnk.com/?cid=1,1018,5716>.

of persons included in the list of voters is almost equal to the total number of population that was recorded in the last census in 2011.⁶⁰

VOTER TURNOUT



The voting process closed in all the polls at 19:00 hours, except cases when there were voters waiting in line. Election Day and process was more advanced compared to previous elections organized by locals. The large number of local and international observers, warnings from the international community that in case election fraud is detected it would compromise the Stabilization and Association process,⁶¹ the presence of prosecutors in the field, as well stricter penalties in the Criminal Code of Kosovo in cases of electoral fraud, affected a voting process that was orderly and democratic. Although, what still remains to be improved is the voters list, the application of additional measures to prevent "corrupt votes", and the prohibition of unauthorized persons staying in the polling sites.

Publication of results

In order to provide fastest preliminary results, CEC applied a project called "K-VOTE", at a value of 325 thousand and 402 euro.⁶² This project included the purchase of 799 tablet PC's which were used at all polling sites, as well as payment for a computer program designed by I-vote, a Macedonian company. Initially, the results were published at three select periods of time during voting, 11:00, 15:00 and 19:00, whereas they were noticeably fast in presenting preliminary results for both mayoral candidates and municipal assemblies, but not also assembly members.

⁶⁰ According to the census of 2011, Kosovo has 1,739,825 citizens, whereas the voters list include 1,705,272 entitled voters. See, "Number of voters close to number of population", Gazeta JnK. <http://gazetajnk.com/?cid=1,3,5653>

⁶¹ Statement by British Ambassador, Ian Cliff, <http://sot.com.al/rajoni/cliff-manipulimi-i-zgjedhjeve-rrezikon-msa-n%C3%AB>

⁶² "CEC to purchase 80 iPads", Kosovapress. Accessed on January 13, 2014, <http://www.kosovapress.com/sq/mobile/nacionale/kqz-ja-do-te-blej-800-ipad-1579/>.

CEC was not as efficient in certifying the final results, as only after 17 days was it able to officially certify the results for mayors. Although the electoral legislation does not define the timeframe within which the results should be declared - since the only criteria is for all procedures in polling stations and counting centers be completed, as well as since all objections belonging to voting and the counting of votes are put forth by ECAP.⁶³ The complicated procedures of the CRC, but also the process of counting conditional votes - which required scanning of all voter lists - was the main reason for the delay of final results. The delay was especially notable in publishing results of candidates for municipal assemblies, something that was not announced until after the holding of the second round of voting. According to KIPRED's information, although the results had been ready, the major political parties had agreed that results for assembly members are not announced before the second round of elections. This way they would benefit from the voters who voted municipal assembly candidates for the sake of the political party, and if results would be announced then those voters may not come out to vote at all or could change their preferences for the mayoral candidate. Also, delays in announcing results for candidates for municipal assembly leaves room for process manipulation within the candidates of the same political party.

The implementation of the project for preliminary electronic and online announcement of results was successful and contributed to reducing tensions which are usually produced after the closing of the polling stations, as parties rush to declare their victory without the vote count even started. However, what remains is to improve vote-counting for candidates for municipal assembly and to announce the preliminary results at the earliest possible time.

Voter education and information

Voter education and information is a constitutional obligation of the CEC, which includes notification on voting procedures - something which had been subjected to change from previous elections - then, information on rights and procedures for their protection as well as mechanisms for appeals. The CEC has a special obligation to inform voters in rural areas, voters with disability, and the illiterate. For purposes of voter information and education, the CEC contracted two companies in order to develop an informational campaign, amounting to 166.692 euro. Contracted companies did not conduct voter education and information in accordance with terms of contract, as many of its elements were not met or were accomplished with delays.⁶⁴ Materials distributed for information on voting procedures were lacking, as they did not contain explanations on how to vote for mayors, but instead, only for municipal assemblies, and also, the ad campaign on how to vote were broadcast just days before Election Day.⁶⁵ Besides flaws on the side of the contracted companies, voter education was also shambled by the CEC, as the section on voter education at their website was empty throughout the election period and did not provide any information.

As a result of poor campaign, local elections declared 112,116 invalid ballots, where 28,559 of them for mayors, 70,782 for municipal assemblies and 12,775 blank ballots. The number of

⁶³ Law No. 03/L-073, on General Elections in the Republic of Kosovo, Section 106.1

⁶⁴ "Electoral silence by companies and CEC during campaign", Gazeta JnK. Accessed on January 23, 2013, <http://gazetajnk.com/?cid=1,979,6835>.

