

**LAW NO. 08/L-228**

**ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**Assembly of the Republic of Kosovo;**

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

Adopts:

**LAW ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the law**

This law shall set forth the rules for the organization of the electoral system, including the rules for the preparation, development, administration, supervision and announcement of the election results for the Assembly of the Republic of Kosovo.

**Article 2  
Scope**

1. This Law shall apply to the electoral process for the Assembly of the Republic of Kosovo and, as far as applicable, its rules and principles shall also apply to the electoral process at the local level, as set forth in the law in force on local elections in the Republic of Kosovo.

2. This Law, inter alia, shall regulate the following:

2.1. protection of the right to elect and to be elected as well the criteria for the admissibility of the vote;

2.2. responsibilities, organization and functions of the Central Election Commission and other electoral bodies;

2.3. responsibilities of the Election Complaint and Appeal Panel;

2.4. deadlines, procedures and competences for registration and certification of political entities;

2.5. deadlines, procedures and competences for the preparation of the Voters List and its maintenance;

2.6. carrying out the election campaign, the rules of conduct of political entities, their candidates and supporters, as well as campaign spending limitations;

2.7. media coverage of the election campaigns;

2.8. accreditation of election observers, as well as their rights and responsibilities;

2.9. voting procedure, counting the votes and announcing the results;

2.10. review of legal remedies and imposing administrative sanctions;

2.11. other matters pertaining to elections.

### **Article 3** **Definitions**

1. Terms used in this law shall have the meanings defined in this article:

1.1. **Political Campaign Activity** - shall mean any political rally or speech, gathering, public presentation, or another activity designed to propagate a political message in relation to the elections;

1.2. **Liabilities** - shall mean all monetary sums that a political entity is obliged to pay to other persons;

1.3. **Resources** - shall include tangible and intangible items as defined in the applicable rules of an institution, such as vehicles, expendable material, photocopy, phone, cell phone, office equipment, premises;

1.4. **Reconciliation and Results Form (RRF)** - shall mean the form approved by the CEC ahead of every election for the purpose of reconciling votes cast in a Polling Station;

1.5. **Candidate** - shall mean a candidate for Member of the Kosovo Assembly, who runs in the name of a political party or citizen initiative;

1.6. **Independent candidate** - shall mean a candidate for Member of the Kosovo Assembly, who does not belong to any political party or citizen initiative and does not run on behalf of any other political entity;

1.7. **Equity** - shall mean the difference between assets and liabilities;

1.8. **Coalition** - shall mean a coalition of two or more political entities;

1.9. **Municipal Election Commission (MEC)** - is a body responsible of implementing elections within the municipal territory;

1.10. **Community** - shall mean inhabitants belonging to the same national, ethnic, linguistic or religious group traditionally present in the territory of Kosovo;

1.11. **Contribution** - shall have the meaning as defined in the Law on Financing Political Parties;

1.12. **CEC** - shall mean the Central Election Commission, the independent constitutional institution responsible for the organization and administration of elections, as defined in Article 139 of the Constitution;

1.13. **IMC** - shall mean the Independent Media Commission;

1.14. **Constitution** - shall mean the Constitution of the Republic of Kosovo;

1.15. **Mail box in Kosovo** – Mail box opened by CEC at the Kosovo Post Office, which serves for ballots to be sent by citizens who successfully register to vote outside of Kosovo;

1.16. **Mail Box outside Kosovo** – Mail box opened by CEC, with the help of diplomatic representations in post offices of countries where there are citizens of the Republic of Kosovo in significant numbers, which serve for ballots to be sent by citizens who successfully register to vote outside of Kosovo;

1.17. **Assembly** - shall mean the Assembly of the Republic of Kosovo;

1.18. **Final Voters List (FVL)** - shall mean the voters list as set out in Article 9 paragraph 5 of this Law;

1.19. **Polling Station Final Voters List (PSFVL)** - shall mean the voters list assigned to vote in a regular PS, bearing the signature of those voters who cast a regular ballot in that PS;

1.20. **Conditional Voters List (CVL)** - shall mean a blank Voters List to be used in PSs where Conditional Ballots are cast;

1.21. **Voter List (VL)** - shall mean the list of all eligible voters for the elections as set out in Article 8 paragraph 1 of this Law;

1.22. **Media** - shall mean all the television stations and radio stations which broadcast in the territory of Kosovo and which are licensed by the Independent Media Commission, including the print media;

1.23. **Event** - shall mean a public indoor or outdoor political rally, gathering, march or procession, speech, or any other similar activity designed to disseminate a political message in order to gain support from voters;

1.24. **Citizens' Initiative** - shall mean a group of persons who voluntarily associate on the basis of a common idea, interest or viewpoint with the objective of having their candidates elected, but who do not wish to form a political party;

1.25. **Non-Governmental Organization (NGO)** - shall mean any non-governmental organization registered in accordance with the provisions of the applicable legislation;

1.26. **Payment** - shall mean a transfer of valuable consideration, including payment in kind. A Payment is made at the time the benefit of the payment is received;

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

1.28. **Challenge and Confirmation Period** - shall mean the period of time following the declaration of election day by the President of Kosovo, during which eligible voters may challenge inaccuracies or omissions in the Voters List at the places designated by CEC and in accordance with the rules and procedures established by the CEC;

1.29. **Campaign Period** - shall mean the thirty (30) day period for election campaigning by Political Entities ending on the day immediately preceding the election day;

1.30. **Contact Person** - shall mean the person who is duly authorized to communicate on behalf of a Political Entity with the Office on non-financial matters;

1.31. **Diplomatic Representation** - shall mean embassies, consulates, diplomatic missions and consular missions representing the Republic of Kosovo abroad and on voting day can be used as voting centres, in line with CEC assessment;

1.32. **Financial representative** - shall mean the person who is personally responsible for keeping a Political Entity's financial records, ensuring the Entity's compliance with the present Law and communicating with the CEC Secretariat with respect to the Entity's Campaign Finance Disclosure Reports;

1.33. **Political advertising spot** - shall mean a single advertisement of a political nature representing the views of a certified political entity that is transmitted by a broadcast medium;

1.34. **ECAP** - shall mean the Election Complaints and Appeals Panel, an independent body in charge of adjudicating complaints and appeals concerning the electoral process;

1.35. **Public servant** - includes civil servants and public service employees, as defined in the law in force on Public Officials, as well as other public servants who are in an employment relationship with the state and public institutions of the Republic of Kosovo;

1.36. **Equitable Access** - shall mean fair and proportional media access to print and broadcast media in terms of time periods of media coverage, placement and lineage in print media, with the absence of discrimination for or against specific certified political entities;

1.37. **Count and Results Centre** - shall mean the location where Conditional Ballots (CBs), out of Kosovo ballots, and any Regular Ballots as required by the CEC or Election Complaints and Appeals Panel are counted. The RRFs from each PS are audited and tabulated, and the final result is compiled;

1.38. **Municipal Counting Centre (MCC)** - shall mean a building in each municipality where ballots and votes of candidates of political entities are transparently counted in the presence of observers and other accredited persons;

1.39. **Voting Centre (VC)** - shall mean the building where one or more polling stations are located and the space within which the property of the building is located;

1.40. **Central Civil Registry** - shall mean a unique state document, kept in hardcopy and electronic form, where the components of the civil status of every citizen of Kosovo are reflected, pursuant to the legislation in force on the civil status;

1.41. **CECS** - shall mean the CEC Secretariat;

1.42. **Political entity** - shall mean a Political Party, Coalition, Citizens' Initiative or independent candidate;

1.43. **Certified political entity (entities)** - shall mean a political entity, i.e., political party, coalition of political parties, citizens' initiative and independent candidate, which is certified by the CEC, in accordance with this law and CEC rules;

1.44. **Expenditure** - shall mean a payment made for goods or purchase of goods, materials, labour, or services whether tangible or intangible. An expenditure is made on the date the payment or purchase is made or on the date the goods, materials, labour, or services are provided, whichever is earlier;

1.45. **Campaign expenditure** - shall mean any payment made for goods or purchase of goods, materials, labour, services whether tangible or intangible, made for the purpose of influencing an election, regardless of whether incurred in support of a specific candidate, political party, coalition, or citizens' initiative, such as the cost of print media advertisements; production of broadcast spots; campaign materials, including

pamphlets, posters, buttons; display advertisements, including billboards and their production; in-kind contributions. This shall not include Expenditures made in support of the ordinary operation of a Political Entity. Goods or services for which payments are made prior to or after the Campaign Period, for use during the Campaign Period, shall also be considered Campaign Expenditures;

1.46. **Citizen** - shall mean the person who has citizenship of the Republic of Kosovo;

1.47. **Income** - shall mean any monetary sum received as membership fees or dues; rent; contributions from abroad by individuals, businesses or organizations of any kind; donations; the value of contributions in the form of goods and services (in-kind) contributions and any payment to the political entity;

1.48. **Public Service Broadcaster** - shall mean the not-for-profit public broadcasting organization of Kosovo, as defined by the Law on Radio Television of Kosovo;

1.49. **Private Broadcaster** - shall mean a broadcasting outlet which is not publicly owned;

1.50. **Polling Station (PS)** - shall mean a room, hall or similar space for the purpose of voting on election day within the polling centre;

1.51. **Accredited Observer** - shall mean a representative of a certified political entity, NGO, governmental or inter-governmental organization, international organization specializing and engaged in the protection of human rights, foreign country, or the media, who has submitted a request to observe the elections and has been granted the approval by the CEC in accordance with this law and CEC rules;

1.52. **Special Needs Voting (SNV)** - shall mean the arrangements made and the procedures followed for those voters eligible to vote in Kosovo who cannot vote in person at the PS to which they were assigned on Election Day;

1.53. **Out of Kosovo voter** - shall mean a successful out of Kosovo applicant using one of the means of voting outside of the territory of Kosovo, as specified in CEC rules;

1.54. **Voting by physical mail** - shall mean delivering the mail (envelope with the ballot) to the post office of the country where he/she lives and the mail is stamped by the relevant post office upon delivery;

1.55. **Elections** - shall mean elections for the Assembly of Kosovo;

1.56. **Office** - shall mean the Office for registration, certification and financial control of political entities that operates as defined by the legislation in force.

#### **Article 4** **Basic principles**

1. The conduct and administration of the elections for the Assembly of Kosovo and the legislation pertaining to elections shall be guided by the following principles:

1.1. elections for the Assembly of Kosovo shall be held on the basis of free, universal, equal, direct and secret vote pursuant to this law and CEC rules;

1.2. all citizens of the Republic of Kosovo shall be equal in exercising their right to elect and be elected without discrimination on the basis of race, ethnicity, colour, language, gender, religious belief or political belief, education, social affiliation or any other similar criterion in line with the provisions of this law;

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

1.4. the elections for the Assembly of Kosovo shall reflect the geographic representation of all regions of Kosovo.

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

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

1.7. the use of public office, resources, or staff of any institution at a central or local level for the purpose of supporting a political entity in an election is strictly prohibited;

1.8. political entities shall not take advantage of civil servants using the post, resources, or staff to campaign during elections;

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

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

## **CHAPTER II**

### **ANNOUNCEMENT OF ELECTIONS, THE RIGHT TO VOTE, THE VOTERS LIST, THE CHALLENGE AND CONFIRMATION PERIOD FOR THE LIST OF VOTERS**

#### **Article 5**

#### **Announcement of Elections**

1. After consultation with political parties, the President of Kosovo shall set and announce the date of elections for the Assembly of Kosovo.

2. Elections for the Assembly of Kosovo shall take place on a Sunday every four (4) years. Elections may not be held earlier than sixty (60) days and shall be held no later than thirty (30) days before the end of the mandate.

3. According to the powers vested in the President by the Constitution, the decree of the President setting the date of elections shall be made not less than six (6) and not more than four (4) months ahead of the election date. The decree shall contain the date of the elections.

4. The Assembly of Kosovo shall be elected for a mandate of four (4) years, starting from the day of the constitutive session, which shall be held within thirty (30) days from the official announcement of the election results.

5. Upon dissolution of the Assembly of Kosovo early elections shall be called by the President no later than ten (10) days after the dissolution. Early elections may not be held earlier than thirty (30) days and no later than forty-five (45) days after the dissolution.

6. Early elections shall be regulated by the same laws and CEC rules as other elections, except that CEC may change time frames as needed in accordance with the circumstances.

7. Upon announcement of the date for holding the elections, CEC shall approve the time limits and the plan of the election activities.

8. The decision on the announcement of the elections shall be made public in the Official Gazette of the Republic of Kosovo.

## **Article 6**

### **The right to vote**

1. All citizens of the Republic of Kosovo who have reached the age of eighteen (18) years old, even on election day, shall have the right to elect and be elected.

2. The vote shall be personal, equal, free and confidential.

3. The right to vote can be limited by court decision.

## **Article 7**

### **Voting in Kosovo and outside Kosovo**

1. All citizens with the right to vote shall have the right to vote in Kosovo on election day and in the municipality where he or she is registered, provided that his/her name appears in the Central Civil Registry.

2. Citizens of the Republic of Kosovo, living abroad, shall have the right to vote in elections after successful registration in line with the procedures and time limits set forth in this law.

3. CEC shall, for the purposes of application and registration of citizens of the Republic of Kosovo mentioned in paragraph 2 of this Article, apply a sufficient and appropriate time limit that is not shorter than fifteen (15) days.

4. CEC shall, for the purposes of application and registration of citizens of the Republic of Kosovo mentioned in paragraph 2 of this Article, take the necessary measures to inform and educate voters, including and without being limited to the method of application and registration, applicable electronic platforms and promoting the highest democratic standards for the provision of voting materials, the confidentiality of the vote, its personalization and inviolability.

## **Article 8**

### **List of Voters**

1. CEC shall maintain the Voters List and shall ensure that the same is based on the correct, updated and most recent data from the Central Civil Registry with dead persons and persons who have renounced their citizenship being systematically removed from the list. This list shall contain the following:

1.1. the most recent available extract from the Central Civil Registry of all eligible voters who are registered as citizens of Kosovo pursuant to the law on Citizenship; and.

1.2. all citizens with the right to vote outside of Kosovo, who have successfully applied and registered for voting in a diplomatic representation or through mail, as voters outside of Kosovo.

2. The Voters List mentioned in paragraph 1 of this Article shall contain the personal information provided for each voter such as: name, surname, date of birth, address and Voting Centre where he/she is assigned to vote.

3. In order to clarify the Voters List and confirm the right to vote, CEC shall be guaranteed access to the database and registers of competent institutions, including but not limited to the registries of: Kosovo Agency of Statistics, Kosovo Cadastral Agency, Civil Registration Agency and Pension Administration.

4. The Voters List shall be accessible as set out by CEC rules.

5. The Voters List shall be public even in non-election years, whereby voters will have the opportunity to be informed regarding voting centres and request the change of voting centres. The Civil Registration Agency shall be obliged to provide the Central Civil Registry extract to CEC at least twice a year.

6. All activities and documents of the state bodies, and all submissions and evidence related to registering citizens in the Voters List shall be exempted from payment of fees and taxes.

7. The personal data of the citizens on the Voters List shall be written in the languages and alphabets in which the original records are kept and in accordance with the Law on the Use of Languages in Kosovo.

8. The competent court shall submit data to the CEC on persons who have been deprived of their legal capacity with a final court decision. Such data shall be delivered as required by the CEC.

9. The Central Civil Registry shall supply the CEC with all relevant information that the CEC requires to maintain the Voters List in accordance with deadlines established by the CEC.

10. CEC shall provide the Municipal Election Commissions (MECs) with an electronic and/or hardcopy of the entire preliminary Voters List for their municipality.

11. The utilization and use of personal data of the citizens of the Republic of Kosovo by CEC or its competent bodies shall be carried out only for the purposes of the election process and in line with the instructions of the agency responsible for information and privacy, as well as in line with the legislation in force for the protection of personal data.

## **Article 9**

### **Review of Voters List and Challenge Period**

1. Eligible voters may challenge, as specified under Article 10 of this Law, inaccuracies or omissions in the Voters List during a period established for that purpose by the CEC.

2. Prior to the start of the Challenge and Confirmation Period, following the declaration of the election date by the President of Kosovo, CEC shall make the preliminary Voters List available at CEC Office in each municipality in accordance with the Law on Protection of Personal Data. The preliminary Voters List shall be included in the electronic search tool, which shall be published on the CEC website.

3. Prior to the commencement of the challenge period, CEC shall provide access to the preliminary Voters List to the contact person of each political subject certified in the elections. Any use of the preliminary Voters List that is contradiction to this law or the Law on Protection of Personal Data shall constitute a legal violation.

4. During the election period, CEC shall provide access to the preliminary Voters List to accredited election observation organizations, upon their individual request. Accredited election observers may observe the challenge and confirmation period at all locations where the preliminary Voters List is available for viewing.

5. The CEC shall, after the public has had the opportunity to challenge inaccuracies and omissions in the Voters List, but before the day of the election, certify that the Voters List has been established in accordance with this law.

6. Decisions on changes to the Voters List shall be made by the Election Complaints and Appeals Panel.

### **Article 10**

#### **Challenge procedure**

1. Any person with the right to vote, as defined by Article 6 of this law, who does not appear in the Voters List, may request from CEC the review of the Voters List, by showing up before MEC or through the electronic system, with one of the following documents:

1.1. a valid ID card;

1.2. a valid passport;

1.3. a valid driving license.

2. The person who wants to challenge a name that he/she thinks should not be in the VL shall submit a complaint to the Election Complaints and Appeals Panel, within a period of forty-eight (48) hours, from the moment he/she was made aware of the existence of the name of that person in the VL, until the certification of the VL by CEC, clearly highlighting the facts that support the challenge, including other relevant evidence.

3. The person under paragraph 1 of this Article, who, even after the review, was not included in the Voters List, can submit a complaint to the ECAP, within the period of forty-eight (48) hours, from the moment when he/she was notified of the non-inclusion of his/her name in the VL, until the certification of VL by CEC, clearly highlighting the facts that support the challenge, as well as attaching/presenting other relevant evidence.

