Observation Report
General elections 2014

Extraordinary elections with ordinary challenges

Prishtina

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Introduction

Similarly to the 2010 general elections, June 8th 2014 general elections were again extraordinary as the Assembly of Kosovo got dismissed before its fourth regular term ended. Early elections imposed a shorter deadline for organizing the elections, but regardless, June 8th general elections were conducted in accordance with international standards for free and democratic elections.

It is important to note, however, that findings revealed in this report show that the election process did fall short in a number of areas, and a lot remains to be done in order to advance election processes. Observation missions of Democracy in Action provide reports that aim to identify weaknesses of the election process, and suggest ways to improve and avoid them in the future.

For almost three years, political entities worked on the electoral reform, but did not manage to find an agreement on the main issues, pushing the process towards a deadlock. Draft amendments on the Election Law proposed by the electoral reform committee addressed trivial issues, whereas the main aspects of the electoral system were not touched. Findings of this report show that many of these problems can be avoided through improved technical organization of the elections. This can be achieved through trainings for commissioners, closer cooperation with the civil society organizations, more focused voter education programs and effective auditing of ballots and sensitive materials at the end of the electoral process.

Main challenges revealed in this report include:

- Invalid votes
- Inefficient informing of voters about their voting stations
- Allowing of political propaganda within 100 meter diameter of the polling centers
- Deceased persons in the voters lists (although at a lower scale comparing to previous elections)
- Secrecy of vote (through family voting, taking pictures of ballots and voting outside the voting booth)
- Failure to register voting with assistance and overall low turnout in some municipalities

The voter turnout was lowest since 2007 elections, regardless of the fact that elections tool place in spring and in good weather conditions. It is also important to note that the high number of invalid ballots, which remains as high as in 2010, presents a serious challenge that must be addressed by the CEC in cooperation with the civil society organizations and political entities.

The number of damaged ballots (1899) was doubled comparing to the last local elections. In some municipalities, as was the case in Ferizaj, the number of damaged votes is ten time higher than in previous elections, and is viewed as a serious issue by the Democracy in Action. Early elections imposed a shorter deadline for organizing the elections, and within a month the CEC had to do voter education, monitor the ten day election campaign, and train thousands of commissioners and observers.

In general, the election campaign was moderate, although observers noted participation of civil servants as well as workers of the health and education sectors in political activities during the working hours. Also official vehicles were used by candidates to reach out to voters during the election campaign.

To date, Kosovo held nine cycles of elections, of which four were organized without assistance of international actors. Therefore, elected officials, election administrators, political entities and civil society should learn from the experience of previous elections and move forward by improving election processes. This report presents a solid base in this regard.

Methodology

The goal of Democracy in Action is to reach highest democratic standards for election processes in Kosovo, and to promote free, equal and fair elections. As in previous elections, following the announcement of election by the President, Democracy in Action mobilized the network of organizations and volunteers interested in getting involved in the pre-election processes, Election Day and post election activities. DiA main activities included voter education, observation of the electoral campaign, monitoring the voting and counting process, as well as monitoring ECAP in handling complaints and appeals.

Democracy in Action monitored the 10 day campaign for the extraordinary elections that took place on June 8th. Sixty (6) long term observes were assigned by the DiA to cover all activities of political parties throughout Kosovo. Findings from observation of campaign activities have been published by DiA through press conferences and press releases. Amongst other recommendations, political entities were called to respect the Code of Conduct for political parties.

The voting process on the Election Day was monitoring by 2.400 observers engaged by DiA, through its network of organizations across Kosovo, including

the four municipalities in the north. In this election process, DiA covered each of the 2.377 polling stations across Kosovo, and deployed mobile teams.

All observers were trained on the election legal framework, observing the voting process, counting, the correct filling of forms and ways in which they should report in the Call Center established by the DiA. The vast majority of information included in this report was derived of the data collected by observers.

On the Election Day, DiA established a Call Center administered by 150 volunteers, who systematically communicated with observers in all polling stations. Volunteers received information about voter turnout, voting process or eventual irregularities that required attention of authorities. The analysis of the data was inserted in the data base, which served as the foundation for this report, which aims to provide an overview of how the general elections were organized, conducted and certified.

I.   The legal framework

The primary legislation

June 8th, 2014 election resulted from the decision of the Assembly of Kosovo to dissolve itself. Elections were organized and conducted in accordance with article 66.2 of the Constitution of the Republic of Kosovo and the Law no/03/L - 073 on General Elections, amended in October 2010. It is important to note that these elections were organized based on the old election system, as political entities failed to reach an agreement to amend the primary legislation regardless of the fact that the electoral reform begun in April 2011, following the adoption of a resolution in the Assembly of Kosovo.

Leadership of political parties failed to reach consensus on key issues related to the election system including districts, CEC composition or threshold. Final attempt of the Committee to push through amendments that addressed at least some technical aspects of election organization failed, as the Assembly got dissolved and early elections were announced.

The election system

The current legal framework defines Kosovo as one electoral district. Members of the Assembly are elected based on a proportional system with open lists, in combination with preferential voting for candidates of political parties.

The Law on General Elections stipulates that: voters are entitled to a single ballot and they vote by marking one of the political entities. The voter can mark up to five candidates from the list of their preferred political entity. If voters mark more than five candidates in the ballot, the vote is only counted for the political entity.

According to the Constitution of Kosovo, the Assembly has one hundred twenty (120) deputies elected by secret ballot on the basis of open lists. The seats in the Assembly are distributed amongst all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly

The secondary legislation

The secondary legislation is of special importance for the CEC to be able to carry out its function as a constitutionally recognized body responsible to prepare, oversee, run and verify all actions related to the election process.

The CEC adopted a number of normative acts aimed at supplementing the legal framework needed to effectively carry out its function. To date the CEC has adopted numerous secondary legal acts, such as election rules and administrative instructions which have been applied in the previous elections as well as the extraordinary elections of June 8th, 2014. Most commonly the CEC adopted decisions aimed at ensuring welfare of the election process. Only for the recent general elections, the CEC adopted 46 decisions, starting with the decision to approve the Handout for Training on Voting and Counting Procedures in the Polling Stations (12th of May, 2014), and ending with the decision for certification of final results of June 8th, 2014 Extraordinary Elections for the Assembly of Kosovo.

With the aim of supporting and protecting the integrity of the election process and, the CEC signed memorandums of cooperation with a number of important institutions including the Ministry of Health, Ministry of Economic Development, Ministry of Justice, the EU, Judicial Council, State Prosecutor, Kosovo Police and Election Complaints and Appeals Panel.

II.   Preparations for elections

Election announcement

The political spectrum of the country faced an extraordinary situation for a relatively long time. The government did not have the majority in the Assembly required to adopt legislation or decisions that required absolute majority, whereas the opposition did not have the votes required to overthrow the government. Thus, political actors came to an agreement that the situation does not allow for effective functioning of state institutions, leading the way for immediate extraordinary elections.

The mandate of the Ad Hoc Committee responsible to lead the election reform process expired before it reached the goal for which it was created. Political party leaders did not demonstrate willingness to support the electoral reform. In January 2014 the issue of electoral reform was brought to the table again, although the lead was taken by the Committee for Legislation and Judiciary. The latter, similarly to the previous Ad-Hoc Committees, failed to complete the election reform as the package of amendments for the Election Law were never adopted by the Assembly. Although proposed amendments provided for cosmetic changes in the election system, and did not address districts, lists or CEC composition, it failed as a consequence of the debate being focused on reserved seats for minorities and the Law on Armed Forces.

Following a series of talks between leaders of political parties (except for Vetevendosje Movement that was invited in these meetings), an agreement was reached to dismiss the Assembly on May 7th, 2014. The motion to dismiss the Assembly was adopted with 90 votes for, 4 against and 3 abstentions. The next day, after consulting political parties and other stakeholders, the President announced extraordinary parliamentary elections, to be held on June 8th. This way the heat was pushed towards the Central Election Commission, as the institution mandated by the Constitution to organize elections.

The CEC work

Comparing to the 2013 local elections, when the CEC faced the challenge of organizing elections for the first time in the northern part of the country and the new content of the ballots, in the extraordinary elections of 2014 the CEC didn't face the same pressure. State symbols were incorporated back in the ballots and OSCE took over the organization of elections in the northern part of the country.

Although it was made clear that the country was slipping towards early elections, the CEC couldn't do much, at a time when electoral reform was ongoing. Thus, the CEC could do very little for election preparation as electoral reform was expected to introduce several changes.

When the President announced elections for June 8th, the CEC had less than a month to organization the elections. The short time available for organizing elections was worrisome for Ms.Valdete Daka, the Chair of CEC, as she considering the task of CEC very challenging.[1] However, during this period the CEC met very rarely.

From the 12th of May until 5th of June 2014, the CEC convened 12 meetings. During the meeting held on May 27th, the CEC took the contradictory decision for banning promotional posters. The decision of the CEC conflicted with article 44 of the Law on General Election. The decision stipulated a ban on a certain format of posters, but as the decision was made one day prior to the beginning of the election campaign, parties had already printed posters.

