



Demokracia në Veprim  
Demokratija na Delu  
Democracy in Action

# 2010 PARLIAMENTARY ELECTIONS MONITORING REPORT



Prishtina, 2011



## 2010 Parliamentary Elections Monitoring Report

The report is based on the forms filled by the observers of Democracy in Action during the pre-election campaign, the Election Day of December 12 2010, as well as the re-voting process on January 9<sup>th</sup> and 23<sup>rd</sup> 2011.

CCSD

CSD

Developing

Together

FID

KCIC

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Theresa

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## INTRODUCTION

Coalition of non-governmental organizations 'Democracy in Action', was engaged to give its contribution during the electoral process of early parliamentary elections held on 12 December 2010 through unbiased monitoring and with the aim of ensuring an electoral process in accordance with universal standards of free and fair elections.

During this process, the Democracy in Action was led by its mission to contribute to a fair electoral process, as the cornerstone of democratic representation of citizens, to include citizens in exercising their rights and responsibilities in a democratic society, to educate them on basic voting procedures and inform citizens objectively in order to make the electoral process transparent.

Through civil society participation, this coalition promotes: participation on free elections through voter education; rights and obligation of citizens to be a part of the electoral process; co-operation with national, regional and international organizations in order to build a transparent process and unbiased monitoring thereof as a contribution to the enhancement of democratic life in Kosovo.

Democracy in Action was engaged to conduct Pre-Election, Election Day and Post-Election monitoring.

### I. Pre-Election Monitoring

- Monitoring the work of election management bodies - CEC and MECs
- Voter education and awareness raising
- Voter registration,
- Registration of political entities and their candidates
- Campaign Monitoring
- Monitoring of financial costs of political entities during the election campaign

### II. Election Day Monitoring

- Voting procedures monitoring
- Counting procedures monitoring
- Preliminary Votes Tabulation (PVT),
- Monitoring of ballot boxes' transportation to the Counting and Results Centre

### III. Post-Election Monitoring

- Monitoring of appeals and complaints process and certification of final results
- Publishing of reports on the complete electoral process and issuing of recommendations

Democracy in Action hired 5000 observers for early parliamentary elections held on 12 December 2010, out of whom 2280 were deployed at all polling stations during the voting process, and 2280 of other observers were deployed during the counting process. Democracy in Action also engaged

more than 200 mobile team observers, 200 observers in the Call and Communication Centre, and 150 observers for campaign monitoring.

The Coalition Democracy in Action extends its gratitude to 5000 observers on their professionalism, impartiality, dedication and ethical communication while reporting observations from respective polling stations.

The Coalition Democracy in Action acknowledges partner organizations from civil society and media for supporting and presenting the work of Democracy in Action. Democracy in Action extends its gratitude to the embassies of countries in Kosovo on their unreserved support in the functioning of the coalition Democracy in Action, with the aim of building up a democratic society in Kosovo.

Through this report, Democracy in Action presents the final findings on the process of Parliamentary Elections held on 12 December 2010.

The Coalition Democracy in Action is composed of the following organizations: CCSD (responsible for municipalities in northern Kosovo); CSD (responsible for Graçanica/ Gračanica and other parts of central and southern Kosovo); Developing Together (responsible for one part of Prishtina/Pristina, Lipjan/Lipljan and Drenas/Glogovac); FID (responsible for Gjakova/Djakovica, Malisheva/Malisevo and Rahovec/Orahovac); KCIC (responsible for Gjilan/Gnjilane, Kamenica and Viti/Vitina); KDI (organization that has been leading the coalition Democracy in Action since 2009 and is responsible for Prizren, Dragash/Drage, Suhareka/Suva Reka and Mamusha/Mamusa); Mother Theresa Society (responsible for one part of Prishtina/Pristina, Podujeva/Podujevo, Fushë Kosovo/Kosovo Polje and Obiliq/Obilic) and Syri i Vizionit (responsible for Peja/Pec, Istog/Istok, Klina, Deçan/Decani and Junik).

## EXECUTIVE SUMMARY

During 2010, Kosovo experienced one of the most important political and institutional developments since the declaration of Independence.

After a No-Confidence Vote by the Assembly, the Acting President of the Republic of Kosovo Mr. Jakup Krasniqi, in full compliance with its competencies provided by the Constitution of Kosovo, promulgated a Decree dissolving the Assembly of Kosovo and took a decision to reschedule the date of elections from 13 February 2011 as previously agreed to 12 December 2010 in accordance with constitutional and legal timelines in Kosovo.

At this point, Kosovo was faced for the first time ever, with organization of early elections. Two new political entities which ran on elections for the first time joined the Kosovan political scene. Self-Determination Movement led by Albin Kurti was certified as a political movement and was now running on elections. On the other hand, another civil society political entity (Fryma e Re) led by the prominent representatives of the civil society was also certified to participate on Assembly of Kosovo elections.

Parliamentary elections held on 12 December 2010 were organized and developed based on Article 66 (1) of Republic of Kosovo Constitution and in accordance with the Law no. 03/L-256 Amending and Supplementing the Law no 03/L-073 on General Elections in Republic of Kosovo previously amended in October 2010<sup>1</sup>.

Kosovo Assembly Members are elected based on a proportional system with open lists in combination with preferential voting for political entity candidates. Voter receives one ballot for election and marks only one (1) political entity and is able to mark up to five (5) candidates from the political entity candidates' list voted for by the voters. Another important amendment in this context is the establishment and review of appeals and complaints by the Election Complaints and Appeals Panel (ECAP) and Supreme Court; and the provision whereby ECAP decisions are obligatory to be implemented by the Central Election Commissions (CEC), except in cases when the appeal thereon is lodged timely and if Supreme Court decides otherwise. This differs from past practices when ECAP opinions were only advisory and had not enforcement (mandatory) character<sup>2</sup>.

It should be noted that modifications made in the Law on General Elections, especially establishment of deadlines for ECAP and Supreme Court, gave positive results for the closure of the electoral process and certification of results.

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<sup>1</sup> [http://www.kqz-ks.org/SKQZ-WEB/al/legjislacioni/materiale/ligjetezgjedhjeve/GZRK\\_87\\_al.pdf](http://www.kqz-ks.org/SKQZ-WEB/al/legjislacioni/materiale/ligjetezgjedhjeve/GZRK_87_al.pdf)

<sup>2</sup> Article 118, Paragraph 5 of the Law Amending and Supplementing the Law on General Elections.

Central Election Commission (CEC) had a relatively short timeframe to organize the electoral process; it showed high level of commitment during the preparations for elections. CEC Rules and Instructions helped to administer the electoral process. Notwithstanding this, regardless of this commitment there were reports of some irregularities undermining the electoral process.

CEC meetings were open and were observed by the monitors and media representatives. However, the work of the CEC was influenced by the political affiliation of Commission members.

On early elections held on 12 December 2010, 29 political entities were registered, out of which 26 were political parties and coalitions, while 3 were citizens' initiatives, whereas the number of candidates who applied to become Kosovo Assembly members totalled to 1266.

Final Voters List (FVL) for 2010 Republic of Kosovo Assembly Elections is based on the Civil Registry Extract, prepared by the Documents Production Agency (DPA), within the Ministry of Internal Affairs (MIA).

Final Voters List for 12 December 2010 Elections consisted of 1,630,636 names of voters divided in 37 municipalities, with an increase of 73,288 or 4,4% in comparison to the previous elections. Number of polling centres (PC) was 746, while number of polling stations was 2280, with an increase of 24 polling stations or 1.0% compared to previous elections.

Regardless of the fact that CEC did an excellent job in cleaning the voters' lists, this issue is still largely present.

According to the CEC Electoral Rule no.15/2010 on Extraordinary and Early Elections, election campaign was shortened to ten (10) days only and it ended one (1) day prior to Election Day<sup>3</sup>.

Even though the time was very short to run an electoral campaign (only 10 days), high expenditures of political entities during the election campaign, especially of major political parties were noticed.

According to Democracy in Action (DiA) observers, preparation of polling stations for 12 December 2010 Election Day on the majority of polling stations or 84, 9% started timely (between 06:00 – 07:00 am). On 10% of polling stations delays were reported in terms of preparing the polling stations and in this regard these preparations took place between 07:00 - 08:00 hours.

In terms of the technical materials, UV lamps, voters' lists and other, they were lacking on 10,7% of polling stations. Apart from the lack of this material, there were cases when even though present, materials such as UV lamps were not completely functional –due to poor batteries or ink that were not of good quality.

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<sup>3</sup> CEC Rule on Extraordinary and Early Elections.



The voting process on 12 December 2010 Parliamentary Elections developed in a calm atmosphere with a specific number of recorded incidents. Calm atmosphere at polling stations was not preserved until the end of the process, mainly due to political campaign materials within polling station, due to crowds gathered in the halls or tensions between observers and members of Polling Station Committees (PSC). Additionally, factors that influenced the undermining of the process also included attempts of multiple voting, or providing multiple assistance during the voting or occasional electricity cuts.

On more than 60% of polling stations the voting process ended between 19:00-20:00, while 36, 3% of polling stations were closed between 18:00 – 19:00<sup>4</sup>. Only on 11 polling stations delays continued until 21:00, and on 16 other polling stations there were reports of delays also after 21:00 hours.

According to the assessments of counting process observers on 12 December 2010, a considerable number of irregularities were reported during this process, which have largely influenced the final result. From the reports of the DiA observers most irregularities were reported in cases when number of ballots in the ballot boxes exceeded the number of signatures on voters' lists in the municipalities of Skenderaj/Srbica and Drenas/Glogovac. There were also reports of cases of signature forgery on the Final Voters List (with one person signing on behalf of many others). Such actions should put in motion competent institutions – State Prosecutor, that should bring before justice persons involved in these manipulations and impose appropriate sanctions.

Preparations of polling stations during the re-election process held on 9 January 2011 on 80,5% of polling stations were done between 06:00 – 07:00 hours. In total, 1335 members of Polling Stations Committees were engaged in this process with an average of seven (7) members per polling station.

Voting environment, during the re-election process of 9 January 2011 was seen as mainly calm even though there were cases when this calm atmosphere was violated on some polling stations.

According to the assessments of observers on the majority of polling stations or 81,3% thereof, the counting functioned normally and without irregularities, while there were irregularities on the other part of polling stations that have considerably influenced the final result.

Preparations of polling stations for 23 January 2011 re-election in Municipality of Mitrovica on the majority of polling stations or 78,8% thereof, were conducted between 06:00 and 07:00 hours. This resulted with timely opening of all polling stations.

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<sup>4</sup> Difference expressed in minutes between 18.00 – 19.00 hours and 19.00-20.00 hours could not be assessed from the forms filled by observers.

Materials such as information on how to vote, the list of political entities or candidates' lists were present at all polling stations. Also, unlike 12 December 2010 elections, materials such as UV lamps or ink were of high quality and there were no reports of problems in this regard.

In general, the assessment of DiA observers pertaining to re-election held on 23 January 2011 is that the counting process proceeded normally and without irregularities on 51,2% of polling stations. Irregularities were reported on one polling station that did not influence the result, whereas on another polling station, PSC members ticked empty boxes for candidates or political entity according to their political preferences.

## **POLITICAL CONTEXT**

During 2010, Kosovo experienced one of the most important political and institutional developments since the Declaration of Independence.

In June 2010, (32) Kosovo Assembly Members filed a referral to the Constitutional Court claiming that President Mr. Fatmir Sejdiu violated Article 88 (2) of the Constitution of Kosovo and thereby challenged constitutionality, by holding at the same time the post of the President of the country and the post of the Democratic League of Kosovo (LDK) President.

In September 2010, Constitutional Court issued a decision finding that Mr. Fatmir Sejdiu committed a serious violation of the Constitution of Kosovo, respectively of Article 88.2 of the Constitution by holding simultaneously the post of the President of the Republic and the post of the President of the Political Party – Democratic League of Kosovo (LDK)<sup>5</sup>.