4. The person who has applied to be registered as a voter outside of Kosovo can submit a complaint to the ECAP, through the mail or the electronic system, for his/her non-inclusion in the Voters List, within the period of forty-eight (48) hours from the moment of notification from CEC.

5. The complaint of a person outside of Kosovo that is submitted to ECAP electronically shall be signed, scanned and shall be accompanied by valid documents issued by the competent bodies of the Republic of Kosovo, which identify the complainant. Such complaint is sent only by email - personal address of the complainant.

6. ECAP will not consider complaints that are submitted from the email of other persons, even if they are members of the same family.

### **Article 11**

#### **Adjudication Process**

1. All decisions of the Election Complaints and Appeals Panel, including decisions related to the inclusion or exclusion of the name from the VL, shall be final and binding to be implemented by CEC, unless the complaint allowed under of this Law is submitted within the stipulated time limit and the Supreme Court of Kosovo decides otherwise.

2. The Election Complaints and Appeals Panel shall notify CEC and any other party against whom the complaint has been filed and provide these parties with the opportunity to respond. Any response to the complaint must be received within two (2) working days of notification by the Election Complaints and Appeals Panel that the complaint has been received.

3. The Election Complaints and Appeals Panel shall provide copies of written decisions to the parties involved as in paragraph 2 of this Article, within seventy-two (72) hours, from the moment the complaint is received.

4. Complaints related to unfair exclusion from the Voters List, regular or by mail, must be received by the Election Complaints and Appeals Panel no later than forty (40) days before election day.

5. The Election Complaints and Appeals Panel will not act on complaints that do not meet the conditions defined in the rules of procedure. The Election Complaints and Appeals Panel may generally reject a complaint or group of complaints if they do not present a prima facie case or where the complaint or group of complaints is manifestly unfounded.

6. The Election Complaints and Appeals Panel shall have the authority to order CEC to take remedial action on issues related to claims related to VL.

### **CHAPTER III**

## **REGISTRATION OF POLITICAL PARTIES, CERTIFICATION OF POLITICAL ENTITIES, PROHIBITION OF REGISTRATION AND DE-REGISTRATION OF POLITICAL PARTIES**

### **Article 12**

#### **General Provisions**

1. CEC shall establish the Office for Registration, Certification and Financial Control of Political Entities. The Office shall be responsible for maintaining the registry of political entities, certifying all political entities that will be included in the ballot and limiting campaign expenses and financial declaration provisions of this Law, as well as monitoring and controlling the finances of political entities. The Office shall be responsible for investigating violations of the Law, reporting them to the competent authorities when required, and imposing fines.

1.1. The Office shall enjoy functional independence in exercising the functions provided for by this Law. The Chairperson of CEC will ensure that administrative, logistical and financial services are provided to the Office by the Secretariat of CEC, in order to fulfil its duties and responsibilities, in accordance with the provisions of this Law.

1.2. The Office shall have and manage its own budget. The Office shall be allocated a sufficient budget for operations and regular expenses related to personnel compensation.

1.3. Notwithstanding the foregoing, the Office shall be allocated an additional budget each year for the audit of the financing of political entities in the amount of not less than five percent (5%) from the Fund for the Support of Political Entities, while during the election cycle, no less than three percent (3%) of the funds allocated for the election campaign and election operations shall be allocated for the audit of the financial report of the election campaign.

1.4. The CEC or its Chairperson shall not limit or direct the Office's expenditures, and shall not reallocate or use the Office's budget for any other purpose without the prior approval of the Office Director.

1.5. The organizational structure of the Office shall be determined by the CEC Regulation on internal organization and job systematization, ensuring that the Office is equipped with the necessary human resources to carry out the powers granted by the legislation in force. The staff of the Office shall consist of at least ten (10) professional employees who have not been members of a political entity, have not donated to a political entity and have not been directly or indirectly involved in any contractual relationship with a political entity in the three (3) years preceding their application. Only the Office

shall be competent for personnel employment, including the posting of vacancies, the establishment of recruitment panels, the administration of the recruitment process, and the conclusion of employment contracts.

1.6. The Office may carry out supervision in any case where is considered that a political entity has violated the legal provisions, as well as request written responses from the persons specified in Article 14 of this Law in order to provide evidence and documents of others to carry out the supervision.

1.7. Prior to imposing sanctions, the Office shall require the political entity found to be in violation of the legal provisions to voluntarily eliminate or correct the findings and deficiencies, if they can be eliminated or corrected. This voluntary response to findings must be completed within the timeframe specified by the Office's decision.

1.8. The Office may initiate a compliance audit for violations of auditors' affidavits regarding the absence of conflict of interest or ties to a political entity, based on anonymous complaints or other complaints submitted, information provided by a public institution or by decision of the Director of the Office. The Office may seek information from public and private institutions, as well as summon witnesses. Cases involving affidavit violations shall be completed within six (6) months, with the possibility of an additional two (2) months based on the reasoning provided by the Director's decision. If an auditor violates his/her affidavit, the Director of the Office shall issue and publish a decision on the CEC website within five (5) days of the case's conclusion. If it is determined that an auditor violated the terms of his/her affidavit, the auditor must be fired and all of the auditor's findings will be cancelled. A new auditor must be hired to conduct a new audit or audits to replace cancelled audit reports.

1.9. Based on complaints filed, information provided by a public institution, or the Director's decision, the Office may conduct compliance verification for any irregularities in campaign finance and financing reports. If a compliance verification process is initiated against an auditor, the publication of the auditor's report must be delayed until the compliance verification process is completed.

1.10. Following a preliminary review of the complaint and/or claims, the Director of the Office may:

1.10.1. reject the request or take no further action if the claims submitted are not serious, have no merit, or have no connection with the regulatory framework of financing of political entities, or

1.10.2. issue a decision to initiate a compliance verification if substantial evidence of any irregularity is found.

1.11. Following the issuance of the decision to begin the compliance verification, the Director shall assign the case by lot to the staff, who will verify the facts and collect evidence related to the alleged irregularity. The Office may request any information required from private or public institutions. Furthermore, the political entity must have the opportunity to provide any information for their protection, both in writing and in person. The cases shall be completed within six (6) months, with the possibility of an additional two (2) months based on the reasoning provided by the Director's decision.

1.12. Following the completion of the compliance verification process, a final report on all facts and evidence gathered shall be submitted to the Director, along with a final recommendation, based on which the Director may issue a decision as to whether the political entity has violated the Law, as well as impose the fine on the political entity and its financial official and/or the President of the political entity. The decision must include a description of the violation, the date of the offense, and the fine imposed.

1.13. The decision must be issued and made available on the CEC website. The decision is available on the CEC website for one (1) year after it is issued. Furthermore, the outcome of the case will be formally communicated to all parties involved.

1.14. The political entity and its affected officials may file a lawsuit for administrative conflict before the competent court.

1.15. If it is suspected that a criminal offense, a tax violation, or a conflict of interest violation has occurred during the compliance verification process, or even after the decision has been issued, the Office shall immediately notify the competent authority in the Prosecutor's Office, the Police, the Tax Administration, the Financial Intelligence Unit, and the Agency for the Prevention of Corruption, respectively.

2. Following the public vacancy, the Chairperson of CEC shall appoint the Director of the Office. The Director of the Office shall be appointed and dismissed in accordance with the applicable legislation for senior management appointments. The Office's Director shall report directly to the Chairperson of CEC.

2.1. The recruitment panel shall be composed of five (5) members, with the Chairperson of the CEC serving as the Head of the panel. Four (4) members shall be Heads of independent institutions/agencies.

2.2. The members of the panel, apart from the Chairperson of CEC, shall be appointed by the following agencies/institutions:

2.2.1. Anti-Corruption Agency;

2.2.2. Ombudsperson Institution;

2.2.3. National Agency for Data Protection;

2.2.4. Office of the Auditor General.

2.3. The recruitment panel shall vote by majority to appoint the Director of the Office. The procedure for selecting the Director of the Office shall be detailed in the sub-legal act approved by CEC, reflecting the civil service principles;

2.4. The Director of the Office must meet the following criteria:

2.4.1. be a citizen of the Republic of Kosovo;

2.4.2. hold a valid university degree;

2.4.3. have at least eight (8) years of professional experience, of which five (5) years in leadership positions;

2.4.4. have a professional reputation and moral integrity;

2.4.5. have not been convicted of a criminal offense by a final court decision;

2.4.6. have not been a member of a political entity, have not donated to a political entity, and have not been directly or indirectly involved in any contractual relationship with a political entity in the five (5) years preceding the submission of his/her application.

2.5. in accordance with the Law on Public Finance Management and Accountability,

the Director of the Office shall perform the duties of the Chief Administrative Officer. The salary of the Director of the Office shall be equivalent to the salary of the Chief Executive Officer of CEC Secretariat. The CEC Chairperson may issue a decision on the risk allowance for the Director of the Office.

2.6. the mandate of the Director shall be four (4) years with the possibility of re-appointment once more. The mandate of the Director may end with:

2.6.1. the expiration of the mandate;

2.6.2. conviction for a criminal offense which is punishable by imprisonment of more than six (6) months;

2.6.3. dismissal due to poor performance;

2.6.4. resignation;

2.6.5. death.

2.7. if the Director of the Office fails to meet one or more of the obligations or requirements established by this law or a sub-legal, the Chairperson of the CEC may propose to the panel that the Director of the Office be dismissed, as defined in sub-paragraph 2.6.3 of this Article. For the purposes of this paragraph, failure to perform duties shall mean the following:

2.7.1. failure to comply with legal requirements;

2.7.2. disclosure of confidential or sensitive information to unauthorized persons;

2.7.3. engaging in political activities or illegal activities;

2.7.4. using the position for personal gain;

2.7.5. violation of Office and CEC policies; and

2.7.6. serious violation of the code of ethics.

2.8. dismissal of the Director according to sub-paragraph 2.6.3 of this Article shall be done only as a last resort measure;

2.9. the political party shall be automatically considered certified at the time of the elections and after fulfilling the requirement of Article 16 paragraph 3 of this Law, unless it informs the Office otherwise in accordance with the provisions of this Law;

2.10. the registered political party or any other applicant for certification in accordance with this Law shall be considered a political entity. The Office shall maintain official written correspondence with political subjects through the contact person;

2.11. the Office is obliged to:

2.11.1. publish and keep the quarterly financial report every quarter and the campaign financial report of political entities on its official website.

2.11.2. publish and keep the final report of the audit of political entities on its official website no later than June 30th of the following year.

2.11.3. submit the final audit report to the political entity by the 30th of June of the following year, in accordance with Article 1 of this law;

2.12. according to sub-paragraph 2.11 of this Article, the format of the short version for publication shall be determined by a special rule proposed by the Office and approved by CEC.

2.13. the financial statements of registered political entities shall be audited annually in accordance with the provisions of the legislation in force.

### **Article 13**

#### **Political Party Registration**

1. CEC shall maintain the register of political parties.

2. Applications for registration of political parties may be submitted to the Office at any time during regular working hours.

3. Applications submitted for registration to the Office between the day of the declaration of the election date by the President of Kosovo and the date established for the ballot drawing will only be considered as applications for certification as a political entity in accordance with this law.

4. The application for the registration of a political party shall be submitted in the form established by CEC rule as required by the Office, and shall include the following:

4.1. name, surname, address and telephone number of the president of the party;

4.2. name, surname, address and telephone number of the authorized financial agent of the party;

4.3. name, surname, address and telephone number of the person authorized to communicate with the CEC on behalf of the party;

4.4. telephone number and the postal address of the headquarter of the party;

4.5. statement signed by the President of the Party to respect and abide by the Political Party Code of Conduct;

4.6. statute of the party;

4.7. any acronym or seal of the party;

4.8. the most recent financial statement of the party;

4.9. the date of the most recent party convention;

4.10. name, surname, personal number and address of at least five hundred (500) supporters of the registration of the political initiative applying for registration, who are residing in Kosovo and who are found on the Kosovo Voters List.

5. The Office shall review applications within ten (10) days of receipt and within five (5) of the completion of the review of any matter that requires clarification or change in the application form.

6. Within thirty (30) days of receiving the application, the Office shall inform the CEC of the status of the application, recommending to register, recommending not to register, or specifying areas that may require further clarification.

7. Each registered political party shall submit a form as prescribed by the CEC rules to continue its registration no later than 31st March of the calendar year.

8. Failure to reregister in accordance with this law shall mean that the party shall be removed from the register of political parties.

9. The Office shall be informed of any change in political party's president or financial officer and notified within five (5) working days of changes.

10. The registered political party shall hold the electoral assembly within six (6) months from the date of the party's registration and then at least every forty-eight (48) months.

#### **Article 14**

##### **Prohibition of registration of the political party**

1. Registration of a party is prohibited in cases where:

1.1. it is necessary to ensure public order, public health, national security, the prevention of disturbances, violence and crime, or the protection of the rights of others;

1.2. in its founding documents, it expresses the intention to use violence to take power, as well as the incitement and support of racial, religious, ethnic hatred, etc.;

1.3. the party was established outside the territory of the Republic of Kosovo;

1.4. another party has been registered with the same name.

#### **Article 15**

##### **Criminal sanctioning of political entities and fines against them**

1. The rules and conditions for the imposition of criminal sanctions against the registered political entity shall be founded on the legislation in force on liability of legal persons for criminal offences, as well as the provisions in force of the Criminal Code of the Republic of Kosovo.

2. Fines against political entities shall be imposed for the violation of the provisions of this law, while other fines related to the financing of political entities shall be imposed based on the legislation in force on the financing of political entities.

3. The responsible persons of the party or the persons authorized by the responsible persons of the party, in terms of the legislation in force for the financing of political entities, shall be legally responsible for the accuracy of all information submitted to the Office, as required by this law.

#### **Article 16**

##### **Certification of political entities**

1. In order to contest an election, a political entity must be certified for that purpose by the CEC.

2. Application for certification may be submitted at any time during normal working hours up to sixty (60) days prior to election.

3. A registered political party is automatically certified but shall notify the Office within fifteen (15) days of the declaration of the election date by the President of Kosovo of any change of the president of the party, authorized representative of the party, or authorized financial representative of the party, and any necessary information related to such changes.

4. A registered political party not wishing to be certified for an election shall notify the Office

within fifteen (15) days of the declaration of the election date by the President of Kosovo that it is not contesting the election, or that the political party will be seeking certification as a coalition in accordance with this law.

5. The CEC shall certify an eligible political entity if it submits a complete application, in the form prescribed and by a date established by a CEC rule. Such application shall be accompanied by all supporting documentation required under this article as follows:

- 5.1. a Registration Certificate (ID number in case of independent candidates);
- 5.2. name, surname, address, and telephone number of the entity's president where applicable, and the authorized representative and the telephone number of the headquarters of the political entity;
- 5.3. a copy of the party's seal, or in case of coalitions, a copy of the seal of all political parties in the coalition and any other seal of the coalition itself;
- 5.4. name, surname, address, and telephone number of the financial officer of the entity;
- 5.5. name, surname, address, and telephone number of a person authorized to deal with electoral process on the entity's behalf;
- 5.6. statement signed by the president of the party, or bearer of the list for other entities committing to respect and abide by the Code of Conduct as set forth in this Law;
- 5.7. a policy statement, not exceeding one hundred and fifty (150) words, and in a language or languages of its choice, for the purposes of distribution to voters intending to participate in the elections as out of Kosovo voters. The Policy Statement shall be consistent with the Code of Conduct set forth in this Law and signed by the president or authorized signatory for the political entity;
- 5.8. in the case of a coalition, a statement signed by the president of each registered political entity participating in the coalition consenting to participate, indicating the manner in which the candidates shall be distributed between the members of the coalition on the ballot, and committing to respect and abide by the Code of Conduct of this Law;
- 5.9. in the case of citizens' initiative, the ID number of the leader of the initiative, the authorized representative, and the authorized financial representative. In the case of an independent candidate or citizens' initiative, the candidate or the leader of the initiative may also serve as authorized representative and financial representative;
- 5.10. name, surname, address and telephone number of the leader of the list of the coalition, representative and financial representative;
- 5.11. in the case of a coalition, a copy of any seal of the coalition;
- 5.12. the Office shall be informed of any change in political party's president or financial officer shall be notified within five (5) days after the changes.

6. A political entity shall submit with its application a certification fee as defined by this law.

7. Subject to the exemptions specified in paragraph 8 of this Article, each application for certification shall include the necessary number of signatures as set forth in CEC rule.

8. A political party that gained at least one (1) seat in the Kosovo Assembly is not required to

submit signatures in support of its application for certification in elections for the Assembly of Kosovo and local elections.

9. A political entity that has at least one member in the municipal assembly, is not required to submit signatures in support of its application for certification in elections for that municipal assembly.

10. A person may give his or her signature in support of only one political entity per election.

11. Each political entity shall, in its application for certification, commit in writing and sign to follow the Code of Conduct for Political Entities as set forth in Chapter VI of this Law.

12. Each political entity shall indicate in its application whether it wishes to contest any of the seats guaranteed for the representation of Kosovo Serb and other non-majority communities under Article 64 of the Constitution.

13. Any failure to comply with the requirements of this Article shall entitle the CEC to suspend the application process. In addition to the certification requirements of this Chapter, above, the CEC shall, on receipt of a certification application by a political entity, including a registered political party, require the ECAP and the Office to provide it with a written confirmation that the political entity applying has fully paid any fines in relation to any previous election and confirm that there are no financial or other outstanding liabilities.

14. All requests to withdraw a certified political entity from the election shall be submitted to the CEC.

#### **Article 17**

#### **Processing of Applications for Certification**

1. The Office shall review each application for certification and if it determines that a political entity has not satisfied all of the criteria set out in the Article 16 of this Law, then the Office shall, within ten (10) days after the receipt of the application, send a notice informing the entity of the reason or reasons why its application for certification is not sufficient.