However, an appeal submitted by a political entity in the ECAP[2] annulled the CEC decision to ban posters. At another meeting the CEC members requested from the CEC Secretariat to review the possibility of counting votes (especially those of candidates) in the municipal centers, although the Law on General Elections clearly stipulates that votes should be counted at the polling stations. But, the CEC never put this decision to a vote.

ELECTORATE		
2010	👤👤👤👤👤👤👤	1,632,276 M
2013	👤👤👤👤👤👤👤👤	1,792,913 M
2014	👤👤👤👤👤👤👤👤👤	1,799,023 M

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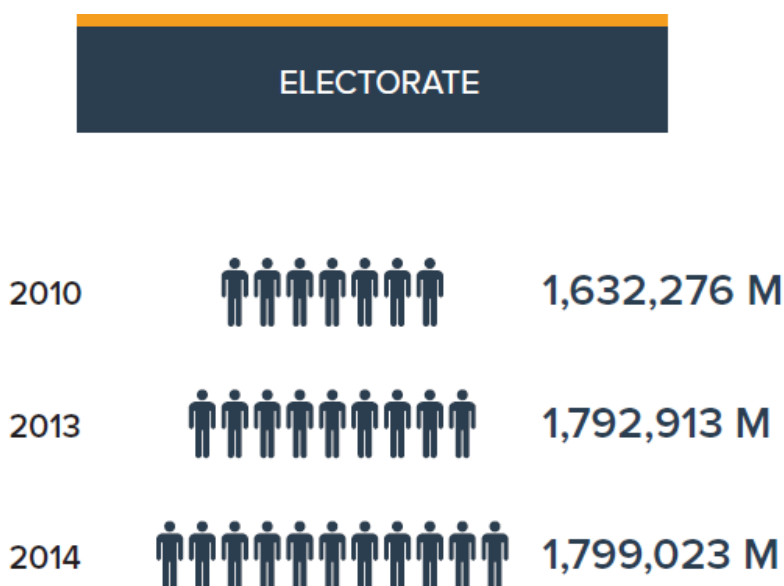
[1] Telegrafi. May,3 2014. Daka: June 8th Elections a mission impossible. Aavailable at: http://www.telegrafi.com/lajme/daka-zgjedhjet-me-8-qershor-opsion-i-pamundur-2-44270.html

[2] Election Complaint and Appeal Panel (ECAP). May, 29th, 2014. Decision No. 79/2014. Available: http://pzap.rks-gov.net/repository/docs/Anr%2079%20Vendim.pdf

Functioning of MEC's

Ensuring proper functioning of Municipal Election Commissions (MEC's) remains among the main challenges for effective management of the election process. As in the previous elections, the DiA long term observers noted a number of irregularities in the functioning of the MEC's. While some of the MEC's functioned at a relatively satisfactory level, other almost never convened regular meetings. This indicates lack of adequate oversight from the Secretariat of the CEC, as they relied solely on the will of Municipal Election Officers. Failure to meet regularly, lack of meeting minutes, lack of informational materials and passiveness of municipal election officers were encountered as main deficiencies.

Training of PSC's

As in previous elections, Democracy in Action placed special attention in monitoring training provided to election commissioners. DiA long term observers monitored a considerable number of trainings conducted for the PSC's. Lack of a fixed schedule of trainings in many municipalities, presented an ongoing challenge for observers.

Comparing to previous elections, the DiA observers noted that commissioners and trainers took more seriously the organization and conduct o trainings. However, a lot remains to be done in order to improve training for commissioners and the quality of commissioners themselves. This requires greater engagement of all stakeholders, especially political parties that are responsible to nominate PSC members.

Voter education

Voter education has been continuously assessed to be the weakest point of the CEC. In 2013 elections, the CEC was criticized for organizing a very poor information campaign. Considering the situation back in 2013 and the short time available for voter education campaign, the CEC decided to contract a company through negotiated bidding procedures. Since another company complained about the procedures followed by the CEC, the Procurement Review Body suspended voter education campaign for three days.

Suspension of the campaign did have a significant impact in efforts to ensure voter education. It is important to note, that certain products of voter education campaign where of better quality comparing to campaigns for previous elections. But, the increased number of invalid ballots encountered during the counting process, indicates unsatisfactory impact of the campaign. Thus, the CEC should develop an adequate voter education program, in accordance with the needs of voters, and tailor it towards certain groups of voters.

III.   Assessment of the electoral campaign

Based on the legal authorization set forth in the Law on General Elections, and the CEC Election Rule Nr.5/2013 on extraordinary and early elections, the CEC decided for the election campaign to be limited in ten (10) days. The campaign was set to begin on May 28th, and end on June 6th, 2014. According to data of DiA observers which covered a large number of public meetings organized by political entities, the electoral campaign was moderate, civil and without incidents.

With regard to the flow of the electoral campaign, one day prior to the beginning of it the CEC took a controversial decision to ban promotional posters of B2 size. A political entity appealed at the ECAP, and the latter suspended the CEC decision. Regardless of the constructive aim presented by the CEC, the DiA considers that the CEC is not a legislative body, therefore cannot issue acts that conflict with the basic law on General Elections.

Failure of MEC's to announce activities of political entities presented another problem for DiA and the media. Social society and media got confused in a number of occasions, as activities announced by the MEC's did not match with the actual activities of parties.

Usage of state resources

During the election campaign observers noted many occasions where public resources have been used by political parties for campaign purposes, although such actions are prohibited by the Code of Conduct for Political Entities.

Article 5 of the Code of Conducts stipulates that: *"Elected or appointed persons holding public office may not use such office or any of its resources for the purpose of obtaining votes. No resources of any institution of the public administration at a central of local level or enterprise managed by central or local authorities can be used or engaged in support of a political entity during the elections".*

OFFICIAL VEHICLE IN THE CAMPAIGN

21 PDK

6 LDK

11 AKR

4 AAK
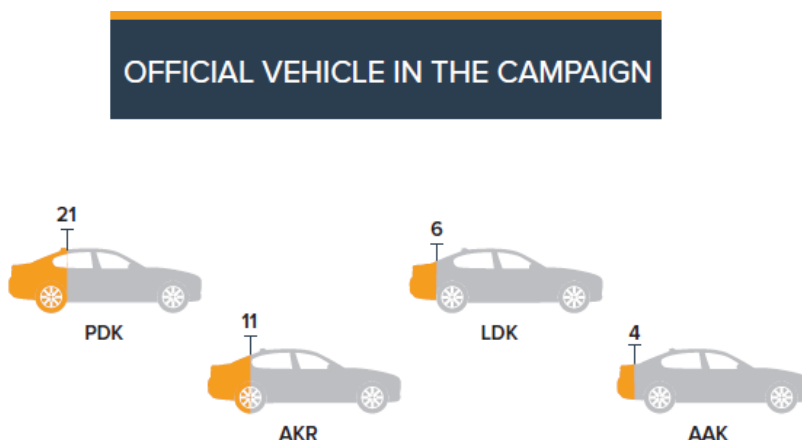
Regardless of this provision, the DiA observers reported 41 cases of usage of public resources for campaign purposes. Official vehicles have been encountered in political activities, mainly those of parties in government. Of 41 cases reported, 15 (36.5%) included PDK officials, 9 included AKR officials, 7 included LDK officials and 6 included AAK officials.

Usage of public resources and engagement of civil servants working in municipal institutions, including those from health and education sectors were reported not only by DiA observers, but also opposition parties. Observers reported that in Gjakova and Mitrovica the work in hospitals was halted due to engagement of staff in political rallies. In both cases, due to political activities led by PDK leader Hashim Thaci, management of hospitals requested from staff to suspend all activities.

CIVIL SERVANTS IN POLITICAL CAMPAIGN

PDK	LDK	AAK	AKR	LVV	NISMA
17	16	6	3	2	1
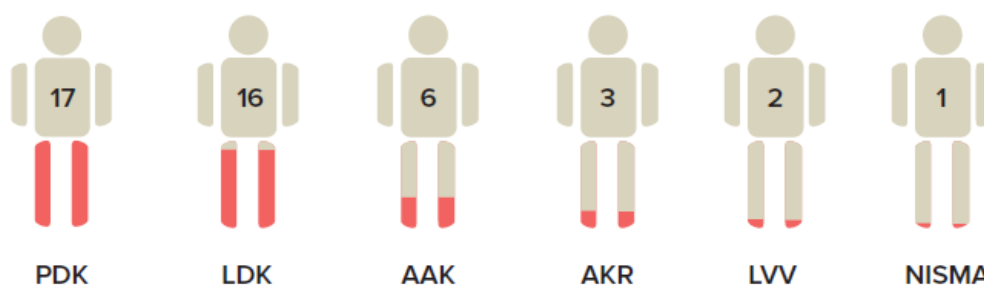
Boycott of Serb political entities

Since the beginning of the electoral campaign, the mayors of four municipalities in the northern part of the country warned that they will not participate in activities related to June 8th elections. On the other hand the CEC adopted their request for removing Kosovo state symbols from the ballots, and including Serb representatives as participants in PSC's for the southern part of Kosovo.

However, no political activity related to the electoral campaign was evidenced in this part of Kosovo. In the Serb dominated municipalities of the southern part of the country, political entities created their election headquarters and organized electoral activities.