⁶⁵ Ibid

invalid ballots was about 12% of the total number of votes cast in ballot boxes. This figure is three times higher than that of the 2010 elections (3.95%), or when compared with the local-level elections of 2007 it is twice the amount (5.55%), considering that elections of that year were more complicated, since for the first time voters voted open lists and with a preferential system, as well as the fact that three elections were organized simultaneously. If we compare the number of invalid ballots since the beginning of the first free elections, it is noticeable that since the transfer of competency in the hands of the locals there is a rising trend. A comparison with the region can be made, where Albania for example had about 24 thousand (1.3%) invalid ballots; the previous local elections in Macedonia had about 38 thousand (3%).

Besides a poor information campaign, another factor that has increased the number of invalid ballots was the weak training organized for the commissioners. During counting, many commissioners declared as invalid ballots ones in which it was voted for more than one candidate for municipal assembly, instead of counting them as valid votes for the political entity only.⁶⁶

Complaints and Fines

Based on the electoral legislation, the board of Election Complaints and Appeals is the competent body for deciding on allowed complaints and appeals relating to the electoral process. All parties involved in the elections can file complaints and appeals to the ECAP within 24 hours from the moment the alleged violation has occurred. The ECAP is required to come with a decision within 72 hours of receiving the appeal. During the first round of elections, ECAP received 1,011 complaints and 45 appeals, of which 242 were related to the election campaign, 22 related to breaches of electoral silence, 217 complaints related to election day, 245 to preliminary results (K-Vote) for candidates for members of the Municipal Assembly, and 276 complaints regarding the final results of candidates for members of the Municipal Assembly.⁶⁷

According to the data from ECAP, the political party which filed most of the complaints at this institution was VV with 100 complaints, LDK ranks second with 47 complaints, whereas PDK is third, with 35 complaints. ECAP has also issued fines to political parties for violations during the election campaign as well as on Election Day. Fines issued to political parties in these elections amount to a total of 184,500 Euros. The highest fine issued was 5,550 Euros, and the lowest was 200 Euros. The most undisciplined political entity



in these elections was PDK, which was fined 91,050 euro, AAK ranked second with 37,650 Euros, whereas LDK was third with 32,850 euro in fines. None of these three entities, which were fined the highest, carried out their obligation of paying the fines within the foreseen

⁶⁶ Law No. 03/L-073, on General Elections in the Republic of Kosovo, Section 104.3

⁶⁷ Email correspondence between KIPRED and ECAP. January 24, 2014

deadline of 15 days. When a political entity does not pay fines or other obligations imposed by the CEC, then the respective amount is deducted from the funds that the Fund allocates through the Assembly. If the amount due is greater than the amount that is to be allocated from the Fund, then the entity is not certified to participate in the elections.

Recount

During the first round of elections, the CRC (Counting and Results Center) faced major challenges. A large number of ballot boxes, close to 500, were not considered to be regular based on procedures of transfer of materials, ending up in quarantine for further investigation.⁶⁸ Most of these boxes were opened before reaching the CRC, or at the Municipal Election Commissions, as commissioners did not have adequate knowledge in packaging sensitive and non-sensitive materials. The CRC recommended to the CEC that boxes be opened in order for an investigation to take place before they can be considered regular. As a result of opening the boxes, and the rise of suspicions among members of the CEC, many of these boxes were recounted. Although the process of investigating these boxes took time, the recount confirmed that the results had been recorded in forms the same way they were marked by voters.

With a recommendation by the CRC, the CEC decided to have a recount in 62 polling stations around Kosovo.⁶⁹ The need for recount came as a result of discrepancies between the numbers of ballots received, both used and unused, or other discrepancies in forms. Also, in some cases it was observed that the ballot bag-straps were missing or weren't recorded in result forms. The CEC conducted several investigations in these polling sites, the results of which showed that a part of the electoral materials were missing, such as the final voters list, result forms, voting books or other sensitive materials. Errors and irregularities were encountered in the ballots for mayoral candidates, municipal assembly members, and also in conditional votes for the local assembly, as well as in votes from persons with special needs.

Another unusual challenge for the CRC was to receive the materials from the north, which was accompanied by OSCE. Due to the violence and attacks on polling stations in the north, a considerable number of boxes received were broken, many of the sensitive materials were missing - including the voters list - without which, a polling station cannot be considered an orderly one. Meanwhile, on the order of ECAP, the CEC recounted ballots in 12 polling stations in the municipality of Klina. This decision was made following a complaint by LDK, which the ECAP deemed to be based on solid grounds and facts. In ECAP's decision it was said that the publication of the final results by the CEC contains discrepant results between signatures and ballots in these polling stations, thus they are set to have a recount in some polling stations of Klina.⁷⁰ The recount in 12 polling stations out of a total of 55 in the municipality of Klina, resulted in a difference by only 3 votes from that of the final result.