Following the decision of the Constitutional Court, President of Kosovo Mr. Fatmir Sejdiu resigned from the post of the President of Kosovo. Subsequent to his resignation, two major Kosovo political parties that were in coalition until that point and led central institutions could not reach the new agreement to nominate the new President of Kosovo. As a result of these disagreements between coalition partners, based on the Constitution, the President of the Assembly of Kosovo took over the mandate of acting on behalf of the President.

Political parties developed their political agendas and articulated their requests for early elections as a way out of this political situation.

In the meantime, on 15 October 2010 President of the Assembly, acting also as the President, Mr. Jakup Krasniqi announced a decision according to which Kosovo Assembly elections were scheduled to be held on 13 February 2011. This decision was taken based on Article 90 and Article 84, Paragraph 3 of the Constitution of Republic of Kosovo; Article 4, Paragraph 3 of the Law on

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<sup>5</sup> <http://www.gjk-ks.org>

General Elections in Kosovo and in agreement with political parties and Central Election Commission<sup>6</sup>.

After this decision announced by the Acting President, the political party led by Fatmir Sejdiu (LDK), one day after the announcement of the date of new elections, decided to go out of the ruling coalition. The exit of the Democratic League from the ruling coalition was followed by the withdrawal of the Deputy Prime Minister, ministers and deputy ministers from departments led by this party<sup>7</sup>.

After the withdrawal of the LDK from the government, New Kosovo Alliance (AKR) Caucus supported by signatures of 40 other MPs, undertook the initiative to file a motion of No-Confidence Vote to Thaci's Government. No-Confidence Vote motion was included in the agenda of the Assembly of Kosovo and was supported by 66 MPs, with one against and two who abstained.

After holding a debate, no-confidence vote motion was voted for by the MPs of the party that initiated this issue (AKR), Democratic Party of Kosovo (PDK), Democratic League of Dardania (LDD) and minorities. Whereas, with a justification that they disagreed with the text of the motion and the aim behind it, LDK and AAK caucuses declared at the very beginning of the session that they were not going to take part in the voting, that also occurred.

After the motion was endorsed by the Assembly, not more than an hour after the end of the session, the Acting President of the Republic Mr. Jakup Krasniqi in full compliance with his competencies guaranteed by the Constitution of Kosovo, issued a Decree to dissolve the Assembly of Kosovo and decided to re-schedule the date of elections from 13 February as previously agreed to 12 December in accordance with constitutional and legal deadlines in Kosovo.

This decision was taken according to Article 90, Article 66, Paragraph 2, Article 84 Paragraph 3 of the Constitution of Republic of Kosovo, and Article 4, Paragraphs 4.5 and 4.6 of the Law on General Elections in the Republic of Kosovo<sup>8</sup>.

For the first time ever, Kosovo was facing with organization of early elections. Two new political entities were preparing to join the Kosovo political scene running for the first time on elections. Self-Determination Movement led by Albin Kurti was certified as a political movement and was running on elections. On the other side, prominent leaders of the Kosovan civil society formed a party called Fryma e Re (FER) that was also certified for Assembly of Kosovo elections.

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<sup>6</sup> <http://www.president-ksgov.net>

<sup>7</sup> <http://www.voanews.com>

<sup>8</sup> <http://www.president-ksgov.net/?page=1,6,1424>

Some of present political parties decided to run for parliamentary elections on their own, except AKR that entered into a wide coalition with seven (7) other political parties out of the parliament, whereas the “List Ibrahim Rugova” joined AAK. Minority Parties also decided to run on their own, without entering into pre-election coalitions.

29 political entities were certified for 12 December elections, out of which 26 were political parties and coalitions, whereas 3 were citizens’ initiatives, and in total 1266 candidates ran to become Kosovo Assembly Members.

## LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Kosovo institutions, with the support of the OSCE, established the Working Group on Elections (WGE), composed of political and civil society representatives with the aim of reforming the election law. The decision on early elections was a premature decision in terms of the work of the WGE. Therefore, WGE focused on two main issues such as the amendment of voting from one to ten candidates to a preferential voting system with possibility of voting for up to 5 candidates and establishment of deadlines for political entity appeals and complaints and re-appointment and definition of the role of ECAP (Elections Complaints and Appeals Panel). With almost cosmetic changes and within an expedited procedure, the Assembly of Kosovo on its session held on 29/10/2010 adopted the Draft law Amending and Supplementing the Law on General Elections in the Republic of Kosovo.

Parliamentary elections held on 12 December 2010 were organized and developed according to Article 66 (1) of Constitution of the Republic and in compliance with Law no.03/L-256 Amending and Supplementing the Law no.03/L-073 on General Elections of Republic of Kosovo as amended in October 2010<sup>9</sup>.

Nevertheless, due to a short time frame for genuine reform, the superficial modification of election law left many unresolved issues, such as: threshold level, districting in Kosovo, etc. This process was followed by the heated debates between the civil society and smaller political entities not represented in the Parliament and thereby not represented in the WGE.

After the amendment of the election law, CEC adopted the Electoral Rule no. 15/2010 on Extraordinary and Early Elections. General provisions of this Regulation provided that extraordinary and early elections shall be organized and managed according to same laws and CEC electoral rules as on other elections, except that CEC may modify timelines in cases it is needed in relevant circumstances.

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<sup>9</sup> [http://www.kqz-ks.org/SKQZ-WEB/al/legjislacioni/materiale/ligjetezgjedhjeve/GZRK\\_87\\_al.pdf](http://www.kqz-ks.org/SKQZ-WEB/al/legjislacioni/materiale/ligjetezgjedhjeve/GZRK_87_al.pdf)

Law on General Elections creates the space and gives the right to the CEC to regulate further many important aspects of the electoral process through endorsement of the Electoral Rules. Since 2008 and until now CEC adopted fifteen (15) different Electoral Rules.

## **Electoral System**

Kosovo Assembly members are elected according to the proportional system with open lists in combination with preferential voting for political entity candidates.

Voter is provided with a single ballot for election and he/she marks it with a vote for one (1) political entity and can also tick up to five (5) candidates from the list of political entity.

If more than five (5) candidates are ticked on the ballot, the vote is counted only for that political entity<sup>10</sup>. Ballot also contains a list where the voter can give his/her vote. Firstly the voter should select the number of the political entity of his preference and then vote for up to five candidates from that party. The list of candidates is mainly composed of 110 candidates and voting for candidates is optional; if the voter has preferences he/she can vote for up to five candidates or on contrary if the voter has no preferences for the candidates, he/she may vote only for the political party.

If the voter makes a mistake on the first, political entity list, then his/her ballot is considered invalid, whereas if the voter votes for more than five candidates, his/her vote will be valid but only the vote given to the political entity shall be included in the counting.

Election law amendment and enabling of preferential voting for up to five candidates was justified by political entities in favour of gender representation; as a good possibility to create opportunities for representation with higher number of votes and not only based on 30% gender representation quota.

Based on constitutional provisions, Assembly has one hundred and twenty (120) MPs elected with secret ballot based on open lists. Assembly seats are divided among political parties, coalitions, citizens' initiatives, and independent candidates, in proportion to the number of valid votes won by them on Assembly elections.

Within this formula, twenty (20) out of one hundred and twenty (120) seats are guaranteed for representation of Kosovo minority communities, in the following order: Serbian community, ten (10) seats; Roma community, one (1) seat; Ashkali community, one (1) seat; Egyptian community, one (1) seat; and one additional seat to be given to Roma, Ashkali, or Egyptian communities, that

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<sup>10</sup> Law on Amending and Supplementing the Law No. 03/L-073 on General Elections in Republic of Kosovo.

won the biggest number of total votes; Bosniac community, three (3) seats, Turkish community, two (2) seats and Gorani community, one (1) seat<sup>11</sup>.

## ELECTION MANAGEMENT BODIES

### Central Election Commission

Elections held on 12 December 2010 were the first parliamentary and early elections with Central Election Commission (CEC) completely responsible for their organization and administration.

Constitution of Kosovo in Article 139 defines Central Election Commission (CEC) as permanent body that prepares, monitors, supervises and verifies all activities related to the electoral processes and referenda and announces its results.

This institution has 11 members in its composition whereas chairperson of the Central Election Commission is appointed by the President of the Republic of Kosovo from among the Supreme Court and Appellate Court judges. Six (6) members are appointed by members of major parliamentary groups represented in the Assembly, that are not entitled to set-aside seats. If fewer groups are represented in the Assembly, major group or groups may nominate additional members. One (1) member is nominated by MPs holding reserved or set-aside seats, guaranteed for Serbian Community of Kosovo and three (3) members from MPs holding reserved or set-aside seats for other non-majority communities in Kosovo<sup>12</sup>.

Very important body within this institution is the CEC Secretariat that assists the CEC in implementing its functions and responsibilities as foreseen by the Law on General Elections. Also, bodies of particular importance are Municipal Election Commissions (MEC) established in thirty seven (37) municipalities of Republic of Kosovo. MECs are responsible to administer elections within their respective municipalities, under exclusive supervision and guidance of the CEC working through Secretariat; guarantying legality, legitimacy, and efficiency of the election process. MEC is composed of seven (7) members and they are nominated within 15 days from the announcement of the elections.

In the end of this org chart come Polling Station Committees (PSC) responsible for ensuring integrity, safety and orderly proceeding of the voting and counting processes, under direct supervision of the MEC, totalling to 2280 Polling Station Committees.

Even though the Central Election Commission had a relatively short time to organize the electoral process, it showed a high level of commitment during election preparation. CEC Rules and

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<sup>11</sup> Constitution of Kosovo chapter IV Articles 64.1 & 64.2

<sup>12</sup> Constitution of Republic of Kosovo – Article 39

Instructions assisted the orderly conduct of election process. Despite this engagement, some irregularities were noticed that violated the election process. Irregularities recorded consisted of: cases when the necessary election material was not present on all polling stations or it was delivered with delays to some of them; on some polling stations UV lamps did not function at all due to their poor quality and this phenomenon was recorded on a large number of polling centres Kosovo-wide; in some centres the invisible ink was of low quality. In some Kosovo municipalities, inappropriate PSC members were selected, and the same were involved in votes' manipulation resulting in repetition of voting in some Kosovo municipalities.

Other problems that followed the work of the CEC during the preparation of elections were delays in informing citizens on the change of their polling stations, delays in voter education, inadequate training of election commissioners, etc.

CEC meetings were always open and attended by observers and media representatives. However, work of the CEC was influenced by political affiliation of Commissioners. "It is necessary to further strengthen the integrity of the CEC in the decision making process, decreasing thereby the influence of the political parties on its work"<sup>13</sup>, said the report of European observers - ENEMO. This would enable strengthening this institution in electoral process administration.

### **Election Complaints and Appeals Panel (ECAP)**

Previous electoral practices in Kosovo, brought to light some of the problems or gaps in current election legislation, with special emphasis on appeal deadlines and the competencies of the bodies dealing with complaints of political entities, candidates and all others that claim that their right was violated during the election process. Assembly of Kosovo amended the Law on General Elections in Kosovo in October 2010, making substantial changes related to deadlines for appeals and their review by the ECAP and Supreme Court.

Another important change in this context is the fact that ECAP decisions are mandatory to be implemented by the CEC, except in cases when the appeal is filed within the foreseen deadline and Supreme Court decides otherwise. This differs from past practices, when ECAC decisions at that time were only instructions (facultative) and were not of obligatory character (imperative)<sup>14</sup>. ECAP composition is as follows: President of the Supreme Court appoints ECAP chairperson, from among the judges of the Supreme Court and appoints other members from among district court judges. ECAP is composed of ten (10) members, including also the chairperson. ECAP may meet on separate sessions composed of at least three (3) members<sup>15</sup>.

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<sup>13</sup> ENEMO report

<sup>14</sup> Article 118, Paragraph 5 of the Law on Amending and Supplementing the Law on General Elections.

<sup>15</sup> Article 116.1 of the Law on Amending and Supplementing the Law on General Elections.

ECAP is a permanent independent body deciding concerning the complaints and appeals regarding the electoral process as stipulated by the Law on General Elections and Electoral Rules.

