



## **PRELIMINARY STATEMENT**

**21 November 2017**

### **Highly Competitive Second Round of Mayoral Elections**

---

#### **EXECUTIVE SUMMARY**

---

- On 19 November a second round of the mayoral elections was held in 19 out of 38 municipalities of Kosovo including in the largest municipalities of Prishtinë/Priština, Prizren and Gjilan/Gnjilane. In the Parteš/Partesh municipality the mayoral elections were repeated on the same day based on a decision by the Supreme Court to annul the first round of elections.
- The election day was calm and orderly. The EU EOM observers visited 292 polling stations on election day. Opening and voting were positively assessed by observers and the counting was mostly conducted in a transparent and efficient manner. However, some important aspects of the voting and counting process need to be addressed to further improve the election day process. Voters' understanding of the voting procedures continues to be an area where much improvement is needed. Assisted voting was frequently requested, and not always by voters unable to cast a ballot independently. The secrecy of the vote was negatively affected by practices such as family and group voting. In addition, access to polling station premises for persons with disabilities proved challenging, with slightly more than half of the polling station visited accessible for persons with reduced mobility.
- The campaigning continued in a predominantly calm atmosphere. The contestants were able to campaign freely and generally refrained from the use of inflammatory language. The EU EOM noted heightened tension in Gjakovë/Đakovica and Mitrovicë/Mitrovica (South) where competitors accused each other of unfair campaign tactics.
- The atmosphere in the Kosovo Serb-majority communities of Parteš/Partesh and Kllokot/Klokot was polarized but without any incidents. The representatives of both mayoral candidates in Parteš/Partesh have accused each other of continued acts of vote buying and pressure on their supporters. Despite complaints about intimidation of his supporters from mayoral candidate of Srpska Lista, the candidate of Citizens' Initiative Kllokot/Vrbovac made the announcement of joining Srpska Lista shortly before the elections also receiving official support from its representatives.
- Broadcast media during the five days election campaign offered fairly balanced news coverage, but largely focused on five out of 20 mayoral races. By contrast, monitored broadcast media organized several election debates for all municipalities. Major political parties continued to profit from a loophole in the law allowing them to purchase an unlimited amount of sponsored programs.

---

\* This designation is without prejudice on status, and is in line with the UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

The EU EOM published a Preliminary Statement of its findings and conclusions on the first round of voting, which occurred on 22 October. This Statement addresses election developments since then, and it should be read in conjunction with the Statement issued after the first round.

- The share of invalid and blank ballots for the 22 October municipal assembly elections remains much higher than the share for the mayoral elections. The total rate of invalid ballots for the municipal elections was 8.7 per cent. The number is exceptionally high in the European context, however there is a small decrease in comparison to the 2013 municipal elections when the rate of invalid ballots was 10.1 per cent.
- Ballot boxes from almost 30 per cent of polling stations across Kosovo had to be recounted mainly due to unprofessional work of the Polling Station Committees (PSC). The Count and Results Centre (CRC) recounted 717 municipal assembly ballot boxes, which did not pass the audit of the result forms. The EU EOM's analysis is based on a large sample of the result forms. Significantly, ten per cent of the forms analysed showed discrepancies of more than five votes for a political entity, with the largest difference being 123 votes.
- The process of recounting at the Count and Results Center (CRC) was conducted in the presence of observers from political entities, and assessed by the EU EOM observers as mostly transparent. Overall, the CRC plays an important role in providing a much-needed additional level of scrutiny over the election process and remains indispensable to ensure correct polling station data.
- The Election Complaints and Appeals Panel (ECAP) has dealt with a high number of complaints and appeals within the tight time frame mandated by law, but the panel's practice to reject complaints which were filed correctly after the closing of the polling stations as essentially premature has led to an accumulation of appeals after the publication of results and to a prolongation of the process leading up to the certification of results.
- Six appeals against the first round mayoral election results were submitted to the ECAP. The panel found an appeal by the mayoral candidate for the Citizens' Initiative Narodna Sloga regarding vote buying as grounded, and decided to annul the mayoral election results in Parteš/Partesh, ordering the Central Election Commission (CEC) to repeat these elections in the entire municipality.
- Although the CRC recounted 717 municipal assembly ballot boxes, the ECAP still received a very high number of appeals after the publication of the final municipal assembly results. Out of the 505 appeals received the ECAP approved 177, ordering the CEC to recount 440 ballot boxes.
- Seven out of the 17 incidents involving an intervention by the police and the prosecution throughout Kosovo on 22 October are still under investigation. In Parteš/Partesh, the police arrested two persons charged with giving bribes in exchange of votes in favor of Srpska Lista's mayoral candidate. In Gjakovë/Đakovica two persons were arrested on similar charges, but with a less obvious connection between the aid given and the votes expected in favor of a certain candidate.