⁶⁸ Interview by KIPRED with observers inside the CRC

⁶⁹ "CEC to recount 62 polling stations", Portal Lajmi. Accessed on January 25, 2014, <http://lajmi.net/kqz-con-ne-rinumrin-62-vendvotime/>.

⁷⁰ "CEC decides to recount 12 polling stations in Klina", Kosova Live 360. Accessed on January 19, 2014, <http://www.kosovalive360.com/kqz-vendos-qe-ne-kline-te-rinumerohen-12-vendvotime.html>.

Revote

As a result of the violent attacks by groups of masked persons in three polling stations in northern Mitrovica, as well as the early closing of polling stations, on November 17, 2013 the CEC decided to repeat voting in these centers, with a total of 17 polling stations. Election administration in the rerun was again facilitated by the OSCE mission, whereas for security many forces were provided, such as many members of the Kosovo Police, EULEX and KFOR. Even during revote - much like the first time in northern Mitrovica - voting using Serbian documents for identification was allowed, despite the fact that voting with documents other than those of Kosovo is not allowed by the constitution.⁷¹ Considering the security failures that occurred in the first round in northern Mitrovica, at the request of the OSCE, the CEC secretariat submitted a Plan B to be implemented in the second round. This plan meant that election materials are carried to the CRC in Kosovo Polje where the vote counting would be done, a practice outside the legal rules of elections in Kosovo, which provide that vote counting be done at polling station level.

Revote was also undertaken in three polling stations in the municipality of Zvečan. The ECAP had decided⁷² that elections be repeated in these stations because of the early departure of the OSCE which had caused serious irregularities. Also, other centers were closed at 17:00, two hours before the timeframe required by law. In ECAP's decision it was stated that election materials, ballot boxes, voter lists, had been left unsupervised until 20:00. The decision was for the revote to be held on December 1, 2013, simultaneously with the second round of elections for mayors.⁷³

Second round of elections for mayor

If after the first round of elections no candidate manages to get more than 50% plus one (1) vote of the total number of votes cast for the respective municipality, the law provides for a second round of elections between the two most voted candidates for mayor. In the 38 municipalities of Kosovo in which elections for mayors were organized, only 14 of them saw a candidate elected in the first round, and 25 of them were to have a second round, and that, in all major cities.

With the official certification of mayor election results yet to be completed by the CEC, political parties rushed to form coalitions with their prior rivals. By stepping into coalitions, accusations were forgotten - those for the misuse of public funds, government failures, unrealized program-lines - and they lined up with each other to fulfill their ambitions for power. The contents of the coalition agreements were never made known, nor the items agreed among party coalition programs to be implemented and neither if agreements were entirely based on program or solely interested in splitting the position of power. The central levels of parties - which decided on the coalitions at the local level - even intervened when coalitions were made by party branches, such as was the case of AKR in canceling their coalition with PDK in Prizren.

On order of the CEC, the election campaign period lasted for five days, from 25 to 29 November 2013. Actually, the election campaign had not ceased since the first round, with the

⁷¹ Constitution of the Republic of Kosovo, Section 45.1

⁷² ECAP. Decision No. Anr. 931/2013

⁷³ Revote in Zvečan. CEC. See <http://www.kqz-ks.org/sq/lajme/Details/142>.

exception of public meetings which could have been sanctioned by the ECAP. As the electoral law requires, the second round of elections were held one month after the first round, respectively on December 1, 2013. 50 candidates for mayors of Kosovo were involved in the race. In order to monitor the electoral process, besides about 30 thousand accredited observers from the first round and that were eligible to participate in the second round, the CEC accredited 900 additional observers,⁷⁴ and the State Prosecutor was on the ground with 60 prosecutors spread out, 10 more than in the first round. For the second round of elections, the voters list contained over 1,371,000 citizens, of which 548,909 used their right to vote, or 40.02% of voters.⁷⁵ LDK was rerunning in most of the municipalities, a total of 15, winning 7 of them; PDK in 12 municipalities, winning 5; AAK candidates, who were in coalition with LDD and sought out votes in six municipalities, won in 1; AKR won in two municipalities in which it was competing, thus coming out with a balance of 100% in the second round; whereas VV, as well as IQM, competed in only one municipality respectively, in which they won. Parties of the communities, mainly Serbs, competed in six other municipalities. SLS and GIS competed in five municipalities; SNPK candidates and Oliver Ivanovic's GIS competed in two other municipalities. The GIS had the highest yield with victories in five municipalities, whereas the SLS - with the help of the Albanian parties - won in the municipality of Strpce.