During the election process of 12 December 2010, prior and after 12 December, ECAP received 363 complaints in total from political entities and civil society. Out of this number, ECAP denied or rejected as unfounded 238 complaints, while approving 125 in total, including here 99 approved complaints followed with fines.

Due to a big number of complaints based on compelling evidence for the ECAP, the latter decided to instruct the CEC to order re-election in several municipalities: Drenas/Glogovac, Skenderaj/Srbica and Deçan/Decani, and re-election on some polling centres in Lipjan/Lipljan and Malisheva/Malisevo municipalities. Based on ECAP decisions and instructions, Central Election Commission on its meeting held on 16/12/2010 took a decision to repeat the voting process on Republic of Kosovo Assembly Elections in the above mentioned Kosovo municipalities and set a date of 9 January 2011 in this regard.

Due to major irregularities that followed the electoral process of 12 December in municipalities where re-election was ordered, CEC took a decision to change Polling Station Committee members. Although, Democracy in Action assesses that regardless of the change of commissioners by CEC, expectations of avoiding irregularities were not met.

Based on the big number of complaints processed in ECAP after the re-election, a conclusion was drawn that re-election was followed with series of irregularities. In total, the number of complaints received in ECAP after the re-election process was 71, out of which ECAP refused 41 as unfounded, while 25 were approved, including here also one approved complaint with fines imposed.

Nevertheless, appellate bodies, in this case second and the final appellate instance, the Supreme Court, issued a Judgment on 06 January 2011 approving the complaint of, in this case, political entity Self-Determination Movement claiming that UV Lamps did not operate in 24 polling centres in Mitrovica municipality. Based on this judgment, the Supreme Court instructed the CEC to announce re-elections in 24 polling centres in Mitrovica Municipality. On 10 January, CEC took the decision to repeat election in this municipality. The number of complaints addressed to the ECAP concerning the re-elections in Mitrovica Municipality amounted to 11 complaints. All these complaints were dismissed as unfounded by the ECAP.

It should be assessed that changes made in the Law on General Elections, especially definition of the deadlines for ECAP and Supreme Court, gave positive results in finalisation of the electoral process until the certification of results.

Public statements of the State Prosecutor that 130 investigations were initiated against persons suspected of being involved in manipulation or abuses during the electoral process, were



welcomed by the public; in order to bring people who violated the process before justice. Possible sanctions against responsible persons by the judiciary would serve as a good prevention so that irregularities, manipulations and abuses are not repeated in the future electoral processes.

### **Supreme Court**

Election law has foreseen the possibility to appeal the decisions of the ECAP, as well as ECAP could review any of decisions taken, after presentation of new facts from the interested parties. The appeal may be filed to the Supreme Court of Kosovo within 24 hours from the moment decision is taken by ECAP, in case the fines are higher than five thousand (5.000) Euros or in case the issue relates to a fundamental right. Supreme Court shall decide within seventy two (72) hours from the moment of the appeal<sup>16</sup>.

During the electoral process of parliamentary elections of 12 December 2010, Supreme Court treated a complaint against ECAP decision, filed by Self-Determination Movement. Supreme Court, after receiving a complaint, concluded that case should be reviewed again by the ECAP in order to take a decision based on merits. Contrary to that, ECAP decided once more on 31 December 2010, that the complaint of the Self-Determination Movement about non-functioning of UV Lamps in some of the Centres in Mitrovica Municipality was not a fact which could influence final results, finding thereby as unnecessary to repeat the voting in those centres subject to the Complaint<sup>17</sup>.

Notwithstanding the ECAP judgment, on 6 January 2011 Supreme Court issued a judgment cancelling ECAP decision and ordering thereby results to be annulled and CEC to repeat voting on 24 polling centres in Mitrovica Municipality. On 10 January 2011, CEC decided to repeat elections in the whole Mitrovica Municipality.

Democracy in Action considers that 6 January decision taken by the Supreme Court was not in compliance with deadlines stipulated by the Law on Elections, considering that provisions of this law offer Supreme Court 72 hours' deadline from the moment of the appeal on the ECAP decisions. Supreme Court decision was taken 16 days after the foreseen deadline stipulated in accordance with the Law on Amending and Supplementing the Law on General Elections.

Supreme Court reviewed 6 more complaints of political entity candidates against the ECAP decisions rejecting as unfounded their allegations that votes were subject to manipulations during the counting process. Supreme Court decided similarly to dismiss these complaints as unfounded.

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<sup>16</sup> Article 118, Paragraph 4 of the Law Amending and Supplementing the Law on General Elections.

<sup>17</sup> ECAP Decision of 31/12/2010 no. 442/2010

## TRAINING OF COMMISSIONERS

Short time for election preparation was also challenging for training of MEC and PSC members. Some of irregularities and violations of legal provisions that were noticed in polling centres by the observers of the Democracy in Action, had to do with insufficient and inadequate training of MEC and PSC members, due to organization of trainings in short time frames that were also not so qualitative. Concerning the training of the commissioners, CEC recommended that trainers hired during 2009 elections are used also on 2010 elections. From the CEC reports, it can be seen that most of the trainers hired in 2009 were also engaged in 2010.

CEC stipulated that time for training lasted only three days. Even though unlike previous elections, number of commissioners participating on the training was higher on 2010 elections; this time frame according to the evaluation of the Democracy in Action was too short and insufficient for substantive and qualitative training. This has proven right in practice, while conducting of votes' counting and announcing of results. Problems with trainings occurred also in the re-election process on 9 and 23 January where trainings were conducted only several days before.

## POLITICAL PARTY REGISTRATION

29 political entities registered for early parliamentary elections of 12 December 2010, out of which 26 were political parties and coalitions, 3 were citizens' initiatives, whereas in total 1266 candidates applied to become Assembly of Kosovo Members.

According to the Rule on Registration and Operation of Political Parties, Political Party Registration and Certification Office (hereinafter 'Office') is responsible for registration and maintaining of registry of political parties, certification of political entities included on the ballot and limiting campaign expenditures and financial statements provisions<sup>18</sup>.

After early parliamentary elections held on 12 December 2010, there were no recorded cases of refusal to certify any political entity by the Political Party Registration Office, though CEC was compelled to ask from almost all political parties to fulfil additional conditions in compliance with the Law and Electoral Rules.

## CANDIDATES' LISTS

Final Voters' List (FLV) for the 2010 Republic of Kosovo Assembly Elections is based on the Civil Registry Extract that is prepared by the Documents Production Agency (DPA) within the Ministry of Internal Affairs.

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<sup>18</sup> Article 2 of Rule on Registration and Operation of Political Parties

Final Voters' Lists for 12 December 2010 elections contained 1,630,636 names of voters divided in 37 municipalities, with an increase of 73,288 or 4,4% compared to the previous election. Number of Polling Centres (PC) was 746, whereas the number of polling stations amounted to 2280, with an increase of 24 polling stations or 1.0% from previous elections.

Furthermore, 2010 Out of Kosovo Voters' List contained all successfully registered eligible voters. Total number of voters out of Kosovo was 1640. Compared with previous election, 162 voters less registered for by-mail voting.

All voters had the opportunity to contact Municipal Executive Officers (between 10/11 – 16/11 2010) to be informed which polling centre was assigned to them and to request their polling centre to be reassigned to them in a more convenient manner.

During this period, 4000 voters visited the MEC, 3200 voters requested change of their polling centre (91 requested it directly in the Voter Service office). Out of these requests, only 328 were rejected. Also, voters had the opportunity to confirm their polling centre through CEC webpage. During this period, this link was visited by approximately 10213 persons.

## **CHALLENGE AND CONFIRMATION PERIOD**

CEC allocated the period between 22 and 26 November 2010 as Voters' List challenge and confirmation period, offering the possibility to all voters to challenge the FVL. After Challenge and Confirmation Period, Voter Service Office received 4 municipal court decisions. Out of these, two decisions had ordered removal of 3 names of deceased persons from the Voters List, while 2 decisions confirmed the request for PC change. Additionally, during this period the Civil Registry removed 14 deceased persons from the Civil Registry. Despite the very good work done by the CEC on cleaning of voters' lists, this problem still remains present considerably.

## **BY-MAIL VOTING**

CEC allocated the time period between 5 and 16 November 2010 for by-mail voting, in full compliance with CEC Rule no. 15 on early and extraordinary elections. Based on CEC official information, Voter Service unit within this institution sent out on previous elections 2546 forms and other necessary information materials to the voters in 26 states. Additionally, 900 registration forms and information materials were sent to 45 distribution points in 24 states. Necessary information and forms were also published on CEC official webpage.

Until the end of the registration period this unit received 5015 applications. Out of this, 1640 voters were approved, while 3228 were refused. On the other hand, 147 applications were dual. The total number of voters on the Out of Kosovo Voters list totals to 1640.

Considering a very large number of Kosovo citizens living abroad, this number of voters is less than symbolic. CEC and other state institutions should change their approach by coordinating their actions in order to facilitate voting opportunities to all citizens living abroad for different reasons.

## VOTER EDUCATION

In terms of voter education, CEC launched awareness campaign lasting 25 days. It included more than one thousand TV broadcasts. The same were broadcasted also on local TV stations. If we start from the fact that the number of invalid ballots was visibly smaller than on previous elections, we could consider that this campaign has given its results up to a certain degree.

## ELECTION CAMPAIGN

In accordance with the CEC Electoral Rule no. 15/2010 on Extraordinary and Early Elections, election campaign was shortened to ten (10) days only and it ended one day prior to Election Day<sup>19</sup>.

Election campaign was relatively calm. In general, the election campaign was organized freely and without any obstacles in all places monitored by Democracy in Action observers, with the exception of sporadic (isolated) incidents, to follow (Prizren – on 02/12/2010 incident in village Zhur during the campaign activity of AAK and List “Dr. Ibrahim Rugova”, then two separate small scale incidents in Mitrovica, one during AKR rally and the other in Shipol near Mitrovica).

Also, during this election campaign, few cases of violations of the Code of Conduct by political entities and their candidates were recorded. These cases were: Defacing of campaign materials by political parties, Use of public resources; Presence of children on many political entity activities; Posting of campaign materials on public buildings; Undertaking of prohibited activities by civil servants; Offensive language and threats, up to failure of presenting political entity activities in MEC.

Though the time was limited for the election campaign (only 10 days), high expenses of political entities during the election campaign, especially of major parties were observed. Democracy in Action encourages all competent institutions to implement accurately legal provisions concerning the verification of election campaign financial sources.

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<sup>19</sup> CEC Rule on Extraordinary and Early Elections.

## ELECTORAL SILENCE

Electoral silence includes a 24 hours period before the start of the voting process, during which any form of election propaganda is prohibited. During these elections, the electoral silence was respected; however there were cases especially on the Election Day when not only Commissioners coming from the political entities canvassed in the polling centre and during counting, but cases were recorded when unauthorised persons stayed in the polling centres and canvassed on behalf of certain political entities.

## ELECTIONS HELD ON 12 DECEMBER 2010

### Preparation of Polling Stations (PS)

Based on the reports of Democracy in Action observers, preparation of PS for 12 December 2010 Elections in majority of PS or 84,9% started in a timely manner, between 06:00-07:00 hours. Nevertheless, on 10% of PS delays were recorded in preparation of the polling station and in these cases preparations lasted between 07:00-08:00 hours. Most of the delays according to the number of polling stations appeared in Municipality of Prizren, on 49 of them; Municipality of Prishtina/Pristina on 25, and in Municipality of Drenas/Glogovac, on 17 PS. Also, the same delays were recorded in Municipalities of Skenderaj/Srbica and Podujeve/Podujevo, on 14 PS each. If compared with the total number of polling stations in these municipalities, these make up 20% thereof in Municipality of Skenderaj/Srbica and 13% in Municipality of Podujeve/Podujevo. On the other side, there were reports from one more polling station in Municipality of Skenderaj/Srbica where preparations started after 08:00 hours<sup>20</sup>.