---

*Upon an invitation by the President of Kosovo issued on 25 April 2017, the EU deployed an Election Observation Mission (EOM) on 12 September to observe the municipal and mayoral elections called for 22 October 2017 and the 2<sup>nd</sup> round of mayoral elections called for 19 November 2017. The EU EOM is led by Mr Alojz Peterle, Member of the European Parliament, and former Prime Minister of Slovenia. In*

*total, the EU EOM deployed 72 observers from 25 EU Member States, Norway and Switzerland across Kosovo to assess the whole electoral process against international and European standards for democratic elections as well as the laws of Kosovo. 15 observers from the diplomatic representations of EU Member States, as well as from the EU Office/EUSR also joined the mission to observe election day proceedings. On election day, observers visited 292 polling stations to observe voting and counting.*

*This preliminary statement is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, in particular, the tabulation of results, and the handling of possible post-election day complaints and appeals, where necessary. The EU EOM will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.*

---

## PRELIMINARY FINDINGS

---

### POLITICAL BACKGROUND

The second round of mayoral elections was held in 19 municipalities including the largest ones of Prishtinë/Priština, Prizren, Gjilan/Gnjilane and Ferizaj/Uroševac. Ten candidates from the Democratic League of Kosovo (LDK), ten from the Democratic Party of Kosovo (PDK), six from Vetëvendosje (VV) and six from the Alliance for the Future of Kosovo (AAK) competed in the runoffs. Nisma, Alternativa, New Kosovo Alliance (AKR), Srpska Lista and Citizens Initiative Kllokot/Vrbovac presented one candidate each. One independent candidate competed in the runoffs. Only eight women ran for mayor and two made it to the second round in Gjakovë/Đakovica and Mitrovicë/Mitrovica (South). In the municipality of Parteš/Partesh Srpska Lista was running against the candidate of the Citizen Initiative Narodna Sloga. In this municipality the mayoral election was repeated based on the Supreme court decision to annul the first round.

### ELECTION DAY

The EOM visited 292 different polling stations on election day. Opening and voting were calm and orderly, and counting was mostly conducted in a transparent and efficient manner. However, important aspects of the voting process leave room for improvement.

Access to polling station premises for people with disabilities was difficult, with little over half of visited polling stations being fully accessible. The layout of the polling stations was not suitable for people with reduced mobility in over one fifth of the polling stations observed.

Opening was observed in 24 polling stations, which generally opened on time. Polling staff and political entities' observers were noted to arrive late in a few cases, which caused minor delays. Opening was positively assessed in all observed polling stations.

Voting was conducted calmly and, overall, the voting process was positively assessed in all except two of the visited polling stations, with polling station staff performing well and conducting operations in a transparent manner. Women were under-represented in polling station committees, accounting for 26 per cent of the polling staff in the observed polling stations.

Voters' understanding of the voting procedures continues to be an area where improvements are needed. Assisted voting was frequently used, and not always by voters unable to cast the ballot by themselves. A percentage of assisted votes higher than 10 per cent was observed in 43 polling stations. The secrecy of the vote was negatively affected by practices such as family and group voting, which were observed in 15 polling stations.

Campaign materials were observed near 18 of the visited polling stations. A few reports of activists gathering outside polling centers were received by the EOM, but the presence of police prevented escalations.

Domestic observers were present in over 90 per cent of visited polling station and the respective two candidates were both represented by observers in over 85 per cent of observed polling stations.

Counting was observed in 29 polling stations and in 25 of them it was positively assessed. Polling staff performed their duties transparently and were, with notable exceptions, competent. In two of the polling stations visited closing procedures were not properly followed and in one other polling station ballot reconciliation was problematic. In two polling stations results forms were not posted. Counting in one polling station in Parteš/Partesh was particularly problematic, with political entities' observers interfering with the process and alleging fraud. In this polling station half of the ballots cast were counted as blank, having no ink mark, but presenting indentations.

The EU EOM observed handover of materials in 23 Municipal Election Commission (MEC) premises. Despite minor issues, all of them were positively assessed. Facilities were inadequate in three MECs and almost half of them were overcrowded, however the work of the MECs was conducted professionally. In one third of visited MECs polling staff needed to make minor corrections before submitting materials.

On 19 November, the Chief Prosecutor's control room reported 23 investigated incidents, of which only one led to a criminal proceeding. On 20 November, the ECAP received 10 complaints regarding voting and counting.