Presence of children and gender representation

Usage of children for political rallies during the campaign has become a practice applied by most political entities. Participation of children in rallies and their engagement in distribution of campaign materials was noted amongst forms of using children during the campaign.

Participation of women in electoral campaigns of political entities remains symbolic in numbers. In all activities monitored by DiA observers women comprised less than 5% of participants.

PARTICIPATION OF WOMEN IN CAMPAIGN EVENTS

26.3%   49.2%

5% - 10%   me pak se 5%

Participation

IV.   The scale of voter education

As in previous elections, observers encountered a large number of cases when voters were returned back, as they did not have the right to vote in the given polling center. The polling center for voters is set through a coded system (code-P for rural areas, and code-UD for urban areas), provided by the Ministry of Interior when issuing personal identification cards. The lack of a codified system of addresses is considered to be the reason for not placing voters in the nearest polling centers. An audit of Civil Registry Extract conducted by IFES

during preparations for 2010 elections, found that for various reasons over 40% of citizens do not have their addresses incorporated in the extract.[3]

A survey conducted by Democracy in Action in light of 2013 local elections, revealed that 1 in 10 voters wasn't sure where his/her polling center is. This trend was almost the same in rural and urban areas. Although, voters in urban areas face this problem more often, given the fact that in villages there is usually only one polling center. Also, over 13% of first time voters (18024) did not know their polling center, mainly due to the fact that they have never voted before.

VOTERS MISTAKING POLLING CENTER

PRIZREN	1296
PRISHTINA	1102
SKENDERAJ	745
PEJA	573
MITROVICA	555
FERIZAJ	469
PODUJEVA	468
GLLOGOC	430
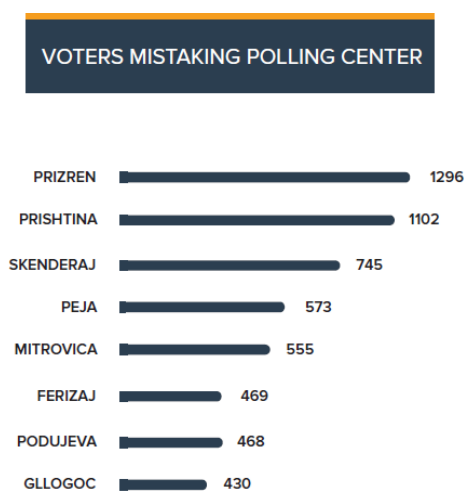
The extraordinary elections were marked by a large number of voters not being able to vote in certain polling centers as they have not been informed where to vote. The DiA observers reported that 9,055 voters were return back from their closest polling centers, as they could not find their names in the voters list. However, the overall number is smaller than in the 2013 local elections, were 17,000 voters were reported to have gone to the wrong polling stations. The largest number of such cases were reported in Prizren (1,296 voters), Prishtina (1,102 voters), Skenderaj (745 voters), Peja (573 voters) and Mitrovica (555 voters).

The CEC should undertake measures address this deficiency which consequently brings a large number of conditional ballots, irritation or confusion of voters, difficulties in reaching out to citizens via mail and lower turnout.

V.   Composition of PSC's

The Central Election Commission decided that the general elections will be organized in 2.377 polling stations set in 798 polling centers across 38 municipalities of Kosovo. Comparing to the 2013 elections, there were two more polling stations, whereas comparing to the 2010 elections there were 60 more.

For administering 2.377 polling stations, the CEC accredited more than 17 thousand commissioners nominated by political entities in accordance with article 74.1 of the Law on General Elections, which stipulates that "composition

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[3] IFES. January 2011. Review of Civil Registry Extract. October 2010. Drafted by Lauren Serpe.

of Polling Satiation Commission (PSC) reflects the structure of the MEC". The number of MEC's is set in accordance with article 67.1, which specifies that the MEC is composed of seven (7) members and this number cannot be increased.

The fact that the CEC does not envisage the gender of commissioners indicated that they do not take into consideration adequately gender representation. Data extracted by Democracy in Action from the list of commissioners, shows that gender representation in PSC's was better than in 2013 elections, although it still remains low. Women comprised only 23.1% of PSC membership, whereas only 13.4% of PSC chairpersons. For the 2013 local elections, Democracy in Action reported that women comprised 17.5% of PSC membership, and only 9% of PSC chairpersons.

REPRESENTATION OF WOMEN IN PSCS

76.9%	23.1%	86.6%	13.4%
Meshkuj	Femra	Meshkuj	Femra
Members		Chairs	
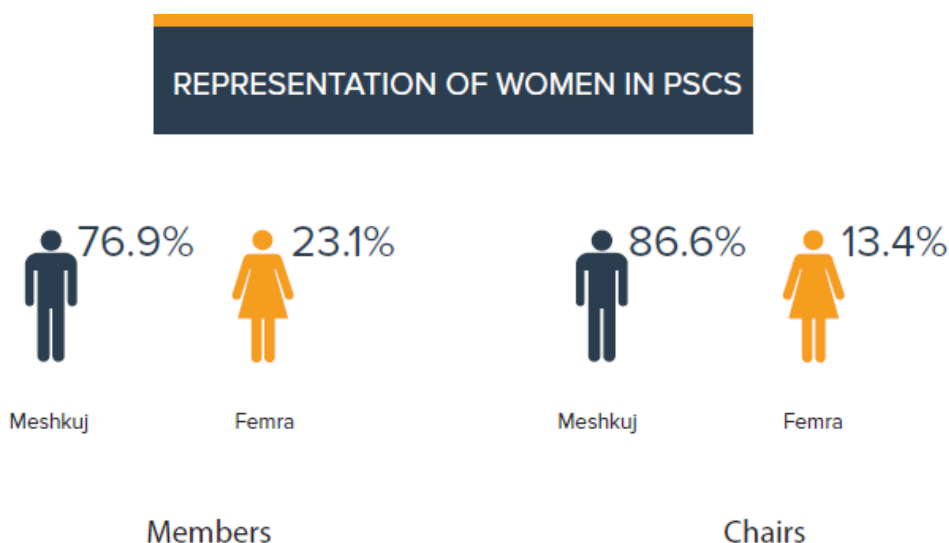
VI.   The voting process

Opening of polling stations

Delays or partial opening of polling stations presents a serious problem that can occur during the election process. According to the provisions of the law, article 88.1 Voting Centers shall be open at 07:00 hrs and close at 19:00 hrs. Therefore Polling Station Commissions should make preparations in order to open by 07:00 hrs. In general, delays in opening the polling stations did not cause major problems during the election process. Observers reported that delays occurred

usually due to the lack of election material or inability to complete membership of the polling station commission.

POLLING STATIONS OPENED

	Late Polling Stations	
	Prizren	34
	Gjakovë	33
	Pejë	12
	Gllogovc	8
	Gjilan	7
	Deçan	4

07:05	07:30	pas 07:30
2241	125	11
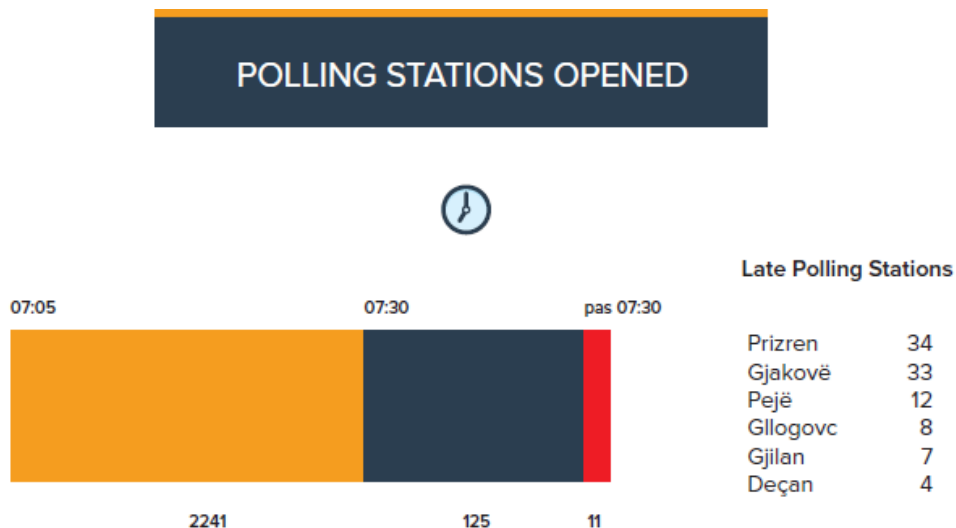
Delays between 5 to 10 minutes in opening of the polling stations are justifiable and they occurred in most polling stations (2,242 cases identified by DiA observers). On the other hand delays in opening the polling stations that exceed half an hour are considered a serious deficiency.

During June 8th elections, delays in opening of polling stations that exceeded 30 minutes were encountered in 136 polling stations (5.7% of the total number of polling stations). But, since turnout is low in the early morning hours, delays did not cause long line of voters. In 11 polling stations the voting process was unable beyond 07:30 hrs.

Reports of DiA observers reveal that delays mostly occurred in Prizren, where opening of 34 polling stations was delayed between 5 to 30 minutes. In Gjakova opening of 33 polling stations was delayed between 5 to 30 minutes, whereas in Peja 12 polling stations, in Glogovac 8 polling stations and Gjilan 7 polling stations.