For election regularity in terms of safety, Kosovo Police engaged 5,100 police officers⁷⁶ throughout the whole territory. Meanwhile, in northern Mitrovica and Zvecan voting was done in 9 polling stations, including the re-run in three stations in Zvecan. In these two Serb-majority municipalities, voting was held under strict military and police measures, where 300 police officers were officially engaged, along with representatives of EULEX and KFOR. Every voting center was attended by over 30 police officers, military forces of KFOR and EULEX police. At a distance of 100 meters from the polling stations stood about 100 additional police and military forces, and very close to them was the presence of illegal structures, the so-called "Civil defense". The whole process in these two municipalities of Serbian majority was facilitated by the OSCE Mission in Kosovo, in accordance with the agreement between Kosovo and Serbia. Despite the high number of police, security measures failed in the municipality of Partes, where 3 ballot boxes were damaged by unauthorized persons who entered the polling stations. For the three polling stations in Partes where ballots were damaged, the CEC decided to repeat the elections on December 15, 2013.⁷⁷

The State Prosecutor assessed the second round of mayor elections to be more peaceful compared to the first round. Throughout the entire territory of Kosovo on Election Day, prosecutors had 7 cases involving 8 arrests and apprehensions⁷⁸ for various reasons, such as obstruction of voting, illegal weapons possession, misuse of official position and all the way to thefts of hard disks with footage of entries and exits to/from the CRC. Meanwhile, for the second round of elections, the ECAP received 53 complaints, of which 2 came before the start of the election campaign, 6 during the election campaign, 8 regarding breaches of electoral

⁷⁴ CEC, <http://www.kqz-ks.org/sq/lajme/Details/143>

⁷⁵ CEC, <http://www.kqz-ks.org/sq/lajme/Details/147>

⁷⁶ Koha, <http://koha.net/?page=1,13,167495>

⁷⁷ CEC, <http://www.kqz-ks.org/sq/lajme/Details/151>

⁷⁸ State Prosecutor, Statement. See <http://www.psh-ks.net/?page=1,8,531>

silence, and 37 came on election day⁷⁹; AKR presented 2 complaints, GIS 2 complaints, DiA 10 complaints, VV 10 complaints, BIRN 10 complaints, and PDK 2 complaints.⁸⁰ The involvement of state prosecutor on Election Day, and the increase of the number of observers had a positive impact in increasing trust in the electoral process, and in the reduction of possibilities for manipulation. The number of complaints received during the second round election day was by 24 less than that of the same period in previous elections of 2009, in which 61 complaints had been filed and voting was repeated in three municipalities (Prizren, Gjilan and Lipjan)⁸¹ as a result of fraud on Election Day.

VII. FINAL RESULTS

Although the promised election reform never happened, previous elections crippled the will of the voters, and election crimes went unpunished - nevertheless - the last local elections brought voters back to the polling stations and marked the highest citizen participation in an election process. The high turnout, as well as the much more serious approach from state institutions, as well as international pressure on political entities to higher accountability in the process - guaranteed the most free and fair elections so far, and brought back trust that changes can be made and politicians can be punished for mismanagement.

Political entity	Number of municipal assembly members
PDK	259
LDK	224
AAK	132
GIS	72
VV	69
AKR	41
SLS	26
Others	171

The final sheet of the local elections showed PDK to be the most voted entity at the national level, with 27.11%; followed by LDK with 25.62%; AAK with 3.14%; VV with 8.16%; and AKR with 4.94%. In municipalities with Serbian majority, GIS was the one dominating with 49.42% of the votes from these municipalities (or 2.91% in general), followed by SLS with 19.49% (or 1.11% at the overall level). Although PDK won the largest number of votes, it did not manage to keep most of the municipalities previously governed - PDK lost Mitrovica, Gjilan, Ferizaj, Vitina, Maliseve and Lipjan, but retained Prizren, won Kamenica and Rahovec, getting 10 out of the 38 municipalities. LDK regained Peja, Gjilan and Ferizaj, but lost Prishtina, getting in total 9 municipalities. AAK did not manage to hold their major centers, winning 3 small municipalities, such as Decan, Junik and Obilic. AKR won in Gjakova, and surprisingly in south Mitrovica, for the first time setting power in the local level, along with VV in Prishtina and the IQM in Malisheve. Refki Suma, an independent candidate, continues to lead for a second term in Hani i Elezit. GIS's victory in nine municipalities made it the third largest power in numerical terms, taking primacy amid political parties of the Serbian community, leaving the SLS with only one municipality in Sterpce. Out of the national minorities, KTAP won in Mamusha, representing the Turkish community.