#### **ELECTORAL CAMPAIGN**

The political environment in most of Kosovo following the first-round of the municipal and mayoral elections was calm. Political parties accepted the results. Some have raised concerns about a high number of invalid ballots, inaccuracies in the voter list, misconduct of polling staff during the voting and counting process, instances of vote buying and continued pressure on voters especially affecting non-majority communities.

Campaigning continued immediately after election day, albeit in a more subdued manner, mainly involving door-to-door activities and direct contact with voters in private locations and targeting specific groups of voters like women, youth and entrepreneurs. The official campaign took place over the 13-17 November period. Most political entities ran campaigns with limited resources and prioritized spending on sponsored TV programs, posters and organizing small-scale events with voters. Contestants were able to campaign freely and generally refrained from the use of inflammatory language. The EU EOM noted heightened tension in a few municipalities where the second round was tightly contested, for instance in Gjakovë/Đakovica and in Mitrovicë/Mitrovica (South) where competitors accused each other of putting undue pressure on voters. The incumbent mayor of Mitrovicë/Mitrovica (South) accused his competitor of unfair campaign tactics, despite the fact that both parties were members of the ruling coalition. The EU EOM observers were informed that representatives of non-majority communities such as Roma, Gorani, Ashkali and Egyptians continued to be subject to pressure and intimidation. In Prishtinë/Priština observers noted aggressive political rhetoric, with the two candidates resorting to accusations directed at each other rather than discussing content of their policies and election platforms.

The majority of political entities started campaigning with small-scale events and organized rallies only in the last days, with messages on healthcare, education, unemployment and local infrastructure. Women continued to be under-represented in the campaign. The electoral manifestos of nearly all political entities have offered limited details on specific policies encouraging more engagement of women in public life.

The contestants have generally complied with the legal requirements for the campaign. However, the EU EOM observers received reports of isolated instances of vote buying in Parteš/Partesh and Gjakovë/Đakovica. The EU EOM also received reports on the misuse of administrative resources by PDK in Klinë/Klina and by LDK in Podujevë/Podujevo in a limited number of cases. There were allegations that AAK had used the issuing of publicly funded veteran certificates to influence voters in Klinë/Klina, Istog/Istok and Rahovec/Orahovac.

The atmosphere in the Kosovo Serb-majority communities of Parteš/Partesh and Kllokot/Klokot was polarized but without any incidents. The representatives of the CI Narodna Sloga and Srpska Lista in Parteš/Partesh have accused each other of continued acts of vote buying and pressure on their supporters. Despite intimidation against Božidar Dejanović, the candidate for mayor of CI Kllokot/Vrbovac and his supporters, throughout the campaign period, Dejanović joined Srpska Lista shortly before the elections and after receiving official support from their representatives.

## **MEDIA**

The Law on General Elections (LGE), which also regulates the conduct of the media during local elections, applies only during the official election campaign. In the period from 23 October to 12 November, monitored broadcasters offered limited news coverage of election related topics, which mainly focused on the publication and commentary of election results and on the composition of election alliances for the second round. Some private TV channels commenced to host election debates as well as one-to-one interviews with contestants for the runoffs immediately after the first-round election day.

During the five-day election campaign for the second round, from 13 to 17 November, the public TV *RTK1* and monitored private broadcast media offered a fairly balanced and largely neutral news coverage of political parties and candidates.<sup>1</sup> However, most of the news coverage of mayoral elections, 72 per cent, focused on the race for five municipalities out of 20.<sup>2</sup> Positively, *RTK1* and the main private broadcasters enabled candidates to convey their messages by organizing several election debates for each municipality. Between the two rounds, all candidates took part in at least one and up to seven election debates, except for contestants running in the Serb-majority municipalities, who did not participate in any debates. In addition, during the election campaign, Vetëvendosje, PDK and LDK continued to profit from a loophole in the law allowing them to purchase an unlimited amount of sponsored programs.

The Independent Media Commission (IMC), during previous elections, sanctioned some recurring media violations only with warnings, without obtaining any effect. Indeed, the same violations were observed during the election campaign for the 22 October elections. In a positive discontinuity with its previous decisions, on 10 November, the IMC fined the broadcasters that breached the law. Most of the violations were related to rules on broadcasting of paid political spots, including the presence of children, failure to provide a fair and balanced coverage and to respect the campaign silence period. The IMC continued to oversee the broadcast media coverage for the second round election campaign, without observing major violations or receiving complaints.

## **ELECTION ADMINISTRATION**

For the second round of the mayoral elections, the CEC appointed the PSC members attributing an equal number of chairperson positions to competing political entities. As for other PSC member

---

<sup>1</sup> The EU EOM monitored two public TV channels (RTK1, RTK2) and four private TV channels (RTV 21, KTV, Klan Kosova and TV Dukagjini) daily from 17:00 to 01:00, and a sample of online news media.

<sup>2</sup> Prishtinë/Priština 24 per cent, Mitrovicë/Mitrovica (South), and Gjakovë/Đakovica 14 per cent each, Gjilan/Gnjilane 12 per cent and Ferizaj/Uroševac 8 per cent. The mayoral race for Prizren, the second largest municipality of Kosovo, received only 4 per cent of the news coverage in all monitored broadcasters.

positions, political entities had the right to confirm or replace their members from the first round. Some political parties replaced their PSC members accordingly.

For the runoff elections the period for the Out-of-Kosovo (OoK) postal voting was 14 days, from 4 November to 17 November. As the certification of the first-round of the mayoral results by the CEC was lengthy and prolonged by the appeals process in six municipalities, OoK voting for the second round was partially affected. The CEC had to delay by three days the posting on its website of the mayoral runoff ballots for three municipalities, Obiliq/Obilić, Kamenicë/Kamenica and Istog/Istok.

Following the 22 October election day, the CEC and the CRC focused on the tabulation and the publication of the results as well as the preparations for the second round. The process of recount and the tabulation of results were very lengthy. A rather high number, 43 per cent, of ballot boxes for the municipal assembly elections had to be recounted, reflecting poor performance by the PSCs during the vote count and the filling of results forms for the municipal assembly elections. Prior to the second round most of the trainings observed for the PSC staff and for mobile voting teams prioritized lessons learnt and shortcomings observed during the first round. However, some PSC trainings were assessed as being rather brief and formalistic. Overall, the CEC did not provide systematic feedback to MECs about the polling staff's performance and all the deficiencies detected at the CRC level.

The CEC tasked the CRC to give priority to the establishment of the results for the first round of the mayoral elections, which were announced on 31 October and certified by 6 November. The total number of voters who took part in the first round of the mayoral elections was 833,910, representing 44.1 per cent of the electorate, approximately a three per cent increase in voter participation compared to the 2017 legislative elections.<sup>3</sup> The number of invalid ballots in the first round of the mayoral elections was 2.6 per cent.

The CEC published the municipal assembly election results for all 38 municipalities on 9 November. Detailed data included a breakdown of results by municipality and polling station, including preferential votes and municipal assembly seats allocated to political entities. The share of invalid ballots for the municipal assembly elections was 8.7 per cent, which was more than three times the rate of invalid ballots in the mayoral elections and represents only a slight improvement compared to the 10.1 per cent rate in the 2013 municipal assembly elections. Insufficient voter education and the complexity of the ballot for the municipal assembly elections may have accounted for such a high number of invalid municipal assembly ballots.

The tabulation process at the CRC level was complex and clearly structured, but it moved forward in a rather slow pace. On 23 October the CRC received election materials from all polling stations and quarantined 135 boxes during the intake stage due to irregularities. Five boxes for the mayoral elections and 22 boxes for the municipal assembly elections had to be recounted at this stage.

At the audit stage, the CEC decided to recount ballots of only eight boxes for the mayoral elections but a record high of 695 boxes for the municipal assembly elections mainly due to detected discrepancies in the number of votes for political entities and preferential votes for candidates. The CEC did not publish the analysis of the results of the recount process. According to the EU EOM's analysis comparing protocols before and after 257 recounts, 55 per cent of them showed minor discrepancies of up to a five-vote difference for political entities. One third of the protocols did not show any discrepancy in the vote for entities, but for candidate preferences only. Significantly, 10 per cent of the forms analysed showed discrepancies of more than five votes for a political entity. The highest number of ballots wrongly counted for a political party was 123. In addition, after the appeal period, the CRC had to recount 440 municipal assembly ballot boxes

---

<sup>3</sup> In the first round of the 2013 mayoral elections the voter turnout reached 46.3 per cent.

based on the ECAP's decisions. The ECAP included in these recounts also 71 boxes, which had already been recounted by the CRC.

To increase transparency, the CEC decided to order complete recounts of votes for all political entities and all candidates in cases of discrepancies and to post all results forms from the original vote counts at the polling stations and the new result forms for all counts and recounts at the CRC on its website. The process of recounting at the CRC was conducted in the presence of observers from political entities, and assessed by the EU EOM observers as mostly transparent.

Overall, the CRC plays an important role in providing a much-needed additional level of scrutiny over the election process and remains indispensable to ensure correct polling station data. Even though the level of transparency at this stage has increased, there is still much improvement required regarding accuracy, efficiency and quality control.