More seriously should be considered cases when delays in opening of the polling stations exceeded 30 minutes, as 8 such cases where reported, including one in Mitrovica opened only at 09:15hrs, 4 cases in Prizren and 3 cases in Gjakova.
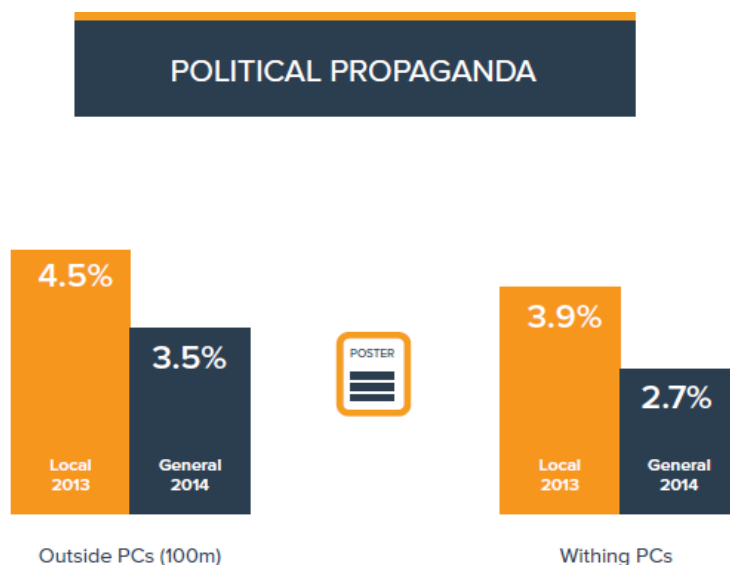
Presence of propaganda materials

According to the law, the voter, commissioners or members of political entities are not allowed to campaign or post any type of campaign materials aimed at influencing voters in the polling stations and within 100 meter perimeter of the

facility.[4] Furthermore, all PSC members, regardless of party belonging or political affiliation should act impartially.[5]

Reports of DiA observers noted that political propaganda was allowed inside 2.7% of all polling stations. This included voting of persons wearing shirts with party symbols, distribution of party flyers inside the polling station or attempts to influence voters to vote for a certain party by observers or commissioners (see below specific cases and polling stations where they occurred).

Reporting of political propaganda inside polling stations was lower than in the last local elections, where such activities were reported in 3.9% of all polling stations.

POLITICAL PROPAGANDA

4.5% — Local 2013 / 3.5% — General 2014 — Outside PCs (100m)

3.9% — Local 2013 / 2.7% — General 2014 — Withing PCs

Observers reported that in 3.5% of all polling centers posters and billboards were allowed within the 100 meter diameter from the polling center. Although this presents a high percentage, it is still lower than in 2013 local elections (first round held on November 3rd), where observers reported that political propaganda was allowed in 4.5% of polling centers.

DiA observers reported that political propaganda of different forms was encountered inside and outside polling stations in the following municipalities: Peja, Shtime, Viti, Decan, Istog and Gjakova. At the school "Lidhja e Pejes" in Peja, polling station 07D, a political party observer interfered with voters waiting in line because one of them was wearing a shirt with party symbols. At the school "Emin Duraku" in Shtime, polling station 02R, campaign materials were found in the voting booth. At the school "Tre Deshmoret", in Istog, polling station 01R, a voter insisted to vote while wearing a political party badge. At the

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[4] Law on General Elections. Article 36.1.
[5] Law on General Elections. Article 74.9.

school "Fahri Hoxha" in Gjakova, polling station 02D, a person came out of the voting booth telling his while for whom to vote.

Political propaganda in school yards was carried by individuals that stood at the entrance of school facilities, suggesting voters for which parties and candidates to vote. At the school "Staja Markovic" in Shterpce, polling station 01R, a person standing in the hallway and the school yard pressured voters to vote for a certain political party.

Sensitive material

During the election process observers did not encounter major problems with sensitive materials including ultraviolet lamps, voter identification and finger spray. In polling stations where commissioners faced problems with sensitive materials, they were solved very fast.
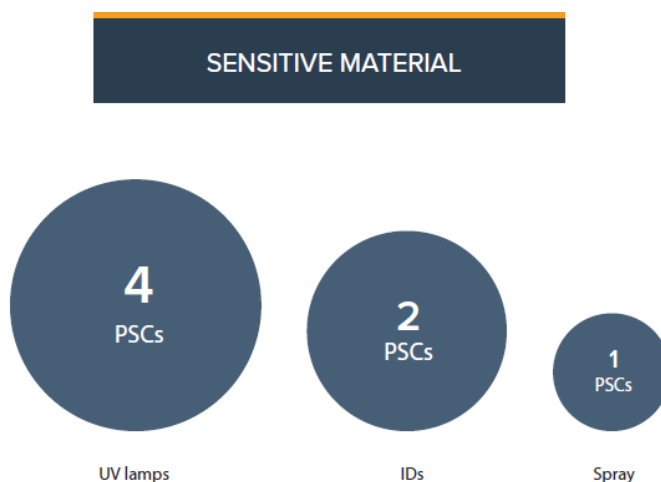
It is important to note, however, that observers reported that about four polling stations that faced problems with ultraviolet lamps, voter identification (personal identification cards were not checked) and one polling station in which the finger spray did not function.

At the school "Lidhja e Pejes", observers reported that in the polling station 07D there were problems with the ultraviolet lamp. At the school "Kenan Halimi", polling station 02R, the lamp was broken but later replaced. At the school "Qamil Ilzai", polling station 02D, the lamp was destroyed, but was fixed by one of the commissioners.

Comparing to 2013 local elections, the number of ultraviolet lamps was not sufficient and they did not work in 18 polling stations, during the first round. In the second round, lamps were not functional in six polling stations.

Secrecy of vote

Family voting

The secrecy of vote is guaranteed by the Constitution. But, as in previous elections, there were many occasions where family voting was reported. Democracy in Action continuously called on all stakeholders to stop this phenomenon. Article 15.4 of the CEC Election Rule 09/2013 adopted on July 2nd 2013, specifies that only one person at a time can vote behind the voting booth, except in cases when voters have special needs and require assistance.

FAMILY VOTING

31.1%

|	PSCs
Mamush	100%
Zveçan	53.8%
MitrovicA	48.9%
Ferizaj	48.0%
Lipjan	43.2%
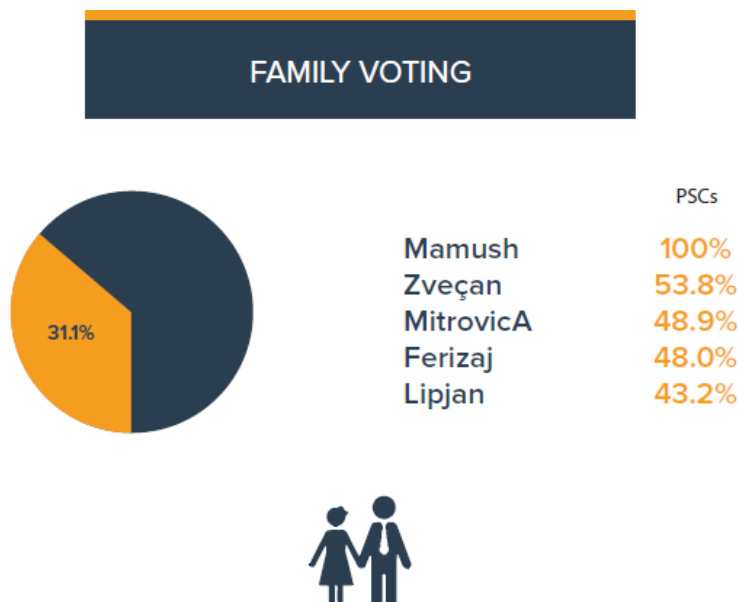
Family voting occurs when several persons, under the justification of family ties, vote at the same time behind the voting booth. Family voting was reported by observers in 33.1% of polling stations, and trends remain the same as in the 2013 local elections (first round). Family voting often occurs when a male voter votes behind the booth at the same time when a female voter is voting.

Although this form of voting can be perceived as spouses assisting each other, in fact it hurts the secrecy of vote. Family voting differs from "voting with assistance", where a person is allowed legally to assist a voter that is illiterate or has sighting disabilities. Family voting is not regulated by the CEC, but commissioners should be trained better to prevent such cases.

DiA observers reported family voting in the many municipalities such as Prizren, where at the primary school "Ibrahim Fetahu", polling station 01R, several members of the same family instructed each other during the voting process. Also, several cases of family voting were reported at the primary school

"Idriz Seferi" polling station 01R. In Fushe Kosova, school 'Mihail Grameno" polling station 08R, observers reported a case when the husband interfered and instructed his wife for whom to vote. In Suhareka, school "Migjeni" polling station 03D and school *Dëshmorët e Tivarit", polling station 02R,* observers reported several cases of family voting. In Gjilan, school 'Selami Hallaqi", polling station 01R, observers noted that family member's communication with one another while voting behind two different voting booths. In Mamusha, school "Haxhi Ymeri", polling stations 01R and 02R, observers report a large number of family voting. In Malisheva, school "Salih Bytyqi", polling station 02D, there were many cases when husbands assisted their wives to vote. In Gjakova, school "Mustafa Bakija", polling station 07R, observers reported attempts for family voting, but commissioners did not allow them to vote as a group.

