



PRELIMINARY STATEMENT ON LOCAL ELECTIONS 2017

24 October 2017

Local elections meet the election standards, pressure exercised on voters of Serb-majority municipalities, whereas CEC is again late in informing and educating the voters

Civil Society Organizations Coalition for observing elections “Democracy in Action” (DiA) engaged more than 2,500 short-term observers to observe local elections held on 22 October 2017. Observers have been engaged in all 2505 polling stations of 899 polling centers in order to observe the entire election process, starting from preparation for opening polling stations, the entire voting process, closure of polling stations and finally counting the results. Election campaign of candidates has been observed by 61 long-term election observers, including election rallies of candidates and meetings with stakeholders.

SUMMARY OF FINDINGS AND CONCLUSIONS

- Democracy in Action (DiA) considers that local elections that took place on 22 October 2017 have fulfilled both international and local standards for organizing elections. The process was peaceful and citizens were free and safe to exercise their right to cast their vote. There is an exception of Serb-majority municipalities, where was exercised pressure to the voters of the same community regarding their votes. A part of this pressure came from voters who in an organized manner came from Serbia to vote in these municipalities. A number of irregularities have been evidenced, but they generally did not damage the overall election process.
- A more serious problem during the election process was the discrepancy between ballots for mayors and those for Municipal Assemblies, which was verified through the stack of ballots. These cases were mostly present in the Municipality of Mitrovica. Another problem during the Election Day occurred in the Municipality of Deçan, where stamps distributed to polling stations were withdrawn as they were mistakenly distributed. This resulted in temporary interruption of voting process. Both these types of irregularities were not present in previous election processes; therefore, we ask CEC for an official explanation.
- Irregularities identified during the Election Day in the entire territory of the Republic of Kosovo were as follows: i) presence of propagating material near polling stations; ii) lack of election material; iii) presence of unauthorized persons; iv) photographing of the vote; v) family voting; vi) assisting voters more than one time; vii) voting outside the polling booth. Problems with voters' lists remain evident.



- Our observers reported for a number of cases where citizens faced difficulties to find their names in the voters' lists, as well as identified the names of their dead family members in the list. This damages the public trust on the accuracy of voters' list.
- DiA positively praises the work of many members of Polling Stations Councils (PSCs) for taking immediate measures to address problems that accompanied the voting and counting process. More qualitative training sessions are exceptionally necessary, as a part of PSCs members are not fully familiarized with voting procedures and in particular completing forms and packaging materials.
- DiA considers that CEC delayed to inform and educate citizens about the voting process and method, namely only one week before elections, despite the fact that local elections of 2017 have been organized in regular time-frame.
- CEC met rarely and did not provide materials of the meeting, thus hampering the election observation process.
- CEC, for the first time since the entry into force of the Law on General Elections (LGE) in 2008, requested verification of candidates of political entities who have been convicted for criminal offences in the past three years.
- CEC, following the certification of candidates of political entities, requested the verification whether the same have been convicted for criminal offences in the past three years, as required by LGE. It is worth mentioning that this was the first time that CEC requested such a certification after nine years since the approval of the law. Kosovo Judicial Council found that 87 candidates were convicted in the last three years, making the CEC to issue a decision for decertification of these candidates. ECAP confirmed the decision of CEC, but not the Supreme Court, which following the complaint of three of candidates, ascertained that this legal provision was in contradiction with the Constitution. As a consequence, CEC annulled its decision for decertification and provided all candidates with the opportunity to return to the election contest.
- OSCE mission in these elections as well assisted CEC in organizing elections in 4 municipalities in the north of the country. In these municipalities was allowed the identification of voters with documents from the state of Serbia, which is in contradiction with the local legislation.
- Election campaign was generally peaceful, with a number of isolated incidents which have not infringed the spirit of a free and democratic election campaign. Political entities have been mature and contributed to the development of a competitive and peaceful election campaign, where they presented their options and programs to the citizens and presented candidates for Mayor and Municipal Assemblies.
- Election campaigns in Serb-majority municipalities have been held in a more tensed environment and without the spirit of free competition between political entities.



The presence and direct impact of Serbian state officers aimed the impact on the free will of citizens for whom to vote.