### COMPLAINTS AND APPEALS

The ECAP has dealt with a high number of complaints and appeals within the tight deadlines mandated by the law, but the panel's practice to reject complaints which were correctly filed after the closing of the polling stations as essentially premature has led to an accumulation of appeals after the publication of results and prolonged the process leading up to the certification of results.

After the first round election day on 22 October, the ECAP rejected most of the 263 complaints related to voting and counting and filed correctly within 24 hours of the closing of the polling stations as not allowed, referring complainants to submitting appeals after the publication of the final results. This concerned both the mayoral and the municipal assembly elections. The ECAP adopted this approach to avoid multiple complaints regarding the same polling station, as well as to allow appellants to prepare better formulated appeals and to collect more evidence. However, there is no concrete legal basis for the rejection of these complaints as not allowed.

Following the CEC's publication of the results for the mayoral elections, six appeals were submitted to the ECAP within the 24-hour deadline. The panel found as grounded an appeal by the mayoral candidate for the CI Narodna Sloga regarding vote buying, and decided to annul the mayoral election results in Parteš/Partesh, ordering the CEC to repeat the election in the entire municipality. The mayoral candidate of Srpska Lista appealed to the Supreme Court, which upheld the ECAP decision on 7 November.

After the publication of the final municipal assembly results, the ECAP received 505 appeals, which they had to resolve within 72 hours. Due to the short time frame, the panel cannot conduct extensive investigations in hundreds of cases. The ECAP approved 177 of the 505 appeals, ordering the CEC to recount 440 ballot boxes, and rejected 268 appeals as ungrounded, mostly for lack of evidence<sup>4</sup>. One appeal was not allowed, two were rejected as filed after deadline, and 47 as irregular, not fulfilling the formal requirements.

### ELECTORAL DISPUTES

Seven out of the 17 incidents involving an intervention by the police and the prosecution throughout Kosovo on 22 October are still under investigation, as well as some incidents, which were reported shortly before the elections. The bulk of these regarded possible electoral crimes including giving or receiving of bribes in relation to voting, abusing the right to vote, obstructing the voting process, violating the confidentiality of voting, and destroying voting documents.

---

<sup>4</sup> Most of the approved appeals provided evidence of mismatches between the results forms and the published results on the CEC's web page. Another group of the approved appeals provided as evidence written statements of certain numbers of voters confirming to have voted for a candidate, while the published results did not show these votes for this candidate. Yet another set of appeals provided as evidence the statements of the PS members who confirmed to the candidates that they had received more votes after the count in the PS than in the published results.

Suspects were often detained for 48 hours on orders of the prosecutor and then released into the regular procedure. Several voters who had photographed their ballots were interrogated and detained for up to 48 hours due to investigations on the grounds of the suspicion of having been bribed. This is a harsh measure, but may help to deter and reduce future vote buying attempts. In one case in Dragash/Dragaš, the driver of a mobile team who was suspected of stuffing a mobile ballot box was ordered detained for 30 days until 21 November.

In Parteš/Partesh, a bribery related case involving the mayoral candidate from Srpska Lista is still under investigation. On 21 October, the police in Gjilan/Gnjilane arrested two persons under the charge of giving bribes in exchange of votes in favor of the Srpska Lista candidate. The detainees were put under house arrest. During a hearing, a group of 30 supporters of the Srpska Lista candidate entered the building where the prosecutor's office was located. After the KP Special Forces appeared, Srpska Lista supporters left the building and the hearing continued. As opposed to the two other persons implicated in this case, the candidate was not put under house arrest. Another case regarding allegations against Srpska Lista buying votes related to the municipal assembly elections has also been under investigation by the prosecutor. The evidence in the case regarding the mayoral elections in Parteš/Partesh was particularly viable. In another case of arrests for alleged vote buying in Gjakovë/Đakovica by means of distributing food packages, the connection between the distribution of aid and votes for a particular candidate is less overt, certainly to the public.

#### **CIVIL SOCIETY AND DOMESTIC OBSERVERS**

Democracy in Action (DiA), a coalition of NGOs, which is the main domestic election observer group, monitored only the official campaign period with a reduced number of long term observers compared to the first round and presented a statement after the end of the campaign. On 19 November DiA deployed 1,784 observers in all polling stations of the 20 municipalities where elections took place. Shortly after the polls closed on election night they presented early election results based on their observation.

With limited resources, civil society organizations have attempted to provide voter education activities and sometimes have facilitated the dialogue among candidates and voters. NGOs like Handikos have raised concerns over the accessibility of polling locations for persons with disabilities and Roma in Action has deployed observers on election day.