Observers also reported that throughout the election process, there were more than 50 cases when voters marked the ballot outside the voting booth. In Kaçanik, school "Idriz Seferi", polling station 01D, one voter marked the ballot outside the voting booth, despite calls from the chairperson of the polling station commission. In Prishtina, polling station 1913/10d (Faculty of Economy and Law), observers reported a case where the voter was not granted secrecy during the voting process.

VOTING OUTSIDE THE CABIN

50 CASES

Voting outside the cabin

1 CASE

Comprimise of Security of Voting
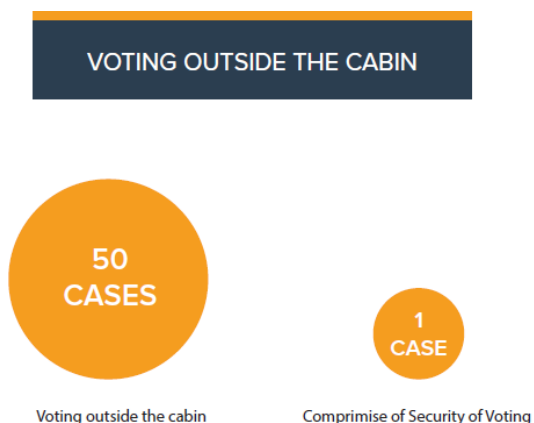
Voting with assistance

There is suspicion that the majority of irregularities occur during voting with assistance. This form of voting designed to support elders and illiterates is increasing tremendously, although the need for voting with assistance should have been reduced.

Voting with assistance envisages that one person can assist an elder only once, whereas this principle has not been respected in many occasions. During the 2013 election process in the municipality of Partesh, observers reported that

there were numerous cases of voting with assistance, but in the vast majority of them the person assisting the voter went behind the booth and marked the ballot, at the time when the voters stood at the entrance of the polling station.

Democracy in Action expressed its concern about the fact that the Central Election Commission (CEC), did not audit voters lists to see how voting with assistance was registered by commissioners, and if there were cases when a person assisted more than one voter. Such cases are illegal and the responsibilities falls on the polling station commission. Democracy in Action recommended in the observation report for 2013 election that the CEC must ensure that commissioners are instructed to act firmly in cases of voting with assistance. The legal framework envisages sanctions for persons that abuse with the practice of assisting voters in need, and such sanctions have been applied in several cases.[6]"

During the June 8th election process, 40,561 cases of voting with assistance were reported in 2377 polling stations across Kosovo. This indicates that every twentieth voter or 5.6% of voters voted with assistance. The largest number of cases involving voting with assistance was reported in: Prizren, Rahovec, Podujevo, Peja, Gllogovc and Lipjan. At the primary school "Haxhi Ymer Lutfiu" in Mamusha, voting with assistance were not even registered in the official book. In the village of Babush, Municipality of Lipjan besides numerous cases of voting with assistance, observers reported a case when a daughter assisted her mother to vote, soundly expressing the preferred party and later took pictures of the ballot. A high number of cases of voting with assistance were reported in the primary schools "Migjeni" and "Kadri Zeka" in Kaçanik.

Photographing of ballots

Prior to the 2013 local election, upon the initiative of LDK member, the CEC decided to prohibit voters to photograph the ballot. The decision aimed to prevent buying of votes. However, the ECAP interpretation providing that there can be exceptions from the rule, caused confusion among the commissioners. Thus, the Assembly of Kosovo needs to address this issue when amending the law, and relevant secondary legislation to ensure enforcement. Attempts of PSC's to enforce the CEC decision on this matter, caused tensions during the voting process.

DiA observers reported 23 cases when the ballot was photographed by the voter, or the latter attempted to do so. At the school "Mustafa Bakija" in Gjakova, polling station 09R, a voter attempted to photograph the ballot, but commissioners prevented him from doing so. Similar attempt was reported at the school "Nexhmedin Nixha". In Kamenica, school "Skënderbeu", polling

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[6] Democracy in Action. There are not good election, without good intentions. Observation report for 2013 local elections. February, 2014.

station 01R, observers reported two cases when the ballot was photographed. In Lipjan, school "Ernest Koliqi", polling station 04R, observers reported a case when the voter photographed the ballot, whereas the same situation was reported in Malisheva, School "Gjergj Fishta", polling station 01R.

Incidents during the election process

Although the overall election process was moderate, its good image was damaged by several isolated incidents. In the vast majority of cases it included threats and problems after the closure of the polling stations. The DiA observers reported 11 cases categorized as "threats" or "incidents", from the 2.377 polling stations observed. In eight cases unauthorized persons interfered with the polling stations, whereas in 11 cases polling stations were closed earlier.

INCIDENTS IN VOTING PROCESS

13	8	3	2
Incidents	Un-authorized Persons	Conflicts	Threats
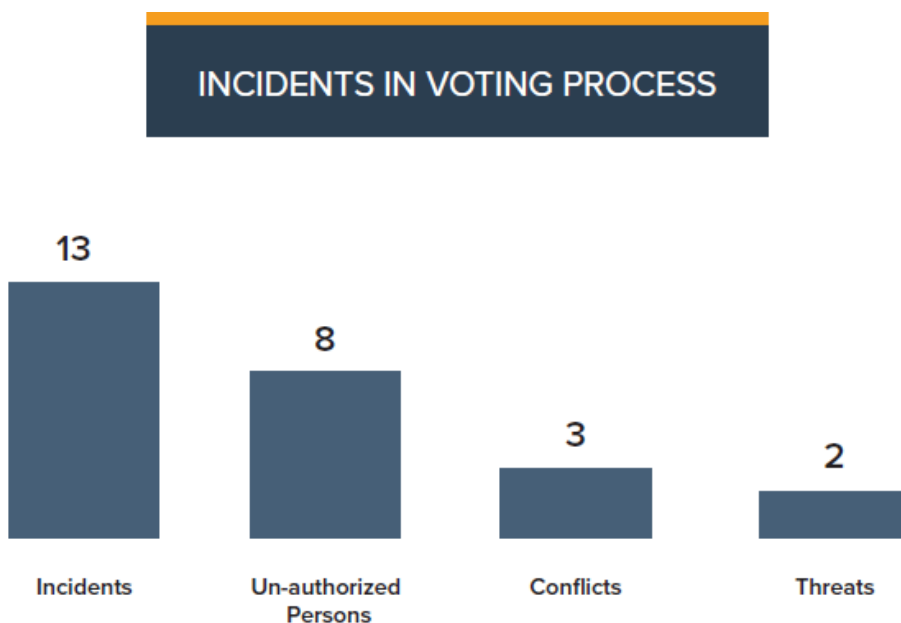
The DiA observers reported that in Skenderaj, school "Abedin Rexha", polling station 01R, the chairperson of the PSC was threatened. In Lipjan, school "Ernest Koliqi", polling station 03R, members of a political party threatened and insulted the chairperson of the PSC. In Gllogovc, school "Fazli Grajqevci", polling station 01D, observers reported that following a misunderstanding between the chairperson of the PSC and a commissioner, they insulted each other and entered into a fight. The commissioner was forced to leave the polling station, but came back later.

In Gjakova, school "Zekeria Rexha", polling station 10R, it was reported that a party observer, kept notes of the family names of persons in the voters list. In Podujevo, school "Luigj Gurakuqi", polling station 01R, a voter requested assistance from his son, but since he did not possess an ID card, commissioners

did allow him to assist his father. The voter got angry, destroyed the ballot and insulted PSC members. In Prishtina, school "Zenel Hajdini", polling station 04R, observers reported a fight between the coordinators that ended only after the intervention of the police. In Gllogovc, school "Dëshmorët e Kombit", polling station 02D, observers reported that during the counting process, an authorized person pretending he was an observer (although his name was not on the list) had to be removed with police intervention. In Prishtina, school "Sami Frashwri", a voter noticed a deceased member of the family still being on the voters list. He violently grabbed the voters list trying to erase the name, while insulting PSC members. Similar case was reported in Kaçanik, school "Emin Duraku" where the voter noticed that his deceased father was still on the list, an insulted the PSC staff while trying to erase his father's name from the list.

In Lipjan, school "Kadri Beba", polling station 01R, observers reported that observers of a political entity obstructed the work of commissioners. In Malisheva, school "Hilmi Hoti", polling station 04D, observers reported that during the counting process commissioners and observers noted manipulation with ballots. In Kaçanik, school "Nazmi Osmani", polling station 02D, observers reported an argument between a person and the coordinator, as the latter did not allow the daughter of the formed to vote with an expired identification card.

