

LAW NO. 03/L-072

ON LOCAL ELECTIONS IN THE REPUBLIC OF KOSOVO

The Assembly of Republic of Kosovo,

Based on Article 65(1) of the Constitution of the Republic of Kosovo;

For the purpose of administering free, fair and democratic elections for Municipal Assemblies and Mayors and with the aim of empowering democratic local governance,

Hereby adopts:

LAW ON LOCAL ELECTIONS IN REPUBLIC OF KOSOVO

CHAPTER I

GENERAL PROVISIONS

**Article 1
Purpose**

The purpose of this Law is the organization and holding of elections for Municipal Assemblies and Mayors of Municipalities of Kosovo.

**Article 2
Definitions**

2.1. Terms used in this Law shall have the following meanings:

“**Candidate**” means a candidate for Municipal Assembly Member or Mayor, who enters into the competition under the name of a political party or citizens’ initiative.

“**CEC**” means Central Election Commission;

“**Central Civil Registry**” shall mean the registry of habitual residents established under the Law on Citizenship and under this Law;

“**Certified political entity(ies)**” shall mean a political entity, i.e. political party, coalition of political parties, citizens’ initiative and independent candidate, which is certified by the CEC, in accordance with this Law and CEC rules;

“**Citizens’ Initiative**” shall mean a group of persons who voluntarily associate on the basis of a common idea, interest or viewpoint with the objective of having their candidates elected, but who do not wish to form a Political Party;

“**Coalition**” means the coalition of two or more political entities;

“**Constitution**” means the Constitution of Kosovo.

“**ECAC**” shall mean the Elections Complaints and Appeals Commission, an independent body in charge of adjudicating complaints and appeals concerning the electoral process.

“**Independent candidate**” means a candidate for Municipal Assembly Member or Mayor, who is not a member of any political party or citizens’ initiative and does not enter into competition under the name of any other political entity;

“**Media**” means all the TV stations and Radio Stations which broadcast in the territory of Kosovo and are licensed by the Independent Media Commission, including the print media;

“**Municipality,**” shall mean the basic unit of local self-government in Republic of Kosovo, made up of citizens of communities of a specified territory defined by the Law on the Number, Names and Municipal Boundaries;

“**Municipal elections**” means the election of Municipal Assemblies and Mayors;

“**Non-governmental organization**” (**NGO**) means any organization registered as a non-governmental organization, in accordance with the provisions of the law in force;

“**Political entity**” means a political party, coalition, citizens’ initiative or independent candidate;

“**Political Party**” shall mean an organization of individuals who voluntarily associate on the basis of common ideas, interests or views, for the purpose of obtaining influence and having their representatives elected to public office or as otherwise defined by applicable legislation;

2.2. Any other term used in this Law shall have the same meaning as in the Law on General Elections in the Republic of Kosovo, unless the context requires otherwise.

Article 3 Basic Provisions

3.1 The conduct and administration of municipal elections in Kosovo and the legislation pertaining to elections shall be guided by the following principles:

Municipal elections shall be held on the basis of free, universal, equal, direct and secret vote pursuant to this law and CEC rules.

Eligible voters are equal in the exercise of the right to vote and have the right to cast an equal number of votes in the same elections.

Every citizen of Kosovo has the right to vote and be elected without any discrimination based on race, ethnicity, color, language, gender, religious belief or political convictions, education, social affiliation or any other similar criteria pursuant to the provisions of this Law.

Election administration bodies shall undertake voter education activities designed to increase voter awareness on the voting procedures and procedures for protecting electoral rights. For this purpose, elections administration bodies shall make available education material in the languages of communities in those geographical areas where such communities are located and through the media operating in minority languages.

Freedom and privacy in casting the vote is guaranteed. No person has the right to prevent a citizen from voting, force one to vote in a certain way, hold anyone accountable for the vote, or request that anyone reveal his/her vote or state the reasons for failure to vote against his/her will.

All political entities are free to campaign and make electoral propaganda in the mass media, by holding political events, and by publishing and disseminating campaign materials in any lawful manner pursuant to the applicable legislation and rules.

Political entities shall be entitled to equality of opportunity of radio and television air-time, public funds and other forms of support.

The use of public office, resources, or staff of any institution at a central or local level for the purpose of supporting a political entity in an election is strictly prohibited. Political entities shall not take advantage of civil servants using the post, resources, or staff to campaign during elections.

All political entities and elections bodies are obliged to respect the gender quota requirements as set forth by this law.

All political entities, their supporters, and all other institutions are obliged to respect the fundamental principles set forth in this article and take all measures to ensure the conduct of free, fair and well-informed elections within a climate of democratic tolerance, peace and respect for the rule of law.

3.2 Mayors and members of a Municipal Assembly may not be members of any other elected body.

3.3 All political entities are free to hold a campaign in accordance with the applicable rules and legislation, including Chapter VIII of the Law on General Elections.

3.4 A person who holds a public office, elected or appointed, may not use such office or any of its resources for the purpose of obtaining votes. No resource of any institution of the public administration at a central or local level or any enterprise owned or controlled by central or local authorities can be used or applied in support of a political entity in an election.

3.5 No political entity shall, during the course of an electoral campaign period, encourage or take advantage of a public employee using his or her public position to campaign for a political entity.

Article 4

Date and announcement of election

4.1 After consultation with political parties, the President of Kosovo sets and announces the date of local elections.

4.2 Elections for the institutions of local self-government shall take place on a Sunday every four (4) years. Elections cannot be held earlier than sixty (60) days before the expiry of the mandate or later than thirty (30) days after the expiry of the mandate.

4.3 According to the competencies of the President of Kosovo defined by the Constitution, the decision of the President to set the date of elections is made not later than four (4) months nor earlier than six (6) months before the date of the elections.

4.4 Following the dissolution of the Municipal Assembly or dismissal of the Mayor, if there is no complaint filed within five (5) days in the Constitutional Court, early local elections shall be announced by the President of Kosovo. Upon dissolution of the Municipal Assembly early elections shall be announced no later than ten (10) days after the dissolution. Early elections may not be held earlier than thirty (30) days and no later than forty-five (45) days after the dissolution. Early elections shall be governed by the same laws and CEC rules as other elections, except that CEC may change time frames as needed in accordance with the circumstances

4.5 The Decision to announce elections shall be made public in the 'Official Gazette of Kosovo'.

Article 5

Mandate of Municipal Assemblies and Mayors

5.1 The Mandates of Municipal Assemblies and Mayors expire in the same month, in the fourth year after the date of regular elections, in accordance with article 37 of the Law on Local Self-Government.

5.2 The Municipal assembly and the Mayor continue to be in office until the inauguration of the new Municipal assembly and Mayor, unless dissolved in accordance with the Law on Local Self-Government.

Article 6

Confirmation and certification of election results

The CEC shall certify final election results in accordance with the Law on General Elections Chapter XVI and CEC rules.

CHAPTER II

ELECTION SYSTEM

Article 7

Election for Municipal Assemblies

7.1 Each municipality will be considered a single electoral zone. Each Municipal Assembly is directly elected by votes of the voters who are registered in the municipality where the Municipal Assembly election is held.

7.2 A Political Entity shall submit a list of candidates for certification for each municipality it contests based on procedures established by this law, the Law on General Elections, and CEC rules. Each candidate list shall comprise at least 30% certified candidates of the other gender.

7.3 Each certified political entity shall appear on an "open list" ballot for each municipality in which the certified Political Entity contests the election.

7.4 While exercising his/her right to vote, a voter shall vote for one (1) certified Political Entity and may vote for one (1) candidate from the list of candidates from this political Entity. If a ballot is marked with more than one (1) candidate, only the vote for Political Entity is counted.

7.5 The vote cast for Political Entity is considered as a vote for the first candidate from the list of candidates of that Political Entity. CEC ensures that the ballot does not allow the voter to vote at the same time for Political Entity and for the first candidate from the list of candidates of this Political Entity.

Article 8

Distribution of seats in the Municipal Assembly

8.1 Seats in each municipal assembly shall be distributed as follows:

i. The total number of valid votes received by each political entity in a municipality shall be divided by 1,3,5,7,9,11,13,15 et seq. until the number of divisors used corresponds with the total number of seats to be distributed for that Municipal Assembly;

ii. The quotients resulting from this series of divisions shall be arranged in descending order. Seats shall be allocated to Political Entities according to the quotients, with the first seat going to the Entity with the largest quotients, the second seat going to the Entity with the next largest quotient, et seq. until all seats of the respective Municipal Assembly are allocated.

iii. If a Political Entity is allocated seats equal to the number of candidates in its list and there are still seats to be allocated to that political entity, then the remaining quotients of that political entity shall not be taken into account in allocating any remaining seats. Subsequent quotients in descending order shall be used until all seats in that Municipal Assembly are allocated.

iv. If a tie occurs because two or more quotients are identical, the seat shall be allocated on the basis of a drawing of lots by the chairperson of the CEC in the presence of the authorized representatives of the Political Entities concerned.

8.2 All votes received by the candidates, appearing on the candidate list of each Political Entity shall be counted separately. The candidate lists shall then be reordered in descending order based on the number of votes received by each candidate.

8.3 The seats allocated to a Political Entity under paragraph 1 of this Article, shall be distributed to the candidates on the Political Entity's candidate list as reordered in paragraph 2 of this Article, starting from the first candidate on the reordered candidate list in strict descending order, until the number of seats allocated to the Political Entity.

8.4 If, after the allocation of seats as set out in paragraph 3 of this Article, the candidates of minority

gender within a political entity have not been allocated at least 30% of the total seats for that political entity, the last elected candidate of the majority gender will be replaced by the next eligible candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender becomes is at least 30%.

Article 9 Election of Mayors

9.1 For the purpose of Mayoral Elections, each municipality shall be considered one single-member electoral district.

9.2 A candidate for Mayor must be eligible under article 30 of the Law on General Elections and must have been a resident, for at least three (3) years, of the municipality in which she or he is running, to be elected as Mayor.

9.3 A certified political Entity's candidate for the position of Mayor may be certified as a candidate in other elections such as for the Assembly of Kosovo or a Municipal Assembly, but shall only hold one elected office. If elected as Mayor, a candidate shall be deemed ineligible to hold a seat in the Assembly of Kosovo or a Municipal Assembly.

9.4 Each Mayor is directly elected by votes of the voters who are registered in the municipality where the Mayoral election is held.

9.5 A candidate is elected Mayor of a Municipality if he or she receives more than 50% plus one vote of the total valid votes cast in that Municipality.

9.6 If none of the candidates receives more than 50% plus one of the total votes cast in that Municipality, a second election shall be organized by the CEC between the two candidates who received the most valid votes. A second round of elections is held on the Sunday four (4) weeks after the first round.

9.7 The candidate who wins the majority of votes in the second round is elected as Mayor of the Municipality.

Article 10 Replacement of members of Municipal Assembly

10.1 The mandate of the municipal assembly member cannot be altered or terminated before the expiry of the municipal assembly mandate, with the exception of the cases determined with the Law on Local Self-Government.

10.2 The Chair of the Municipal Assembly shall notify the CEC of any vacant seat in the Municipal Assembly.

10.3 The CEC fills the vacancy in accordance with following determined criteria:

a) by the next eligible candidate of the same gender on the reordered candidate list of the same Political Entity;

b) by the following candidate of the reordered list of candidates of the same political entity, if there is no other candidate of the same gender in the reordered list of candidates;

c) by the following candidate in the reordered list of candidates of the political entity, which had the highest coefficient of votes immediately after the former political entity in accordance with the formula indicated in Article 7.1 of this Law, in the latest elections, if there is no other candidate remaining in the reordered list of candidates of the former political entity;

d) by the following candidate in the reordered list of candidates of the political entity, which had the highest coefficient of votes immediately after the previous political entity in accordance with the formula

specified in Article 7.1, if the member is an independent candidate.

10.4 The Municipal Assembly dissolves in accordance with the Law on Local Self-Government.

Article 11 End of mandate and Dismissal of Mayors

11.1 The mandate of the Mayor ends in accordance with the Law on Local Self-Government.

11.2 The Mayor whose mandate ceases pursuant to paragraph 1 of this Article shall be replaced by conducting an early election for a Mayor in that Municipality. The mandate of newly elected Mayor shall end on the same date as the mandate of Mayor that he or she replaces.

CHAPTER III

THE RIGHT TO VOTE, REGISTRATION AND CERTIFICATION

Article 12

12.1 Chapter II (voter eligibility, voters list, and challenge and confirmation period for the voters list), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

12.2 The voter has the right to vote only in the municipality where he or she is registered as permanent citizen, unless provided otherwise by law.

Article 13

Chapter III (Political party registration and political entity certification), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER IV

CANDIDATE CERTIFICATION

Article 14

Chapter IV (Candidate certification), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER V

THE CODE OF CONDUCT FOR POLITICAL ENTITIES, THEIR SUPPORTERS AND CANDIDATES

Article 15

Chapter V (The code of conduct for political entities, their supporters and candidates), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER VI

LOCAL ELECTIONS' EXPENDITURE

Article 16 Financing of Local Election

16.1 Local elections are financed by the Kosovo Consolidated Budget.

16.2 The funds are administered by the CEC according to the Law on Management of Public Finances and Accountability.

16.3. Chapter VI (campaign spending limits and financial disclosure), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER VII

CAMPAIGNING AND NOTIFICATION OF POLITICAL EVENTS

Article 17

Chapter VII (Campaigning and notification of political events), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER VIII

MEDIA DURING THE ELECTORAL CAMPAIGN

Article 18

Chapter VIII (Media during the electoral campaign), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER IX

ELECTION OBSERVERS

Article 19

Chapter IX (Election observers), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER X

THE CEC

Article 20

Chapter X (The CEC), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XI

MUNICIPAL ELECTION COMMISSIONS

Article 21

Chapter XI (Municipal Election Commission) and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XII

POLLING STATION COMMITTEES

Article 22

Chapter XII (Polling station committees), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XIII

POLLING STATIONS AND VOTING

Article 23

Chapter XIII (Polling stations and voting), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XIV

VOTING OUTSIDE OF KOSOVO

Article 24

24.1 Voters living temporarily out of Kosovo have the right to vote in local elections in accordance with the procedures and the date set by the Central Elections Commission.

24.2 Chapter XIV (Out of Kosovo voting), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XV

SPECIAL NEEDS VOTING

Article 25

Chapter XV (Special needs voting), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XVI

THE COUNTING OF BALLOTS AND ANNOUNCEMENT OF ELECTION RESULTS

Article 26

Chapter XVI (The counting of ballots and announcement of election results), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XVII

VOTER INFORMATION AND MEDIA

Article 27

Chapter XVII (Voter information and media), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XVIII

ECAC

Article 28

Chapter XX (Election appeals and complaints commission), and any provision relating to the subject matter thereof, of the Law on General Elections in the Republic of Kosovo shall mutatis mutandis apply to local elections unless otherwise provided by this Law.

CHAPTER XIX

FINAL AND TRANSITIONAL PROVISIONS

Article 29 Implementation

29.1 The CEC shall issue secondary legislation for the implementation of this Law. Within nine (9) months from the day of entry into force of this Law, the CEC shall approve the rules referred to in this Law.

29.2 The CEC shall issue any other rules deemed necessary for the implementation of this Law.

Article 30 Repeal

Upon the entry into force, this law shall repeal all prior legislation regulating local elections, but shall not repeal the Law on General Elections or the Law on Local Self-Government.

Article 31 Entry into force

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

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5 June 2008**