2. An applicant who receives a notice under paragraph 5 of Article 13 of this Law has five (5) working days to submit a revised application or an explanation that addresses the concerns identified in the notice.

3. The Office shall make a written recommendation to the CEC for or against the approval of each application it receives within five (5) days from receiving full documentation. The recommendation shall contain written explanation for each criterion. No party shall be certified unless it fulfils all of the criteria set forth.

4. After receiving a recommendation from the Office, the CEC shall either approve or reject the application for certification within seven (7) days.

5. Upon a decision of the CEC, the Office shall immediately notify the applicant in writing about the status of the application, and in case of rejection, provide the reasons for the rejection and advise the applicant of its right to appeal to the ECAP within forty-eight (48) hours. The ECAP shall decide on the appeal within forty-eight (48) hours from its receipt.

#### **Article 18**

#### **Deregistration of Political Parties**

1. With the decision of the CEC, the Office shall delete a political party from its register, if:

1.1. after registration, it changes the internal acts of its organization and these changes contradict Article 14 of this Law;

1.2. the registered political party does not submit the form to the Office to continue its registration no later than 31st March of the calendar year. In case of failure to re-register in accordance with this Article, it shall be deemed that the party will be removed from the register of political parties;

1.3. it was voluntarily dissolved in accordance with its statute;

1.4. it was suspended and failed to act in accordance to the previously extended deadline set forth by the decision of the CEC for suspension.

### **Article 19**

#### **Coalitions**

1. A coalition may be certified to contest an election under one name, provided that it consists solely of political parties that are eligible to be certified under paragraph 4 and 5 of Article 16 of this law.

2. The CEC shall treat a coalition as a single political entity from the day the coalition is certified by it until the results of the election are certified. A political party may not withdraw from a coalition once it has been certified, until the results of the election are certified.

3. Upon dissolution of a coalition, each of the registered political parties that were members of the coalition shall be responsible for a share of all liabilities incurred by the coalition proportional to the agreement of the coalition, including any outstanding fines imposed by the CEC, the Office or the ECAP.

4. A political party that is a member of a coalition cannot participate as a member of another coalition or as a separate political party in the same election.

5. A political party that is a member of a coalition, after the end of the mandate for which it contested, shall retain and inherit the rights acquired before the establishment of the coalition.

### **Article 20**

#### **Citizens' initiative**

1. The CEC shall treat a citizens' initiative as a single Political Entity from the day it is certified until the citizens' initiative has filed its final Campaign Financial Disclosure Report, under paragraph 2 of Article 41 of this Law.

2. Each candidate on the certified candidate list of a citizens' initiative shall be personally responsible for an equal share of any fines imposed on the citizens' initiative by the CEC or the ECAP.

3. To exercise the rights from the Law in force on Financing Political Parties, the citizens' initiative must be registered as a political party. The CEC shall, with a separate act, determine the conditions and manner of recognizing the rights of the citizen initiative, as defined in this paragraph.

### **Article 21**

#### **Independent Candidates**

1. An independent candidate may be certified to participate in an election, provided he or she is eligible to be a candidate under Article 30 of this Law and is registered to vote.

2. An independent candidate may not, in the same election, seek certification as a candidate for a political party, coalition or citizens' initiative.

3. An independent candidate may not withdraw his or her candidacy before the certification of the election results.

## **Article 22**

### **Identical or Similar Names**

1. The CEC shall not certify a political entity under a name or acronym that is the same as, or, in the judgment of the CEC, is confusingly or misleadingly similar to, the name or acronym under which a different political entity has previously been certified.

2. If two or more political entities apply for certification under names or acronyms that are the same, or so similar that they are likely to cause confusion or mislead voters, the CEC shall decide which entity has the right to be certified under the name or acronym. In deciding which political entity has the right to be certified under a name or acronym, the CEC shall consider the date on which each entity submitted its application to the CEC and each entity's previous use of the names or acronyms.

3. Nothing in this Article precludes the certification of an independent candidate under his or her legal name. Where candidate names are the same, the CEC may include distinguishing information to avoid confusion on the ballot.

## **Article 23**

### **Signatures**

1. As part of its review under Article 17 paragraph 1 of this Law, the Office shall review each signature booklet submitted in support of an application for certification to ensure that the signatures are valid.

2. In authenticating signatures of support, the Office shall subject each signature booklet submitted by each applicant to a review as specified by CEC rules.

3. The following types of signatures shall be considered invalid and shall not count towards the signature requirement:

3.1. signatures of persons who are not registered voters;

3.2. signatures of support for which any required information is missing or illegible;

3.3. signatures that are in the same handwriting as other signatures, including signatures by the head of the family for other family members; and

3.4. signatures that include information that does not match information recorded in the most current version of the voters list.

## **Article 24**

### **Certification Fee**

Certification fees shall be established as specified by CEC rules.

## **Article 25**

### **Order of the Ballot**

1. The ballot lottery shall be held on a date determined by the CEC.

2. The Chairperson of the CEC shall decide the procedures to be followed in the lottery, ensuring that the lottery is fair and transparent. The Chairperson of the CEC shall preside over the drawing of lots.

3. The Office shall notify the political entities of the location, date, and time at which the ballot lottery will be held. Each political entity shall send a representative to draw a lot and observe the conduct of the ballot lottery. The Chairperson of the CEC shall chair the ballot lottery and if a political entity does not send a representative to the ballot lottery, a member of the CEC Secretariat shall draw a lot for that entity.

4. The CEC shall ensure that the ballot is clear and understandable and take precautions to inform voters in time about its content and how to vote/write on it.

## **CHAPTER IV CANDIDATE CERTIFICATION**

### **Article 26 General Provisions**

1. A political party, coalition of political parties, or citizen's initiative that has applied to be certified to participate in the election shall submit to the Office a candidate list on the date and in the manner established by CEC rules.

2. The CEC shall decertify a certified political party, citizens' initiative or coalition if it fails to submit to the Office a candidate list by the deadline set by the CEC.

### **Article 27 Review of the Candidate List**

1. No later than five (5) working days after the deadline for submission, the Office shall make a written recommendation to the CEC either in favour or against the certification of each candidate list it receives.

2. The Office shall review all candidate lists and, if it determines that a political entity has complied with requirements of Chapters III and IV of this Law, then it shall recommend that the CEC certify the candidate list within ten (10) days of receiving the list.

3. If the Office determines that a candidate list does not comply with the preceding provision, then it shall notify the relevant political entity to rectify its candidate list within five (5) working days, giving the reason(s) why its list needs to be amended.

4. A political entity that receives a notice under paragraph 3 of this Article has three (3) working days to submit a revised application, or an explanation that addresses the concerns identified in the notice, or both.

5. The Office shall make a written recommendation to the CEC either in favour or against the certification of a candidate list within ten (10) working days of submission of a notice under paragraph 3 of this Article.

6. Any political entity appeal to the ECAP of a CEC decision refusing to certify its candidate list shall be filed within twenty-four (24) working hours of that political entity being notified of the decision. ECAP shall decide on the appeal within forty-eight (48) hours from its receipt.

## **Article 28**

### **Gender Quota**

1. In each political entity's candidate list, at least thirty percent (30%) shall be male and at least thirty (30%) per cent shall be female, with one candidate from each gender included at least once in each group of three candidates, counting from the first candidate in the list.
2. This provision has no application to lists consisting of one or two candidates.
3. The CEC shall allocate additional public funds, in the amount of one percent (1%) of the total amount allocated to the political entity, for each mandate won by women over the thirty percent (30%) quota at the time of certification. The CEC plans an additional budget for this purpose after every elections.

## **Article 29**

### **Withdrawal or Replacement of Candidates and Political Entities**

1. A political entity that has been certified may withdraw from an election by providing the CEC with written notice clearly indicating its intention to withdraw no later than two (2) working days before the date set for the ballot lottery under Article 25 paragraph 1 of this Law.
2. If the ECAP removes a candidate from a candidate list because it determines that the candidate did not give his or her consent to stand as a candidate, the political entity may not replace that candidate on its candidate list, but shall ensure that the list remains in compliance with Article 28 of this Law.
3. Without prejudice to the provisions of paragraph 2 of this Article, a certified political entity, citizens' initiative or coalition may, within four (4) days after removal of a candidate, replace him or her if that candidate also appears on the candidate list of another political entity, citizens' initiative or coalition and has indicated a clear intention in writing to remain on the list of the other political entity.
4. If a candidate dies prior to the election, a certified political entity, citizens' initiative or coalition may replace the deceased candidate by a date established by the CEC.
5. All requests to withdraw a certified candidate from the election shall be submitted to the CEC.

## **Article 30**

### **Candidate Eligibility**

1. Any person whose name appears on the Voters List is eligible to be certified as a candidate, except if he or she is:
  - 1.1. a public official with special status, based on the law in force on public officials;
  - 1.2. member of the foreign service and diplomatic representative;
  - 1.3. chairperson or a member of the CEC and the Municipal Election Commission;
  - 1.4. official of ECAP;
  - 1.5. deprived by a final court decision, including an ECAC decision, of the right to stand as a candidate.
2. In addition to the prohibitions from paragraph 1 of this Article, the person whose name appears in the Voters List does not have the right to run in the elections, if:

- 2.1. found guilty of a criminal offence by a final court decision in the past three (3) years, with one or more years of effective imprisonment.
- 2.2. failed to pay a fine imposed by the ECAP or the CEC; or
- 2.3. failed to obey an order of the ECAP.
3. The number of the names of the candidates submitted may not be more than ten percent (10%) of the maximum number of seats to be allocated.
4. If more than the maximum number of candidates is submitted, the CEC shall reduce the candidate list to bring it into compliance with the provisions of this Article.
5. If a candidate who has been certified by the CEC has or acquires a status that would render him or her ineligible to be a candidate by reference to the provisions of paragraphs 1 and 2 of this Article, that person shall be decertified by the CEC and removed from the candidates list of the relevant political entity.
6. No person who is a member of another elected legislative body may take a seat in the Kosovo Assembly. An Assembly member who is or becomes a member of another elected legislative body after taking up his or her seat in the Assembly shall forfeit his or her mandate in the Assembly.
7. The public official is entitled to run for and be elected to the Assembly of the Republic of Kosovo in accordance with the conditions defined in the law in force on Public Officials.
8. The CEC shall publish the certified lists of candidates within five (5) days of the certification and any amendments thereto within five (5) additional days.
9. A candidate may not at the same time stand for office on more than one candidate list of a political entity, coalition, citizens' initiative, or run as an independent candidate.
10. The intentional provision of false information pertaining to the implementation of this Article shall be a separate offence punishable in accordance with the rules of ECAP.
11. At the request of the CEC, competent institutions shall make the necessary verifications according to this Article.

### **Article 31**

#### **Protection and Verification of Candidate Data**

1. The CEC Secretariat shall keep confidential all candidate information submitted to the CEC in compliance with this law and CEC rules, until after the candidate is certified by the CEC, except when the CEC Secretariat shall provide all law enforcement agencies with any information that those organizations require for the purpose of election security.
2. Once a candidate is certified, the CEC may disclose that person's personal data only as permitted under the relevant law.
3. If a candidate is not certified by the CEC, the CEC Secretariat shall not disclose any of the candidate's personal data.

## **CHAPTER V**

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

#### **Article 32**

##### **Purpose of the Code of Conduct**

The Code of Conduct for political entities and their supporters and candidates has the purpose of establishing conditions under which the people of Kosovo may choose their representatives in free, fair and well-informed elections within a climate of democratic tolerance, peace, and respect for the rule of law.

#### **Article 33**

##### **The Responsibilities of Political Entities, their Supporters and Candidates**

1. This Code is binding on all political entities, candidates, members of entities, and their supporters.
2. The ECAP shall have jurisdiction to adjudicate allegations that the provisions of the Code have been breached and impose sanctions and remedies in accordance with its procedures.
3. Political entities shall effectively inform their members, supporters and candidates of the provisions of the Code.
4. Political entities shall make all reasonable efforts to prevent their members, supporters and candidates from violating the Code.
5. Political entities shall be responsible for violations of the Code committed by their members, supporters and candidates.
6. A political entity may submit evidence to the ECAP showing that it made reasonable efforts to prevent and/or discourage its members, supporters and candidates from violating the Code. Such evidence may be considered in determining an appropriate sanction, and may include evidence that:
  - 6.1. the political entity has informed its members, supporters, and candidates of the provisions of the Code and the need to comply with its provisions;
  - 6.2. the political entity and its candidates have spoken out publicly in the condemnation of violence, threats of violence, or intimidation during the electoral process;
  - 6.3. the political entity has publicly and actively reprimanded its members, supporters, and candidates for any violations of applicable laws pertaining to elections;
  - 6.4. the political entity has not encouraged, incited, or abetted its members, supporters, and candidates to violate the Electoral Rules in the particular case or in any other cases; and
  - 6.5. any other evidence regarding the political entity's efforts to prevent its members, supporters, and candidates from violating the Electoral Rules.
7. Each candidate shall sign a statement confirming that he or she will comply with all applicable legislation and support the full implementation of the certified election results.

### **Article 34**

#### **Prohibited Actions by Political Entities**

1. During the campaigning period, a political entity, its supporters or candidates shall be prohibited from doing any of the following:

1.1. removing, covering, destroying, or altering any printed notice, placard, poster or other material, which is used for the purpose of electoral campaigning by another political entity;

1.2. displaying notices, placards and posters, or otherwise placing their names or slogans related to the electoral campaign, in or on public buildings or structures, on or above public roads, on public road traffic signs, in or on premises or structures occupied or otherwise used by international organizations, or in private premises without permission of the owners or users;

1.3. carrying or displaying weapons of any kind at political meetings or during any events related to the activities of political entities. The carrying of weapons by other persons at political meetings/events is permitted only if the persons carrying such weapons have been authorized to do so by the appropriate authorities and the Kosovo Police has been notified in advance that such weapons will be carried at given meetings;

1.4. disrupting the gatherings of other political entities or inciting others to do so;

1.5. preventing or attempting to prevent journalists from carrying out their professional functions;

1.6. promising any financial reward for the purpose of gaining support of voters;

1.7. threatening or attempting to threaten other political entities, their supporters or candidates;

1.8. encouraging any person to vote in an election who does not have the right to vote;

1.9. encouraging a person to vote more than once in the same election, or to vote in the name of another person;

1.10. abusing the right to complain, or making false, frivolous or vexatious complaints or submissions to the ECAP;

1.11. using language, in oral or written form, which incites or provokes, or is likely to incite or provoke, another person to commit an act of violence against other persons or property, or which incites or is likely to incite hatred towards others, or publishing or using pictures, symbols or any other material that has or is likely to have such effects.

### **Article 35**

#### **Intimidation and Violence During the Electoral Process**

1. The use or threat of use of violence of any kind by the political entities, their members, supporters or candidates is strictly prohibited.

2. No political entities or candidates shall encourage, support or approve of violence, threats of violence or intimidation, during the electoral process. Each political entity shall inform its members and supporters of the need to avoid such behaviour.

3. Electoral campaigns shall be organized in such manner that a congenial and peaceful

atmosphere prevails during the campaign period.

4. The CEC shall approve guidelines for political entities, candidates and citizens to submit their complaints to the competent bodies against threats, obstruction and/or infringement of the legal exercise of electoral rights, including rules for limiting freedom of expression in order to prevent hate speech, prevention of riots or other illegal actions.

#### **Article 36**

##### **Prohibited Actions by Public Employees**

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

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

3. Notwithstanding cases provided by law, no sources or resources of institutions or public bodies at the central or local level, or any other type of public institution may be used or applied in support of political entities in elections.

#### **Article 37**

##### **Prohibited Actions Prior to Polling Process**

1. From the opening of the Voting Centres for voting, until their closure, political entities, their supporters or candidates are prohibited from any of the following actions:

1.1. distributing or displaying in any other way in any of the Voting Centres, and the yard of the same, any kind of material with the purpose of influencing the voters;

1.2. campaigning in any manner.

#### **Article 38**

##### **Acceptance of Election Results**

All political entities, their supporters and candidates, are obliged to abide by elections results and to support the full implementation of the certified election results.

#### **Article 39**

##### **Sanctions for Violations of the Principles of this Code**

1. The violation of the Code of Conduct set forth in this Law, in cases when these violations have not affected the elections results, is considered an administrative offence and is punishable by a fine, as determined by the ECAP.

2. Violations of the Code of Conduct set forth in this Law, in cases when they have influenced the results of the elections, in addition to the relevant sanctions, shall also be submitted with the competent prosecution by ECAP.

3. The person who has a legal interest in a matter within the jurisdiction of the ECAP, or whose rights have been violated in terms of alleged violations of the Code of Conduct for Political Entities, their supporters and candidates during the electoral campaign period and election day, may submit a complaint to ECAP within forty-eight (48) hours from the occurrence of the alleged violation, and ECAP shall decide on the complaint within seventy-two (72) hours from the time of its receipt.

## **CHAPTER VI CAMPAIGN SPENDING LIMIT AND FINANCIAL DISCLOSURE**

### **Article 40 Campaign Spending Limit and Contributions**

1. No certified political entity shall have campaign expenditures exceeding an amount to be established by a CEC rule no later than five (5) days following the announcement of Election Day.
2. The CEC shall determine the maximum campaign expenditures based on the total number of voters registered in the voters list at the time of the last update of the voters list available to the CEC.
3. Maximum campaign expenditures shall apply to any goods and services purchased for campaign purposes regardless of the time of purchase or provision of service.
4. A political entity shall not accept any contribution, except as regulated under the applicable legislation.