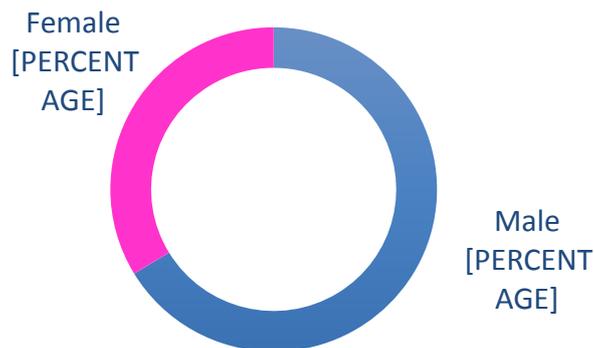
⁷⁹ Email correspondence between KIPRED and ECAP. January 24, 2014

⁸⁰ "ECAP receives complaints regarding the second round", Telegrafi. Accessed on January 30, 2014, <http://www.telegrafi.com/lajme/pzap-ka-pranuar-ankesa-per-balotazh-2-38739.html>.

⁸¹ ENEMO. Local elections 2009, Final Report.

Out of the total number of municipal advisors, 338 are female and 665 male, or percentage wise, 34% to 66% in favor of men. Looking at the number of women represented in the municipal assemblies, the highest percentages are in Hani i Elezit (47%), Kamenica and Kacanik (41%), and Junik (40%). The lowest female representation is in the municipal assembly of northern Mitrovica as well as Drenas (26%), and Peja (29%).

ASSEMBLY MPs GENDER BASED



The reason why female representation in these municipalities is under 30% is due to the large number of political parties that have won only one seat, which in most cases are male. The formula for gender quota of 30% for representation of the gender minority is only mandatory in the National Assembly, and is possible due to setting the threshold at 5%. In the case of passing the threshold, political

parties are entitled to at least 5 seats, which need to be distributed under the quota of 30% for the gender minority. Whereas for municipal assemblies - as there is no established threshold - political parties can only win one seat and can be represented with candidates from the gender majority. In this case, the makeup of the municipal assembly will be dominated by the gender majority, and may even be completely of the same gender. Men dominate in positions of both mayors and municipal heads. Of the 38 positions of mayors and heads of municipal assemblies, only one of each was taken by women. Namely in the municipality of Gjakova, Mimoza Kusari-Lila was elected mayor, and Valentina Rexhepi-Bunjaku in Gjilan as head of the municipal assembly, marking Kosovo's first time that these two positions are taken by women.

VIII. INAUGURATION OF MUNICIPAL ASSEMBLIES

Some of the mayors who lost the elections rushed to transfer the authority to the new mayors, even without the latter carrying out the oath.⁸² The Law on Local Self-Government obliges all new members of the Municipal Assembly to sign a solemn declaration under oath, within one month from the certification of election results; otherwise they cease to be members.⁸³

December 24 was the date set by most municipal assemblies to hold the inaugural session. In four Serb-majority municipalities of the north (northern Mitrovica, Leposavic, Zvecan and Zubin Potok) failed to hold inaugural sessions for three times in a row, as the mayors who won the municipal elections and who were coming from the Civil Initiative "Srpska" have consistently

⁸² Mayor of Peja, Ali Berisha transferred the authority to the new mayor on the next day. See, <http://www.koha.net/arkiva/?page=1,17,167773> Similar act by Mayor of Gjakova, Pal Lekaj.

⁸³ Law No. 03/L-040, on Local Self-Governance, Section 35

denied to sign the statement of the oath with the symbols of the Republic of Kosovo.⁸⁴ The possibilities for avoiding the oath in Serb-majority municipalities was discussed in the dialogue between Kosovo and Serbia,⁸⁵ and efforts to persuade the new mayors in respecting Kosovo protocols⁸⁶ were made by representatives of the EU in Kosovo as well.

