



International Observation Mission to Kosovo Municipal Elections 2009	
Misioni Ndërkombëtar i Vëzhgimit në Kosovë për Zgjedhjet komunale 2009	Međunarodna posmatračka misija - Lokalni izbori na Kosovu 2009

Interim Statement on First Round of Municipal Elections and Certification of Results

While the first round of municipal elections conducted in the Republic of Kosovo were held in a calm and orderly atmosphere, the breaches of procedure noted, and the prolonged process of finalising the results give basis to some concerns.

Pristina, December 8th, 2009

The ENEMO international observation mission has observed the electoral process in Kosovo since the beginning of October and issued its first preliminary statement on November 16th, 2009, (available at www.enemo.eu). The following interim statement reflects the observation of the November 15th Election Day and the process of collecting and publishing the final results. The mission will remain in Kosovo to observe the second round of elections on December 13th. For more information please see the end of this document

The Central Election Commission endeavoured to create the necessary conditions for an efficient and positive conduct of the election process. This work was carried out in a transparent manner to overcome obstacles and challenges faced in the first elections since independence. However, due to shortcomings noted on Election Day and challenges in the process of tabulating and certifying the results observed, the ENEMO mission would like to take this opportunity to give some findings and recommendations for improvements in the second round.

Election Day

- A precise instruction on the acceptable Identification Documents is crucial in order to prevent disenfranchisement of the voters. The second round should represent an opportunity for more precise instructions to the election officials in regards to the issue which IDs are valid and acceptable for a citizen to cast a vote;
- The irregularities spotted and stated by ENEMO refer to the fact that some commissioners within the polling stations have allowed a number of actions that defer from the international standards. The significant number of cases of family voting noted meant that the secrecy of vote was not preserved in this regard. Therefore, for the voting on the 13 December, the members of the polling station committees should implement the voting procedure in accordance with the Law on General Elections and the instructions issued by the Central Election Commission;
- The stakeholders should refrain from using public administrative resources in the course of the campaign;

Tabulation, publishing and certification of results

The Central Election Commission has made significant efforts to conduct elections in line with international standards. Administrative and technical errors made at the polling stations (PS) and municipal election commissions (MEC) level became apparent during the long and arduous compilation of results process at the Count and Result Center (CRC). The process after the Election Day has revealed shortcomings:

- ***Materials packing and transfer***

The process of material transfers from the PSs to the MECs and then to the CRC took longer than expected and was not according to the originally planned schedule.

Not all polling station staff had followed the packing procedures accurately and election materials required corrections or were missing which resulted in delays of counting as polling stations' materials had to be placed in quarantine waiting for further investigations.

- ***Publishing of the results***

To be able to publish early preliminary results the CEC decided to introduce a system where SMS messages would be sent from each polling station. The system did not work but the CEC managed nevertheless to publish preliminary results within two days based on tabulations made at the MEC level.

These published preliminary results had however many inconsistencies due to missing polling station results and numerous calculation errors which caused misinterpretation and confusion among the stakeholders.

Final results for Mayoral election were published on 27 November and certified on 4 December which was only one day before the start of the campaign period for the second round. Final Municipal Assembly results were published on 1 December.

- **Tolerance level for errors during reconciliation**

Administrative and tabulation errors forced the CEC to increase the level of tolerance for discrepancies encountered between the number of signatures on the voters' lists and the number of ballots found in the ballot boxes. The new level was set to +/- 9 instead of +/- 3 as regulated in CEC electoral rule.

Despite this high level of tolerance CEC invalidated the results from 6 polling stations where the level had been surpassed. There was never any discussion regarding an eventual repeated voting possibility for the disenfranchised voters at these polling stations.

- **Turnout concerns**

Although the certified results showed that the overall turnout for the first round in Kosovo was 44,7%, there were polling stations with an exceptionally high turnout, in a number of cases higher than 90% and a few cases with 100%. Considering the previously determined inconsistencies of the voters list the above mentioned turnout may raise concerns. Furthermore, CEC invalidated 2 polling stations with more than 100% turnout.

- **Complaints and Appeals process**

The Elections Complaints and Appeals Commission (ECAC) is the body responsible for adjudication of any complaints and appeals in relation to elections. ECAC has received 340 complaints up to date out of which 214 have been adjudicated. Most accepted complaints have resulted in ECAC's decisions to fine Political Entities for breaching the Code of Conduct during the campaign period. The most significant decision was related to the invalidation of the results from 15 polling stations as a result of fraudulent actions of the polling staff connected with manipulation of voters' lists.

It is important that these actions by the polling staff are regarded as a criminal offence and as such are pursued by the appropriate institutions.

ECAC did not exercise its power according to the Law on General Elections to direct the CEC to repeat the voting for these 15 polling stations. Thus the voters were denied their possibility to express their will due to the misbehavior of the polling staff.

This statement is also available in the Albanian and Serbian language.

However, the English version remains the only official document.

The European Network of Election Monitoring Organizations (ENEMO) is a group of 22 leading civic organizations from 17 countries of Eastern and Central Europe and Central Asia. ENEMO member organizations have monitored more than 140 national elections and trained more than 190,000 observers. ENEMO seeks to support the international community's interest in and promotion of democracy in its region of engagement, to assess electoral processes and the political environment, and to offer accurate and impartial observation reports. ENEMO international observation missions evaluate the electoral process using international standards for democratic elections and benchmarks in the assessed country's legislation and constitution.

Following the invitation of the President of the Republic of Kosovo, PhD. Fatmir Sejdiu to observe the Municipal Elections 2009, on 12 October, 2009, ENEMO's Core Team arrived and prepared to deploy 12 long-term observers in 6 teams covering all territory of Kosovo to monitor the pre-election environment including the political campaign and activities of the election administration ahead of the 15 November. On the Election Day on 15 November, ENEMO deployed 106 election observers who visited 563 polling stations, throughout all municipalities in Kosovo where elections are held.

For this particular Election Observation Mission ENEMO observers are coming from 16 organizations members of ENEMO and additional 8 different states from Europe and Eurasia.

The ENEMO observation preliminary report is based on observations of the long- and short-term observer's findings in reference to international standards and national election legislation. The mission emphasizes that this interim statement does not render a final assessment of the entire election process. ENEMO will defer its final assessment until the end of the election process which includes the second round elections, the vote count, announcement of the results and the potential complaints to be addressed. A preliminary statement for the December 13th Elections will be given on Monday, December 14th, and in January a final report will be published.