### **Article 41 Financial Disclosure Requirements**

1. Each political entity certified to participate in the election shall submit a Campaign Financial Disclosure Report for the entity, including all of its branches and all its constituent parts, for the period beginning ninety (90) days before the election and ending on the election day. The Campaign Financial Disclosure Report shall be submitted no later than thirty (30) calendar days after the election certification day.
2. Each Campaign Financial Disclosure Report of each political entity, including all their branches and constituent parts, shall include complete and accurate disclosure of:
  - 2.1. the income of the political entity during the reporting period, including the source and date of all cash contributions;
  - 2.2. all expenses, including campaign expenditures, made by the entity during the reporting period; and
  - 2.3. a balance sheet showing the assets, liabilities and equity of the entity as of the first and last day of the reporting period.
3. Political entities shall provide the Office with copies of receipts for each administrative fee paid.
4. The Office shall report to the CEC on all administrative fees collected and remitted hereunder to the Kosovo Budget.
5. If a political entity fails to submit a Campaign Financial Disclosure Report by the deadline, or if it submits an incomplete or inaccurate report, the Office may file a complaint with the ECAP in accordance with the procedures of that body.
6. Each political entity certified to participate in an election shall keep and maintain for a period of seven (7) years accurate and detailed records of the financial situation of the entity and all of its branches during the period covered by the Campaign Financial Disclosure Reports, including:

6.1. accounting books that record, in accordance with generally accepted accounting principles:

6.1.1. all income by source, amount, identifying the manner in which the payment was made (i.e., cash, cheque, bank draft, etc.); and

6.1.2. all payments made by the entity to another person, the purpose of the payment and the manner in which the payment was made;

6.2. receipts for all expenditures in excess of one hundred euro (100€);

6.3. bank records for all accounts held by or on behalf of the political entity;

6.4. documents establishing the legal basis for ownership or occupation of all real property occupied by the political entity;

6.5. contracts to which the entity is a partner, including contracts relating to the lease or purchase of movable or immovable property;

6.6. a record of all contributions to the entity, regardless of when they were made, including:

6.6.1. the value of each contribution;

6.6.2. the date on which each contribution was made;

6.6.3. the full name, address and Civil Registration, passport or driver's license number of each contributor; and

6.6.4. the full name of the person who received the contribution on behalf of the entity.

7. Each financial officer shall attend a training session in accounting and auditing arranged by the Office as soon as possible after his/her appointment unless he/she can establish to the satisfaction of the Office that he/she possesses sufficient expertise and experience that such training is not necessary.

## **Article 42 Sanctions**

1. The Office shall impose fines in accordance with the rules, against political entities that submit Campaign Financial Disclosure Reports after the applicable deadlines. The Office shall remit any fines that it collects under this law to the Kosovo Budget.

2. The imposition of a fine or other sanction by the CEC or the Office is without prejudice to any criminal sanction that may apply.

3. A political entity may appeal a decision of the CEC or the Office imposing a fine to the competent court of first instance within five (5) working days of being notified of the decision.

4. The court of first instance shall not impose sanctions in respect of matter that is subject to a fine imposed under paragraph 1 of this Article.

5. Political entities shall submit to the Office a copy of the payment slip of the fine paid.

**Article 43**  
**Publication of the Campaign Report**

The Central Election Commission shall publish the campaign report in accordance with the applicable Law on Financing Political Parties.

**CHAPTER VII**  
**ELECTORAL CAMPAIGN AND NOTIFICATION OF POLITICAL EVENTS**

**Article 44**  
**General Provisions**

1. During the electoral campaign period, political entities shall, subject to the conditions specified in the Code of Conduct, have the right to:

1.1. organize and hold public meetings/events, roundtables, press conferences, speeches, or any other similar activities, at which they can freely express their opinions in order to gain support from voters;

1.2. publish and distribute posters, advertisements and other material related to an electoral campaign; and

1.3. campaign through any television, radio or cable operator, as well as via magazines, newspapers, phone network, postage system or any other means of advertisement, in accordance with CEC rules and other applicable laws.

2. Disputes regarding holding of any political event in public places may be considered and resolved by the Election Complaints and Appeals Panel. Police reports regarding disturbances at any political event shall be made available to the Election Complaints and Appeals Panel and the CEC.

3. The CEC shall approve and publish the specific rules of the campaigning, which are related to the notification and organization of political events, the rules for election postings and for the involvement of elected officials in the electoral campaign, etc.

**Article 45**  
**Armed Close Protection Unit Members at Political Events**

Close protection unit members, authorized by the responsible law enforcement authority to carry weapons, who are on duty at any event shall identify themselves beforehand and upon request to any Kosovo Police officer present. All weapons carried shall be concealed.

**Article 46**  
**Sanctions**

Apart from individual responsibility for violations of any provisions of this Chapter punishable by the Criminal Code of Kosovo, violations may also be referred to the Election Complaints and Appeals Panel. The Election Complaints and Appeal Panel may impose sanctions on the political entity found to be in violation of the provisions of this Chapter.

## **CHAPTER VIII**

### **MEDIA DURING THE ELECTORAL CAMPAIGN**

#### **Article 47**

##### **General Provisions**

1. The Code of Conduct for Broadcast Media and the Code of Conduct (CoC) for Print Media, as issued by the Independent Media Commission, shall be applicable to all aspects of campaign coverage and advertising. This Code of Conduct shall be applicable to all journalists, editors, broadcast managers and publishers.
2. All broadcast public media shall air voter education material free of charge as requested and provided by the CEC.
3. Journalists, editors, broadcast managers, publishers and media owners running to be elected in a public office, shall not contribute to or otherwise influence the content of their respective media outlets.
4. All media outlets shall accept paid advertising in the language(s) in which they normally broadcast or publish.
5. The publication or broadcast coverage of opinion polls and surveys during the campaign period and relating to the elections shall be accompanied by the total number of respondents, the name of the implementing company, the name of the party responsible for it, and the margin of error.
6. The Independent Media Commission shall periodically review the by-laws for which it has legal responsibility, which, among other things, also include the regulation of aspects of digital communication (online campaigns) in the electoral campaign and the election process in general, but also the imposition of the obligation to create archives of online advertising, setting out detailed reporting requirements for those who pay for sponsored material and for entities that have received payments.

#### **Article 48**

##### **Equitable and Fair Treatment by the Media during the Electoral Campaign**

1. All media shall ensure that all certified political entities receive fair and equitable coverage during the electoral campaign, and all broadcast media shall ensure fair and equitable access to political discussion shows and debates for all certified political entities.
2. In accordance with the provisions of the Law on the Independent Media Commission, the Independent Media Commission (IMC) shall approve guidelines for the regulation of the purchase of broadcast time by political entities in broadcast media.
3. The IMC guideline from paragraph 2 of this Article provides equal and non-discriminatory conditions for access to such time, public disclosure of pricing lists, as well as setting a limit on the amount of broadcast time that the broadcaster can sell to each political entity during the electoral campaign.

#### **Article 49**

##### **General Rules for Political Advertising on Radio and Television**

1. Political advertising spots shall be no longer than two (2) minutes (120 seconds).
2. Broadcasters which choose to air paid political advertising are required to offer a minimum number of minutes of free airtime to each certified political entity during the campaign period

as following:

- 2.1. twenty (20) minutes for private Kosovo-wide television broadcasters;
  - 2.2. forty (40) minutes for the Public Service Television Broadcaster;
  - 2.3. fifteen (15) minutes for private Kosovo-wide radio stations;
  - 2.4. thirty (30) minutes for each of the two Public Service Radio Channels;
  - 2.5. fifteen (15) minutes for all other television stations;
  - 2.6. ten (10) minutes for all other radio stations.
3. This free airtime may be provided at the discretion of individual broadcasters, in the form of participation in debates, discussion shows, interviews outside of regular scheduled news programs, or as free political advertising spots.
4. Coverage in regularly scheduled news programs shall not be counted as free airtime.
5. No political advertising spots shall air within news programs. For the purposes of this Article, news programs are defined to include sports and weather components of news broadcasts.
6. Broadcasters shall ensure that any political advertising spot is clearly identified as such and shall clearly indicate the organization or individual responsible for it.
7. Broadcasters are required to keep separate daily logs, provided by the IMC, of free access provided and advertising time sold to each certified political entity. These logs are to be prepared and submitted weekly to the IMC in accordance with the instructions provided. These logs shall be open for public inspection upon receipt.
8. Broadcasters which choose to air paid political advertising shall offer one week prior to the start of the campaign period an unbiased and equitable schedule of free air time, for political advertising spots, in writing to all certified political entities.
9. Broadcasters shall not be penalized if a certified political entity fails to use time provided on fair and equitable terms.
10. The total time of aired free political advertising spots on one broadcaster shall have a maximum of twenty (20) minutes per certified political entity.
11. Broadcasters which choose to air paid political advertising but fail to offer the minimum required free air time to certified political entities over the course of the campaign period shall be considered in violation of this Law.
12. Private broadcasters which choose not to air paid political advertising time to any certified political entity are not required to offer the minimum free airtime as specified in paragraph 2 of this Article.
13. Private broadcasters which choose not to air paid political advertising but do offer free airtime to any certified political entity shall provide similar free airtime to all certified political entities.
14. The price per second charged for paid political advertising spots shall be no higher than the lowest rate charged for that time and day of the week in the past six (6) months.

### **Article 50**

#### **Paid Political Advertising in Print and Electronic Media**

1. Print media shall provide fair and equitable access to all certified political entities that request advertising space.
2. A print or electronic medium shall apply the same rate without discrimination to all certified political entities.
3. Each paid political advertisement shall clearly indicate the organization or individual responsible for it.
4. Free advertising space provided to a certified political entity shall be clearly identified as such. Similar free space shall be promptly provided to all other certified entities that request it.
5. Print and electronic media shall charge advertising rates to certified political entities that are no higher than the lowest officially published advertising rates offered to all other advertisers for similar space and lineage which are in use thirty (30) days prior to the campaign period.

### **Article 51**

#### **Regulating complaints procedures**

1. All complaints regarding the violation of this Chapter by political entities shall be submitted to the Election Complaints and Appeals Panel (ECAP), whereas violations by the media outlets shall be submitted to the Independent Media Commission (IMC) in accordance with provisions of the Law on the Independent Media Commission.
2. All complaints that allege violations of this Chapter shall be forwarded by the ECAP to the IMC for review and adjudication.
3. Violation of the duties and responsibilities of the media, as stated in this Chapter, may result in sanctions by the IMC.
4. The ECAP shall have the authority to impose sanctions on certified political entities in respect of violation of this Chapter in accordance with the provisions of Chapter XX of this Law. Other violations of this article refer to the ECAP. Before imposing the fine, ECAP shall require from the political entities to immediately avoid the violation within the specified period. This shall apply to violations that can be avoided and do not have major and irreparable consequences.
5. The Independent Media Commission shall apply short deadlines for examining and deciding on complaints related to the election process. The decisions of the IMC are sent to the parties and are made public no later than twenty-four (24) hours after they are issued.

### **Article 52**

#### **Prohibition of Media Coverage**

1. No person or media outlet shall broadcast or publish any material pertaining to campaign activity during the period commencing with the opening of the polling stations until the official close of the polling stations.
2. No publication or broadcast of opinion poll and survey results relating to the election campaign, including voter turnout, shall take place in Kosovo during the period commencing twenty-four (24) hours prior to the official close of the polling stations and until the official closing of the election process.

### **Article 53** **Maintenance of Media Coverage Log**

1. The Independent Media Commission shall make sure that media maintain a log to record the air-time, and other media exposure, for paid and non-paid advertising, of the campaign activities of each political entity. The log needs to measure all relevant indicators of exposure, separately for each political entity, in the manner set forth by IMC rules.
2. IMC shall draft and publish a final report on the process of filing and reviewing complaints, including decisions and fines imposed for violations by print and electronic media.

## **CHAPTER IX** **ELECTION OBSERVERS**

### **Article 54** **General Provisions**

1. Certified political entities, NGOs and governmental and inter-governmental organizations as well as international organizations specialized and engaged in elections or the protection of human rights, and representatives of foreign countries, have the right to request the accreditation of observers to the elections.
2. A person may not be a local observer if he or she is not eligible to vote in the elections.
3. Requests for accreditation for observers may be submitted by any political entity to the CEC at any time until the twenty-fifth (25<sup>th</sup>) day before the election day.
4. The request for accreditation of observers can be submitted by any non-governmental, governmental, inter-governmental organization, international organization, representatives of foreign countries, to the CEC at any time, no later than the fifteenth (15<sup>th</sup>) day before the election day.
5. The request for accreditation of observers can be submitted by any media to the CEC at any time, no later than the fifth (5<sup>th</sup>) day before election day.
6. The accreditation of individuals to observe elections on behalf of any organization shall be submitted to the CEC no later than fifteen (15) days before the election day.
7. The CEC shall approve or reject requests: of political entities no later than ten (10) days, of organizations and individuals no later than five (5) days, and of media no later than two (2) days after its submission.
8. Any political entity, organization, media or individual who has applied for accreditation as an observer of the election process and has been denied accreditation by the CEC may submit a complaint to the ECAP within a deadline of forty-eight (48) hours, following the decision on non-accreditation. ECAP will decide on the complaint within seventy-two (72) hours from the time of its receipt.
9. The CEC may at any time cancel the accreditation of an observer of the election process who has violated the legislation in force on the election process.

### **Article 55** **Qualifications of Observers**

1. All accredited observers, except those appointed by any inter-governmental organization, foreign government, or NGOs not registered in Kosovo, shall be persons who are registered to

vote in the elections.

2. No person may serve as an election observer if he/she is:

2.1. a candidate for elected office in Kosovo; or

2.2. member of a police, military or intelligence unit of Kosovo or any other country.

3. An accredited observer organization shall record the full name, address, and telephone contact number of each of its observers and shall make such information available immediately upon request to the CEC or the Election Complaints and Appeals Panel.

4. The responsibility to report any of the incompatibilities described above rests with each appointed observer and the organization that submits the request for accreditation to observe the electoral process. If it is found out that an observer holds any of the positions set out in paragraph 2 of this Article, the CEC shall withdraw the accreditation of the observer.

## **Article 56**

### **Rights and Duties of Observers**

1. An observer has the right to:

1.1. Observe, without hindrance, the preparation and conduct of elections, including post-election day meetings, hearings and activities related to the elections, complaints and appeals over election results, and determination of the winning candidates;

1.2. submit written comments to election commissions and polling station committees;

1.3. observe the packaging, transfer, delivery, handling, counting, safekeeping, and destruction of ballots;

1.4. obtain copies of decisions, protocols, tabulations, minutes, and other electoral documents during the entirety of the election processes, including processes before and after election day.

2. During the electoral process, including the voter registration process, an accredited observer may submit a complaint of any violation of applicable Rules, Administrative Directions, Electoral Rules, or Administrative Procedure to the CEC in accordance with its procedures.

3. An observer has the duty to:

3.1. respect the requirements of this law and the rules of the CEC;

3.2. wear the observer's identity badge where it can be easily seen when the observer is engaged in observation activities;

3.3. refrain from wearing distinctive signs that serve as means of propaganda or that might influence the voters' will or identify them with a particular political entity or a candidate; and

3.4. refrain from violating the right of the voter to a secret ballot and from hampering the process of voting and the administration of the election.

4. An accredited observer organization may send an observer to CEC and MEC meetings.

### **Article 57**

#### **Impartiality and Neutrality**

1. Election observers shall be impartial and politically neutral while observing the electoral process.
2. Election observers shall not interfere in any way with the conduct of the election and shall respect the secrecy of the ballot.
3. The number of observers from a single observer organization that may be present at the same time in a polling station, counting centre, voter information centre, may not exceed two (2).
4. Accredited observers shall, while observing the electoral process, visibly display accreditation badges and carry the necessary documents as the CEC may require by Electoral Rules.
5. Notwithstanding paragraph 3 of this Article, the number of observers from the same observation organization that can be present at the same time in the polling stations that are opened in the diplomatic representations of the Republic of Kosovo, cannot exceed 1 (one). Also, during the receipt of ballots in the Mail Box in Kosovo and Outside Kosovo, the observers shall be notified of the possibility of their participation for observation during the receipt of mail deliveries. During the receipt of deliveries, no more than one (1) observer from the same interested observer organization may participate.

### **Article 58**

#### **Accreditation of Observer Organizations**

The CEC drafts and adopts rules for observers organizations and observers.

## **CHAPTER X**

### **CEC**

### **Article 59**

#### **Central Election Commission**

1. The CEC is an independent constitutional institution and serves permanently for the preparation, observation and management of the electoral process and the referendum, as defined in Article 139 of the Constitution.
2. The CEC drafts the annual budget in accordance with the relevant Law on Public Financial Management and Accountability and independently decides on the use of the budget, in accordance with the relevant legislation in force.
3. The CEC ensures the preparation and conduct of elections in accordance with the principles and requirements of this law.
4. In carrying out its mandate the CEC, shall, inter alia:
  - 4.1. undertake voter education activities designed to increase voter awareness of and participation in elections;
  - 4.2. undertake projects or research in relation to electoral system and related matters;
  - 4.3. establish appropriate procedures and undertake activities to ensure that all persons with disabilities are able to exercise their right to vote and participate fully in electoral processes in Kosovo; and

- 4.4. performs any other auxiliary function for the holding of elections in Kosovo that is determined by the relevant Regulations and auxiliary instruments, including the necessary actions to protect the integrity of elections process in the face of force major.
5. The headquarters of the CEC is in the capital of Kosovo, Pristina.
6. The Commission may enter into technical arrangements and understandings that are required for the fulfilment of its functions and responsibilities.
7. The CEC shall establish and maintain a separate bank account in the name of the CEC, which shall be used solely for the collection and refunding of deposits as required in this law.
8. The CEC shall consider all personal data of candidates and voters collected for election purposes as confidential, except as provided in this law, and shall take all measures to protect such data, except when expressly required by law enforcement agencies.

#### **Article 60** **Composition of the Commission**

The CEC shall consist of eleven (11) members in accordance with the Article 139 of the Constitution.