- Only a small number of political entities, namely 6, positively responded to the request of DiA for declaring their expenditures for the election campaign.
- Most irregularities that accompanied the election campaign were: i) use of public resources, ii) hate speech; iii) placement of election materials in contradiction with the regulation; iv) participation of children in election activities; v) lack of access for persons with disabilities. Election campaign has been dominated by male candidates in public and as speakers in activities of political entities.

Background of local elections 2017

Local elections of 22 October 2017 took place within the regular constitutional deadline. Pursuant to the Article 4 of the Law No. 03/L-072 on Local Elections, Article 6 of the Law No. 03/L-094 on President of the Republic of Kosovo, President Thaçi held consultations with political parties and decided on the election date.

Previous local elections were held on 3 November 2013 and this was the first time to be held in all municipalities of the country (38 municipalities), including in 4 north municipalities of the Republic of Kosovo. This is based on the first agreement of principles regulating the normalization of relations which was reached on 19 April 2013 within the dialogue Kosovo –Serbia and ratified in the Kosovo Assembly on 27 June 2013. OSCE was involved in the facilitation of the first round of local elections in the north, as well as voting outside Kosovo in Serbia and Montenegro.

The election process was held in 4 north municipalities with the OSCE assistance as it was held in the past. On 12 October 2017, in a meeting between the Head of OSCE Mission in Kosovo, Mr. Jan Braathu, and President of CEC, Mrs. Valdete Daka, parties agreed that OSCE shall provide technical support for CEC only in the Election Day.

In the local elections of 2013, from 1.792.913 registered voters, 811.489 citizens casted their votes in each municipality, whereas the number of voters who voted outside the polling station was 18.882. The turnout in elections was 46.31%.

During the time period from the previous round of local elections 2013, the election process was organized in the Municipality of Graçanica on 18 January 2015, following the resignation of the Mayor, who took the position of the Deputy Prime Minister in the Government of Kosovo as well as in the Municipality of Drenas (Glllogoc) on 4 December 2016. The elected mayor of this municipality, which was the third mandate for him, resigned on 25 October 2016. This happened one day after the Court of Appeals upheld the judgment in case known as “Drenica 2”, in which case Mr. Demaku was convicted with 3 years in prison for criminal offences related to the period of the war. In Drenas was held the second round of voting, as in the first round none of the candidates managed to win most of votes.



Legal framework

Election system in the Republic of Kosovo is stipulated in the Constitution of the country and is defined with specific laws. The Constitution of the Republic of Kosovo guarantees freedom of association and the right to elect and to be elected.

Main laws that govern in details the election process in the country are the Law on General Elections, Law on Local Elections, Law on Financing Political Entities and Criminal Code of the Republic of Kosovo, which foresees sentences from 3 months to 5 years for criminal offences related to the election process. Two other important laws which relate to the local elections are the Law on Local Self-Governance and Law on Administrative Municipal Borders. Central Election Council (CEC), as a body managing the elections, issued Election Rules which serve to govern specific aspects of election process.

Each municipality is considered as single election area. Each Municipal Assembly is directly elected through votes of voters which are registered in the municipality where elections are being held for the Municipal Assembly. Political entity presents the list of candidates for certification for each municipality where it participates in elections based on the procedures determined by the Law on General Elections, Law on Local Elections and Law on Local Self-Governance that determines the number of members of Municipal Assemblies and CEC rules. Each list of candidates contains at least 30% of certified candidates of gender different from that of majority in the list. Each certified political entity is presented in the list which is open for each municipality in which the certified political entity competes in elections. By exercising his/her right to vote, the voter cast his/her vote for a certified political entity and may vote for a candidate from the list of candidates of this political entity. If the ballot contains more than one candidate, it is counted only the vote for the political entity. The vote casted for the political entity is considered as vote for the first candidate in the list of candidates of political entity.

Gender quote of 30% ensures that at least every third candidate of the political entity shall be from the less represented gender, which is applied in the division of seats for deputies in Assembly.

Mandate of the Mayor and Municipal Assembly is 4 years.