	Initiation of preparations at polling stations in foreseen time	Delays	
		07:00 – 08:00	after 08:00 hours
Municipality:	06:00 – 07:00		
Prizren	155	49	
Prishtinë/Pristina	195	25	
Drenas/Glogovac	42	17	
Skenderaj/Srbica	55	14	1
Podujevë/Podujevo	93	14	
Malishevë/Malisevo	56	9	
Suharekë/Suva Reka	73	7	
Pejë/Pec	115	7	

<sup>20</sup> Democracy in Action observers did not report cases where Polling Stations were not opened, excluding here the polling stations from the northern part of the country where voting was conducted in mobile Polling Centres.

Vushtrri/Vucitrn	83	7	
Dragash/Dragas	47	6	

Table 1. Municipalities with the biggest delays in preparation of polling stations.

Delays in preparation of polling stations in majority of the cases influenced the time of their opening. Opening of PS before seven o'clock was reported on 32, 8% of all PS; on the other hand 63, 8% opened with delay, postponing the time of opening from 07:00 – 08:00<sup>21</sup> hours. On ten PS, out of which three in Municipality of Ferizaj/Urosevac and one in municipalities of Dragash/Dragas, Gjilan/Gnjilane, Mitrovica, Podujeva/Podujevo, Prizren, Suhareka/Suva Reka and Vushtrri/Vucitrn each, delays were reported in opening of PS, lasting from 08:00 – 10:00 hours.

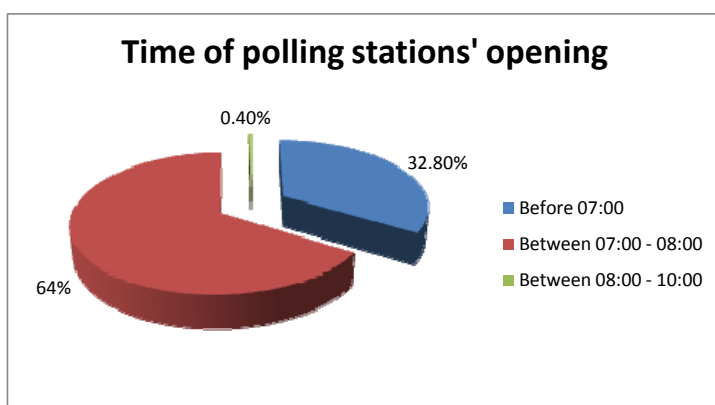


Fig. 1, Time of polling stations' opening.

On 7% of polling stations, preparations, in the aspect of removal of the campaign election materials in the radius of 100 meters from polling stations were not respected<sup>22</sup>. In terms of number, the majority of these violations were noticed in Municipalities of Prishtina/Pristina and Prizren, with 17 PS each, whereas expressed in percentages Municipality of Istog/Istok leads with 16% of polling stations where election material was not removed, followed by Municipality of Skenderaj/Srbica with 14% of PS.

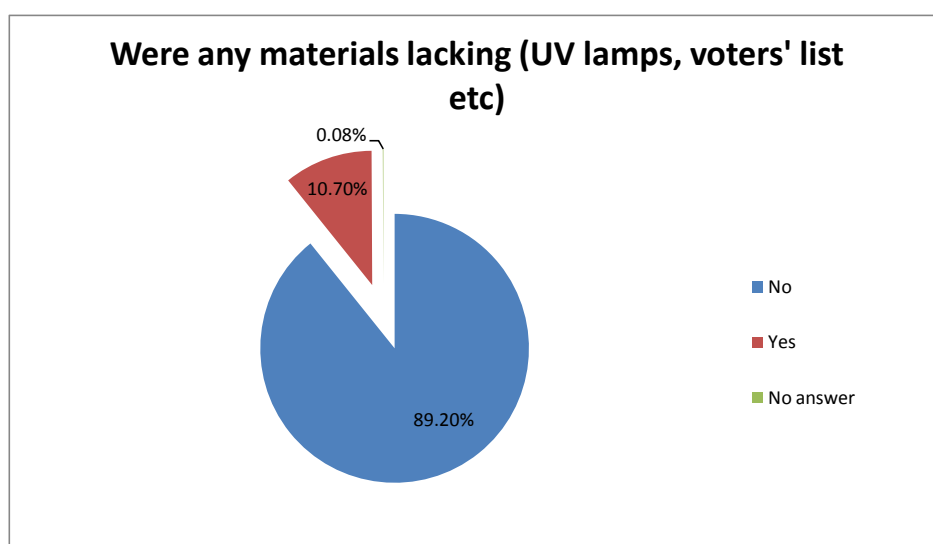
Necessary election materials within and out of the polling station, such as information on how to vote, list of political entities, or candidates' list in polling booths were posted on the majority of polling stations. Only 13 cases were reported where these materials were lacking, biggest number of which in Prizren municipality – in total on five, two polling stations in Suhareka/Suva Reka

<sup>21</sup> According to Democracy in Action forms, exact time in minutes related to how long these delays lasted between 07:00 until 08:00 hours cannot be defined.

<sup>22</sup> On 11% of polling stations, observers did not respond to this question due to inability to identify if there were any election campaign materials or not.

municipality, and one case each in Deçan/Decani, Dragash/Dragas, Drenas/Glogovac, Pejë/Pec, Podujevë/Podujevo and Prishtinë/Pristina municipalities. In this context, more concerning is the absence of Candidates' List within polling booths, that was observed on ten polling stations, out of which four are situated in Municipality of Suhareka/Suva Reka, two in Municipality of Prizren and one polling station each in Drenas/Glogovac, Pejë/Pec, Podujevë/Podujevo, Prizren and Vushtrri/Vucitrn.

Related to other technical materials such as UV Lamps, voters' lists and others, they were reported lacking on 10,7% of polling stations. Apart from the absence of these materials, cases were reported when even though present, materials such as lamps were not completely functional – due to poor batteries, or the ink that was not of proper quality.



*Fig 2, Lack of different materials such as UV Lamps or voters' lists expressed in percentage for all polling stations.*

Concerning the number of polling booths or screens, in the majority of cases or 83,1% each PS had two polling booths, where voting was conducted; 2,7% of all PS had one polling booth, and in worst cases or 1,8% during the preparations no polling booths were set up.

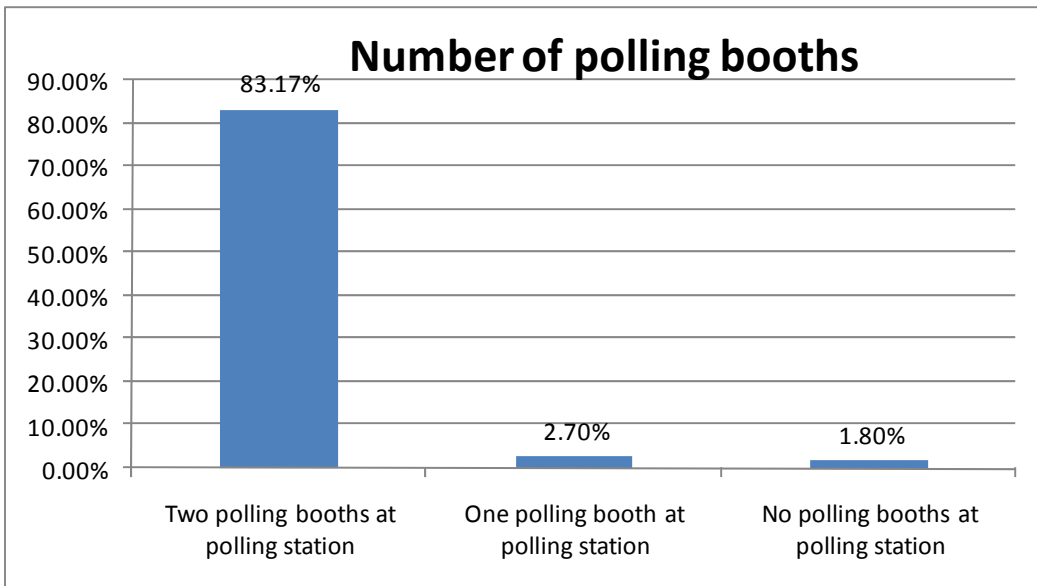


Fig 3, Number of polling booths at polling stations, in percentages.

Even though the voting process was organized primarily in school buildings throughout Kosovo, not all of them ensured adequate access for persons with special needs to the polling station. On more than one third of polling stations or 34,2% appropriate access for this group of population was not ensured making it difficult for them to vote<sup>23</sup>.

Before sealing the ballot boxes, PSC members should show present observers that the box is empty. During 12 December 2010 elections, on 18 polling stations boxes were sealed directly without verifying whether they had been empty. On the other hand, on seven polling stations, two in municipality of Kamenica and one each in Municipalities of Gjakovë/Djakovica, Gjilan/Gnjilane, Drenas/Glogovac, Pejë/Pec and Prizren, PSC members did not seal at all the boxes with security seals. Three other polling stations should be added to these municipalities, reaching a total of ten polling stations where serial numbers of security seals were not registered in the appropriate logbook.

The voting process seemed to be very transparent based on fact that apart from the Democracy in Action monitoring mission, the process was also heavily monitored by political entity observers, NGO observers, international observers and media.

If we compare political entities, it seems that parties with the biggest number of political entity observers included: Democratic Party of Kosovo and Democratic League of Kosovo covering 90% of polling stations with their observers. Third entity in terms of number of engaged observers was Alliance for the Future of Kosovo that covered 79,8% of all polling stations; then Self-Determination Movement had 77,3% polling stations covered; AKR 66,7% and LDD and FER had

<sup>23</sup> Democracy in Action observers did not respond to this question in 20,8% cases.



the least observers, under 30%. Also, the voting process was monitored by international observers and media covering 13% of polling stations.

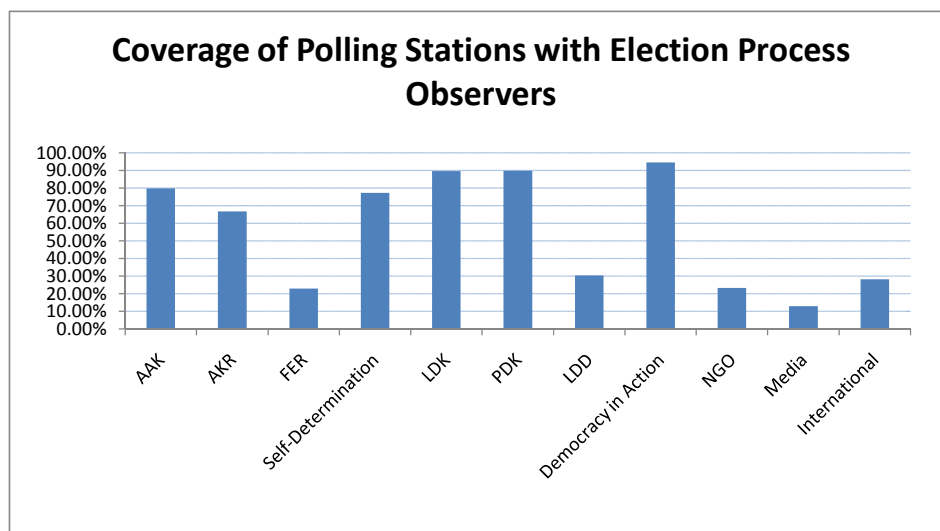


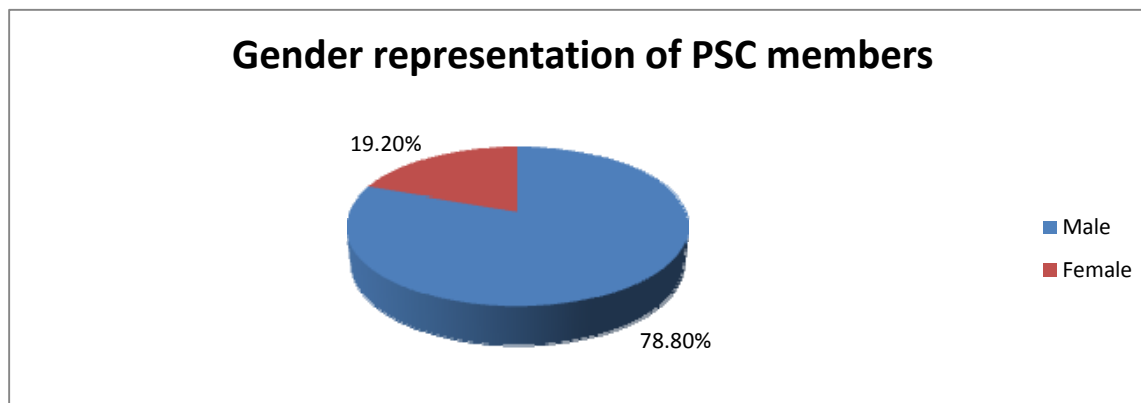
Fig 4, Percentage of election process observers.