#### **Article 61** **Mandate and Appointment of CEC Members**

1. The Chair of the CEC shall be appointed in accordance with Article 139 paragraph 3 of the Constitution.
2. The mandate of the Chairperson of the CEC shall be seven (7) years commencing on the day stipulated in the notification of appointment by the President of Kosovo.
3. The Chairperson of the CEC shall serve for not more than two (2) mandates.
4. Members of the CEC shall serve for not more than three (3) consecutive mandates and in accordance with the Article 139 paragraph 4 of the Constitution are appointed as follows:
  - 4.1. six (6) members are appointed from the members of the six (6) largest parliamentary groups represented in the Assembly, who do not have the right to participate in the allocation of reserved seats. If fewer groups are represented in the Assembly, the larger group or groups may nominate additional members.
  - 4.2. one (1) member is appointed by the deputies of the Assembly who hold reserved or guaranteed seats for the Kosovo Serb community.
  - 4.3. three (3) members are appointed by the deputies of the Assembly, who hold seats reserved or guaranteed for other communities that are not the majority in Kosovo.
5. The mandate of the members of the CEC is related to the mandate of the election cycle and in principle begins no later than sixty (60) days after the certifications of the results of the elections for the Assembly. The beginning of the mandate according to this paragraph means the termination of the previous mandate.
6. The President of the Republic of Kosovo, based on the results of the general elections, no later than thirty (30) days after the certification of the elections for the Assembly, asks the parliamentary groups/political entities to propose in writing the candidates for membership of the CEC. Parliamentary groups/political entities send their proposals within seven (7) days, and the appointment by the President is made within five (5) days of sending the proposals.

7. The mandate of the Chairperson of CEC or any member of the CEC may be terminated with the resignation or terminated with immediate effect by the President of Kosovo in the following circumstances:

7.1. the Chairperson or the member fails to meet the conditions and criteria arising from this Law;

7.2. the Chairperson or the member fails to attend, without any reasoning, three (3) consecutive meetings of the CEC and the termination of the mandate is proposed by two thirds (2/3) of the majority vote of the CEC;

7.3. the Chairperson or the member is convicted of a criminal offence;

7.4. the Chairperson or the member behaves or acts in a manner that seriously affects the status and integrity of the CEC, as in the following circumstances:

7.4.1. is appointed or elected in another position of a public functionary in Kosovo or in other states;

7.4.2. is appointed in a decision-making position in the highest bodies of the political entity;

7.4.3. interrupts the work and legal functions of CEC;

7.4.4. discloses confidential information;

7.4.5. uses the position for personal benefits or for other persons;

7.4.6. has no voting right in Kosovo;

7.4.7. the ability to act is deprived by a final court decision;

7.5. the Chairperson or the member is unable to perform his or her duties for more than six (6) consecutive months.

8. The mandate of the Chairperson or any member of the CEC, for the circumstances defined in sub-paragraph 7.4 of this Article, may be terminated after the written proposal, approved by the majority of two-thirds (2/3) of the members of the CEC.

9. In the case where a mandate is terminated by the President of Kosovo, the new appointment shall be made in accordance within thirty (30) days in accordance with this article. The new appointment of a replacement shall be in accordance with the procedures in this article and the new member shall only serve for the remainder of the mandate of the member replaced, but shall be subject to reappointment in accordance with this article.

10. A member of the CEC must have a university degree and work experience of no less than five (5) years.

11. A person shall not be eligible to be a Member of the CEC if he or she is:

11.1. a member of the Assembly of Kosovo or in any other country;

11.2. council or of any municipal assembly in Kosovo;

11.3. a candidate for elected public office in Kosovo;

- 11.4. senior public official in a political party, according to the CEC register;
- 11.5. a person without the right to vote in Kosovo;
- 11.6. member of a public electoral commission within or outside of Kosovo;
- 11.7. a member of a non-governmental organization monitoring the elections;
- 11.8. have been dismissed from the public administration for a violation of the law;
- 11.9. have been convicted in last three (3) years by a final court decision for a criminal offense with one or more years of effective imprisonment;
- 11.10. public functionary with a special status, based on the law in force for public officials, inside or outside Kosovo in the last five (5) years.

## **Article 62**

### **Oath of Declaration and Appointment**

1. The President shall issue a letter of appointment to each Member of the CEC who shall personally appear before the President or his designated representative on a date notified by the President and make the following Declaration in the language of his or her choice: *"I solemnly declare that I shall discharge the duties of my office as Member of the CEC honourably, faithfully, impartially, diligently and conscientiously."*
2. If a person appointed to be a Member of the CEC fails, without good cause shown, to make the Declaration pursuant to this article, the President shall request by the Parliamentary Group/ Political Entity that proposed that person to appoint a different person. If the parliamentary group/ political entity fails to appoint an eligible person to be a member of the CEC within fourteen (14) days of such request, the President shall at his discretion select and appoint an eligible person to fill the vacant position.

## **Article 63**

### **Decision-making**

1. CEC meetings are called by the Chairperson or by at least four (4) members. The notice for a meeting shall also include the agenda of the meeting.
2. During the Campaign period and until the declaration of the final results, the CEC holds meetings according to a pre-determined and published time-table.
3. Meetings of the CEC are valid when attended by no fewer than seven (7) CEC Members.
4. On Electoral Rules, the registration of political parties and certification of political entities, the declaration of election results, as well as decisions related to complaints regarding the declaration of results, the CEC shall aim to decide by consensus; when it is not possible to reach consensus with two-thirds (2/3) of the votes. Every other decision is taken by a simple majority of votes.
5. Meetings are chaired by the Chairperson of the CEC.
6. A decision of the Commission is not subject to appeal, unless otherwise provided with this law.
7. The CEC shall establish rules of procedure consistent with this Law.

8. A Member shall not participate in the making of a decision by the CEC on a matter in which he or she or his or her family member has an interest of a personal or financial nature, which may call into question the ability of the Member to act impartially.

9. Meetings of the CEC are open to the public, except when issues related to personnel of the CEC or CECS are discussed.

10. The CEC shall prepare an annual report to the Assembly of Kosovo, to be provided in the month of April. The report shall contain information about activities of the CEC and recommendations that the CEC deems appropriate to be dealt by the Assembly.

11. All decisions of the CEC shall be public documents and ensure the fulfilment of the elements of the administrative act, as defined in the law in force on the General Administrative Procedure.

#### **Article 64**

##### **Responsibilities and Functions of the CEC**

1. The CEC shall be responsible for the implementation of this law.

2. CEC shall:

2.1. prepare and issue rules, forms and procedures relating to the implementation of this law and any other matter pertaining to the conduct of elections within its competence;

2.2. publish all approved rules, forms and procedures and make them readily accessible to the public;

2.3. establish and maintain the list of persons eligible to vote in a particular election;

2.4. ensures that the Office for Registration, Certification and Financial Control of Political Entities has the resources to fulfil the obligations set forth in this law;

2.5. design and approve ballot papers and other electoral materials;

2.6. accredit official election observers;

2.7. certify the voters list in relation to an election;

2.8. certify the results of elections;

2.9. publish the results of elections;

2.10. establish municipal election commissions and polling station committees.

2.11. increase the participation of women at all levels of election administration, as far as possible and feasible.

3. The CEC approves special acts for the procedure, conditions and issues for which appeals against decisions or administrative opposition to its real acts can be submitted.

4. All the rules referred to in this law are approved by the CEC with a majority of two thirds (2/3) of the votes. All these rules are published in time, on the website of the CEC.

#### **Article 65**

##### **Secretariat of the Central Election Commission**

1. The Commission shall be assisted in the discharge of its responsibilities and functions by a

Secretariat (hereinafter the “CEC Secretariat”) which shall operate in accordance with this Law.

2. The CEC Secretariat shall implement the decisions of the CEC, prepare reports, recommendations for CEC decisions and shall provide administrative and other necessary support to the CEC. The Secretariat shall also assist the CEC in the implementation of functions and responsibilities assigned to it in accordance with this Law, and subsidiary instruments there under.

3. The Secretariat may, with the approval of the CEC, conclude agreements with third parties on behalf of the CEC pursuant to procedures established by the CEC.

#### **Article 66**

##### **Management of the CEC Secretariat**

1. The Secretariat shall be managed by the Chief Executive Officer (hereinafter: “CEO”), who is appointed and shall be directly accountable to the CEC, has the mandate of a high-level management official and is appointed based on the procedures defined in the law in force for Public Officials and is responsible for:

1.1. organizing the agenda for CEC meetings under the direction of the Chair and ensuring all required material prior to each meeting, and attends every meeting of CEC.

1.2. reporting to the CEC on any matter pertaining to the duties of the CECS, with exception of the Executive Director of the Office.

1.3. the overall administration and management of the Secretariat and ensuring that the functions entrusted to it are implemented;

1.4. providing proper guidance to the Secretariat and accurate, impartial and expert advice to the CEC;

1.5. organizing the Secretariat and issuing administrative procedures on any matters pertaining to its functions;

1.6. the effective and efficient management of human and financial resources provided to the Secretariat;

1.7. implementing non-discriminatory personnel policies within the Secretariat, including equitable gender representation, in all areas and levels and ensuring that the composition of the Secretariat staff reflects the multi-ethnic character of Kosovo;

1.8. performing other duties and responsibilities determined by the CEC.

2. Secretariat officials have the status of the public officials. The CEC, in accordance with the Law on Public Officials into force, approves sub-legal acts related to their work relationship, including the systematization and classification of the positions within the CEC and its bodies.

#### **CHAPTER XI**

##### **MUNICIPAL ELECTION COMMISSIONS**

#### **Article 67**

##### **Composition of MECs and Qualifications of the Members**

1. Municipal Election Commission (MEC) shall have seven (7) members and this number may increase if number of Political Entities qualified as part of Committee is bigger. Each Municipal Election Commission shall be composed of:

- 1.1. a MEC Executive Officer (MEO) employed by the CEC and that shall be the Chair if the MEC, and that shall be the Chair of MEC; and
  - 1.2. one (1) member appointed by political entities that have passed election threshold in national elections, if they are subject of election threshold.
2. Members of an MEC shall be eligible to vote in the municipality and be persons with high professional and ethical standing with administrative or electoral experience and knowledge sufficient to efficiently perform the work of the MEC.
3. The CEC shall endeavour to ensure fair participation in MEC for all communities with significant numbers of population within a municipality, including gender participation.
4. The CEC shall appoint the MEC within fifteen (15) days of the announcement of the election. Appointment shall terminate fifteen (15) days after the certification of the elections results, unless the term of MECs is terminated prior to the completion or extended.
5. No person may be appointed to serve as a member of a MEC, or may continue to serve once appointed, if he or she is:
  - 5.1. member of the Assembly of Kosovo or any other state;
  - 5.2. a member of any municipal assembly in Kosovo;
  - 5.3. candidate for any elected public office in Kosovo;
  - 5.4. senior public official, according to the CEC register;
  - 5.5. a person not eligible to vote in Kosovo
  - 5.6. a person who has been deprived of ability act by court decision;
  - 5.7. member of the public election commission outside Kosovo;
  - 5.8. a person who has been prohibited from serving as a member of an MEC by the Election Complaints and Appeals Panel;
  - 5.9. member of the non-governmental organization that monitors the elections;
  - 5.10. dismissed from work by the public administration, for violating the law;
  - 5.11. convicted in the last three (3) years by a final court decision for a criminal offense, with one or more years of effective imprisonment;
  - 5.12. Public functionary with a special status, based on the law in force for public officials, inside or outside Kosovo in the last five (5) years.
6. No person may serve as a member of more than one MEC at the same time.
7. A member of a Municipal Administration appointed to serve as a Municipal Election Commission member shall, with respect to his or her duties as a Municipal Election Commission member, serve under the authority of the CEC and the MEC Executive Officer during the period of his or her appointment.
8. Appointment of an MEC member is subject to the signing of the MEC Code of Conduct as adopted by the CEC before commencing their work.
9. Notwithstanding the preceding paragraphs of this article, if so required, the CEC shall have the authority to appoint at its sole discretion MEC members that do not meet the requirements of this article.

### **Article 68**

#### **Responsibilities of the Municipal Election Commissions**

1. Each MEC shall, under the exclusive supervision and direction of the CEC acting through the Secretariat, administer elections within its municipality ensuring the legality, legitimacy and efficiency of the electoral process. Without limiting the generality of their responsibilities, each MEC shall:

1.1. establish an office inside the premises of the municipality administration for the discharge of its duties;

1.2. provide information to voters of all communities and disseminating information necessary for the administration of elections;

1.3. impartially provide political parties, citizens' initiatives, coalitions and independent candidates with information about their rights and obligations in relation to elections;

1.4. attend any training session required by the CEC;

1.5. assist in the appointment and training of any person assisting in the administration of the election including polling station committees;

1.6. assist in the technical arrangements at the polling stations and any other technical preparations for the elections including receiving all non-sensitive election materials;

1.7. ensure the proper conduct of polling and counting and compiling the results of the elections within their jurisdiction;

1.8. collect and store election- related materials after the election; and

1.9. perform other duties required by any other applicable legislation or CEC rule.

2. Each MEO shall issue reports to the CEC Secretariat regarding the work of the MEC every week as specified by the CECS. A MEO shall issue an immediate report if asked to do so by the CEC Secretariat. MEO shall perform other duties as specified by the CEC.

3. Municipal Election Commissions shall keep regular records of their work, including minutes of proceedings, decisions made, and the weekly reports to the CEC and other relevant information.

4. The Municipal Electoral Commission organizes an information campaign in the respective municipalities, which is especially addressed to social groups such as: women, non-majority communities, voters in rural areas, first-time voters and persons with disabilities.

5. In fulfilling these legal responsibilities, the MEC shall cooperate with the public institutions. Municipalities shall be obliged to provide the necessary assistance to MECs in relation to providing the working facilities, storages for materials, transport, public premises for the needs of voting and other facilities for organising the trainings of commissioners and counting staff, as well as facilities for adapting the municipal counting centres.

### **Article 69**

#### **Appointment Process**

1. The CEC Secretariat shall provide a list of nominees for each MEC to the CEC. Each list may include the names of some, all or none of the employees of the Municipal Administration nominated by the CEO of the Municipal Administration, at the discretion of the CEC Secretariat.

2. The CECS may consult non-governmental organizations, academic institutions and other similar bodies in order to identify qualified and suitable candidates.
3. Where the CEC rejects a nominee, it shall notify the appropriate MEO of that rejection and request him/her to submit another nominee. The MEO shall have ten (10) days to nominate an additional nominee and the CEC shall decide on the additional nomination without delay.
4. Any other person or persons that the CEC Secretariat considers appropriate for membership on the MEC, giving special consideration to the need to ensure fair gender and ethnic representation.
5. The CEC Secretariat shall issue a Certificate of Appointment to each MEC member.
6. The appointed members of a Municipal Election Commission shall begin their work immediately upon appointment by the CEC.
7. Against the decision of the CEC for not appointing a member of the CEC, political entities and other parties with legal interest may submit a complaint to the EPCS, within forty-eight (48) hours from the announcement of the decision by the CEC. The complaint is reviewed and decided by EPCS (PZAP) within seventy-two (72) hours from its submission.

#### **Article 70** **Termination of MEC Members**

1. The CEC may revoke the appointment of any MEC member at any time if the member:
  - 1.1. fails to perform his or her duties as set out in CEC rules;
  - 1.2. acts in a biased or unprofessional manner;
  - 1.3. fails to attend two (2) consecutive meetings of the MEC without a valid reason;
  - 1.4. participates in an electoral campaign on behalf of a political entity or interferes in the electoral process;
  - 1.5. does not report for duty for more than two (2) days during the election campaign without a valid reason.
2. A MEC member whose appointment is revoked shall immediately cease all involvement with MEC business and return all MEC property to the MEC Chief Executive.

#### **Article 71** **Compensation of MEC Members**

1. MEC members and their Chairpersons shall be remunerated for the performance of their duties with resources of CEC in accordance with the rules adopted to this effect.
2. MEC members employed in the Administration shall receive remuneration equal to half of the MEC member's salary, in addition to their regular salary.

#### **Article 72** **Decision-making Process**

1. The Municipal Election Commission shall take decisions by a majority of the total number of members present.

2. No member of a Municipal Election Commission shall participate in the decision of a matter in which the member or member of his/her family may have an interest of a personal, financial or other nature, or which may raise doubts as to his or her ability to act impartially.

3. The Municipal Election Commission keeps minutes for each meeting and notes the decision-making.

4. An appeal may be submitted to the CEC against the decisions of the Municipal Electoral Commission.

### **Article 73**

#### **Access to Meetings and Documents of a Municipal Election Commission**

An accredited observer shall have access to all meetings and documents of an MEC. If a Municipal Election Commission does not allow attendance at a meeting, or access to a document, a complaint may be filed with the CEC. The CEC shall reach a decision on a complaint within forty-eight (48) hours and take such action as it considers appropriate.

## **CHAPTER XII**

### **POLLING STATION COMMITTEES**

#### **Article 74**

##### **General Provisions**

1. Composition of Polling Station Committee (PSC) reflects the structure of members of MEC. The Municipal Election Commission may, in special cases, increase the number of members of a PSC and immediately notify the CEC.

2. Based on a CEC decision a second PSC responsible for counting the ballots may be established.

3. All persons appointed as PSC members shall satisfy the criteria for appointment specified in this Law.

4. Each Municipal Election Commission (MEC) shall submit to the CECS the nominations of those persons who satisfy the relevant criteria for appointment. The CECS will present the lists supplied by the MECs to the CEC for its approval, along with its recommendations or observations.

5. The CEC shall consider the lists of persons submitted by the CEC Secretariat and decide by simple majority whether to appoint the persons submitted or not, as the case may be.

6. Any member of a PSC who fails to attend training sessions organized by the MEC without good cause shall be precluded from working on Election Day and will lose some or all entitlement to remuneration as decided by the CEC.