The first attempt to hold the inauguration session was on December 24, which the MALG considered irregular, as the invitations sent by the mayors used the footnote along the title Kosovo, as to not show prejudice towards the Kosovo status, and did not contain the Kosovo state emblem,⁸⁷ as is required by the Law on Local Self Government. After the MALG gave additional time to meet the legal requirements, a second inaugural session was held on January 10, 2014, but this time there were no invitations sent by the newly mayor-elects at all, as they considered that the session was merely a continuation of the last session, and that new municipal assembly members had only been invited by phone, in order to maintain that the previous invitations expressing a neutral attitude towards the status of Kosovo were still valid. The second inaugural sessions were boycotted by the representatives from the Albanian parties as well as the Serbian SLS, due to the presence of symbols of the Republic of Serbia in the inauguration hall and the lack of those of Republic of Kosovo. The third attempt to hold inaugural session was on January 12, 2014, when it was also the last chance to keep the term won, as the legal deadline of one month to carry out the oath and to verify the mandate was near passing.

Finally, mayors and members of municipal assemblies of Leposavic, Zubin Potok and Zvečan signed the statement of the oath. In northern Mitrovica there was another situation, in which, Krstimir Pantić - who had won the elections for mayor - along with three assembly members from the Civil Initiative "Srpska", refused to swear by the oath because of the presence of the Kosovo state symbols in the oath. In fact, the statements of oath that were to be signed by representatives of the new municipality covered the emblem of Kosovo with adhesive tape.⁸⁸ In an attempt to satisfy the appetites of both parties, the MALG sent statements of the oath stamped with the emblem of the Republic of Kosovo, however, covered with adhesive tape, an illegal act which can easily be termed a forgery of official documents. The next day, the MALG report on the course of inaugural sessions,⁸⁹ recommended a repeating of elections in the municipality of northern Mitrovica, as the mayor-elect had not verified his mandate through the prescribed procedure of taking the oath.

In the municipalities of Serbian majority in central Kosovo (Novobrdó and Gračanica), the oath was performed on the same day as was done in other municipalities and without any controversies, although irregularities were identified. In the inaugural session in Gračanica there

⁸⁴ "Pantić: We have 9 mayors who do not recognize independent Kosovo", Newspaper Tribuna. Accessed on January 30, 2014, <http://www.gazetatribuna.com/?FaqeID=2&LajmID=33921>.

⁸⁵ "Serb mayors swear in", Newspaper Tribuna. Accessed on January 30, 2014, <http://www.gazetatribuna.com/?FaqeID=2&LajmID=34836>.

⁸⁶ "Kosovo state logo refused in the North, only 'Kosovo*' is allowed!", Telegrafi. Accessed on January 30, 2014, <http://www.telegrafi.com/lajme/ne-veri-refuzohet-logoja-e-kosoves-pranohet-vetem-kosovo-2-39767.html>.

⁸⁷ "Pantić doesn't respect MLGA", Portal Koha. Accessed on January 30, 2014, <http://koha.net/?page=1,13,171147>.

⁸⁸ "State symbol covered by adhesive tape", Portal Lajmi. Accessed on January 30, 2014, <http://lajmi.net/stema-e-mbuluar-me-leter-ngjitese/>.

⁸⁹ MALG, Information for the media, <http://mapl.rks-gov.net/Main-menu/News/Informate-per-Media-%283%29.aspx>

were no symbols of Kosovo but only those of Serbia, and Serbia's unofficial Minister for Kosovo, Alexander Vulin, as well as Kosovo's MALG Slododan Petrovic were present. The MALG considered the inaugural session in Gracanica to be irregular, and asked that it be repeated. The session was continued three days later⁹⁰ in the presence of MALG monitoring officials, and with the presence of Kosovo state symbols and also those of Serbia.

The Mayor of Skenderaj, who was in custody, was allowed by the Court of Appeals and EULEX to take the oath, but without the presence of media or the public. Meanwhile in Prizren, the inaugural session was boycotted by members of the Democratic Union, since the re-elected mayor for a second term was under investigations for misuse of official duty and, according to them, a "defendant" acting as mayor of the municipality will soon be behind bars.⁹¹

Despite the EU facilitated agreement between Kosovo and Serbia for the participation of Serbian community in local elections under Kosovo laws, and after many slip-ups on the Kosovo side, we can conclude that the makeup of local self-government bodies in the northern municipalities did not produce the expected results and did not justify the compromises made. The successive failure of inauguration sessions and the resistance from elected bodies there to sign the statement of the oath containing symbols of the state of Kosovo risked the whole dialogue process, which was this time saved thanks to an improvisation by using adhesive paper. In cases where inaugural sessions in Serb-majority municipalities were classified as irregular, the MLG issued press releases in which they found that they did not meet legal requirements, but without specifying what those legal requirements were, although they spoke to the denial of the state of Kosovo by its mayors.

Extraordinary elections for mayor in northern Mitrovica

Krstimir Pantic's refusal to sign the declaration on the oath of the mayor-elect in the municipality of northern Mitrovica forced Kosovo President to decide to repeat the elections for mayor in the municipality.⁹² The race for the first of the municipality was, in ethnic terms, balanced - as the four candidates came from two Albanian political parties, and two from Serbian. Among the candidates was Oliver Ivanovic, against who, an international prosecutor from the Kosovo Special Prosecutor had filed charges of war crimes and aggravated murder after the conflict. During the election campaign and on Election Day, Ivanovic was in custody, after being considered a dangerous person that may threaten witnesses or flee from the area of jurisdiction.⁹³ While Ivanovic is considered a dangerous person by the Court, it is not the case for the CEC - who certified him to compete in elections. The election legislation prohibits certifying candidates to run in the elections if they were convicted by a criminal court for one or more years of imprisonment,⁹⁴ but not also those who are under investigation.

Extraordinary elections for the mayor of northern Mitrovica were held on February 23, 2014, and this time with OSCE facilitation. Voting was held in seven polling stations with a total of

⁹⁰ MALG, <http://mapl.rks-gov.net/Main-menu/News/Deklarate-per-Media.aspx>

⁹¹ "Berisha: Prizren to quick elections after the arrest of Ramadan Muja", Bota Sot. Accessed on January 31, 2014, <http://botasot.info/lajme/259620/berisha-prizreni-shpejt-ne-zgjedhje-pas-burgosjes-se-ramadan-mujes/>

⁹² CEC, <http://www.kqz-ks.org/sq/lajme/Details/161>

⁹³ EULEX, Media Press Release. See <http://www.eulex-kosovo.eu/al/pressreleases/0553.php>

⁹⁴ Law No. 03/L-073 on General Elections, Section 54.1

28,429 persons entitled to vote. Of the total number of persons with the right to vote, 5890 used this right, or 20.72%. Previously, the Civil Registration Agency, which operates under the Ministry of Interior, also submitted a list to the CEC with specific names of 12 thousand Serbs in northern Mitrovica, who are not citizens of the Republic of Kosovo.⁹⁵ 6,992 people out of the total number were thought to have been included in the preliminary voters list. The ARC, the CEC and other institutions have not given information regarding these concerns raised by the opposition and the media, creating a suspicious situation which constitutes a violation of constitution and the law.

Provision of physical security for election materials was a challenging task, leaving the eventual results manipulation overshadowed. Numerous police and military forces were engaged for Election Day. In front of every voting center stood about twenty KFOR soldiers, EULEX and Kosovo police officers. Also, three members of EULEX police stood within each voting center, which is contrary to electoral legislation, as security forces cannot go inside polls if incidents are not reported. During the time of voting no illegal structures were noticed, such as the so-called "Civil Defense", which featured in the previous three rounds. Strict security measures gave the expected results, as the process was generally peaceful and without any incidents.

During the voting day there were crowds of voters identified who, in an organized manner, headed toward the ballot boxes, there were problems with voter lists, but also voting with Serbian documents. The completion of the electoral process and the election of new legal structures for the first time in northern Kosovo caused that many of the legal requirements and election standards to be left aside. Preliminary results given by the CEC declare as winner the candidate from the Civil Initiative "Srpska" with 52.6% of the vote, thus avoiding a second round of elections and what would be the fifth time that citizens come out to vote and to elect the mayor.

IX. RECOMMENDATIONS FOR ELECTORAL REFORM

After the failure of the ad-hoc electoral reform to carry out the undertaken duties, the Assembly mandated the Commission on Legislation to make the necessary changes in the Law on General Elections. Changes in the legal framework of the elections will not affect constitutional changes, which are essential for improving the electoral system. Thus, the public had to be satisfied with a few cosmetic changes, in hopes to see a restart of the electoral reform after the Assembly elections. KIPRED was invited by the committee to be part of a working group in amending the law, where some of our recommendations were incorporated in the draft law, but others were not taken into account. However, we offer our full recommendations below, which can be made without affecting the constitutional changes:

1. Duration of the election campaign

In the first review of the law by the Committee on Legislation there was no consensus among members for the duration of the election campaign. Overall, the mood of the majority of political parties is to shorten the election campaign length

⁹⁵ "ACR has illegally registered 7 thousand Serb voters", Illyriapress. Accessed on February 13, 2014, <http://illyriapress.com/arc-regjistroi-ne-menyre-te-paligishme-7-mije-votues-serbe/>.

from 30 days now, to 15 days. KIPRED considers that cutting down the campaign time undermines new political entities that aim to be represented in Parliament. Shorter campaign time can limit the appearance of new political entities in media and hampers the introduction of programs and candidates in all municipalities for all subjects.