### Ensuring the Secrecy of Vote

Principle of secret voting was not respected on the majority of polling stations, because the polling booths were positioned in the way that could not ensure the secrecy of vote. As a phenomenon, it was observed in Municipality of Podujeva/Podujevo at three polling stations, then in Obiliq/Obilic, Peja/Pec, and Prishtina/Pristina at two polling stations each and Municipalities of Ferizaj/Urosevac, Fushë Kosovo/Kosovo Polje and Kamenica with one polling station each.

### Polling Station Committee Members

At polling stations observed by the Democracy in Action, 15 465 members in total were hired in Polling Station Committees (PSC) or in average 7 members per polling station. Despite this fact, on 46 polling stations there were reports of cases when less than 3 PSC members were present. Concerning the gender aspect, from the total number of PSC members 12 192 or 78, 8% were men, while only 2978 or 19, 2% were women.



*Fig 5, Gender representation of PSC members, in percentages*

Representation of women in PSCs differs depending from municipalities; therefore best representation is noticed in municipality of Ranillug/Ranilug where 42,8% of members were females; to be followed by Municipality of Prishtina/Pristina with 33,1 % and Peja/Pec and Fushë Kosovo/Kosovo Polje with 27% each. On the other hand, the lowest number of females in PSC composition was reported in Municipality of Dragash/Dragas with 2, 9%, while the situation is even worse in Mamusha/Mamusa Municipality where out of 19 PSC members all of them were men.

### **Voting Process**

We found several violations classified according to their respective voting procedures on the forms of DiA observers who monitored the voting process. PSC members had largely respected the voting procedures, starting from the procedures of checking voter's fingers, ID documentation check, to obliging voters to sign the voters list, stamping of ballots before they were issued to the voters, spraying the finger with invisible ink, and putting of all "refused" ballots in an envelope by observers.

Verification of presence of ink as a procedure was always respected by the PS commissioners on 94% of PS, on 3,4% of polling stations this was mainly respected, while on seven polling stations there were reports of cases when ink was rarely checked by the commissioners. Out of these polling stations, two were in Municipality of Gjilan/Gnjilane, and one each in municipalities of Ferizaj/Urosevac, Drenas/Glogovac, Malisheva/Malisevo, Strpce/Shtërpce and Vushtrri/Vicitrn. Similar percentage of commissioners respecting the procedures was reported in terms of documentation verification and signing of the voters' list, or stamping the ballots that occurred always in 96% of the cases.

Voting Procedures	Percentage of PS where relevant procedures were always respected
Verification of presence of invisible ink on voter's finger	94%
Control of ID	96,7%
Signing of the voters list	96,6%
Stamping of the ballot before issuance to voter	96%
Spraying the finger with invisible ink	95,2%

*Table 2, Percentage of implementation of voting procedures by PSC members.*

According to the reports of DiA observers, some violations of the voting procedures were committed by voters. Thus, our observers recorded cases on 18 polling stations where voters refused to allow spraying of their finger prior to voting. Such violation occurred as a spread phenomenon in different municipalities, while not being particularly focused on a certain region. Also, there were 175 polling stations in total, or 8,1% where voters voted publicly out of the polling booths. Most of these cases were reported in Municipality of Gjilan/Gnjilane with total of 16 polling stations, then municipality of Lipjan/Lipljan with 15, and 14 polling stations each in municipalities of Prishtinë/Pristina, Mitrovica and Prizren. Also, this violation occurred very often in Municipality of Viti/Vitina with total of 12 polling stations, or on 20, 6% of all polling stations in this municipality.

Issues	Number of polling stations where the issue was faced
Refusal of voter to have his/her finger sprayed	18
Public voting	175
Provision of multiple assistance by the same person to people with special needs	570
Family voting	1559

*Table 3, Some issues involving violations of voting regulations by voters.*

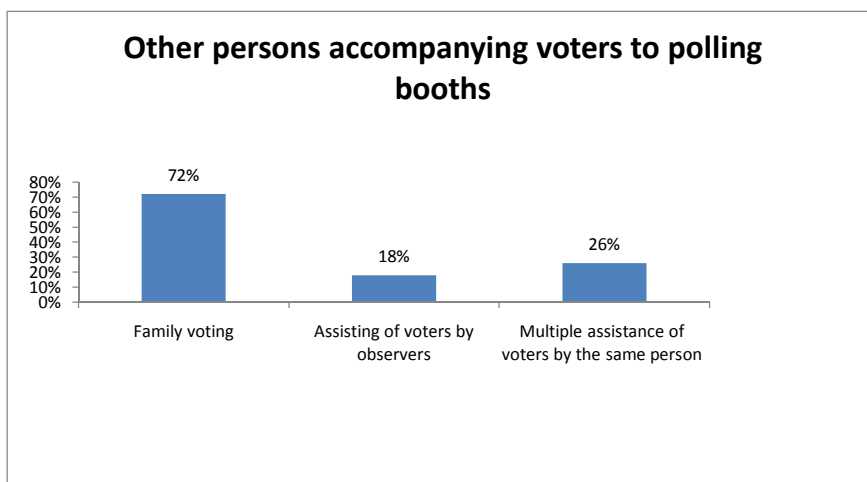
The phenomenon of providing assistance to more than one voter with special needs by the same person occurred often during the 12 December Election Day and included around 27,5% of polling stations where these cases were recorded. Even though this does not appear as a direct violation committed by the Committee members, they should be responsible to prevent occurrence of this phenomenon. Most often, these cases were noticed in Municipality of Prishtina/Pristina with 48

polling stations and Prizren with 42 polling stations. It is worth mentioning that there was a very high incidence of this phenomenon in Municipality of Drenas/Glogovac, with 57, 6% polling stations and Skenderaj/Srbica with 47, 1% of polling stations.

### Family Voting

A phenomenon that violates the right to secret voting and that appears on all elections organized thus far is the so called family voting. It occurs when several persons, with a justification of their family proximity, vote in the same polling booth. As an occurrence during 12 December Elections it was reported on 72% of polling stations, without particular focus to any specific municipality. Most of cases were reported in Municipality of Prishtina/Pristina due to a large number of polling stations in this municipality, in total on 169 polling stations; also in Municipality of Skenderaj/Srbica with 94,2% of polling stations reporting cases of family voting.

Also, provision of assistance to voters by the observers was reported on 18% of polling stations. As an occurrence, it seems to be most widely spread in Municipality of Prizren on 39 polling stations, followed by Prishtina/Pristina with 37 polling stations.



*Fig 6, Polling stations with cases of voters being accompanied by other persons to the polling booth, in percentages.*

## Voting Environment

Voting process on Parliamentary elections held on 12 of December 2010 was developed in a calm environment with a certain number of reported incidents. On 16 polling stations, three in Municipality of Gjakova/Djakovica, two each in municipalities of Obiliq/Obilic, Mitrovica and Peja/Pec; and one case each in municipalities of Suhareka/Suva Reka, Hani Elezit/Djeneral Jankovic, Klina, Viti/Vitina, Drenas/Glogovac, Deçan/Decani and Malisheva/Malisevo there were reports of incidents, which luckily did not result in violence or ill-treatment. Amongst the reasons for occurrence of these incidents, some of the probable reasons include disagreement between party observers and PSC members, refusal of voters to have their finger sprayed, pressure against DiA observer or interruption of voting due to electricity cuts.

On 48 polling stations, or less than 1% of polling stations, there were reported cases of interference with the voting process, and in this regard most cases, in total sixth of them, were reported to Municipality of Drenas/Glogovac.

Calm atmosphere at polling stations was not maintained until the end of the process on 100 polling stations mainly due to political campaign materials within the polling station, due to crowds in the halls, or tensions between observers and PSC members. Election Campaign materials at the polling station were noticed on 32 polling stations, from which 6 PS in Municipality of Gjilan/Gnjilane, then 4 PS in Municipality of Peja/Pec and three polling stations each in municipalities of Klina and Viti/Vitina.

Overcrowding of polling stations with voters was reported on 30% of polling stations, with precedence of Municipality of Prishtina/Pristina in this regard on 68 polling stations and Municipality of Podujeva/Podujevo with 48 polling stations. Also, factors that influenced violation of the calm voting process also included attempts to vote more than once, or to assist more than once during the voting process, and occasional electricity cuts.

## Counting Process

According to the Monitoring Strategy for Elections held on 12 December 2010, Democracy in Action voting process observers, were purposefully replaced with observers that would monitor the process of votes counting.

## Closure of Polls

On more than a half of polling stations, the voting process ended between 19:00-20:00 hours, while on 36,3% of polling stations, the polls were closed between 18:00 – 19:00 hours<sup>24</sup>. Only on

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<sup>24</sup> Difference expressed in minutes between 18.00 – 19.00 hours and 19.00-20.00 hours could not be assessed from the forms filled by observers.

11 PS delays lasted until 21:00 and on 16 other PS delays was reported even after 21:00 hours. Notwithstanding this fact, 85,5% of voters that waited in the queue to vote after the closure of the polling station were allowed to vote; only on 8 polling stations the voting was not allowed even though there were voters waiting in line, in Municipalities of Peja/Pec and Gjakova/Djakovica with three cases each.

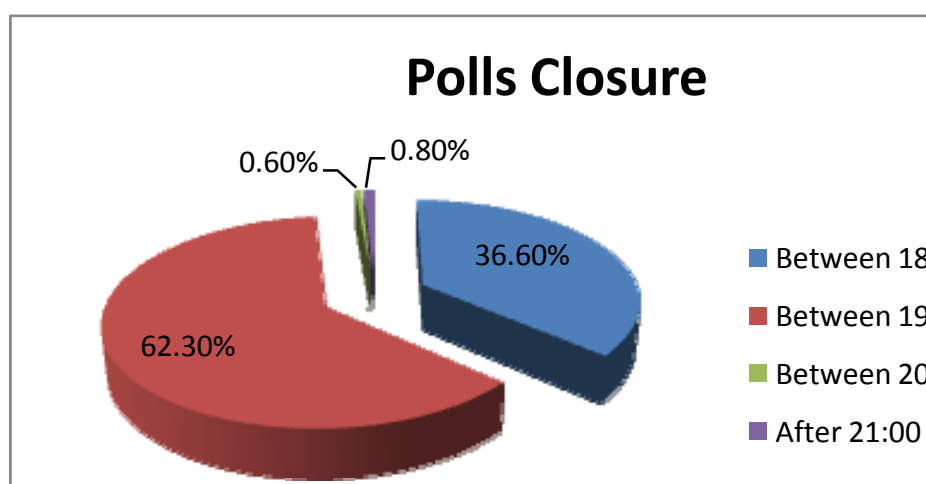


Fig 7, Polls Closure Time observed by DiA, in percentages.

### Transparency of Counting

As it is the case with the voting process, counting process was also quite transparent considering that it was monitored by the observers of the political parties and NGOs. Apart from the network of NGOs Democracy in Action that covered all polling stations, political entities also covered a major part of polling stations. Consequently, 92% of polling stations were covered by observers of two biggest political parties Democratic Party of Kosovo and Democratic League of Kosovo. Thereafter, based on the number of observers, followed monitors of the Alliance for Future of Kosovo with 87,3% of covered polling stations, New Kosovo Alliance with 77,7%, Self-Determination Movement 69% and LDD with 48, 4%. The political entity with the smallest coverage was FER with 33,8% of PS.