7. Any member of a PSC who fails to attend the polling station to which he or she was allotted for Election Day will lose entitlement to remuneration and will be replaced immediately by the MEC with a trained and appointed reserve.

8. Each PSC member at the time of appointment shall sign a Code of Conduct, as prescribed by the CEC.

9. Each PSC member shall, regardless of political party affiliation or political viewpoint, act impartially in the service of all voters.

10. The PSC shall be responsible for ensuring the integrity, security and tranquillity of the polling and counting process at the Polling Station under the immediate supervision of the MEC.

11. Polling Station Committees in a voting centre in a diplomatic representation consist of three (3) to five (5) members. Wherever possible, the composition should reflect the political entities represented in the Assembly, who have passed the threshold and who are certified and running in the elections. The CEC selects a secretary from among the administration. One of the members of the foreign service (administrative staff of the diplomatic representation) or other staff from the administration, performs the same duties as the manager of the voting centre in Kosovo. In cases where the political entities do not nominate members, or for whatever reason the nominated members do not appear at the polling stations, then the CEC can appoint members from the staff of the CEC or from the staff of the diplomatic representation.

#### **Article 75**

##### **Qualifications and Requirements for Appointing the PSC members and Chairperson**

1. In order to be appointed as a PSC member, a person must:

1.1. be a registered voter in the same Municipality where the Polling Station/Polling Centre is located;

1.2. be able to read and write in a language officially used in that municipality.

2. In order to be appointed as a PSC chairperson, a person must qualify as a PSC member in accordance with the provisions of this article, and in addition has completed at least secondary education; and

3. A person is not eligible to be appointed as a PSC member if s/he is:

3.1. a candidate for public elected office in Kosovo;

3.2. person without the right to vote in Kosovo;

3.3. person who has been deprived of legal capacity by the court decision;

3.4. member of the public elected committee out of Kosovo;

3.5. a person who has been deprived from serving as a member of the KVV by the Electoral Panel for Complaints and Appeals;

3.6. member of any institution or electoral body;

3.7. member of the non-governmental organization that monitors the elections;

3.8. dismissed from work by the public administration, for violating the law;

3.9. convicted in the last three (3) years by a final court decision for a criminal offense, with one or more years of effective imprisonment.

3.10. public functionary with a special status, based on the law in force for public officials, inside or outside Kosovo in the last five (5) years.

#### **Article 76**

##### **Method of selecting polling station committees**

1. Each PSC shall be approved by the CEC and is directed by Chairperson:

2. At the time determined by the CEC, the CECS shall invite all certified Political Entities represented in the Assembly of a Municipality that are contesting national elections to submit to the MEC nominations of persons they wish to be appointed to the PSCs established within their Municipality.
3. The CECSs shall invite newly certified political entities, NGOs and other civic organizations to submit additional nominations for the PSCs.
4. All nominations under the provisions of Article 74 paragraphs 2 and 3 of this Law shall be submitted to the respective MECs no later than five (5) days after the request for nomination is made by the CEC Secretariat.
5. The list of PSC nominations must include:
  - 5.1. the name of the political entity or NGO making the submission, the name of the contact person and his/her contact details;
  - 5.2. the name, surname, personal number, date of birth for each nominee;
  - 5.3. specification for each nominee whether s/he has or not prior experience in elections and a secondary school degree; and
  - 5.4. date and place of submission of the nominee list; signature of the representative of the political entity or NGO, as well as the signature of receiving the list from the MEC representative.

#### **Article 77**

##### **Appointment of PSC members and their chairpersons**

1. Immediately after receiving all the nominations, the MECs will assign the nominees to their proposed PS observing the following set of rules:
  - 1.1. no more than one person from a single list of PSC nominees submitted under Article 76 paragraph 2 shall be appointed as a PSC member in the same PS;
  - 1.2. in selecting from among candidates on a list of PSC nominees submitted under Article 76 paragraph 3, preference shall be given to the candidates with better qualification and particularly to those with previous election experience;
  - 1.3. no more than one person from within the same immediate family may be appointed to the same PSC. For the purposes of this article, immediate family includes spouse, children, parents and siblings;
  - 1.4. in new municipalities or where results from previous elections were not certified, the membership of PSCs shall be selected by lot among those political entities certified to participate in the upcoming elections for that municipality.
2. The MEC shall submit these nominations to the CEC Secretariat for recommendation to the CEC no later than five (5) working days after receiving the nominations. The CEC shall appoint all PSC members, including reserve PSC members, no later than four (4) days after receiving the nominations.
3. The chairpersons of a polling station committee shall be chosen equally between the four (4) certified Political Entities that received the most votes during the last Kosovo Assembly election in that municipality.

4. Notwithstanding the preceding paragraphs of this article, if so required, the CEC shall have the authority to appoint at its sole discretion PSC members that do not meet the requirements of this article.

5. Against the decision of the CEC on not appointing the chairperson and members of the polling station committees, political entities and other parties with legal interest may submit a complaint to the EPCS (PZAP), within forty (48) hours from the announcement of the decision by the CEC. The complaint is reviewed and decided by EPCS (PZAP) within seventy-two (72) hours from its submission.

#### **Article 78**

##### **Remuneration of PSC members and chairpersons**

The PSC members and their Chairpersons shall be remunerated for the performance of their duties with resources provided from the Budget of the Republic of Kosovo. The CEC shall issue a separate decision which will regulate this issue.

#### **Article 79**

##### **Appointment of reserve to PSC members**

1. The procedures specified in Article 77 of this Law shall apply for appointing an additional ten percent (10%) of reserve PSC members per municipality.

2. An appointed member shall be replaced by a reserve member by an MEC if, for any reason, the appointed member becomes unavailable to serve either before or on Election Day. If there are not sufficient numbers of reserve members available, an MEC may fill the vacancies with persons it deems fits and who also satisfy the criteria set forth in Article 75 of this Law. An MEC shall:

2.1. ensure that no more than one person from a Political Entity as set out in Article 77 paragraph 2 of this Law is appointed as a PSC member in the same PS;

2.2. ensure that the replacement signs the Code of Conduct; and

2.3. arrange appropriate training for the replacement.

#### **Article 80**

##### **Penalties and other measures**

1. Certified political entities or NGOs that have nominated persons to be members of PSCs shall be responsible for ensuring that such persons attend all training sessions organized by the MEC.

2. Certified political entities or NGOs that have nominated PSC members shall be responsible for ensuring that such persons punctually attend and perform their duties in their polling station at such times and for such periods as directed by the MEC.

3. Where a person, or persons, nominated by a certified political entity or NGO fails without good cause to perform the obligations specified in paragraphs 1 and 2 of this Article, the matter shall be reported to the ECAC by the MEC. ECAC may, if it finds the matter proved, impose a fine or sanction.

4. Where, in the opinion of the Municipal Election Commission, a member of a polling station committee is, for whatever reason, unwilling or unable to perform his/her obligations, the MEC shall terminate the appointment of that member. The vacant position arising as result of such decision shall, so far as possible, be filled in accordance with the provisions of this Law.

**Article 81**  
**Code of Conduct for PSC Members**

Every Member of a PSC appointments are subject to taking the Oath as and signing the Code of Conduct as per CEC rule.

**CHAPTER XIII**  
**POLLING STATIONS AND VOTING**

**Article 82**  
**General Provisions**

1. The FVL of voters assigned to the same PC shall be prepared in the manner prescribed by the CEC and in a way that no PS within the PC exceeds seven hundred and fifty (750) voters. This limitation does not apply to the voting at the diplomatic representation, where the number of voters is determined by the CEC decision. Meanwhile, for polling stations within the country, the exceptions to this rule may be authorized by the CEC.

2. A PS must be large enough to ensure the proper conduct of voting by setting up all work stations as defined in this Law and ensuring the secrecy of voting, the free view and control of the ballot box, and unimpeded access to observers.

3. The following persons are authorized to be present in a Polling Station or Centre:

- 3.1. persons attending for the purpose of voting;
- 3.2. members of the Polling Station Committee and Polling Centre staff;
- 3.3. CEC Members and CECS staff;
- 3.4. Municipal Election Commission members;
- 3.5. accredited observers of the electoral process;
- 3.6. police, when called upon to restore order; and
- 3.7. interpreters for the persons listed in sub-paragraphs 3.3, 3.5 and 3.6 of this paragraph.

4. With the exception of paragraph 1 of this article, the maximum number of voters in the voting centres open in diplomatic representations is determined in advance by a special decision and is based, among other things, on the evaluations of the CEC for the conditions of the facility and the its relevant spaces. The electronic registration platform accepts to register only as many voters as the logistical conditions allow. The diplomatic representation takes care to obtain permission, if necessary, from the competent authorities of the receiving country.

**Article 83**  
**Election Campaign Material and Voter Information Material at PSs and PCs**

1. Based on the recommendations of the Municipal Election Commission (MEC), the CEC, through the CEC Secretariat, shall, no later than forty (40) days prior to the elections, make public the exact locations of all PCs.

2. Each registered voter will be assigned to a Polling Centre, that will be the location where his/her name will appear on the Final Voters List used during the conduct of voting on election day.

3. As much as possible no voter should travel more than three (3) km to his or her place of voting.
4. Subsequent changes of the locations of PC are allowed in cases of force majeure, or other objective and unpredictable reasons that would make the PC unsuitable for polling purposes. The CEC Secretariat shall immediately inform the CEC of these changes.
5. If a PC location has been changed, the MEC shall notify the voters of the change through local available media sources. Additionally, the MEC shall post a notice at the original PC location advising voters of the new PC location.
6. Polling stations shall be located in an accessible place location to allow voters to form and stand in a queue and should, when possible, have level access so that disabled persons shall have unimpeded entry and exit. The PSs shall have adequate lighting and protection from elementary accidents.
7. A PC or PS shall not be located in a place of worship, a building which is owned by or is seat of a political entity, or premises in which alcohol is served or consumed.
8. The specifics of the polling stations at the diplomatic representations or in premises under the administration of the diplomatic representation shall be determined by a sub-legal act of CEC.

#### **Article 84** **Polling Station Security**

1. The PSC Chairperson, with the assistance of all PSC members, shall ensure the tranquillity and security of the voting process inside the PS. The order in the queue in front of the PS shall be maintained by the PSC member assigned as Queue Controller.
2. In case of serious disturbance inside or in the immediate vicinity of a PS, the PSC Chairperson shall request immediate assistance from the police. The incident shall be immediately noted in the Poll Book.
3. In case the disturbance turns into a serious threat to the integrity of the voting process or against the people inside the PS, the PSC Chairperson may decide to suspend polling and close the PS until order is re-established. The PSC Chairperson shall inform the MEC immediately and record the event in the Poll Book, including the period during which polling was suspended.
4. No person carrying weapons or arms shall be allowed inside a PS except on duty Kosovo Police in uniform. On duty Kosovo Police may not linger inside the PS after casting their ballot.

#### **Article 85** **Election Campaign Material and Voter Information Material at PSs and PCs**

1. All political entities which have not removed their election campaign materials placed inside and around PS or PC at the school building /centre and its yard whatever material remained twenty-four (24) hours prior to commencement of polling shall have such material removed by the PSC members or the PC Manager. Political entities which have not removed and or were found posting election campaign material after the imposed deadline shall be reported to the ECAC for violating this Law.
2. Printed material produced by the CEC Secretariat on behalf of the CEC, listing the names of all candidates of all certified political entities and the voting procedures shall be displayed at the PSs for the benefit of the voters. These lists shall also be displayed at the main access door of each PC.
3. Informational signs on the building must clearly display the number of the PC. Inside the

PC, especially where there is more than one PS, signs to direct voters to the right PS must be displayed prominently. Each PS must be clearly marked with signs showing the PS number and the letters from the FVL of those voters assigned to that PS.

4. No election campaign information shall be broadcast on any communication device in the Polling Station, nor within hearing distance.

#### **Article 86**

##### **Procedures Before Voting Begins**

1. The CEC shall establish a rule governing the procedures for distribution and receipt of election materials to be delivered to a MEC and PSC as well as the teams that are sent to the diplomatic representation. The CEC by sub-legal act determines the teams, the procedures of acceptance, transportation, packaging and the validity of the envelopes, including the teams that will go to receive the deliveries in the mailboxes outside Kosovo. The composition of the teams will be similar to the Voting Committees in diplomatic representations and will be led by an official selected by the CEC. Electoral materials or materials related to voting abroad have the status of diplomatic consignment.

2. On Election Day, the PSC Chairperson and/or his/her Deputy shall, under police escort, take the materials listed under Article 103 paragraph 1 of this Law from the MEC to the PC.

3. All PSC members shall be present at the PS at least one (1) hour prior to the opening of the polls

4. The PSC Chairperson shall perform all duties required to open the PS as established by CEC rules

5. If the PS opens late, the PSC Chairperson shall immediately notify the MEC, who will inform the CEC Secretariat and record the time of opening in the Poll Book.

#### **Article 87**

##### **Description of the Ballot and Ballot related material**

1. The name of a political entity and their candidates shall appear on the ballot as it appears on its original certification application, subject to modifications if any and finally approved by the CEC.

2. The voter shall be instructed to indicate his/her choice so clearly that there is no uncertainty over the preference(s).

3. The names of all candidates on the printed material displayed in Polling Stations or Polling Centres shall appear directly under the name of the political party, coalition or citizens' initiative's name that submitted the candidates' list.

4. The CEC shall determine the number of ballot papers to be printed and distributed. Number of ballots shall not exceed by more than five percent (5 %) of the number of voters in the voters list.

5. The ballot shall contain:

5.1. indication of the electoral district;

5.2. the public body that is to be elected;

5.3. the ordinal number placed before each individual electoral Political Entity;

- 5.4. name and acronym of each Political Entity according to the order determined on the ballot lottery;
  - 5.5. security features as determined by the CEC;
  - 5.6. any other information required by this law and rules enacted in accordance with it.
6. The CEC shall further determine by rule the details of ballot including:
- 6.1. content;
  - 6.2. the form and layout/appearance;
  - 6.3. the manner and control of printing;
  - 6.4. verification, distribution and handling of ballot papers;
  - 6.5. security features; and
  - 6.6. any other matter regarding the process.
7. Ballots are printed under the immediate supervision of the CEC.
8. Ballots shall be printed in all official languages at the national level and at the local level, according to the Law on the Use of Languages. A certified Political Entity may choose the language and script in which its name is written on the ballot.

#### **Article 88**

##### **Hours of Voting**

1. The polling stations open at 7:00 and close at 19:00.
2. No one may vote after the closing time of the polling centres, except voters who are in the queue of a PS at the time of closing.

#### **Article 89**

##### **Right to Vote and Secrecy of the Vote**

1. An eligible voter has the right to vote if he/she either is civilly registered in Kosovo or successfully applied for out of Kosovo voting as set out in Articles 6 and 7 of this Law.
2. No person shall prevent or attempt to prevent an eligible voter from exercising his/her right to vote.
3. No person shall be allowed to vote on behalf of another voter, except in accordance with provisions of paragraph 5 of this Article.
4. Each voter must mark his/her ballot in secret behind a voting screen. Only one person shall be allowed behind the voting screen at any time unless the voter has requested the assistance from another person as set out in paragraph 5 of this Article.
5. A voter who is disabled in such a way so as it is not able to mark or cast the ballot, may be assisted to vote by another person chosen by the voter, provided that at the person assisting is a voter at the same polling station as the voter. Such person shall only assist one voter and shall not be a member of the PSC or an accredited observer, exceptionally, for close family members. For this type of vote, the CEC will set the criteria with the electoral rule.

6. The chairperson of the polling station committee is obliged to record in the poll book, the cases of assisted voting, including the concrete reasons and to record the personal data of the voter and the personal data of the person who helped.

7. The person consenting to assist the voter shall print and signs his/her name on the appropriate List of Voters or Conditional Ballot Envelope, next to the name or other space provided by the assisted voter and the reason for conditional voting.

8. Members of the PSC may in no way influence the decision of the voter.

9. Members of the Polling Station Committee and/or Polling Station staff shall explain the voting procedure only if so requested by the elector.

10. Members of the PSC shall take special care to ensure that the elector is not disturbed by anyone while marking out his ballot paper, and that the secrecy of voting is completely ensured.

#### **Article 90**

##### **Accepted Identification Documents**

1. For the purpose of the elections, the citizen with the right to vote within the country and in the diplomatic representation, can vote if he or she is correctly identified in the List of Voters and offers one of the valid identification documents, issued by the Republic of Kosovo, as following:

1.1. ID card

1.2. Passport

1.3. Driver's license.

#### **Article 91**

##### **Regular Voting**

1. Procedures for regular voting shall be established by CEC Rule.

2. Voting in the same elections more than once constitutes a criminal offence and is punishable in conformity with the Criminal Code of Kosovo.

#### **Article 92**

##### **Voting of Polling Station Committee Members**

PSC members and the Chairperson shall vote first when the Polling Station opens.

#### **Article 93**

##### **Closing the Polling Station**

1. Any person in the queue at the closing hour of a PS shall be allowed to vote if eligible. The Queue Controller shall inform the last person in the queue that he/she will be the last to vote. Any other person who joins the queue after that person shall not be allowed to enter the PS and shall be informed of his/her inability to vote.

2. After the last person in the queue at closing time votes, the PSC Chairperson shall close the PS seal the ballot box in view of the observers present, and mark the exact time of closure in the Poll Book.

#### **Article 94**

##### **Poll Book**

1. Each PS shall have a Poll Book in which all significant events regarding the conduct of voting which occur at the Polling Station during Election Day shall be noted.
2. Only the PSC Chairperson, the PSC members, and present accredited observers shall be allowed to make notes in the Poll Book. If a voter has a complaint regarding any activity within the PS, he/she may request the PSC Chairperson to record his/her complaint in the Poll Book and/or submit an appeal to the ECAC in accordance with the set out procedures.

