

Civil Society Forum “Reform” For Genuine Election Reform

For more than two years, the Forum “Reform” has worked on the preparation of proposals regarding the reform of the electoral system. Some of our earlier recommendations have been accepted by the Election Reform Commission and were included in the draft law. Now that the election reform is again ongoing, though hasty, we have an opportunity to advocate for range of proposals that were not accepted earlier. Forum “Reform” uses the opportunity to submit the following recommendations to the Legislation Committee, hoping that these recommendations will be taken into account during the work that follows. Civil society has been persistently engaged in maintaining open lists, because they provide voters with decision-making powers and the opportunity to vote for their preferred representatives. Closing of electoral lists would strip citizens of decision-making powers, while moving them in the hands of the leader of the political entity, and is essentially a step backwards. Forum “Reform” believes that electoral reform should be as substantial as possible, although the tight deadline hinders progress in some of the key issues, as they require time. We submit the list below to the Legislation Committee on behalf of Forum “Reform”:

ELECTION SYSTEM

1. Remove preferential votes, simplify voting and ballot design (the law minimizes the discretion of CEC)

The opportunity for abuses is reduced significantly with removal of preferential vote, where voter ticks only one person. Voting should be simplified adopting the model of one vote – one candidate (the tick for the candidate implies also the vote for the party). Ballots should list names of candidates, not only numbers.

2. Election threshold to be reduced to 3% which does not apply for independent candidates (by law)

Reduction of election threshold provides more opportunities to new parties, thus election threshold should be reduced to 3% on the national level, which should not apply for independent candidates and political entities that do not represent the majority community. The requirement that an independent candidate has to win 2.5% of votes to gain the right to office presents a violation, as elaborated in a special paper developed by the civil society and the Ombudsperson. Moreover, the increase of threshold for coalitions raises fear from new entities in the Assembly. Forum “Reform” believes that we should not be threshold-free, because it creates instability in governance. Thus, we concluded that the golden mean implies a threshold of 3% for both parties and coalitions.

3. Organize seven districts in a proportional system (by law)

Districting provides for a better representation throughout the country, strengthens the ties between MPs and their electorate, weakens the hierarchy within the party and calls for their internal democratization. Districting is technically an easy task because it would be based on one of the existing systems of organization, such as phone area codes. One third of seats in the Assembly would remain compensatory, to ensure gender and proportional representation of smaller entities. This model has been exhaustively elaborated in another report and may be sent separately.

ELECTION MANAGEMENT BODIES

4. Balanced CEC between ruling and opposition parties (by Constitution, for later discussion)

CEC Composition should be balanced between the ruling and opposition parties, in order to avoid over voting, while the number of members should be increased for 2. The Chairperson should continue being a Supreme Court judge and CEC should be a neutral arbiter of election administration. This change applies only in case Constitution is opened for amendments.

5. Reduce CEC legislative competencies (by law)

In accordance with EU recommendations, CEC legislative competencies should be abolished and the majority of current electoral rules should be incorporated into the law. CEC should issue only technical instructions. In order to address this, the Commission should review every CEC Electoral Rule, and should integrate most of them (excluding the regulations of technical nature) into the law. Special attention should be paid to issues that seem technical, that should not be left to the discretion of an enforcement body (such as number of signatures for new entities).

6. CEC Secretariat apolitical and professional (by law)

Empower the role of CEC Secretariat, while the CEO should enjoy protection and have responsibilities of a senior civil servant. Election of the CEO by CEC political members subjects the CEO performance to pressure and may create bias during the decision making process. CEC Secretariat should be the primary focus of the capacity building efforts.

VOTERS' LIST (FOR MIA, CEC AND MUNICIPALITIES)

7. Clean the list and maintain accurate voters' list, and remove conditional voting (foresee enforcement mechanisms)

Voters' list should be accurate, while failure to update the list leads to consequences, including the need to keep conditional voting, and lack of visa liberalization. Responsibility should not be shared but held only by the Ministry of Internal Affairs, which should develop an awareness raising campaign aimed at citizens, about updating of addresses, while municipalities should be required to effectively remove the names of deceased persons. Accurate addresses would enable each person to vote on his/her closest polling station, and shall reduce chances of sending persons away to other polling stations on the Election Day. Cleaning of voters' lists would allow removal of conditional voting which has proven very problematic in the past, both in terms of violations, and delays in results' publishing.

8. Special list for Diaspora (to be provided by law)

Upon recent amendments to the civil register, MIA shall require every person who is issued a document, to state the primary address, even if the address is not in Kosovo. Consequently, regular polling stations for most of Diaspora would be established in our consulates abroad. This would enhance their turnout, and would get them closer to their homeland.

9. Deadline for confirmation and challenge to the Voters' List should be extended (to be provided by law)

The deadline to check and challenge the voters' list should be extended while the list should be public from the declaration of Election Day (4-6 months before Election Day) until 3 weeks before Election Day.

POLLING CENTERS

10. Polling Station Committee members should serve in other municipalities, not in places they come from (to be provided by law)

Polling Station Committee (PSC) members should not be voters from municipalities assigned to them on Election Day (also each member of a PSC should come from a different municipality).

11. Detailed procedures manual (law should assign this duty to CEC)

Manuals for Polling Station Committee members should describe even the smallest details. Besides training manuals, additional manuals on procedures should be developed. After every election, training manuals should be updated with new issues presented, and solutions found.

12. Strict attitude towards crowds in the corridors, and the role of school directors (law should assign this duty to CEC)

We have to ensure that no persons wander about the polling centers. Role of school directors should be such that they either are empowered and this responsibility sought from them or another solution found, that is apolitical or involves replacement with another more balanced body. Also, number of political entity accredited observers should be reduced, not exceeding one observer per polling station and maximum of 10% of reserve. Observers should be required rigorously to keep their ID cards visible at all times.

13. Booths should face the opposite side compared to their current position (to be provided by law)

The back of the voter should remain visible to observers and Polling Station Committee members. Hereby, we preserve the secrecy of vote, and prevent various forms of manipulations, such as the so-called "Bulgarian Train", or taking photos of the ballot paper.

COUNTING AND ELECTORAL JUSTICE

14. Final election results (to be detailed by law)

Final certified election results should be consistent from year to year and disaggregated for each polling station. All results should be made transparent, including the number of voters, valid, empty, spoiled, rejected, accepted, returned ballots, results by entity and candidates per polling station, and all these should be offered by statistics management software.

Please find attached: Detailed recommendations on CEC, election system, voters' list.

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