On 5 polling stations presence of unauthorised persons was noticed during the counting process, and these cases were reported, one each in Municipalities of Obiliq/Obilic, Prishtina/Pristina, Prizren, Mitrovica and Viti/Vitina. Good observance of counting procedures was also ensured in most of the polling stations, except 22 polling stations where observers had no possibility to monitor the counting process due to position they were given by the polling station committee members.

## Counting Procedures

Problems reported in the previous years by the Democracy in Action<sup>25</sup>, which were repeated also on 12 December 2010 Elections, included those relating to the failure of counting and registering unused ballots, appearing at 108 polling stations in Kosovo; as well as failure of counting spoiled and refused ballots on 121 polling stations. It is worth mentioning that on 81 polling stations both these violations of procedures occur in parallel, and are reported primarily in Municipality of Prishtina/Pristina on 12 polling stations, Peja/Pec on 10 polling stations and Prizren on 8 polling stations<sup>26</sup>.

Other counting procedures, such as checking of security seals were respected on almost all polling stations, or 99, 5% and in most cases or 98, 4% they were untouched.

Only 6 polling stations, or less than 1% were reported as those where counting and registration of signatures on the voters list were not performed. These polling stations were from Municipalities of Prishtina/Pristina, Prizren, Peja/Pec, Kamenica, Gjakova/Djakovica and Viti/Vitina.

Democracy in Action observers report on the failure to put aside voting materials such as unused ballots, spoiled, or refused ballots, or voters' lists, markers, pens, during the counting process on 16 polling stations; and this mostly in Prizren on 3 polling stations and Kamenica and Gjilan/Gnjilane on two polling stations each.

Counting Procedures	% of polling stations where the relevant procedure is respected
Verification of security seals before opening the ballot boxes	99.5%
Ascertaining that security seals were untouched	98.4%
Counting and recording of signatures on the voters' list	99.7%
Counting and recording of unused ballots	94.3%
Counting and recording of spoiled and refused ballots	95,2%
Verification and recording of security seals	99.4%
Putting aside the voting materials (unused, spoiled, refused ballots, stamps, voters' lists, markers, pens)	99.1%
Putting aside of invalid ballots	99.6%

*Table 4, Compliance with counting procedures at the PS.*

Putting aside of invalid ballots during the counting process was not respected only on seven polling stations. Also, on seven polling stations counted votes were not placed in the transparent

<sup>25</sup> Democracy in Action – 2009 Municipal Elections Report

<sup>26</sup> This phenomenon does not focus only on specific municipalities, but it is presented as dispersed, relevant municipalities are presented as places where these two violations occurred mostly.

plastic bag. From the above mentioned polling stations, two parallel violations were reported, one in Municipality of Kamenica and the other in Prizren.

As a part of counting process, 75,1% of twin polling stations conducted the counting of open envelopes separately and marked them as invalid, while only at 71 polling stations this course of action was not followed.

Counting of votes at 80,6 % of polling stations ended before midnight, while the counting process extended from midnight through 06:00 hours at 15.8% of polling stations.

### **Counting Complaints**

PSC member decisions on dubious ballots were seen as right ones in most of the cases. 53 polling stations, or 2,6% were reported as those where Democracy in Action observers felt these decisions were rarely the right ones.

In the aspect of disagreement regarding the decision concerning dubious ballots, in 89,3% of disagreement cases, these were recorded in the adequate logbook. Cases when these disagreements were rarely recorded in the adequate logbook were witnessed on 61 polling stations<sup>27</sup>.

After the closure of the counting process, or more precisely on 18 polling stations, the results were disputed by the observers or other representatives. Mainly the nature of complaints and their claims were that some of dubious ballots should be declared invalid; then there were complaints on the incorrect number of votes and request for recounting at the polling station, lack of transparency during the counting of votes for candidates; complaints related to movements of observers and their entry and exit from polling station.

### **Observers' Assessment of the Counting Process**

According to the assessments of observers who monitored the counting process, there were allegations related to certain irregularities during this process that influenced considerably the final result. From the reports of the Democracy in Action observers, most irregularities were recorded in cases when the number of ballots in ballot boxes exceeded the number of signatures in the voters list in municipalities of Skenderaj/Srbica and Drenas/Glogovac. Also, there were reports about the cases of forgery of signatures on the Final Voters List (when one person signed on behalf of many others). If we count the time of voting in these two municipalities with reports of irregularities, the conclusion is that voting process per person lasted only 1,35 minutes; while necessary average time of the voting process is estimated to be between 5-7 minutes. Cases of 100% turnout of all voters from the Voters' List were identified. Also there were 27 polling stations

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<sup>27</sup> 55.4% of observers did not respond to this question, considering that it seems that no such disagreements were noticed at polling stations they had observed.



in Drenas/Glogovac where percentage of voter turnout was 90% of registered voters, while in Skenderaj/Srbica almost all polling stations exceeded this number. Cases where the numbers of citizens who voted were rounded, such as (300, 500, 400, etc). Other irregularities recorded in observer reports include failure to post results at the door of the polling station at one PS each in Municipalities of Mitrovica, Ferizaj/Urosevac, Prizren, Fushë Kosovo/Kosovo Polje and Gjilan/Gnjilane. Also, irregularities were committed by political party observers, in cases when they exerted pressure on PS Committee Members to expedite the counting of votes and in cases of their entry and exit from the polling station during the ballots' counting.

### **Monitoring of Ballot Boxes Transportation**

Apart from monitoring the counting and voting processes on 12 December 2010, Democracy in Action observers also monitored the process of collection of ballot boxes from the Polling Centres in the Collection Area within Municipal Election Commissions (MEC) and their transportation to the Counting and Results Centre (CRC) in Fushë Kosovo/Kosovo Polje. Apart from recording the time of arrival of boxes to the MEC, the monitoring was also focused on boxes with black dots and their putting in quarantine. After the arrival of all ballot boxes in Municipal Election Commissions premises, DiA observers followed with their own vehicles the convoy that was transporting them to CRC in Fushë Kosovo/Kosovo Polje. The convoy was followed all the way up to the Centre and observers also recorded the time of its arrival to the destination, CRC in Fushë Kosovo/Kosovo Polje, that was in early hours of 13 December 2010. Even though the initial plan was to monitor all 37 municipalities, Democracy in Action monitored only 32 of them, due to the fact that monitoring in 3 municipalities in northern Kosovo (Zvečan, Leposaviç and Zubin Potok) was not done due to safety reasons. Additionally, ballot boxes from municipalities of Viti/Vitina and Rahovec/Orahovac were not monitored due to the fact that officials of the Municipal Election Commissions did not allow DiA observers to stay in the collecting centre due to the lack of space. Reports of Democracy in Action observers concerning the monitoring of transportation of ballot boxes do not provide any information on delays or stops of the convoy on the way to CRC. Reports related to ballot boxes with black dots come from ten polling stations, and in these cases Committee Members made a mistake by putting all materials, including the Final Voters' List in the box, or they even sealed the box wrongly with security seals.

### **RE-ELECTION HELD ON 9 JANUARY 2011**

After the decisions taken by the Election Complaint and Appeals Panel (ECAP), concerning the complaints of political entities and civil society organizations on manipulation with the electoral process held on 12 December 2010, CEC took a decision to announce re-election in three municipalities and two polling centres on 09 January 2011. Therefore, Municipalities of Skenderaj/Srbica, Drenas/Glogovac, and Deçan/Decani had re-election, while in Municipalities of Malisheve/Malisevo and Lipjan/Lipljan voting took place only in one polling centre each; and that

in Llashkandrenoc in Malisheva/Malisevo and Shalë in Lipjan/Lipljan. Re-election was organized at 185 polling stations, which were also monitored by the observers of the Democracy in Action<sup>28</sup>.

### **Polling Station Preparation**

Preparations of polling stations during re-election process of 9 January 2011 on 80,5% of polling stations were done between 06:00-07:00 hours. A total of 1335 members of PSC were engaged in this process, with an average of seven (7) members per PS. From the gender perspective, out of 1335 PSC members, 1091 or 81,7 % were men and only 219 or 16,4% women, implying again that we don't have a satisfactory gender representation.

Also during the re-election process there were instances of irregularities, which were visibly minor compared to irregularities recorded during the elections of 12 December 2010.

Information on how to vote, the list of political entities and list of candidates within the polling booths were not posted only in one polling station in Municipality of Skenderaj/Srbica. Lack of materials such as UV Lamps, voters' list was reported during preparations on 4 PS in municipality of Skenderaj/Srbica, two in Drenas/Glogovac and one polling station in Municipality of Deçan/Decani, making up in total 3,7% of polling stations included in 9 January re-election. Approximate number of polling booths was two per polling station; only 5 cases were reported when only one polling booth was present at the polling station. On the other hand, only two cases were recorded, one in polling station in Municipality of Skenderaj/Srbica and the other in one polling station in Drenas/Glogovac when polling booths did not ensure secrecy of vote.

Procedures, like showing the empty ballot box prior to its closure, closing of the box with security seals and registration of the serial numbers in appropriate logbook were respected at all polling stations.

Apart from monitoring the process by the Democracy in Action, it was also monitored by observers of political entities, civil society observers, and international observers and media. High presence of international observers was noticed, covering more than a half of all polling stations, respectively 54,3% of polling stations.

### **Voting**

Opening of polls on 28.1 % of polling stations was done before 07:00, while it is reported that the other part of polling stations were opened between 07:00 and 08:00 hours. It is observed that voting procedures, such as checking of ink, ID verification, signing of voters, stamping of ballots

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<sup>28</sup> According to the Monitoring Strategy for Re-election held on 9 January 2011, Democracy in Action in these municipalities deployed two pairs of observers that stayed on the polling station during all time. One part of observers were local ones, while the second part of observers were brought from other Kosovo municipalities, and were sent to monitor the re-election taking place on 9 January 2011.

and spraying finger with invisible ink were respected considerably by the PS Committee Members. There was only one polling station in Municipality of Drenas/Glogovac where these procedures were not respected completely. The presence of several persons at the same time in the polling booth, or the so called family voting was again noticed on a great number of polling stations or 79,3% thereof.

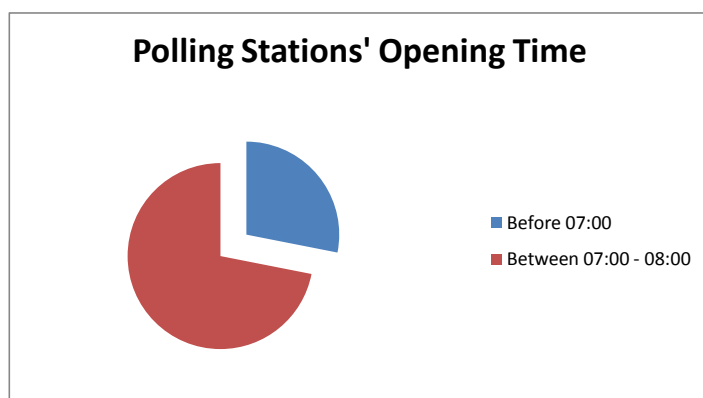


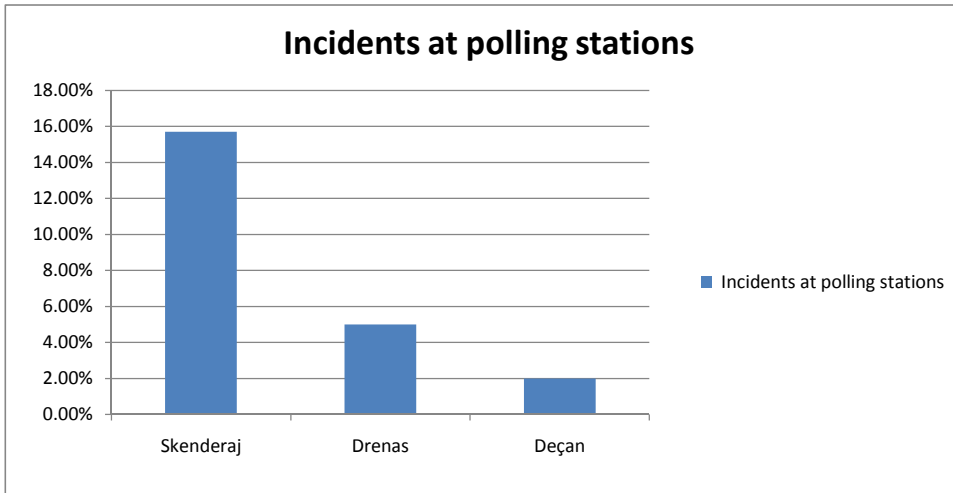
Fig. 8, PS opening times on re-election held on 9 January 2011, in percentages.

### Voting Environment

Voting environment, during the re-election process of 9 January 2011 was mainly calm, even though there were cases when this atmosphere at polling stations was impaired. Voting process was violated for different reasons on six polling stations; two polling stations per each of the municipalities where re-election took place. In Municipality of Drenas/Glogovac, on four polling stations there were also instances of harming the calm atmosphere of the voting due to electricity cuts or attempts to vote more than once.

Democracy in Action observers reported four polling stations where at least three members of the PSC were not present, making the voting process difficult. Such cases were reported on three polling stations in Municipality of Skenderaj/Srbica and one in Municipality of Drenas/Glogovac.

Incidents followed also this re-electoral process. The largest number of incidents was reported in Municipality of Skenderaj/Srbica, on total of 11 polling stations or 15, 7% of the polling stations in this municipality, and also on three polling stations in Municipality of Drenas/Glogovac and one polling station in Municipality of Deçan/Decani. Reasons behind these incidents were similar to those of impairing the calm atmosphere, while an addition to this also involves pressure exerted against observers of the Democracy in Action and interrupting them to monitor freely, which resulted with withdrawal of observers from two polling stations in Municipality of Drenas/Glogovac, considering they had felt unsafe.

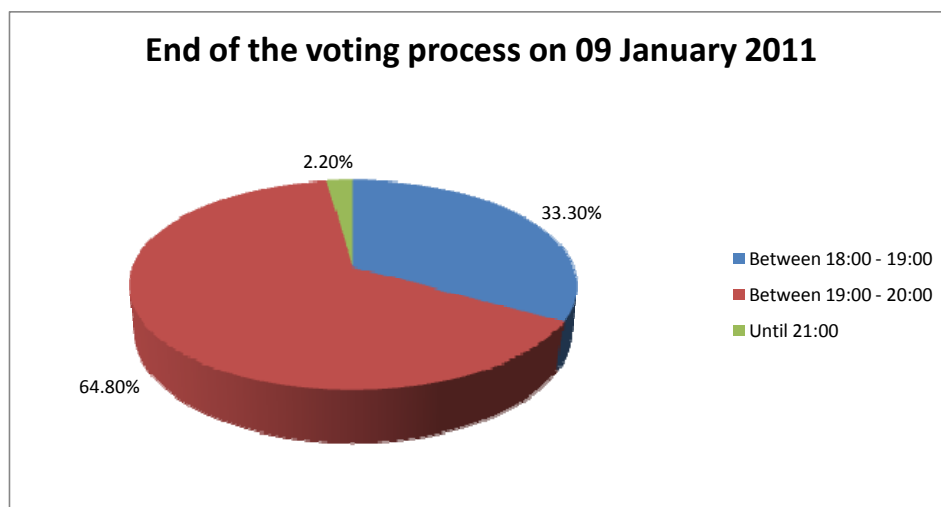


*Fig 9, Incidents reported at polling stations for every municipality where re-election was organized on 9 January 2011, in percentages*

Re-election process was followed with irregularities including cases when one person assisted up to ten (10) other voters in Municipality of Skenderaj/Srbica, then cases of multiple voting, such as the ones in Municipality of Skenderaj/Srbica as well as Drenas/Glogovac. There were also reported cases of ticking the respective candidates on candidates list or even voting without identification documents. There were also reports on electricity cuts and sometimes voting with candles or lamps, as well as family voting as a phenomenon reported in all three municipalities where these elections were organized.

### **Process of Votes' Counting**

Process of counting the votes on 33,3% of polling stations ended between 18:00-19:00 hours, while the majority of polling stations or 64,8% ended this process between 19:00 and 20:00 hours.



*Fig 10, The time voting ended, in percentages.*

Counting of votes was reported to have started immediately after closure of polls and that at 95,9% of the polling stations, counting was reported to have started between 19:00 – 20:00 hours, while delays were noticed on 4,1 % of polling stations or on 7 polling stations, six in Municipality of Skenderaj/Srbica and one polling station in Municipality of Deçan/Decani.

Both the voting and counting processes were monitored by observers of political entities, civil society organizations, international observers and media.<sup>29</sup>

Good observance of counting procedures was mainly ensured on behalf of observers, except in two polling stations in Municipality of Drenas/Glogovac where this process was not possible.

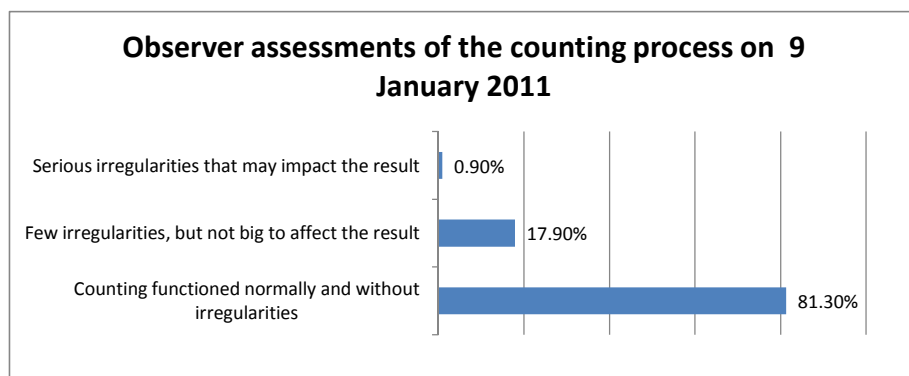
Even though the counting procedures during the re-election held on 9 January were mainly respected by the Committee Members, again there were rare cases of violations of procedures, such as the case of failure to count unused ballots on around 3% of polling stations or failure to count spoiled or refused ballots on 5% of polling stations.

Counting process ended before the midnight in the major part of polling stations or 82% thereof, leaving thereby just a small number of polling stations where the process continued after midnight.

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<sup>29</sup> Democracy in Action had engaged two observers per each polling station and both of them stayed on the PS from its opening up to the counting of votes and announcement of results for that polling station.

According to assessment of observers, on the major part of polling stations or 81, 3% thereof, the counting functioned normally and without irregularities, while in other part of polling stations there were irregularities that influenced the final result up to a certain degree.



*Fig 11, Observers' assessments of the counting process, in percentages.*

Major remarks related to this process were lack of electricity supply and possibility to manipulate with votes, then ticking of ballots on which the voter didn't mark all 5 candidates or attempt to make valid invalid and empty ballots by circling them. There have also been cases with discrepancies between signatures on the voters' list and number of votes, or cases of exerting pressure against Democracy in Action<sup>30</sup> observers.

### **Ballot Boxes Transportation**

During the monitoring of the process of collecting and transport of ballot boxes from the polling centres to the MEC, and therefrom monitoring their transport to the Counting and Result Centre in Fushë Kosovo/Kosovo Polje, there were no reported cases of delays or stops of the transportation convoy on the way there.

## **RE-ELECTION HELD ON 23 JANUARY 2011**

After the decision of the Supreme Court on re-election in Municipality of Mitrovica, Central Election Commission took the decision to repeat parliamentary elections in this municipality on 23 January 2011. Democracy in Action also monitored this process with observers who were brought

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<sup>30</sup> Removal of observers from the polling station or damaging of their vehicles.

to this municipality from other Kosovo municipalities<sup>31</sup>. In general, the process was calm, without reports of violations that would damage the process.

Preparations of polling stations for re-election held on 23 January 2011 in Municipality of Mitrovica in major part of the polling stations or 78, 8% thereof were done between 06:00-07:00 hours. This resulted with timely opening of all polling stations<sup>32</sup>.

The average number of PSC members per polling station was 7, 1 persons, from whom 5, 8 members were men, whereas 1, 8 members or 25, 5% were women.

Materials such as information on how to vote, list of political entities or list of candidates were present in all polling stations. Also, unlike elections of 12 December 2010, materials such as UV lamps or ink were of high quality and no problems were reported in this regard, but still 9 polling stations reported these materials were lacking during the preparation of polling stations and the same were provided after the intervention of the Municipal Election Commission.

The whole process attracted the attention of all involved stakeholders and it was monitored by observers of political parties, civil society organizations and international observers and media.

### **Voting Process**

Voting procedures, such as the check of finger for the signs of ink, document verification, spraying of the finger with ink were respected largely by Committee members and therefore there were no reported cases of violations in this regard. Difficulties during the voting process were found on three polling stations, where often the voters could not find their names on the voters' list. On the other hand, 25 polling stations reported cases when a person assisted more than one voter during the voting process and on more than 70% of polling stations cases of family voting were reported.

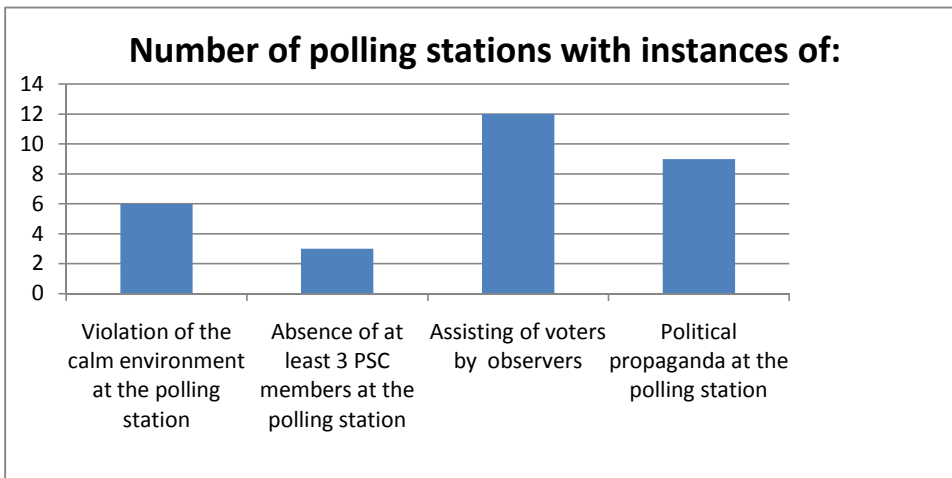
### **Voting Environment**

During the voting process, the environment was reported to be calm, without any specific incidents that would influence the process. There were six polling stations where the calm atmosphere of voting was impaired for different reasons. Other concerns include absence of majority of PSC members on three (3) polling stations. Also, on 12 polling stations violations involved cases of providing assistance to the voters by observers, while on 9 polling stations political campaign materials were noticed within the polling station.

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<sup>31</sup> In northern part of Kosovo, voting was held in mobile polling stations with shortened working hours and these polling stations were not able to be monitored by Democracy in Action observers due to the small place within these mobile polling stations and due to security reasons.