Certification of candidates

The process of certification of political entities and final lists (corrected) of candidates for Municipal Assemblies ended in 31 August. CEC certified for municipal elections of 22 October 91 political entities, of which 35 political parties, one coalition, 30 civic initiatives and 25 independent candidates. CEC also certified 7080 candidates of political entities who competed for a seat in municipal assemblies of relevant municipalities.

The deadline for application for political entities certification for local elections commenced on 22 June and ended on 22 August 2017. The draw for ranking of political entities in ballot was made on 11 September 2017, even though in the beginning was foreseen to be made on 6 September.



CEC, following the certification of candidates of political entities, requested the verification whether the same have been convicted for criminal offences in the past three year, as required by LGE. It is worth mentioning that this was the first time that CEC requested such a certification after nine years since the approval of the law. Kosovo Judicial Council found that 87 candidates were convicted in the last three years, making the CEC to issue a decision for decertification of these candidates. ECAP confirmed the decision of CEC, but Supreme Court did not, and following the complaint of three candidates, it ascertained that this legal provision was in contradiction with the Constitution. As a consequence, CEC annulled its decision for decertification and provided all candidates with the opportunity to return to the election contest.

Voters' lists, number of voters and polling centers

The final voters' list has a total of 1,890,952 voters, of which 18,011 voters who will vote for the first time. More than 5,000 persons have been removed from the voters' list after the election held in 11 June in order to remove the names of dead persons.

CEC approved the number of polling centers. The number of polling centers in these elections is 899 (10 more polling centers than in the early parliamentary elections of 11 June), with a total of 2,505 polling stations (15 polling stations more than in June 2017).

Election campaign

The electoral campaign for local elections of 22 October 2017 began on 21 September 2017 and ended on 20 October 2017. Considering that local elections were organized in a timely manner, the election campaign period lasted for 30 days, as foreseen by the Law on Local Elections.

Democracy in Action (DiA) through 61 long-term observers, in the thirty days of the local elections campaign, monitored 1,369 activities of certified political entities, conducted interviews with candidates in the electoral contest to discuss the progress of the electoral campaign, and monitored the meetings of the Central Election Commission (CEC) and the Municipal Election Commissions (MECs).

DiA estimates that the electoral campaign was conducted in a peaceful manner, in a competitive environment where political entities have presented their governing programs and candidates for mayors and municipal assemblies. During the electoral campaign, the participation of citizens and media in electoral activities developed by political entities was safe and unimpeded. Meanwhile, a small number of incidents have been recorded, which were isolated cases that did not damage the election campaign.

The electoral campaign in Serb-majority municipalities has developed into a tenser environment and in a place where it was absent the free competition among political entities. The presence and direct influence of Serbian state officials aimed to influence the free will of citizens on whom to vote.

During the election campaign for local elections 2017, most of the activities conducted by political entities were election rallies of up to 100 participants, meetings with citizens,



stakeholders and door-to-door meetings. The last week of the election campaign marked an intensification of electoral activities of political entities and meetings with citizens of up to 1,000 participants.

The most frequent irregularities associated with the election campaign were the use of public resources, namely the use of official vehicles, the involvement of civil servants and officials in the campaign.

Political entities were more reserved in the use of hate speech, however, during the electoral activities of political entities there were cases of hate speech, for which the ECAP imposed fines.

Inclusion of children in the electoral campaign in the activities of political entities was a problem evidenced in 30% of election activities monitored by DiA and the total number of children in these activities was 3,994.

Meanwhile, the access for people with disabilities was not guaranteed in 29% of the electoral activities of political entities.

During the election campaign the participation of women was low, with only 8 women competing for mayor out of 204 candidates. Women's participation has continued at low levels throughout the period of electoral campaign. In all activities monitored by DiA, women's participation has been on average about 10%, whereas, the participation of women as speakers was 21%.

In most of the monitored cases, the Kosovo Police has provided security for election activities. For 30 days of campaigning, half of the activities held by political entities had no security at all. Meanwhile, the media were present in 51% of election activities of political entities and were able to report freely.

Election observers

At the recommendation of the Office for Political Parties Registration and Certification, the CEC accredited a total of 33,200 observers. This number of observers consists of observers representing political entities, non-governmental organizations, international organizations, as well as local and international media.

The coalition of civil society organizations for election observation "Democracy in Action" (DiA) has engaged over 2,500 short-term observers for the election day and 61 long-term observers to observe election campaign and the election day.