#### **Article 95**

##### **Conditional Ballot Voting**

1. A voter in Kosovo whose name cannot be found on the FVL, or his/her name is found on is allowed to vote conditionally in the VC that issues conditional ballots, unless the CEC decides otherwise.
2. The CEC continuously, together with other institutions, takes steps to improve the voting list even in non-election periods.
3. The CEC designates the list of voting centres where conditional voting is allowed.
4. The CEC creates opportunities for changing the voting centre even in non-election periods through the electronic platform, where citizens can change the voting centre within the municipality.
5. The CEC places the members of the voting committees on the list of voters in the centre where they serve, if they are not from the same voting centre.
6. The CEC conducts an informational and educational campaign for voters, on how to change the voting centre and in which centres conditional voting is allowed.
7. The CEC shall determine the number of conditional voting centres. The CEC may not organize conditional voting if it considers that there are no reasons for its organization.
8. Conditional voting does not apply to voters who vote in diplomatic representations of the Republic of Kosovo.
9. The CEC with a special act regulates the conditions, procedures and other aspects of conditional voting.

#### **CHAPTER XIV**

##### **VOTING OUT OF KOSOVO**

#### **Article 96**

##### **General Provisions**

1. An eligible voter who is temporarily absent from Kosovo may vote for elections if he or she has successfully applied and registered for voting Out of Kosovo.
2. The vote through voting outside Kosovo, delivered by mail to the post office box of the CEC in Kosovo, is accepted by the CEC until the day after the election day at 16:00, provided that it has the stamp of delivery before the day of the elections. Meanwhile, the votes sent by mail to the mailbox outside Kosovo opened by the diplomatic representations, upon the authorisation of

CEC, are accepted by the teams sent by the CEC, solely those that have arrived in the mailbox at latest until the closing hour of the polling stations in the diplomatic representation.

3. Voting outside Kosovo is organized by the CEC, and voters may vote by individually determining the voting method, at the time of registration through the CEC platform:

3.1. physically, in the diplomatic representation of the Republic of Kosovo or in their premises which shall be turned into voting centres upon the criteria determined by the CEC for adapting into the voting centres. This voting method is not applied in local elections;

3.2. by sending the ballots through the mailbox of the CEC, to the post office of Kosovo;

3.3. by sending the ballots by mail to one of the mailboxes opened by the CEC, through and with the facilitation of the diplomatic representation, outside Kosovo.

4. Voting in the diplomatic representation is organized one day before the election day in Kosovo. The voting starts at 07:00 and closes at 19:00 according to local time of the respective country. Ballots from voting in diplomatic representations and packages with ballots accepted by diplomatic representations are not opened, counted, or evaluated, but only registered and sent together with other election material to the CEC as diplomatic shipments. These materials are collected by commission, in the presence of interested observers present, locked in safe boxes, sealed in the manner determined by the CEC and sent as diplomatic mail to the CEC in Kosovo. The same procedure is also used for receiving postal deliveries from a post office box outside Kosovo. The CEC issues special procedures for the counting of envelopes, packaging and delivery.

5. Voters who choose to vote by post may send their ballot packages directly to the post office box of the CEC in Kosovo, or to the address of the post office box outside Kosovo opened by the CEC, with the help of the representative office diplomatic office, in the state where the voter votes, or in the nearest state where the post office box is open.

6. The CEC, through sub-legal acts, shall determine the criteria and conditions that must be met by the facilities of diplomatic representations turned into voting spaces, as well as shall determine the maximum number of voters who can vote, for each diplomatic representation.

7. The CEC, through the sub-legal act, regulates the method of registration for voting in diplomatic representation, the method of voting, supervision, observation, distribution, packaging and sending of voting material and all other issues related to voting for citizens abroad.

8. The CEC, in cooperation with the Ministry of Foreign Affairs, evaluates the physical spaces for each diplomatic representation and, in accordance with the established criteria, takes a decision on the number of polling stations and on the number of voters for each diplomatic representation. Not later than five (5) days from the day of the announcement of election date, the CEC requires from MFA the list of all diplomatic representations together with the necessary details on the spaces of the premises. Ministry of Foreign Affairs shall be obliged to provide the CEC with all the required information within three (3) days from the day of the receipt of the request. MFA shall adapt the spaces of the premises of the diplomatic representations into polling stations according to the criteria determined by CEC.

9. The CEC removes each voter registered to vote from outside Kosovo from the List of Voters within Kosovo.

10. The CEC covers the expenses of polling station committees and teams that are engaged to organize voting in diplomatic representations and to collect envelopes in mailboxes abroad, including political party commissioners.

11. Teams that are engaged in order to vote abroad, are allocated to the voting list in the diplomatic representation in order not to lose the right to vote.

#### **Article 97**

##### **Application for a Ballot**

1. An eligible voter may apply to receive an Out of Kosovo ballot by submitting a completed Voter Registration Form through one of these ways:

1.1. through the electronic platform, which guarantees the applicant's verification;

1.2. by mail to one of the CEC P.O. Boxes.

2. Only in exceptional circumstances and in case of objective impossibility for registration, according to the electronic platform from sub-paragraph 1.1 of this Article, the CEC enables registration as a voter outside Kosovo also through personal e-mail, by sending the form and the necessary documents to electronic addresses determined by the CEC.

3. The CEC issues a special act for determining the procedures for application, registration and voting of citizens with the right to vote, living abroad.

#### **Article 98**

##### **Confirmation and Appeal Process**

1. The CEC shall notify each applicant whether his/her application has been accepted or denied.

2. Each applicant who has been rejected shall be able to appeal the decision to the ECAC. The CEC establishes a commission within the institution, which will examine the administrative objection submitted against the notification, while in cases of rejection the CEC issues a decision.

3. Every applicant whose administrative objection has been rejected has the right to appeal to the PZAP within forty-eight (48) hours from the acceptance of the decision. PZAP decides on the appeal within ninety-six (96) hours, from its submission.

### **CHAPTER XV**

#### **SPECIAL NEEDS VOTING**

#### **Article 99**

##### **General Provisions**

1. The CEC shall establish special needs voting rules for:

1.1. homebound voters: eligible voters who cannot leave their home to vote in person at a regular PS due to physical, medical, or any other kind of disability;

1.2. voters confined to an institution: eligible voters who are hospitalized, elderly people in specially designated homes for the elderly, persons of diminished mental capacity in institutions of health care, inmates in prisons and detainees in detention centres;

1.3. special circumstance voting: eligible voters living in communities who, due to relocation from the vicinity of their regular PS or security concerns, cannot vote at their assigned PS. This type of voting shall require the approval of the Municipal Election Commission.

### **Article 100**

#### **Adjudication Process**

1. The MECs shall issue a written notice provided by CEC informing any eligible voter or group of voters whose request for SNV was denied the right to submit a complaint to the VPNV informing them of their right to file a complaint with the Electoral Panel for Complaints and Submissions by the date specified in the notice.
2. The Electoral Panel for Complaints and Submissions examines each submission it receives in accordance with the Rules of Procedure and the deadlines set by this law and the CEC rules.
3. The Electoral Panel for Complaints and Submissions may order the CEC to include or exclude eligible voters from the VPNV voter list, based on its authority.

## **CHAPTER XVI**

### **THE COUNTING OF BALLOTS AND ANNOUNCEMENT OF ELECTION RESULTS**

### **Article 101**

#### **General Provisions**

1. The procedures of counting of the ballots shall be governed by the following objectives: accuracy, transparency, efficiency, capability for recount and repeat elections, and protection of the secrecy of the vote.
2. Regular ballots cast at Polling Stations within Kosovo will be counted at those Polling Stations immediately after the close of voting.
3. For the elections for the Assembly of Kosovo and the municipal assemblies, the counting of votes for political entities is done at the polling stations after the end of the voting and the relevant forms are filled out. Meanwhile, votes for candidates of political subjects are counted in municipal centres for counting ballot papers for candidates. Votes for mayoral candidates are counted at the polling station, immediately after the polls close.
4. Each municipality will have a municipal vote counting centre, in which the ballot boxes and election materials will be accepted, the votes for the candidates will be counted and evaluated, and the result forms will be filled out candidates for each polling station.
5. Municipal counting centres are set in large halls or sports gymnasiums. Vote counting places for candidates are made available to MECs, no later than ten (10) days before the election date. The MEC, not later than five (5) days before the date of the elections, invites political subjects, observers and members of the MEC to visit and familiarize themselves with the place where the votes are counted for the candidates. Counting is done providing full transparency. In the selection of the country, the CEC also takes into account the possibility of applying supporting technology for counting votes.
6. Before the opening of the municipal vote counting centres, the CEC prepares the necessary logistical infrastructure of the counting site in order to start and run the process of counting the votes of the candidates.
7. The CEC sets up work tables for each counting group, ensuring that they have enough space to carry out the vote counting process. The tables are placed in such a way that they are visible to MEC members, observers, candidates and media representatives.
8. Observers stand in front of the counting groups, at a convenient distance from the work tables. Observers may not have physical contact with the voting materials. The tables of the

counting groups and the seat of the MEC members must be in the same room where the vote counting process is carried out. The counting teams will reflect the composition of the KVV. The organizational scheme of operation and the number of counting tables for each vote counting place are determined by CEC rules.

9. The necessary logistical equipment for the vote counting process is provided by the CEC, in cooperation with other central or local bodies.

10. The CEC shall determine, through sub-legal acts, the criteria for the number of counting groups for each vote counting place, the way of organizing the work, the division of tasks between members of the counting group and the rules for the sequence of actions. The counting groups are appointed by the CEC, based on the nominations of the political parties and giving priority to the members of the voting committees who served on the election day. In cases when the political entity does not nominate members for counting, or nominates insufficiently, or when the counting staff of the political entities do not appear at the counting place, the CEC appoints counting staff from its staff.

11. The work in the MCC is directed by the MEC. The manager of the MCC is the leader of the MEC. The CEC recruits staff to support the work of the CEC and counting teams.

12. The MEC approves a counting schedule at the municipal counting centre for each polling station, for both observation and counting purposes. Counting begins the morning of the next day, after election day.

13. The data and results for each polling station are sent for tabulation to the CRC, immediately after the end of the work of each shift. Copies of the result forms are scanned, published and placed in places accessible to observers, as well as provided to political entities and candidates, upon request.

14. The counting procedures are regulated by the special rules of the CEC.

15. After the completion of all the procedures of counting the votes of the candidates, the materials are submitted to the CRC.

16. After finishing the counting of votes for the candidates and the entry of data and results in the CRC, as well as after the end of the period for appeals, the CEC shall announce the final results.

17. The CEC shall be obliged to guarantee a full transparency of counting the votes at MCC and CRC, including the opportunity of using the technology in monitoring, reading and scanning of materials.

### **Article 102**

#### **Reporting the Preliminary Count at the Polling Station**

1. Any member of the Polling Station Committee who objects to the recorded results at a Polling Station may record his or her dissenting opinion in the Polling Station Poll Book and may submit a remark to the ECAC in accordance with this Law.

2. The Chairperson of the Polling Station Committee and the CEC Supervisor, if present, shall be responsible for the compilation and accuracy of the counted results from the Polling Station recorded on the appropriate forms and shall forward the completed Reconciliation and Results Forms to the designated location.

3. The results of the counts at the PS shall be posted in the polling centre by its Chairperson.

4. Voting centres at the municipal level collect and systematize the preliminary results data, tabularly for each polling station and send them to the CEC on time.

5. The CEC summarizes the preliminary results of the polling stations and makes them public within forty-eight (48) hours from the closing of the polling stations.

### **Article 103**

#### **Storage of Ballots and Transportation of Election Material**

1. After completion of the count, all used and unused ballots, Final Voters List, Conditional Voters List, Poll Book, conditional ballot envelopes containing marked ballots, and other official election materials of the Polling Station shall be:

1.1. packed and transported in accordance with CEC rules

1.2. transported under secure conditions to a location specified by the CEC.

2. The Chairperson of the PSC shall accompany the transport of ballots and election materials to the designated collection point, and if requested, accompanied by a member from the opposition at the respective level chosen by consensus, or in absence thereof, drawn by a lot organized by the Chairperson.

3. The ballots, forms and the other election materials transported to the specified location in Kosovo shall be stored there under secure conditions until all complaints are resolved and results are certified by the CEC.

4. The CEC shall, by decision after the official certification of the results of the election, destroy specified election materials at an appropriate time within sixty (60) days, except as directed by ECAC.

### **Article 104**

#### **Observers**

1. All activities conducted at the MCC and CRC may be observed by CEC members, the CEC Secretariat's staff, Municipal Election Commission (MEC) members, and election observers accredited by the CEC.

2. The CEC takes a decision on assigning the number of observers present in the MCC and CRC. No entity can send more than one observer per counting table at the same time to the MCC and CRC. In case the CEC assesses that the number of observers present presents an obstacle to the counting process, it can instruct the entities to reduce their number.

### **Article 105**

#### **Complaints Concerning the MCC and CRC Process**

1. Complaints concerning the conduct of the count at the MCC and CRC shall be submitted in writing to the ECAC within forty-eight (48) hours from the alleged violation.

2. The submission of a complaint shall not interrupt or suspend the counting process.

3. All complaints to the ECAC shall be decided no later than seventy-two (72) hours from receipt of the complaint in the ECAC central offices.

### **Article 106**

#### **Election Results**

1. The CEC shall certify the election results after the completion of all polling station and counting centre procedures and when all outstanding complaints concerning polling and counting have been adjudicated by the ECAC and any appeal against the decisions of the ECAC related to them has been decided by the Supreme Court of Kosovo.

2. Prior to certification of the election results, the CEC may order a recount of ballots in any polling station, or counting centre, or a repeat of the voting in a polling centre or municipality.

3. The natural or juridical person, whose legal rights have been violated by the decision of the CEC, regarding the announcement of the final results of the elections, may submit a complaint to the ECAC, within forty-eight (48) hours from its announcement. The complaint is decided by ECAC within ninety-six (96) hours, from its submission.

4. The results of elections are completed and binding when they are certified by the CEC. The CEC shall publish the results of an election after they have been certified. The CEC Secretariat shall make public the following final results in a tabulated format including the publication on its web-site:

- 4.1. number of electors entered in the register of electors;
- 4.2. number of electors who have voted in each polling station;
- 4.3. number of electors who have voted outside the polling station;
- 4.4. number of electors who have voted (total ballots cast);
- 4.5. number of valid ballots received;
- 4.6. number of ballots unused;
- 4.7. number of used ballots;
- 4.8. number of invalid ballots;
- 4.9. number of blank ballots;
- 4.10. number of spoiled ballots;
- 4.11. number of votes for each Political Entity;
- 4.12. number of votes received by each individual candidate, when applicable;
- 4.13. number of seats granted to each entity;
- 4.14. names of candidates elected to office.

## **CHAPTER XVII**

### **VOTER INFORMATION AND MEDIA**

#### **Article 107**

##### **General Provisions**

1. The CEC shall, on a timely fashion, organize and sponsor a voter education campaign. It shall disseminate nation-wide, according to the Law on the Use of Languages, information on:

- 1.1. voting procedures; and
- 1.2. voters rights and procedures for protecting them and including complaint mechanisms.

2. In each polling station, on the day of the election, printed material, designed and produced

on behalf of the CEC, listing the names of all political entities and names of candidates, as well as voting procedures, shall be issued, displayed or published by the CEC Secretariat for the benefit of voters. The names of the candidates on such printed and displayed material shall be listed in the same order as they appear on the candidate lists as certified by the CEC in relation to the political entity that submitted them.

3. When conducting the voter education campaign, CECS shall pay particular attention to voters of social groups such as: women, non-majority communities, voters in rural areas, first-time voters and persons with disabilities.

#### **Article 108**

##### **Broadcasting of Voter Information**

1. The CEC shall produce material suitable for broadcasting by radio and television informing the public on the electoral process in Kosovo.

2. Informational material produced by the CEC for use on television shall contain means for its simultaneous transmission to hearing impaired persons in the sign language appropriate to the needs of language groups serviced by the broadcaster.

#### **Article 109**

##### **Violations**

If a radio or television broadcaster fails to comply with the provisions of this Law or implementing legislation, the CEC shall immediately notify IMC.

### **CHAPTER XVIII**

#### **ELECTORAL SYSTEM FOR THE ASSEMBLY OF KOSOVO**

#### **Article 110**

##### **General Provisions**

1. Kosovo shall be considered a single electoral district.

2. The political entity that is not an independent candidate is presented in the list of candidates in the country with Articles 28 and 30 of this Law policy and regulation of the CEC.

3. Each certified Political Entity shall appear on an "open list" ballot.

4. The voter is provided with a single ballot for election and marks on it:

4.1. vote for one (1) political entity;

4.2. the vote for one (1) to ten (10) candidates from the list of the political entity for which the voter voted.

5. If a ballot is marked for more than ten (10) candidates, then only the vote for the political entity is counted.

#### **Article 111**

##### **Distribution of Seats**

1. Seats in the Assembly shall be distributed according to the system of representation established by Article 64 of the Constitution.

2. One hundred and twenty (120) seats in the Assembly are elected by secret ballot, based on open lists and are divided between all parties, coalitions, citizen initiatives and independent candidates, in proportion to the number of valid votes, won by them, in the elections for the Assembly. Within this division, twenty (20) of them are guaranteed for the representation of communities that are not the majority in Kosovo, as follows:

2.1. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10);

2.2. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed.

3. One hundred and twenty (120) seats in the Assembly, as defined in paragraph 2 of this article, are divided based on the total number of valid votes that each political entity has won, as follows:

3.1. Amongst Political Entities representing Albanian majority community who have won at least five percent (5%) from general number of total valid votes for Assembly elections and Political Entities of the Kosovo Serb and other non-majority communities;

3.2. the total number of valid votes received by each Political Entity in the Assembly elections shall be divided by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, et seq. until the number of divisors used is equal to the number of seats;

3.3. The coefficients obtained from each division are listed in the list from the largest coefficient to the smallest one, listing next to them the subject to which the corresponding coefficient belongs. In case the quotient is a number with a decimal remainder, the nearest whole number is taken as the quotient. Subsequent quotients in descending order shall be used until all seats are allocated.