In Gjakova, school 'Fahri Hoxha", polling station 02D, a person pressured his wife during the voting process. When commissioners warned him not to do so, he insulted them. Disagreements and conflicts between commissioners and observers were also reported in Podujeva, high economic school, polling station 05 R. In Peja, high technical school, polling station 04R, observers reported ongoing disagreements and arguing between the chairperson of the PSC and commissioners. In Prizren, school "Motrat Qiriazi" polling station 04R, observers reported a conflict between commissioners and observers. In Prishtina, school "Asim Vokshi", observers reported a conflict between a party members and the PSC chairperson.

Challenges in election administration

Deceased persons in the voters list

As in previous elections, observers reported a number of problems related to the voters list, highlighting particularly the fact that deceased persons have not been removed from the list. Although the CEC claimed to have cleaned the voters list prior to the elections, the voters list was not adequately audited by the CEC. In at least 5 polling stations, observers reported a considerable number of deceased persons in the voters list. In 2013 local elections, the DiA also reported concrete cases when deceased persons were found on the voters list. Relatively high number of deceased persons on the voters lists were found in Peja, school, "Vaso Pashkë Shkodrani", polling stations 02R and03R. In Gjakova, school

"Hajdar Dushi" polling station 04R, observers reported that a voter complained after seeing his deceased parents in the the voters list, as was the case in the high school "Sami Frasheri" in Prishtina.

In Kaçanik, school 'Emin Duraku', polling station 05R, while signing the voters list, a voter noticed that the name of a deceased family member was still there. Thus, the voters list must be reviewed in detail in order to remove names of deceased persons. The effort of the CEC to partially clean the list did not have the desired effect. The CEC must review the P-Codes and UD-Codes in order to determine the polling centers for each voter. This way, during the Election Day voters will have a mechanism in place to guide them in the right polling center.

Attempts to vote twice

Tendency to manipulate the voting process through attempts to vote twice, a phenomenon known as "dual voting", was reported as a deficiency during the election process. Commissioners have been trained and stronger identification procedures have been put in place to prevent dual voting. Although there have been attempts by certain persons to vote twice, in general the commissioner were very effective in preventing such actions. The DiA observers reported 82 cases of attempts to vote twice. During the 2013 local election 74 such cases were reported.
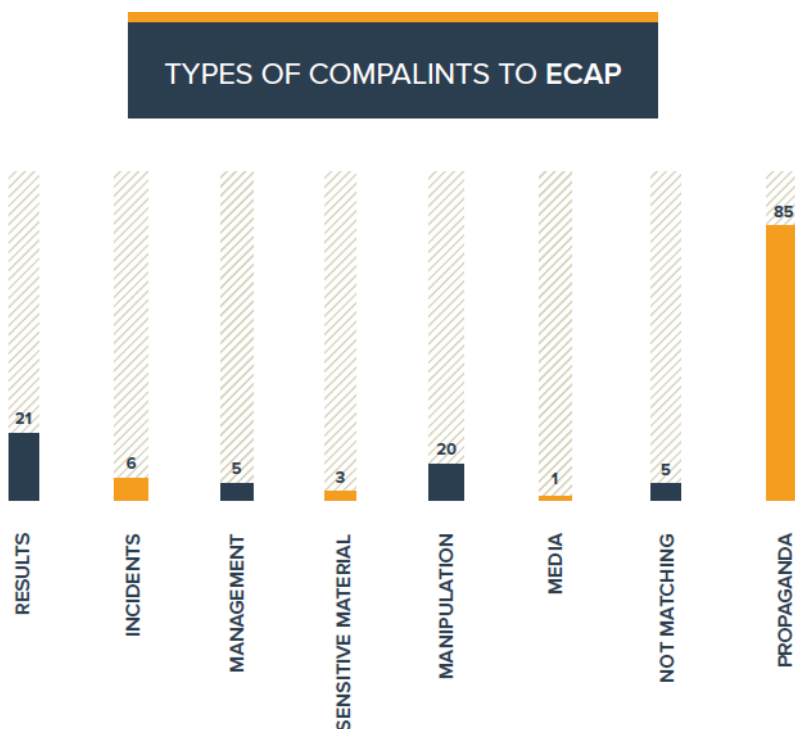
Attempts to vote twice were reported mostly in the following municipalities: Skenderaj (11 cases), Prishtina (9 cases), Mitrovica North (8 cases), Peja (7 cases), Leposvic (6 cases), Mitrovica South (6 cases), Ferizaj (5 cases), Gllogovac, Istog and Zubin Potok (4 cases), Gjilan, Malisheva and Zvecan (2 cases), whereas in 12 other municipalities observers reported at least one attempt to vote twice.

In Fushe Kosova, school "Mihail Grameno" polling station 09D, two persons attempted to vote twice, but following the lamp check they were not allowed to. In Gjilan, school "Abaz Ajeti", a person attempted to vote twice, but wasn't allowed since the lamp check showed he voted once. At the school 'Selami Hallaqi", polling station 03R, two persons attemented to vote for the second time, but they were not allowed after the lamp check. In Skenderaj, school "Pavaresia", polling station 01 D, there were numerous attempts to vote twice, but this was prevented by the PSC members. At the primary school "Imer Krasniqi", polling station 01R, in Malisheva, attempts to vote twice were prevented through the lamp check. In Mitrovica, school "Shaban Idrizi", polling station 03R, two person's attempted to vote for the second time, but were not allowed. In Vitia, school "Januz Zejnullahu", polling station 01R, observers reported that two persons attempted to vote twice, but they were not allowed to do so, after the lamp check.

Election complaints

The overall number of complaints in 2014 election was 154 (published in 111 decisions in the web site of the institution). The vast majority of complaints were submitted by PDK, 51 in total, Vetevendosje Movement submitted 37 complaints, LDK 23 complaints, NISMA 9 complaints, PDS 7 complains, AKR 6 complains and AAK 4 complaints.

85 complaints were related to political propaganda, 20 for manipulations during the election process, 21 for candidate results and 6 for various incidents. Some complaints of political entities were also related to election management, including 5 cases where results did not match and 3 cases related to sensitive materials. Complaints alleging for manipulation of the election process were the most serious ones. Of total 20 complaints, LDK filed 6 complaints, AAK 3, PDS, 3, whereas AKR, LVV, PDK, PDP, PREBK, KNRP and KTAP filed 1 complaint each.

TYPES OF COMPALINTS TO **ECAP**

RESULTS	INCIDENTS	MANAGEMENT	SENSITIVE MATERIAL	MANIPULATION	MEDIA	NOT MATCHING	PROPAGANDA
21	6	5	3	20	1	5	85

Of these complaints, the ones filed by PDS were more critical as they alleged for photocopying of ballots, manipulation of mailed votes and conditional votes in Zvecan. Bajram Rexhepi from PDK, claimed to have been damaged due to an unfair counting process. AKR on the other hand, claimed manipulations in the process of counting conditional votes, and the fact that numerous ballots were

marked by the same person for the same party. Similar complaints were filled by other entities including NISMA, LDK, AAK and LVV.

Political entities filed complaints for incidents. Three such complaints were filed by LVV, two from PDK and one from AKR. LVV claimed that its commissioner was threatened via phone. In their second complaints LVV claimed that NISMA commissioner threatened LVV the PSC member, Valon Nushi. In their third complaint LVV claimed that in the Election Day an LDK affiliate sold votes for 10 Euros, close to the secondary school "Gani Cervasha". At the same place a voter confessed to have sold the vote and showed a photo of his vote made for the above mentioned LDK affiliate.


COMPLAINTS BY ENTITIES
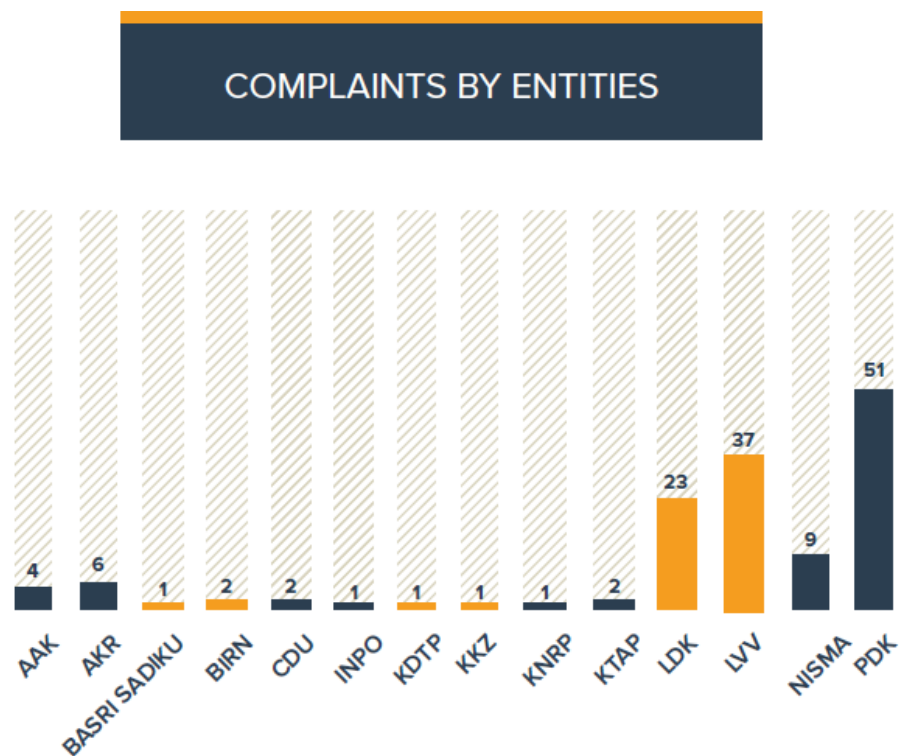
On the other hand, PDK in their first complain claimed that at the primary school "Fadil Hisari" in Prizren, and LDK affiliate offered pay voters in return for their vote. In their second complain PDK claimed that unauthorized LDK activists entered the polling station 060C in the village of Guraçok and obstructed voters until the police intervened. AKR complained that on June 3rd 2014, posters of their candidates have been burned in the neighborhood "Kolonia" in Mitrovica.

VII.   The counting process

The period of ballot counting

The counting process should meet at least five criteria: accuracy of counting, transparency, efficiency, the possibility to repeat counting and protection of the secrecy of the vote. Our observation mission tin the polling centers across Kosovo witness a transparent counting process, possibility to repeat counting and the secrecy of vote was protected at all times. Counting was accurate in most polling stations, although in certain moments PSC members argued about the validity of some ballots. If accuracy is viewed in terms of being precise in the counting process, commissioners in polling stations could have performed even better. Since the decision about validity of ballots is often subjective, all commissioners must agree by consensus.
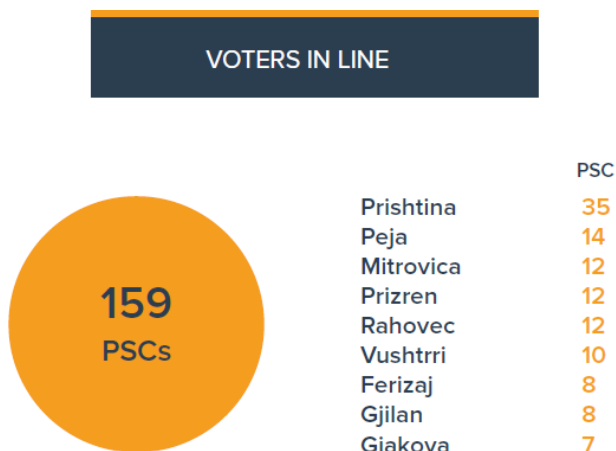
The efficiency of the counting process is often determined by the time needed to count all ballots and fill in the official forms. The counting started immediately after the closure of the polling stations at 19:00 hrs in 53.9% of the polling stations. But, since there were lines of people waiting to vote, in around 39.4% of the polling stations the counting process started after 20:00 hrs, whereas in 50 polling stations (2.2%), the counting started after 21:00 hrs.
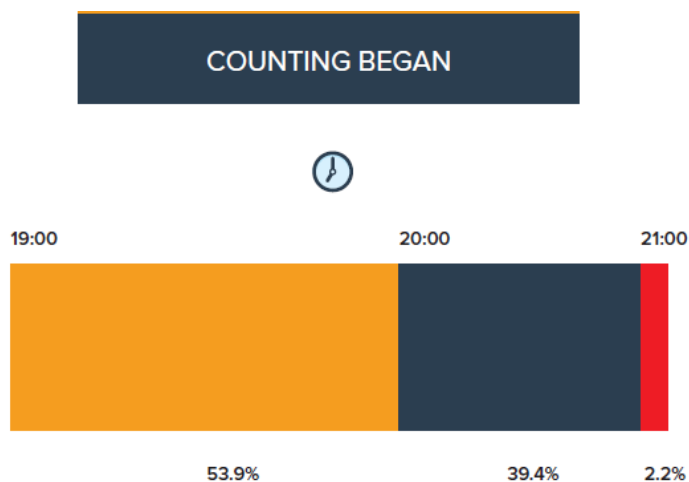
Voting lines

Since the day was long, the majority of voters decided to vote in the afternoon of June 8th. Thus at 19:00 hrs, long voting lines were reported in 159 polling stations. Most of the ling voting lines were reported in the municipality of Prishtina (35 polling stations), in the municipality of Peja (14 polling stations), Mitrova, Prizren, and Rahovec (12 polling stations each)

The legal framework provides that each PSC member can challenge the counting results and the dissenting opinion must be registered in the official election book. At the end of the election process and the beginning of the counting process, in many polling stations the number of ballots registered in the beginning of the day did not match with the overall number of ballots counted.
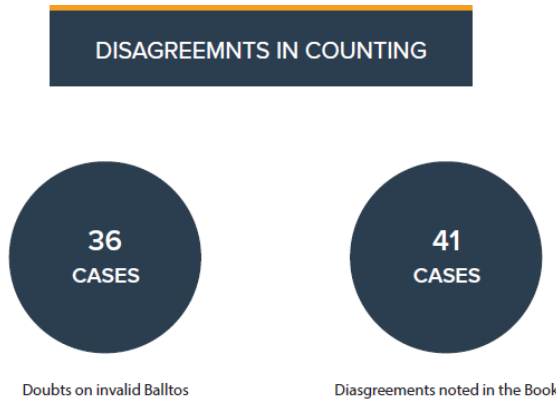
VOTERS IN LINE

159 PSCs		PSC
	Prishtina	35
	Peja	14
	Mitrovica	12
	Prizren	12
	Rahovec	12
	Vushtrri	10
	Ferizaj	8
	Gjilan	8
	Gjakova	7

In Shtime, school "Abdullah Shabani", polling station 01R, received 550 ballots, whereas when the ballot box was open the number of ballots reached 600. In Gjilan, school "Thimi Mitko" polling station 02R, two ballots were not stamped by the PSC. In Skenderaj, school "Drenica", polling station 03R, during the counting process commissioners noted that voters lists contained one signature more that the number of ballots in the ballot box. In Shtime, school "Bajram Curri", polling station 01R, commissioners noted that voters lists contained one signature more that the number of ballots in the ballot box. In Klina, school "Azem Bejta", polling station 02R, commissioners noted that voters lists contained two signatures more that the number of ballots in the ballot box. In Gjakova, school "Mazllum Këpuska", polling station 02R, the ballot box contained one vote more than the number of signatures in the voters list, whereas at the school "Muharrem Shemsedini", polling station 02D, commissioners noted that voter lists contained one signature more than the number of ballots in the ballot box.

Disagreements during the counting process

DiA observers reported 41 cases when disagreements during the voting process were registered in the official election book. Observers noted that in 31 cases suspicions raised by PSC members were convincing. The DiA called on the CEC that in order to further improve the election process, disagreements registered during the counting process needs to be carefully in cooperation with the civil

society sector. Lessons learned from these cases should be used to improve training for commissioners and observers, in order to prevent irregularities during the counting process in future elections.

DISAGREEMNTS IN COUNTING

36 CASES

41 CASES

Doubts on invalid Balltos

Diasgreements noted in the Book

VIII. Voter turnout

The voter turnout for the June 8th general elections was very low. Comparing to the local elections that took place only six months before, 77,474 voters less participated in the elections. In fact, the overall turnout for these elections was even lower than for 2010 elections, when the electoral body was smaller for about 10%. The voter turnout was the lowest since 2007.

The low turnout is seen as a serious concern, particularly given the fact that election were organized in spring, and comparing to previous election processes the weather conditions were much better.