2. Electoral threshold for political parties

Electoral threshold for political parties should be reduced from five (5) percent to three (3) percent, because the way it is it favors big parties and discourages the smaller parties and regional ones from participating. At a time when democracy is still not consolidated in Kosovo, when political parties are not profiled and remain closed to new individuals - through non employing internal democracy - lower electoral threshold would be the best promoter to stimulate these developments.

3. No threshold for independent candidates

Law on General Elections (Article 20) recognizes the right of independent candidates to participate in elections and the right to be elected. But this guaranteed right is greatly jeopardized by the threshold set (Law on General Elections, Section 111.2, paragraph a), since in order to secure a seat in the parliament an independent candidate must gather the amount of votes that would bring more seats if the case were a political party. Thus, the threshold for independent candidates is discriminatory in relation to political parties, since the competition between them is different on itself. Independent candidates run for one seat in parliament and political parties for more. This goes against the constitutional order of the Republic of Kosovo, which is based on principles of non-discrimination (Article 7.1), and Election and Participation Rights (Article 45.2), since the vote between independent candidates and political entities is not equal. Therefore, we recommend the threshold be removed for independent candidates at central level, and the division of seats in the Parliament to be from 1% of the total number of valid votes.

4. Favoring list holder

Law on Local Elections (Section 7.5) favors the holder of local list since the holder automatically receives all the votes that belong to their political subject. Thus, list holders are not subject to electoral competition as equal participants with other candidates. This act represents a constitutional violation, as it is a voting with half closed lists; whereas the constitution stipulates that lists should be open (Article 64.1). Kosovo's constitution (Article 24.3) allows use of measures to promote the rights of individuals and groups who are in an unequal position. However, this rule could not possibly apply to list holders as they are not a discriminated category - but rather privileged - and as such should be removed from the local level, and should not be allowed to return to the central level as is the intention.

5. Removing the preferential vote

A significant change would be if voters could only vote for a candidate, rather than voting for ten candidates in 2007 elections, and five candidates in 2010. Voting for one candidate allows knowing each candidate's electoral weight and results in the strengthening of their positions within the subject based on merits. In addition, voting for one candidate, as was applied in the recent local elections, has simplified the process of voting and counting of ballots, but has also minimized fraud within the political entity.

6. Open lists

Kosovo should continue to have an electoral system that practices open lists. Every citizen should have the right to vote for the candidate they think will be the best representative of their values and interests. Secondly, open lists increase politicians' accountability and responsibility, as they no longer have to thank the leaders for appointing them as Assembly members. In other words, open lists will motivate parties to respond directly to the needs of voters, and strengthen the link between voters and MPs. Open lists give each party candidate the same opportunity, and should empower these individuals, since the voters would vote for them and not for the party.

7. Conditional vote

Conditional voting is a right that the Law on General Elections guarantees for all those who cannot find their first and last name in the Final Voters List. The right to conditional vote is a common practice provided in post-conflict countries as it is considered that voters might have changed residence and cannot find their first and last name in the polling station assigned. At the time when the election legislation was drafted in Kosovo, it was justifiable to provide conditional voting because the people were still moving, as a result of war. Now, fourteen years later, conditional vote should be put down because it does not serve its original purpose and is the main reason for CEC's delays in certifying the results, as well as it is the source of many election manipulations. Removal of conditional voting must be accompanied with a voter education campaign for updating their addresses in the civil registry.

8. Voting from outside Kosovo

Voting from outside Kosovo is a very complicated and costly process as it is done through mail. The CEC has to perform special preparations for this venture, and it causes delays in counting the votes. It would be more acceptable if voters abroad were included in a special list which could be verified more easily, and valid only for the Assembly elections. As for local elections, voting from abroad should be eliminated in this case, since it is considered that people who do not live in the municipality are not sufficiently informed about local problems.

9. Voting Booths

Although electoral legislation does not define the format of voting booths, so far they have been high and positioned so that voter's back is towards the wall. Some of

the manipulation techniques used was to photograph the ballots, or to get a ballot outside the polling station in order to make the so called “Bulgarian train”. Voting booths should be turned in such way that voter’s back is towards the observers - but safeguarding vote secrecy - or have to be shorter in the front so that the upper body part of the voter is visible to the observers, in case of photographing of the ballot or attempts to bring the ballot out of the site. If this technical operation is conducted, it could largely prevent the phenomenon of vote-selling.