Election Day

Election Day was generally conducted in accordance with democratic standards for free and fair elections. The process has been peaceful and the citizens were free and safe to exercise their right to vote. There have been a number of irregularities that did not generally harm the overall progress of the electoral process.



Delays in the opening of polling stations at 07:00 were marked at 5.9% of polling stations.

DiA observers reported the presence of political entities propagating material within the 100m diameter of the Polling Centre (PC). This phenomenon sanctioned by the Law on General Elections (LGE), Article 85 was evidenced in 3.67% of PCs at the country level. Meanwhile, there have been cases of political entity propaganda in some polling stations, where in the polling booths were found lists by which instructed voters who to vote for. There were also isolated cases of distribution of candidate business cards for certain candidates.

In the morning, at the time of opening the polling stations, 2.4% of the polling stations at the country level lacked election materials. In the municipality of Deçan, 22 polling stations were identified with irregularities regarding the stamp for stamping of ballots that caused delays in the opening of polling stations and their temporary closure. Other irregularities were related to isolated cases of the lack of Voting Book and lack of ballots.

The second part of the Election Day, respectively after 12:00, was accompanied by an irregularity unmarked previously. It was reported that the voting process was interrupted in a number of polling stations in different municipalities of the country due to the discrepancy between the number of ballots for mayors and municipal assemblies. After reporting these cases, police has arrested a number of polling station chairpersons. Such cases were evidenced more in the municipalities of Mitrovica, Klina, Suhareka, and Prishtina.

In general, during these local elections there is a decrease of cases related to family voting in relation to parliamentary elections and in difficulties of finding the name on the voters list. Family voting was evidenced in a total of 3,060 cases at Kosovo level. The municipalities with most cases of family voting were: Gjakova (770), Lipjan (446) and Peja (296).

Meanwhile, there were 511 cases of voters struggling to find the name on the voters list. Mitrovica (145) and Prishtina (144) are the leading municipalities.

There were also cases of photographing the ballot by voters, which indicates a practice of the possibility of buying the vote. It is worth mentioning that the police has accompanied to the station a certain number of reported voters for taking photos of the ballot and have assisted in undertaking the appropriate procedures.

As in all election cycles, even in the local elections 2017, there have been cases of voting outside the polling booths (or ballot publication), while voters assistance more than one time has been evidenced in a total of 193 cases, at 65 polling stations (or in percentage 2.6% of polling stations). The municipalities to lead are: Peja (40 cases), Suhareka (31) and Prizren (28).

The presence of unauthorized persons was noted at 0.81% of polling stations. Meanwhile, it was reported that 37% of polling stations did not provide access for persons with disabilities and the presence of women commissioners was 29.24%.



Participation in local elections 2017 was 43.68% of citizens eligible to vote according to official CEC data. The size of the electoral register in the local elections according to official CEC data is 1,890,952 voters.

Municipalities with the largest number of election turnout are: Mamusha (65.29%), Kllokot (63.15%) and Partesh (56.46%).

Review of complaints

From 21.09.2017 until 22.10.2017, a total of 313 complaints and 4 appeals were submitted to ECAP. Out of these, 216 complaints relate to the violation of the Code of Conduct of the Law on General Elections during the electoral campaign, among which 142 complaints were approved, 46 were rejected, 5 were unlawful, 13 complaints were withdrawn by the Applicants, 9 were filed after the deadline, and 1 complaint is still in the review procedure.

Since the political entities did not implement the Code of Conduct during the election campaign, the ECAP imposed fines to them in accordance with the Law on General Elections and the Rules of Procedure of ECAP. Regarding the fines, the ECAP has imposed the highest ones against LDK with a total of 70,300.00 €, followed by PDK with 22,450.00 €, LVV with 23,100.00 €, AKR with 18,500.00 €, AAK with 13,550.00 €, Alternativa with 12,950.00 €, NISMA with € 2,850.00 and so on. The amount of fines imposed on political entities in total is 196,750.00 €.

Democracy in Action has submitted 26 complaints to the ECAP, out of which 21 have been approved. The amount of fines imposed on political entities from the complaints filed by DiA is 12.350 €.