<sup>32</sup> With the exception of those in the northern part of municipality



*Fig 12, Number of polling stations where some of following instances impacting the calm atmosphere of the voting process were observed.*

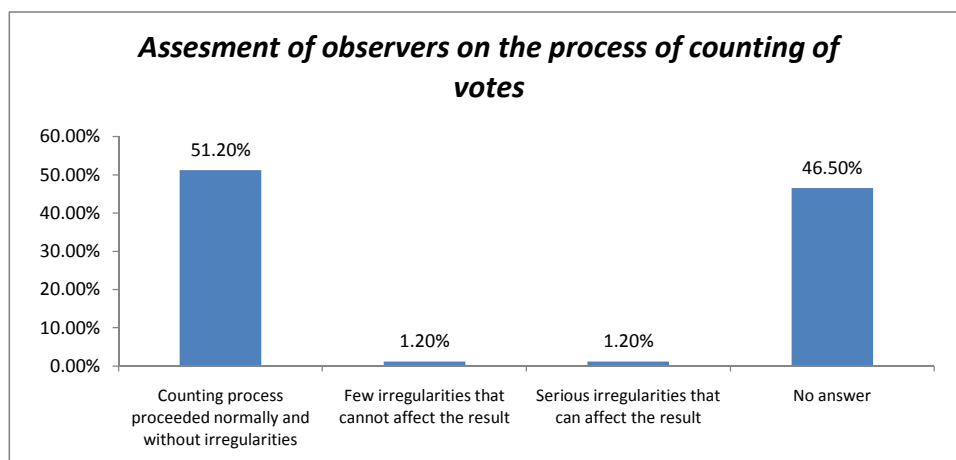
Assessments of Democracy in Action observers report most frequently cases of family voting and multiple-assistance.

### **Counting of Votes**

On 71, 6 % of polling stations the voting process ended between 19:00 and 20:00 hours, while in other part of polling stations it ended even earlier between 18:00 and 19:00 hours. This fact ensured that counting at all polling stations started between 19:00 and 20:00 hours and ended on 92,6% of cases before midnight.

During the counting of votes stage of the re-election, there were no reported cases of violations such as presence of unauthorised persons at the polling stations, lack of good insight into procedures, or violations by PSC members. In general, assessment of Democracy in Action observers is that on 51, 2% of polling stations the counting process functioned normally and without irregularities, while one irregularity was reported on one polling station that would not influence the result and another case on a polling station when PSC members marked empty boxes for candidates or political entities according to their preferences.



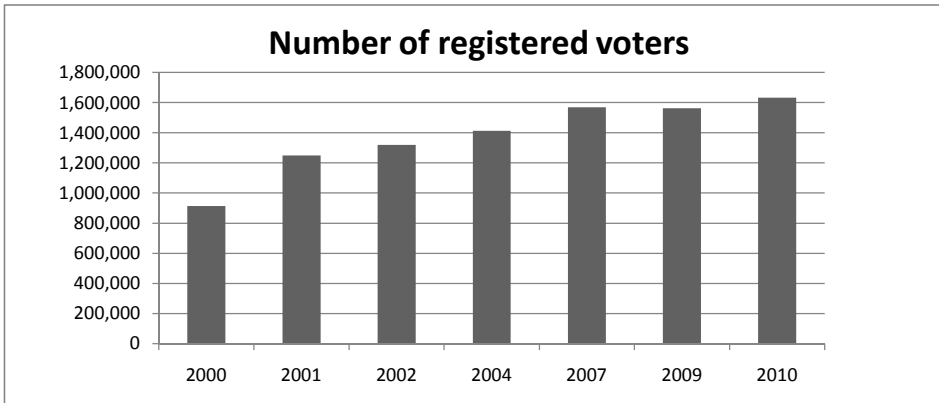


*Fig 13, Assessments of observers on the counting process, presented in percentages.*

## TREND ANALYSIS

Since the first post war elections in 2000, when voter turnout was 79%, a steady fall in the number of citizens eligible to vote and not using their suffrage was observed. This trend was stopped with 2009 elections when we had an increase compared to 2007 when the turnout rose for 3% reaching 43,2%. Last 2010 parliamentary elections compared to previous elections also recorded a solid increase of voter turnout, reaching 45,29% or 706, 31 voters.

Since 2000, number of registered voters with the right to vote experienced a steady considerable increase from 913.179 as they were in 2000, it was nearly doubled in 2010 reaching the number 1,632,276 of registered voters. Only compared to previous 2009 elections, there was an increase in the number of registered voters for 73,288 or 4.4%.



*Fig 14, Trends in the number of registered voters eligible to vote.*

According to municipalities, Mamusha leads with the percentage of voter turnout with 65, 13%, followed by Skenderaj/Srbica with 59%, Drenas/Glogovac with 55.95%, Prishtina/Pristina with 55,17% and Lipjan with 53,43%. The municipalities from the northern part of Kosovo are still the ones with the smallest number of voters who used their right to vote, in the following order: Leposavic/Leposaviq 0.80%, Zvecan/Zveqan 1.86 %, Zubin Potok 6.24% and Mitrovica 27,02%. We can conclude that in other parts of Kosovo mainly inhabited by the Serbian community, compared to previous elections, we have an extraordinary increase in voter turnout from this community, as for example in Partes/Partesh 51.62 %, Strpce/Shtërpçë 48.87%, Gračanica/Graçanicë 45.09% ,Klokot/ Kllokot 46.79% and Ranilug/Ranillug with 34.31%.

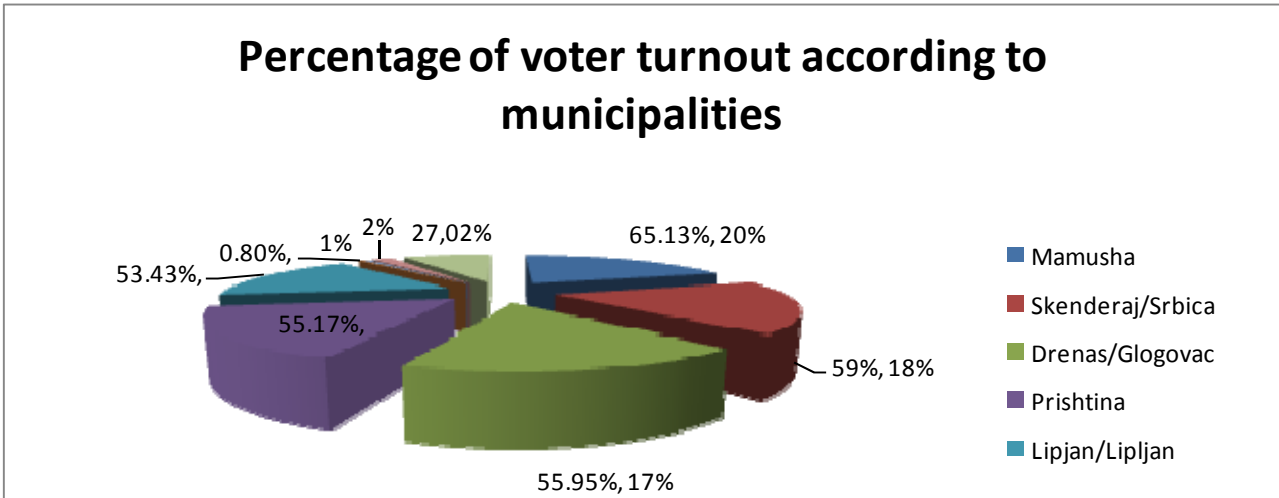


Fig 15, Percentage of voter turnout according to municipalities with the highest and lowest voter turnout

**Trends of Voter Turnout on Election Day**

Trend of voter turnout on Election Day was measured in time intervals at 10:00, 12:00, 15:00 and 17:00 hours. Between these time intervals a considerable difference was noticed. While until 10 o'clock approximately 44.172 citizens voted Kosovo-wide, until 12:00 hours this number reached 111.914. The afternoon hours speak about an even more massive turnout compared to morning hours with 227.328 voters who voted until 15:00 hours while at 17:00 hours this number reached 289.375 citizens who used their right to vote. The trend with highest dynamic of voter turnout seems to be the period between 12:00 and 17:00, and this information should take into consideration the cold weather on Election Day held in the middle of December.

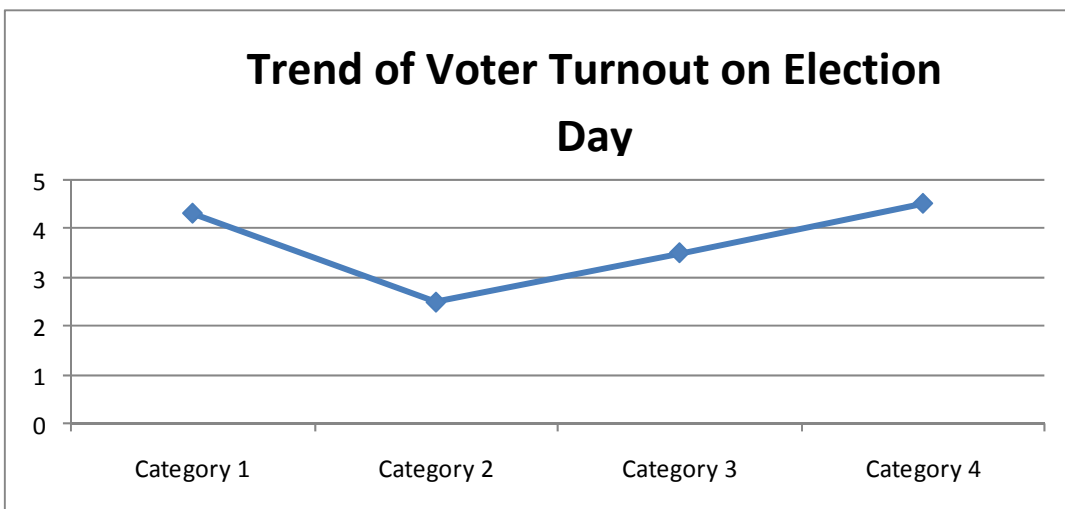


Fig 15, Voter turnout trend on Election Day held on 12 December 2010.

## RECOMMENDATIONS

### To Central Institutions

- It is necessary to reform Electoral legislation in Kosovo, in order to be in full compliance with international standards;
- With the aim of better representation of Kosovo citizens in the representative institutions, Kosovo should be divided on several districts instead of having one district.
- With the aim of increasing participation of political parties and wider representation in the Assembly of Kosovo, threshold should be decreased from 5% to 3% for political parties, while for coalitions it should remain 5%.
- Kosovo should apply system of voting with open lists based on the principle one candidate, one vote.
- Deadlines for filing complaints and their processing do not ensure sufficient time for submission of appeals and their review by respective bodies (ECAP and Supreme Court) – the possibility for extending these deadlines should be reviewed;
- Sanctions for political entities and candidates that start the campaign prior to the time foreseen by law should be stipulated in accordance with the law.

### To Election Management Bodies (CEC, MEC)

- In order not to subject the Central Election Commission to different forms of political pressure, alternative modalities of CEC, MEC and PSC composition should be sought.
- In order to have equal gender representation, competent bodies should ensure adequate gender representation within MEC and PSC.
- CEC should ensure sufficient time for substantial and qualitative trainings of PSC members.
- Competent bodies should undertake all measures to clean the voters lists from the names of the deceased persons;
- Deadline for Challenge and Confirmation of voters' lists should be extended and voters should be educated and informed on the possibilities for challenging and confirming the list.
- CEC should find facilitating forms for citizens living out of Kosovo.
- CEC should seek alternative forms for voter education, such as meeting with new voters, publication and distribution of booklets and other attractive forms that could be developed during all time, and not only during the pre-election period.
- CEC should undertake all measures to secure all high quality sensitive and non-sensitive materials.
- CEC in cooperation with other competent institutions should undertake all measures to implement the Election Day process in accordance with legal and constitutional provisions for ensuring democratic, free and fair electoral process.

**To institutions handling complaints (ECAP, Supreme Court)**

- Competent institutions should respect deadlines for review of complaints according to the provisions foreseen by law.
- ECAP and Supreme Court should review competently all appeals submitted to them.

**To Political Entities**

- During the election campaign political parties should fully abide by the Code of Conduct for Political Entities, Candidates and their Supporters and enforce sanctions against violators.
- Political entities should be careful in selection of candidates for the PSC composition;
- Political parties should demonstrate continuously willingness and political maturity to guarantee development of the election process in accordance with international standards.
- In cases with recorded irregularities or manipulation with votes, competent constitutional institutions should undertake all measures to bring before justice all responsible persons.



The opinions expressed herein are those of the author.  
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