ELECTION TURNOUT

628,630

739,318

830,371

766,834

40.1%

45.3%

46.3%

42.6%

| 2007 | 2010 | 2013 | 2014 |
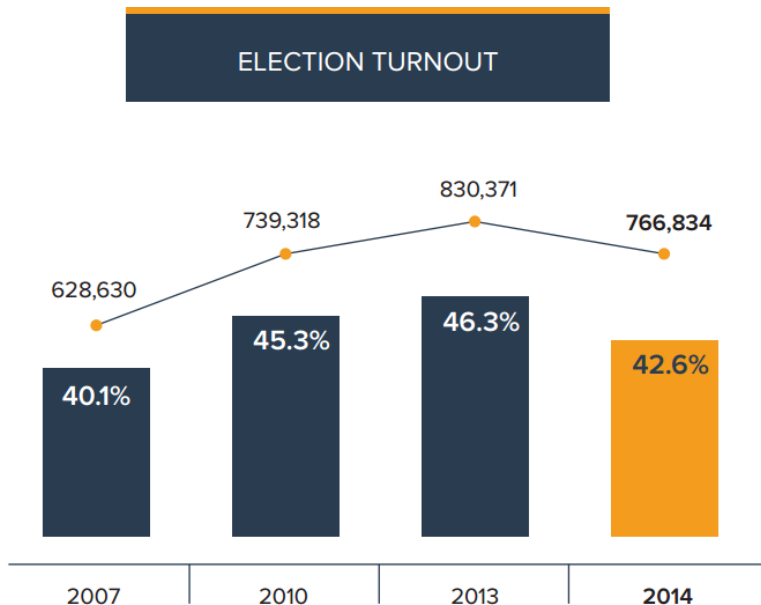
The lowest voter turnout was registered in the following municipalities: Mitrovica North (17.0%), Zvecan (22.2%), Leposavic (25.5%), Dragash (33.3%) and Gjakova (34.6%). The highest voter turnout was registered in the following municipalities: Gllogovac (49.7%), Kllokot (49.1%), Prishtina (48.9%), Partesh (48.8%) and Skenderaj (48.1%).
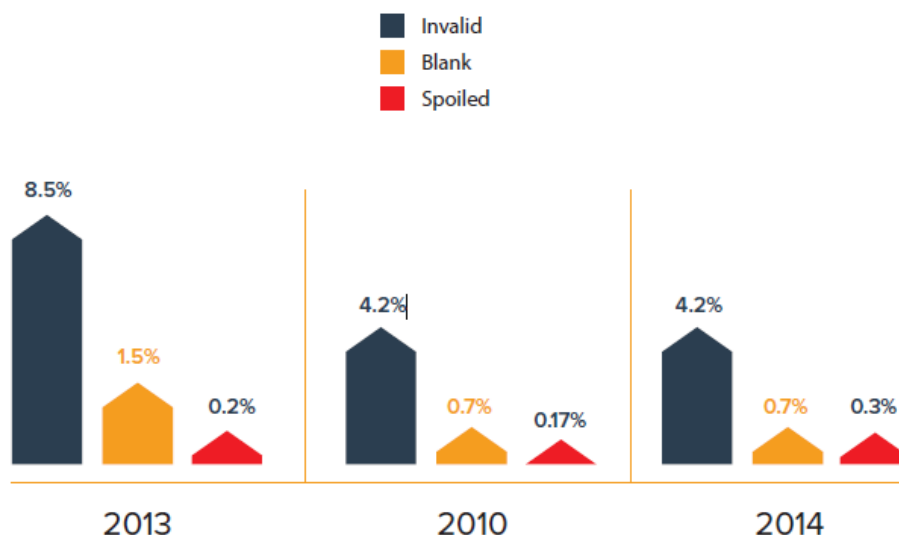
Turnout increased particularly towards the end of the election process. Early hours of the Election Day were marked by an extraordinary low voter turnout, similarly to the turnout in the recent local elections. Only 12.8% of voters turned out to vote before noon. The most dynamic voting time was between 15:00 and 19:00 hrs.
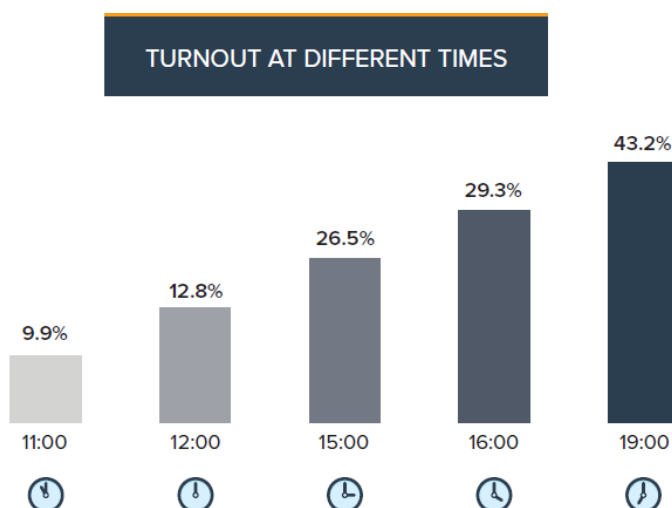
Invalid votes

Despite the fact that this time around major effort was made to educate voters about the correct way of marking the ballots, the election process saw a large number of invalid votes. These elections were extraordinary and the campaign was shorter, but the election system remained the same as in 2007 and 2010 elections. Elections were organized in an open list system with one vote for the party and up to five for selected candidates. Nevertheless, the number of invalid votes in these elections is almost identical with the number of invalid votes registered in the 2010 elections.

INVALID BALLOTS

Legend:
- Invalid
- Blank
- Spoiled

2013: Invalid 8.5%, Blank 1.5%, Spoiled 0.2%
2010: Invalid 4.2%, Blank 0.7%, Spoiled 0.17%
2014: Invalid 4.2%, Blank 0.7%, Spoiled 0.3%

Citizens exercise their right to vote convinced that their vote will count. However, every invalid ballot means that the decision of the voter to support his preferred political leader will not be counted. Thus, invalid votes present one of the key problems in the election process. Throughout the election process, 1.899 votes were registered as damaged, usually reflecting the dissatisfaction of the voters about the political developments in the country. Comparing to the local elections organized seven months before or the general elections of 2010 the number of invalid votes was doubled. The municipality of Ferizaj, leads with the highest number of invalid votes, comparing to the local elections. The overall number of invalid votes for these elections reaches 4.2%, similarly to the figures of 2010 general elections.

The highest number of invalid votes was registered in the following municipalities: Hani i Elezit (7.6%), Ranillug (7.2%), Shterpce (6.6%), Shtime (6.5%), Gracanica (6.1%), Partesh (6.0%), Gllogovac (5.6%), dhe Kacanik (5.2%). The lowest number of invalid votes was registered in the following municipalities: Prishtina (2,521 votes), Prizren (2,303 votes), Ferizaj (2,116 votes) dhe Podujeva (1,572 votes).

Despite the CEC effort to educate voters about the voting process, these figures indicate that the goal was not reached. Democracy in Action believes that the voter education strategy should be based on an analysis of areas where education is needed, and not only target certain municipalities but also certain polling stations.

IX. Recommendations

Recommendations below derived from the above analysis and the experience of the Democracy in Action in observing and reporting on election processes in Kosovo. Each recommendation is based on the conclusions of the report.

A. Central Election Commission

- The approach towards the update of the Voters List must change or, the CEC should begin preparation for active registration of voters. Efforts to date did not produce the desired results. The CEC needs to review the P-Code and UD-Code system that determined the polling center of voters. A mechanism must be developed to respond to cases when voters do not find their name in the polling center during the Election Day, in order to improve their data in real time. Considering the large number of invalid votes, the CEC should conduct auditing of invalid votes. In the last elections, following the audit process, 3.7% of votes declared invalid by commissioners were in fact valid.

- Voter education campaign did not have a clear target group. The campaign was not based on surveys with voters and research that can help CEC tailor its campaign towards certain groups of society, such as women and young people. The CEC should focus voter education campaign on how to mark the ballots, in order to avoid the large number of invalid votes. In addition, the campaign must be concentrated in promoting complaint and appeals mechanisms, and encourage citizens to be informed about ways they can ensure a regular election process.

- During the post election period, the CEC should audit the voter's list and voter complaints. Complaints and comments should be reflected in the training programs designed for PSC commissioners. According to the Democracy in Action data, "Voting with Assistance" is being abused with continuously in many polling stations. Thus, the CEC should audit the official book(forms) where voting's with assistance are registered, in order to address the problems revealed in the report and undertake measures against commissioners that did not respect the procedures of voting with assistance.

- The CEC should not delay the announcement of final results. Delays can raise suspicions about the counting process, amongst parties, candidates and the people of Kosovo.

- Polling station commissioners should be trained better in order to increase efficiency of the counting process, in accordance with provisions of the law and avoid delays in the counting process up to four or five hours as was the case in most of the polling stations.

B. Municipal Election Commissions

- MECs should convene regular formal meetings in order to discuss matters of election organization, as envisaged in the law and the decisions of election management bodies.

- MECs should be transparent towards the public and observers of civil society organizations, by publishing the schedule of meetings and decision taken in these meetings. The MECs should organize field visits two days prior to the Election Day and take note of all campaign materials (billboards and posters), within 100 meter diameter of the polling centers and remind political entities to remove them 24 hrs prior to the voting process. The DiA data show that in 4.5% of the polling centers there were campaign materials within the 100 diameter of the polling center.

- Make greater effort to educate voters and clean voters lists, particularly during the period when there are no elections.

C. Polling Station Councils

- Voting with assistance is regulated by law, therefore commissioners should not tolerate that one person assist more than one voter, as was the case in many polling stations

- Commissioners should be more vigilant in preventing family voting as this phenomenon continues to harm the secrecy of vote

- During the election process commissioners should stay in their own polling station and not move constantly. During the election, observers reported cases when only three commissioners remain in the polling station, and their duties are often carried on by observers.

D. Political entities

- Public officials should refrain themselves from using public resources for campaign purposes, as this makes the campaign unequal and damages kosovar taxpayers;

- Civil servants should not be forces to join political rallies during the working hours;

- Improve training programs for commissioners and increase the standards in identification and appointment of commissioners in PSC's.

- Appoint more women as election commissioners, as so far gender representation was not satisfactory, particularly in smaller municipalities;

- Publish reports of election campaign finances;

E. Complaint mechanisms

- ECAP should keep the CEC informed about cases under review, particularly those that can have impact on legal obligations of the CEC, such as finalizing the voters list, or cases that can influence the final result in polling stations. In order for all stakeholders to be informed about each other's work during the elections, the CEC, ECAP and the Supreme Court should develop a coordination mechanism.

F. The Assembly of Kosovo

- Review the election reform and active registration of voters in case the CEC and MIA are not capable of fundamentally improve the voters list;

- Envisage gender representation in the appointment of PSC members, as women are largely not involved in election administration bodies.

- Meaningful report of election legislation, including important elements of election process administration, should be high on the agenda of the new term of the Assembly of Kosovo.