

PRELIMINARY REPORT

Extraordinary Mayoral Elections in North Mitrovica, Zubin Potok, Leposavic and Zvecan

Prishtina, May 21st, 2019

Summary of Key Findings

- Democracy in Action assessed that extraordinary mayoral elections in the four northern municipalities of Kosovo were calm and no violations were found that would affect the integrity of the electoral process or which could undermine the public trust in them.
- There were no serious incidents during the Election Day, but some observers noted some irregularities during the voting process, such as i) Voting with Serbia's identification documents; ii) Violation of the voting secrecy, manifested through family voting and voting outside the booth; iii) Attempts to vote more than once (double voting); iv) Difficulties in finding voters in the Final Voters List due to inaccuracy of such lists; and v) Providing limited access for persons with disabilities due to the lack of adequate infrastructure for access to all polling centers and polling stations.
- In the vicinity of all Polling Centers, there was a presence of police officers who guaranteed the security and a smooth running of the voting process. The presence of Kosovo Police officials was also found in over 60% of election campaign activities in these four municipalities.
- The election campaign period was calm and without incidents, but pale in terms of activities performed. The campaign of political entities and their candidates was not intense and was large of a promotional nature for the candidates, placing promotional materials such as posters, banner, and informative stands. Half of the activities carried out were public gatherings, most of which were organized by the Serb List, with relatively low civic participation. About 50% of activities had up to 100 participants. The campaign was mainly oriented in the municipalities of Leposavic and North Mitrovica, where most of the activities were carried out.
- During the election campaign, certain irregularities were identified, such as i) the use of public resources, such as official vehicles for party purposes, and the presence of civil servants in the rallies; ii) placement of propagating material of political entities and candidates in public spaces which are not intended for this purpose; v) an extremely low presence of women in political party campaign activities and a lack of equal opportunity for women candidates to



disclose their views during speeches; as well as vi) lack of access for people with disabilities in the vast majority of activities carried out.

In the monitored election campaign activities, no cases of use of hate speech were found. In addition, no child involvement in such activities was found either.

- The presence of the media in the electoral campaign rallies was satisfactory and they were not prevented to report freely. However, according to reports, there was no television debate between candidates, which as a phenomenon has to a certain degree deprived citizens of the right to see the contrast between competing ideas and disclosure of the governing programs of the respective candidates.
- The Central Election Commission has carried out all activities envisaged in the framework of Voter Information and Education campaigns. Despite the fact that these products were shown to be relatively effective, there is still work to be done by the relevant CEC department to improve the quality of information and content of such products. The problem remains the placement of such products in public, especially in social networks, where innovative and more efficient methods can be used to access the public.
- Based on an observation of information campaigns and trainings of the members of Polling Station Councils, DiA assesses that in the absence of added CEC attention to the situation and specific features of the northern part of the country, the CEC has left room for dilemmas with regard to specific violations, such as the identification of voters with invalid documents, in this case with Serbian documents.
- The Central Election Commission was transparent in the announcement of the meetings held and publication of most of the decisions taken. However, not all of DiA's observers had access to materials which were reviewed by CEC members until their publication.
- The Election Complaints and Appeals Panel (ECAP) acted professionally and impartially in dealing with complaints while respecting deadlines. In this regard, this institution has approved the complaints by the Democratic Institute of Kosovo (KDI), as part of the DiA, regarding the placement of propaganda material by political entities in public spaces.

The history of extraordinary mayoral elections in the four municipalities in northern Kosovo

Extraordinary mayoral elections in North Mitrovica, Zubin Potok, Leposavic and Zvecan were announced as a result of the resignations of four mayors of such municipalities on November 27, 2018.

At an extraordinary meeting held on the same day, the former mayors of the four municipalities in the north had signed a statement in which they submitted their resignations, based on four points of justification, which were mainly related to the decision of the Government of Kosovo to implement a 100% tax on products from Serbia and Bosnia and Herzegovina. Resignation letters were submitted to the Ministry of Local Government Administration a few days later, but they were not received by the Kosovo Government due to the references used in their decisions to resign.

The announcement of these elections was made on April 8, 2019 by the President of Kosovo, Hashim Thaci, after a delay of more than four months, which had occurred as a result of uncertainties regarding the legality of the mayors' letters of resignation, because unconstitutional names for the Republic of Kosovo were used in such letters.

In accordance with the decision, extraordinary elections for mayors of these four municipalities will be held on 19 May 2019.

Legal Framework

The electoral system in the Republic of Kosovo is determined in the Constitution of the country and defined by specific laws. The Constitution of the Republic of Kosovo guarantees the freedom of association and the right to elect and to be elected.

The legal framework that regulates the organization and progress of the electoral process in the country in detail includes the Law on General Elections, the Law on Local Elections, the Law on Financing of Political Entities and the Criminal Code of the Republic of Kosovo. The Central Election Commission (CEC) as the election management body has also adopted electoral rules that regulate specific aspects of the electoral process.

For local elections, respectively mayoral elections, the Republic of Kosovo applies a pluralistic/majority vote system, where the vote is cast only for one candidate. Kosovo is divided into 38 electoral zones, each municipality representing a separate electoral zone, meaning that candidates can only be voted on by the citizens of the municipality concerned.

In the mayoral election, no electoral threshold is applied, but there is a system of two rounds of election (runoff) if none of the candidates manages to obtain 50% + 1 of the first round vote. For such elections, no gender quota is applied.

Certification of Political Entities and Candidates

Based on the CEC decision to set deadlines for electoral activities, the deadline for application for certification of political entities and candidates for extraordinary mayoral elections of four northern municipalities began on the 9th and ended on 18th of April. On the other hand, the certification of political entities and candidates was scheduled to take place on 22 April. The CEC has certified a total of 3 political entities with a total of 12 candidates each.

At the 23 April meeting, the CEC decided to certify candidates of two political entities - the Democratic Party of Kosovo and the Self-Determination (Vetevendosje) Movement. However, despite a positive recommendation of the Office on Political Party Registration and Certification, the CEC did not certify the candidates of the political party Serb List, in the absence of the necessary number of votes. This decision was appealed to the Election Complaints and Appeals Panel, which on 25 May issued a decision on partial admission of the appeal of the Serb List, ordering the CEC to certify the political entity in question.

The draw for ranking political entities and candidates on the ballot was made on 30 April. The first entity on the ballot, number 60 was set to be the Self-Determination Movement, followed by the Democratic Party of Kosovo with number 61, and the Serb List No. 62.

Voter lists, number of voters, polling centers and polling stations

The final list of voters for the extraordinary mayoral election in the north of the country contains a total of 57,983 voters, with an increase of 970 voters compared to the most recent local elections, held on October 22, 2017. Based on a division by municipalities, 22,055 citizens have voting rights in the municipality of North Mitrovica, followed by Leposavic with 18,164, Zvecan with 9,229 and Zubin Potok with 8,535 voters. In general, the number of first-time voters who have become eligible to vote (reached the age of 18) is 352 voters. Meanwhile, 1,063 people were removed from the list of voters, including deceased persons, persons who have renounced their citizenship and voters who have changed their addresses from these municipalities to other municipalities of Kosovo.

In these elections, 1,058 persons applied for registration as voters from abroad, of whom 1,056 were from Serbia and two from Montenegro. Out of the total number of applications, 793 were accepted, while the remaining part, respectively 263 applications, were rejected for reasons of non-confirmation of identity, non-confirmation of legal capacity criteria or because the applicants were not from the municipalities where the elections were held.

The voting process in these municipalities was performed in a total of 44 Polling Centers, i.e., 87 polling stations. Leposavic Municipality had 18 Polling Centers with 31 Polling Stations, Zubin Potok Municipality - 12 Polling Centers with 16 Polling Stations, Zvecan Municipality - 7 Polling Centers with 13 Polling Stations, and the Municipality of North Mitrovica - 7 Polling Centers with 27 Polling Stations.

Election campaign

The election campaign for the May 19th extraordinary mayoral elections for the municipalities of North Mitrovica, Leposavic, Zvecan, and Zubin Potok, lasted for five days, from May 13th to May 17th.

Democracy in Action monitored the five-day electoral campaign period in the four municipalities, through four long-term observers, who reported on the monitored activities on a daily basis. Observers also monitored the placement of promotional materials by political entities.

DiA observers monitored a total of 40 announced activities of political entities in the four northern municipalities of the country, most of which were small and medium public gatherings with up to 100 participants. Seven rallies were larger with up to 500 participants, while only three other events had more than 1,000 participants.



In general, the election campaign was conducted calmly and without incidents. The campaign was mostly developed by the Serb List, which focused its activities in the municipalities of Leposavic and that of North Mitrovica. On the other hand, Albanian political entities organized only three small gatherings, which were held in areas inhabited by Albanians. On the last day of the campaign, in the municipality North Mitrovica, there was the placement of promotional materials in areas not intended for such purpose, by the political entity "Movement Vetevendosje".

The first two days of the election campaign were characterized by a relatively small number of activities performed, which were mainly of a promotional nature for the candidates, including placement of posters, banners or other information points, as well as meetings with citizens in the respective cities. The campaign marked a slight intensification in the last days, particularly on the last day, on which the Serb List organized concluding gatherings with greater civic participation compared to other campaign days.

Kosovo Police provided the security for over 60% of the activities performed, which according to reports was professional during the exercise of their duties. In the rest of the activities, there was no security at all, and no case was identified when members of EULEX, KFOR or armed bodyguards were engaged to provide security.

During this campaign, there were few cases of use of public resources, which were found in activities organized by the Serb List in the municipality of Zubin Potok. The use of public resources involved the use of official vehicles in two cases. Moreover, in another case, also in the municipality of Zubin Potok, civil servants' presence was evidenced in an activity of the political entity Serb List.

The presence of women in election campaign activities continues to be low, similar to previous election processes. In this campaign, women participated in only about 15% of the performed activities. Of a total of over 70 speeches held during campaign activities, only 12 of them were held by women. Most of the women's speeches were held by the two candidates competing for the position of mayors in the municipalities of North Mitrovica and Zvecan.

Involvement of children during the campaign, as an occurrence in previous elections, has marked significant improvement. During this campaign, DA observers found no case of involvement of children in activities, whether spontaneously or in an organized manner.

The participation of people with disabilities in the campaign was extremely low, where there was only one person in a total of 40 activities. Access for people with disabilities was provided in only two of the activities performed. Such a low number is also associated with the atypical nature of this campaign, which, unlike in the past, was largely oriented towards promoting candidates by placing posters, banners and information stands.

The media were present in 25%, respectively 10 of the 40 election activities monitored in these four municipalities. In all media coverage cases, the media was free to report freely.

The DA observer was not allowed to attend one activity organized by the LVV, in the office of this entity in the municipality of North Mitrovica. Moreover, after the end of this activity, the crowd was shouting "UÇK" in the 'Bosniak Mahala'.

Hate speech was not identified in any of the activities monitored by DA.

Election Observers

The Political Party Registration and Certification Office had on 15th May recommended to the CEC the accreditation of 464 observers, out of a total of 39 organizations. Of these, two political parties with a total of 129 observers, two international missions with a total of 14 observers, two European Commission observers, two diplomatic missions with a total of three observers, 12 embassies in Kosovo with a total of 55 observers, one international NGO with 15 observers, four local NGOs with a total of 165 observers, as well as 15 media companies with a total of 81 observers were accredited to observe the voting process.

Election Day

On Election Day, DA was present in all 87 polling stations opened in four municipalities in northern Kosovo. Generally, the voting and counting process was calm, with some irregularities identified, which were not serious or violent violations that could have affected the voting process or the vote count.

All polling stations in the four municipalities were opened on time. In addition, some of the polling stations, respectively 16 of them (19%), were opened before 7 am, given that voters were already waiting to vote. Sensitive and non-sensitive materials were present in all open polling stations. People with disabilities had no access to most polling stations, respectively to 56.3% of them. There was a sufficient number of commissioners in all polling stations during the start of the voting process. After the opening of voting, our observers reported that there were no unauthorized persons inside the polling centers or the polling stations. About 70% of DA observers stated that security was provided in the Polling Centers by the Kosovo Police.

The voting process went normally and there was no interruption as a result of a serious incident. However, various irregularities have accompanied this process, similarly to the past. The most disturbing issue identified in this process is the voting, namely the identification of Serbian voters with Serbian documents. This process was followed by ambiguity on the part of the commissioners who allowed the identification with Serbian documents, under the justification that they did not receive the right clarifications during training regarding this aspect of the administration of the electoral process. DiA observers in the field, as well as those at polling stations, identified at least 100 cases when voters were allowed to vote after being identified only with Serbian document.

During the Election Day, only two attempts to vote more than once were found, as voters had traces of spray on their fingers. A fairly frequent issue found by DiA observers is family or group voting when more than one person stood behind the voting booth. This issue violates the voting secrecy and was identified in a total of 23 cases. The Voters List, though not at the previous election levels, remains a concern which is not addressed by the relevant institutions. During Election Day, there were six cases when there were complaints about the inaccuracy of this list. Voting outside the voting booth was rare, identified in only five cases. Based on the reports, there was no case where a picture of the ballot was taken, of double assistance, the presence of unauthorized persons at polling centers or polling stations. The preliminary turnout of voters in the elections in four municipalities is 24,595 voters, or 42.42%, excluding conditional ballots and votes by mail. The CEC has not yet been informed from the field on the number of conditional ballots or votes by mail since they are still in the verification



procedure. The municipality with the highest percentage of voter turnout is Zubin Potok with 50.74%, respectively 4,331 voters, followed by Zvecan with 45.17%, respectively 4,169 voters, Leposavic with 41.57%, respectively 7,550 voters, and North Mitrovica with 38.74% respectively 8,545 voters.

The closure of almost all polling stations was done on time and no irregularities were registered. The exception is four polling stations, which were closed with a few minutes delay, as voters who were in queue waiting to vote before 19:00, were allowed to vote. The progress of the counting process was in order and was not accompanied by incidents.

Preliminary results

Democracy in Action released preliminary results about 2 hours after the closure of the polling stations, with about 85% of polling stations processed. These results are almost fully in line with the preliminary results of the CEC, which divided by municipalities are as follows:

North Mitrovica: Goran Rakic (LS) - 90.1%; Gonxhe Çaushti (PDK) - 5.8%; Erden Atiq (LVV) - 4.1%

Leposavic: Zoran Todić (LS) - 96.6%; Shaqir Hetemi (PDK) - 2%; Fisnik Veseli (LVV) - 1.4%

Zubin Potok: Srdjan Vulović (LS) - 94.5%; Hysen Mehmeti (PDK) - 2.9%; Liridona Kahrmani (LVV) - 2.6%

Zvecan: Vucina Jankovic (LS) - 94.7%; Ilir Peci (PDK) - 3.3%; Avdi Peci (LVV) - 2%

These results do not include conditional ballots and votes by mail.

Review of complaints

Five complaints and one appeal were submitted to the Election Complaints and Appeals Panel (ECAP). The appeal was filed before the election process, respectively related to failure to obtain certification of CEC by the Serb List. Whereas, out of the total number of complaints, three of them were submitted by KDI regarding the pre-election campaign, while two other complaints related to the voting day, namely the identification of Serbian voters with Serbian documents, were filed by BIRN but were rejected.

The amount of fines related to complaints about the election campaign period amounts to 6,150 Euros.

The Coalition of Civil Society Organizations for Election Observation "Democracy in Action" (DA) has accredited 116 observers to observe the electoral process for the extraordinary mayoral elections of four municipalities in northern Kosovo, held on 19 May 2019. The pre-election campaign was monitored by four long-term DA observers, including public gatherings, stakeholder meetings, private home visits, and other activities. These observers also followed the gatherings and meetings of municipal election commissions of respective municipalities. Likewise, DA also monitored the meetings of the Central Election Commission.

On Election Day, DA had 87 observers engaged, who were placed in each of the polling stations in these four municipalities. DA will closely monitor the counting process at the Results Counting Center and review any complaints at the Election Complaints and Appeals Panel.



The detailed findings from the observation process before, during and after the Election Day will be presented in the final observation report, which will be published after the certification of the results.

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