3.4. if a Political Entity is allocated seats equal to the number of candidates on its list and there are still seats to be allocated to that Political Entity, then the remaining quotients of that Political Entity shall not be taken into account.

3.5. a political entity benefits from a number of seats equal to the number of the largest coefficient, included in the list defined in sub-paragraph 3.3 of this Article, respecting sub-paragraphs 3.1, 3.2 and 3.4 of this Article.

3.6. In case a tie occurs during the division of the seat, because two or more entities have identical quotient, the seat shall be given to the entity that has the highest number of votes. If the political entities have an equal number of votes, the place is divided by drawing lots by the chairpersons of the CEC, in the presence of the authorized representatives of the political entities in question.

4. All the votes received by the candidates who are on the open list of the political subject are counted separately. The candidate lists shall be reordered in descending order based on the number of votes received for each candidate.

5. The seats allocated to a Political Entity in paragraph 2 of this Article shall be distributed to the candidates on the Political Entity's candidate list as reordered in paragraph 4 of this Article, starting from the first candidate on the list in descending order, until the number of seats allocated to the Political Entity is exhausted, regardless to the number of votes of candidates. Additional seats allocated to Political Entities representing the Kosovo Serb community and other non-majority communities as in paragraph 3 of this Article shall be distributed to the subsequent candidates on the Political Entity's candidate list reordered as in paragraph 4 of this Article.

6. If, after the allocation of seats as set out in paragraph 5 of this Article, the candidates of the minority gender within a Political Entity have not been allocated at least thirty percent (30%) of the total seats for that Political Entity, the last elected candidate of the majority gender will be replaced by the next candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least thirty percent (30%). This paragraph does not apply to the allocation of seats from a list consisting of one (1) or two (2) candidates.

7. No person who is a member of another elected legislative body may take a seat in the Assembly. An Assembly member who is or becomes a member of another elected legislative body after he takes up his or her seat in the Assembly, shall forfeit his or her mandate in the Assembly.

8. A person whose mandate is forfeited under this article shall be replaced in accordance with the provisions of Article 112 of this law.

#### **Article 112**

#### **Replacement of Assembly Members**

1. Seats allocated in accordance with the present Law are held personally by the elected candidate and not by the Political Entity. A member's mandate may not be altered or terminated before the expiry of the mandate except by reason of:

1.1. the conviction of the member for a criminal offence for which he or she is sentenced to prison term as provided by the Article 70 paragraph 3 sub-paragraph (6) of the Constitution;

1.2. the failure of the member to attend for six (6) consecutive months a session of the Assembly or the Committee(s) of which he or she is a member, unless convincing cause is shown as per Rules of Procedure of the Assembly;

1.3. the member's forfeiture of his or her mandate under Article 30 of this Law;

1.4. the death of the member;

1.5. mental or physical incapacity as determined by final Court decision; or

1.6. the resignation of the member.

2. A member of the Kosovo Assembly the term of which ceases pursuant to paragraph 1 of this Article shall be replaced as follows:

2.1. by the next eligible candidate of the same gender who won the greatest number of votes of the reordered candidate list of the Political Entity on whose behalf the member contested the last election if in such a case the guarantee of the mandatory minimum representation of the underrepresented gender is not violated, in the quota of thirty percent (30%) of the political entity.

2.2. only if there are no other eligible candidates regardless to his/her votes on the candidate list, by the next eligible candidate on the candidate list of the political entity that has had the largest quotient of votes under the formula set out in Article 111 paragraph 4 of this Law in the most recent election of the same type; and

2.3. if the member is an independent candidate, by the next eligible candidate on the candidate list of the Political Entity that had the next largest quotient of votes under the formula set out in Article 111 paragraph 4 of this Law.

3. Upon a seat becoming vacant, the Speaker of the Assembly shall make a request in writing to the President for the vacancy to be filled. Such request shall include an explanation as to how the vacancy arose.

4. Upon receipt of a request under paragraph 3 of this Article, President shall, if the explanation provided is satisfactory, request the CEC to recommend the name of a person to fill the vacancy. The CEC shall, within five (5) working days of being requested to do so, provide the President with the name of the next eligible candidate under paragraph 2 of this Article.

## **CHAPTER XIX EXPENSES/ COST OF ELECTIONS**

### **Article 113 Financing of Elections**

1. The Government of Kosovo finances the holding of the elections.
2. The CEC administers the funds designated for the conduct of the elections according to the rules set forth in this Law.
3. The budget of the CEC constitutes a separate line in the state budget.
4. The CEC determines the rules for distribution and use of election funds necessary for the conduct of elections by election commissions and the adequate functioning of the CEC Secretariat commensurate with its responsibilities, taking into account the applicable legislation on management of public finances.
5. The CEC may accept donations other than money that serve the electoral process, without infringing on its independence and authority.
6. Within sixty (60) days from the day of the official announcements of the election result, the CEC shall publish a complete report on the election expenditures and the manner of their spending.
7. The proper use of funds allocated for elections and donations are controlled by the Auditor - General of Kosovo.

### **Article 114 Public Support for Election Campaigns**

Public institutions, on equitable basis to all certified political entities and the CEC, shall make available their premises, equipment, means and other facilities for conducting the electoral campaign, in accordance with their normal procedures.

## **CHAPTER XX**

### **ELECTION COMPLAINTS AND APPEALS COMMISSION**

#### **Article 115**

##### **The Status and Appointment of the Elections Complaints and Appeals Panel**

1. The ECAC shall be a permanent independent body competent to adjudicate complaints and permitted appeals concerning the electoral process as established in this law and electoral rules.
2. The Judicial Council of Kosovo appoints the chairperson of the ECAC, from among the judges of the Supreme Court, while the members are appointed from among the judges of the Court of Appeal. The Judicial Council of Kosovo, in accordance with the nature of the work of the ECAC, approves a special act for the specific conditions and experience of the judges who can be appointed to the ECAC.
3. The ECAC members shall serve for a renewable term of 4 (four) years.
4. In case the position of the chairperson or a member remains vacant, the Judicial Council of Kosovo appoints a person to that position within thirty (30) days.
5. ECAC submits an Annual Report to the Judicial Council of Kosovo, at the latest on March 1 of the following year after holding the elections and after its review, the same is published. The form, structure and content of the report is determined in advance by the Judicial Council of Kosovo.
6. In addition to the report from paragraph 5 of this Article, the Judicial Council of Kosovo, within the annual report related to the justice system that it sends to the Assembly of the Republic of Kosovo, as defined in paragraph 8 of Article 108 of the Constitution, in a separate chapter, it also summarizes the work of ECAC for the year in which the elections were held.
7. For the performance of their duties, the chairperson and members of the ECAC are responsible before the Judicial Council of Kosovo.

#### **Article 116**

##### **Composition of ECAC**

1. The ECAC shall consist of eleven (11) members. The ECAC may gather in separate sessions of at least three (3) members.
2. The appointed ECAC members shall in the period starting sixty (60) days prior to election day and until certification of election results give full priority to their obligations as ECAC members. All relevant authorities are required to afford to ECAC any assistance which ECAC may need in said time period.

#### **Article 117**

##### **Procedures of ECAC**

1. ECAC approves a special act for the procedures for submitting and settling complaints by authorized parties, as determined by the provisions of this law.
2. ECAC meetings or panels are open for public. When deciding on a complaint, the ECAC shall examine and investigate all relevant evidence and holds a hearing if it considers this necessary. In cases where the complaint is filed by the political entity and the disputed issue is related to the certification and the election result of the political entity or the candidate for mayor, the hearing with the parties is mandatory. The hearing is not applied in the process of examining the complaints of individual candidates of political entities.

3. Adjudication on complains by ECAC shall be based on clear and convincing evidence.

4. The ECAC may order a recount of the ballots in a polling station or polling centre and an examination of the balloting material as part of its investigation into a complaint or appeal.

### **Article 118**

#### **Decisions**

1. The ECAC shall accept a complaint well-grounded and dismiss a complaint that does not meet this standard.

2. The ECAC shall provide the legal and factual basis for its decision in writing. The ECAC provides copies of its written decisions to the parties involved, within seventy-two (72) hours from the moment of submission of the complaint in case it affects the certification of the election results. For other decisions, ECAC provides copies of its written decisions to the parties involved in the case, within five (5) calendar days.

3. ECAC decisions shall be published in accordance with ECAC's rules of procedure.

4. The decision of the ECAC can be appealed to the Supreme Court of Kosovo, as well as the ECAC can review any of the decisions taken, after the presentation of new facts by the interested party. An appeal to the Supreme Court of Kosovo may be submitted within forty-eight (48) hours from the acceptance of the decision of the ECAC, in case the fine involved is higher than five thousand Euro (5,000€) or if the matter affects a fundamental right. The Supreme Court of Kosovo shall decide within five (5) days from the submission of the complaint.

5. The ECAC decision is binding upon the CEC to implement, unless the Supreme Court of Kosovo determines otherwise.

### **Article 119**

#### **Complaints**

1. A person who has a legal interest in a matter within the jurisdiction of ECAC, or whose right concerning the electoral process as established by this law or electoral rule have been violated, may submit a complaint to the ECAC within forty-eight (48) hours from the moment the polling station closes and ECAC decides on the appeal within ninety-six (96) hours from its submission.

2. The Office may submit a complaint to the ECAC in respect of a Political Entity failing to comply with this law or CEC Rules affecting the electoral or the registration process.

3. The ECAC shall not consider a complaint concerning a decision of the CEC, as set under this Law.

4. The ECAC may impose sanctions on a Political Entity for violation of this law or CEC rules committed by the members, supporters and candidates of the Entity. A Political Entity may submit evidence to the ECAC showing that it made reasonable efforts to prevent and discourage its members, supporters and candidates from violating this law or electoral rules. The ECAC shall consider such evidence in determining an appropriate sanction, if any, to be imposed on the Political Entity. Prior imposing the fine, ECAC requires the political entities to immediately avoid the violation within the specified period. This applies to violations that can be avoided and do not have major and irreparable consequences.

5. The ECAC may upon its own discretion consider matters otherwise within its jurisdiction, when strictly necessary to prevent serious injustice.

6. The provision of false information to the ECAC shall be a violation of this law that the ECAC may sanction.

## **Article 120**

### **Remedies and Sanctions for Violations**

1. The ECAC may, if it determines that a violation of this law or CEC rules has occurred:
  - 1.1. order a Political Entity or observer organization to take remedial action;
  - 1.2. prior to certification of the election results and under exceptional circumstances in the sole discretion of ECAC, nullify the results of a specific polling station or direct the CEC to order a repeat of the voting in a polling centre if considers that it has an impact on the final results.
  - 1.3. impose a fine on a Political Entity of up to fifty thousand Euro (50.000€).
2. Failure to pay a fine or comply with an order of the ECAC within the time period specified in a decision of the ECAC shall be a separate violation of this law that may be sanctioned additionally by the ECAC.
3. If a violation of this law or an electoral rule, undermining the integrity of elections, has occurred, the ECAC may:
  - 3.1. remove a candidate from a candidates list when it is determined that the candidate was responsible for the violation;
  - 3.2. remove a candidate or candidates from the candidates list of a Political Entity and not allow that Political Entity to replace such removed candidates, if the ECAC determines that the Entity was responsible for the violation;
  - 3.3. decertify a Political Entity from participating in the election; and
  - 3.4. prohibit an individual from participating in an election held under the authority of the CEC, either as a candidate or a member of an electoral administrative body, for a period not exceeding six (6) years.
4. The funds allocated from the fines imposed by the ECAC shall be remitted into the budget of Kosovo.
5. The imposition of a fine or other sanction by the ECAC does not prejudice any criminal sanction that may apply.

## **Article 121**

### **Secretariat of the ECAC**

1. The ECAC shall be assisted in its responsibilities and functions, supported by a Secretariat which shall operate in accordance with this Law and is subject to the rules of responsibility of public officials of the administration of justice institutions.
2. The Judicial Council of Kosovo, by a special act, approves the organizational structure and the classification of the positions of the ECAC Secretariat, including the regulation of the aspects of the working relationship of the officials. The officials of the ECAC Secretariat have the status of public officials employed in justice institutions.
3. The Secretariat of the ECAC:
  - 3.1. receive complaints;

3.2. archive, translate and investigate cases;

3.3. maintain an official address and access to information at all times about the decisions of the ECAC in all official languages as per the Law on the Use of Languages.

3.4. conducts research and legal analysis related to election disputes.

#### **Article 122**

##### **Election, mandate and responsibilities of the director of the Secretariat**

1. The ECAC Secretariat is led by its director, who answers to the ECAC and has the mandate of a high-level management official and is appointed based on the procedures defined in the law in force for Public Officials and is responsible for:

1.1. all administrative issues related to the operation of ECAC;

1.2. preparation of ECAC panels ensuring that all necessary material is available;

1.3. leading the Secretariat and issuing administrative procedures for any issue related to the functions of ECAC;

1.4. leading and organizing the work of the Secretariat;

1.5. supervising the work of Secretariat officials;

1.6. managing the budget of the Secretariat and is responsible for the manner of its expenditure, in accordance with the relevant legislation;

1.7. issuing decisions in accordance with the mandate and powers of the Director of the Secretariat;

1.8. drafting and approving the annual work plan within the mandate of the Secretariat;

1.9. performing other duties and responsibilities determined by the Judicial Council of Kosovo related to the ECAC.

#### **Article 123**

##### **The procedure for electing the Director of the Secretariat**

1. The procedure for the selection of the Director of the ECAC Secretariat is carried out by the Judicial Council of Kosovo, which appoints the selection committee composed of five (5) members as follows:

1.1. General Director of the Secretariat of the Judicial Council of Kosovo, chairperson;

1.2. General Director of the Secretariat of the Prosecutorial Council of Kosovo, member;

1.3. a university professor with at least ten (10) years of experience in the field of human rights or electoral law, member;

1.4. Secretary General of the Assembly of the Republic of Kosovo, member;

1.5. a representative from among civil society organizations, with at least five (5) years of experience in the field of human rights or electoral law.

2. The procedure for the election of the Director of the Secretariat is based on the principles of competitiveness, non-discrimination, transparency, integrity and objectivity.

3. The procedure for the election of the Director of the Secretariat begins six (6) months before the expiration of the regular mandate of the Director.

4. Except from paragraph 3 of this Article, when the mandate ends before the time, as determined by the law in force for high-level public officials, the procedure for appointing the Director of the Secretariat begins within thirty (30) days from the day of release position.

5. The Judicial Council of Kosovo announces the competition for the election of the Director of the Secretariat, in print and electronic media, in the official languages. The duration of the contest cannot be shorter than fifteen (15) days, nor longer than twenty (20) days.

6. After the expiration of the period provided for in paragraph 5 of this Article, the Commission, within a period of fifteen (15) days, evaluates whether the candidates meet the conditions for appointment.

7. The Commission conducts an interview with each candidate who meets the conditions to be elected Director of the Secretariat.

8. The procedure is valid only if the majority of the members of the Commission participate. The members of the Commission that begin interviewing candidates cannot be changed during the process. The Judicial Council of Kosovo approves a special act for the qualifications of candidates and the components of their evaluation, including all aspects of the procedure and its administration.

9. Candidates who pass the threshold of at least fifty percent (50%) of the points from each area that is evaluated, are placed on the short list as a proposal for ECAC.

10. The short list from paragraph 9 of this Article cannot contain less than two (2) and not more than five (5) candidates, in which case the candidates who are ranked with the highest points are placed on the list.

11. The Commission's proposal contains justification for why the Commission has given preference to some candidates compared to other candidates.

12. ECAC, by open voting, with the majority of votes of all its members, elects the Director of the Secretariat.

#### **Article 124**

##### **Criteria for the election of the Director of the Secretariat**

1. Candidates for the Director of the Secretariat must meet the minimum criteria as follows:

1.1. be a citizen of the Republic of Kosovo;

1.2. have a university degree in the field of law;

1.3. have a high professional reputation and personal integrity, and have not had a disciplinary measure imposed in the last five (5) years;

1.4. have at least eight (8) years of professional work experience, of which five (5) years of managerial experience;

1.5. have not been found guilty of a criminal offense;

1.6. in the last six (6) years, he has not exercised a function in political subjects or he has not been a candidate, elected or appointed in legislative or executive bodies at the central and local level.

**Article 125**  
**The ECAC budget**

The ECAC Secretariat has the annual budget separated by the Assembly of Kosovo to cover the expenses for its operation, based on the budget proposal submitted by the Judicial Council of Kosovo.

**CHAPTER XXI**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 126**  
**ECAC Staff**

1. The members of ECAC, appointed prior to adoption of this law, continue their regular mandate until its legal termination.
2. The current leader of the ECAC Secretariat is automatically appointed acting Director of the ECAC Secretariat until the recruitment of this position, which begins one year after the entry into force of this law.

**Article 127**  
**Sub-legal acts**

1. The sub-legal acts provided for by this law are issued within a period of six (6) months from its entry into force.
2. The CEC is obliged to harmonize and systematize the administration staff (CEC secretariat) within six (6) months from the entry into force of this law, in accordance with this law and the law in force on Public Officials.

**Article 128**  
**Abrogation**

With the entry into force of this law, Law No. 03/L-073 for the General Elections in the Republic of Kosovo and Law No. 03/L-256 on amending and supplementing the Law No. 03/L-073 on the General Elections in the Republic of Kosovo as well as Article 3 of Law No. 08/L-122 on amending and supplementing Law No. 03/L-174 on Financing of Political Entities, amended and supplemented by Law no. 04/L-058 and Law No. 08/L-122 as well as Law No. 03/L-073 on General Elections in the Republic of Kosovo amended and supplemented by Law No. 03/L-256 shall be abrogated.

**Article 129**  
**Entry into force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-228**  
**8 June 2023**

**Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo**