Lessons Learned for Future Elections

An Analysis of the Mayoral By-Elections in Ferizaj and Kaçanik

Democracy for Development
Demokraci për zhvillim
Demokratija za razvoj

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An Analysis of the Mayoral By-Elections in Ferizaj and Kaçanik

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INPO
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Executive Summary

Democracy for Development Institute (D4D) and the Initiative for Progress (INPO) used the added scrutiny on the mayoral elections in Ferizaj and Kaçanik to comprehensively assess the electoral processes and make actionable recommendations for the key stakeholders. The two sets of elections came after the mayors of both municipalities were forced to leave office as they were found guilty of criminal charges.

This was the first voting process following the contentious national level elections a-year-and-a-half earlier, which were marred by fraud and irregularities. This paper recognizes important changes that have improved the electoral process. However, it also identifies continuous and systemic irregularities that persist.

D4D and INPO's joint observation mission utilized the experience of past observers by assigning them to the most potentially problematic areas. Observers were deployed in areas other than those of their residence, to limit a tendency for local solidarity and to enhance their impartiality. As a result of this deployment tactic, we enriched and improved observer reports. We recommend that CEC adopt a similar policy for deploying polling station commissioners.

Several important electoral successes pioneered by D4D increased awareness regarding electoral fraud and generally ensured a more competitive voting process. The institute pushed the authorities to allocate polling commissioners proportionally, to reduce the likelihood of abuse. A second major success was the placement of election observers behind commissioners, as opposed to across from them, which vastly improved their monitoring of the process. An accurate parallel vote tabulation was part of the observation efforts, whereby preliminary results were made public less than an hour after the closure of the voting process.

On Election Day, D4D and INPO evidenced several forms of voting irregularities. Propaganda by party militants in corridors, excessive influence by school directors, and politicization of the election administration remain worrisome. This paper elaborates several forms of potential voter intimidation, either through pressure by party officials overcrowding polling centres or through various forms of solicited vote buying. In addition, voters did not appear to have adequate information on how to vote and were also subject to a preponderance of political propaganda in and around polling stations. The evidence of eight ballots from the first round, which were found in rejected conditional ballots raise suspicion of the presence of chain-voting. The high turnout between 5 and 7 pm remains worrisome.

It is positive that the low turnout is indicative of fewer voting on behalf of those absent. D4D noted an unsatisfactory level of female turnout and inaccessible polling centres for disabled persons. Women's turnout remains low although it has improved since 2007.

The Democratic Party of Kosovo (PDK) won both the elections in Ferizaj and Kaçanik, the first in a run-off. While the Democratic League of Kosovo (LDK) was able to garner about 42% of the vote in the Ferizaj run-off, it saw a severe decline (from its historical results) in its performance in Kaçanik, securing only 6% of the vote. The Vetëvendosje Movement (VV) came in third in both elections. While the distribution of votes between urban and rural areas was rather similar in Ferizaj, results indicated that PDK performed far better in Kaçanik rural areas than it did in the town.

A long list of recommendations is offered at the end of the paper which should be taken up by the Parliament and the CEC.

Introduction

This paper provides an analysis of the election process as observed during the extraordinary mayoral elections in Ferizaj and Kaçanik. The paper utilizes qualitative and quantitative reports from observers as collected before and during Election Day. The analysis covers all the stages of the electoral process beginning from the observation of the Central Election Commission in its preparations, the campaign, Election Day and the certification of results.

As an active contributor to the election reform process, Democracy for Development (D4D) Institute teamed up with Initiative for Progress (INPO) to observe the election campaign and election process in both municipalities. The Volunteer Observation Mission (VOM) fielded the largest and most widespread independent observation mission for the extraordinary elections in Ferizaj and Kaçanik, with an observer in every single polling station.

The paper comes around half a year after the elections, but its aim was not to report on specific violations. The purpose is to analyze the process in greater depth and draw lessons for future elections. The paper reports on the integrity of the process and suggests improvements that should be adopted for implementation by the authorities and for inclusion in the legislation under reform.

It must be noted that organizing mayoral by-elections in one municipality at a time should not be taken as barometer of the process and presents the best-case scenario. Compared to full-fledged elections, mayoral elections are significantly less challenging for the authorities to organize.

Their small scale allowed observers to scrutinize the process. However, the presence of worrisome phenomena only confirms the suspicion that given the current setup, Kosovo-wide elections would see major problems.

In addition to election observation, D4D regularly observes the work of the Central Election Commission (CEC), and during their functioning, it observed the work of the Parliamentary Committee on Election Reform and the Working Group on Election Reform. D4D also set up a civil society Forum for Democracy that has deliberated and reached consensus on numerous topics related to electoral legislation.

Observation of the afore-mentioned institutions and preparations for the two mayoral races enabled the civil society to include two main changes to prevent fraud before taking place. Two last-minute changes introduced under pressure from the civil society somewhat restored credibility in the process. The last section of this paper recommends additional changes to the authorities.

Context

In March 2012, the Supreme Court upheld a two-year sentence for a death that the Mayor of Ferizaj caused in a traffic accident. In May 2012, the same court also upheld a sentence to the Mayor of Kaçanik due to intimidation and unlawful possession of weapons. The two Mayors resigned from their posts, and extraordinary elections were called to fill these positions.

The two extraordinary mayoral by-elections occurred a year and half after the 2010 national elections, notorious for the "manipulations of industrial scale".[1] These by-elections presented a good opportunity for the election management to return some of the trust lost. A high dose of discomfort followed the preparations due to the fear of repetition of the previous manipulations.

These elections came at an auspicious moment for the ongoing election reform process. While the deliberating committee faces a deadlock on the reform of the electoral

system, a fresh Parliamentary committee on election reform should prioritize the debate how to narrow the space for manipulation.

Two Main Improvements

In parallel to voting observation, changes in the electoral practice were achieved. As parties and individual politicians become more sophisticated in committing fraud, civil society and election management must keep up and learn to identify and report it.

Proportional Allocation of PS Commissioners

A suspicious aspect of the electoral process was the role of polling station (PS) commissioners. It is surprising that the law or secondary legislation does not regulate their deployment to specific tasks on Election Day. As an essential part of the electoral process, the negligence to regulate the work of the commissioners cannot be accidental.

Civil society was concerned that a particular role for commissioners was crucial and could have been instrumental in allowing voting by proxy. The ID controller has the key role that can enable voting on someone else's behalf or signing next to someone else's name.

It is even more suspicious that information about allocation of commissioners was kept away from the CEC members. Our requests to scrutinize the distribution and allocation of commissioners as per their role in the polling station committees went unheeded.

D4D managed to get a hold of the distribution lists which listed names in groups of seven, but it took consultations and some analysis to realize the worrisome results - three quarters of the ID controllers had been allocated to PDK and one quarter to LDK. While LDK seems to have been part of the scheme, the silence from other parties indicates that they were not aware of the technique. This is an illustrative example about the worrisome lack of opposition inside the CEC.

D4D raised this concern on a popular late TV program.[2] Although the program ended just before midnight, the CEC hastily organized a meeting which took place at 9 am the next morning. The CEC did not inform D4D (as an accredited observer) about the meeting and a senior official did not shy away from asking the D4D observer how he found out that a meeting had been scheduled.

How Commissioners were Distributed Among the Parties

	PSC1	PSC2	PSC3	PSC4
1 PCS Chairperson	PDK	LDK	VV	AKR
2 Identification Officer	LDK	PDK	PDK	PDK
3 Ballot Provider	VV	VV	LDK	LDK
4 Box Guard	AKR	AKR	AKR	VV
5 Row Controller	AAK	AAK	AAK	AAK
6 Assistant	PD	PD	PD	PD
7 Assistant	LB	LB	IC	IC

… and it continues like this for all PCSs

Some CEC members used defamatory language against the D4D representative. Nevertheless, at the very same meeting, the CEC decided to take exactly the action that D4D proposed, instituting a proportional allocation of ID controllers among all entities.

The worthiness of the proportional allocation was so high that it was not only used for the first round in Ferizaj, but also for the second round and in the mayoral by-elections in Kaçanik. It is highly advisable that such 'detail' is transformed into a common practice. It should not remain at the discretion of Kosovo's politically-charged CEC but it should be included in the Law on Elections.

Polling Station Set Up

New Position Observers

Ballots Provider

Identification Officer

Ballot Box

Chairperson of PSC

Voting Cabine

Observers

Row Controller

Old Position Observers
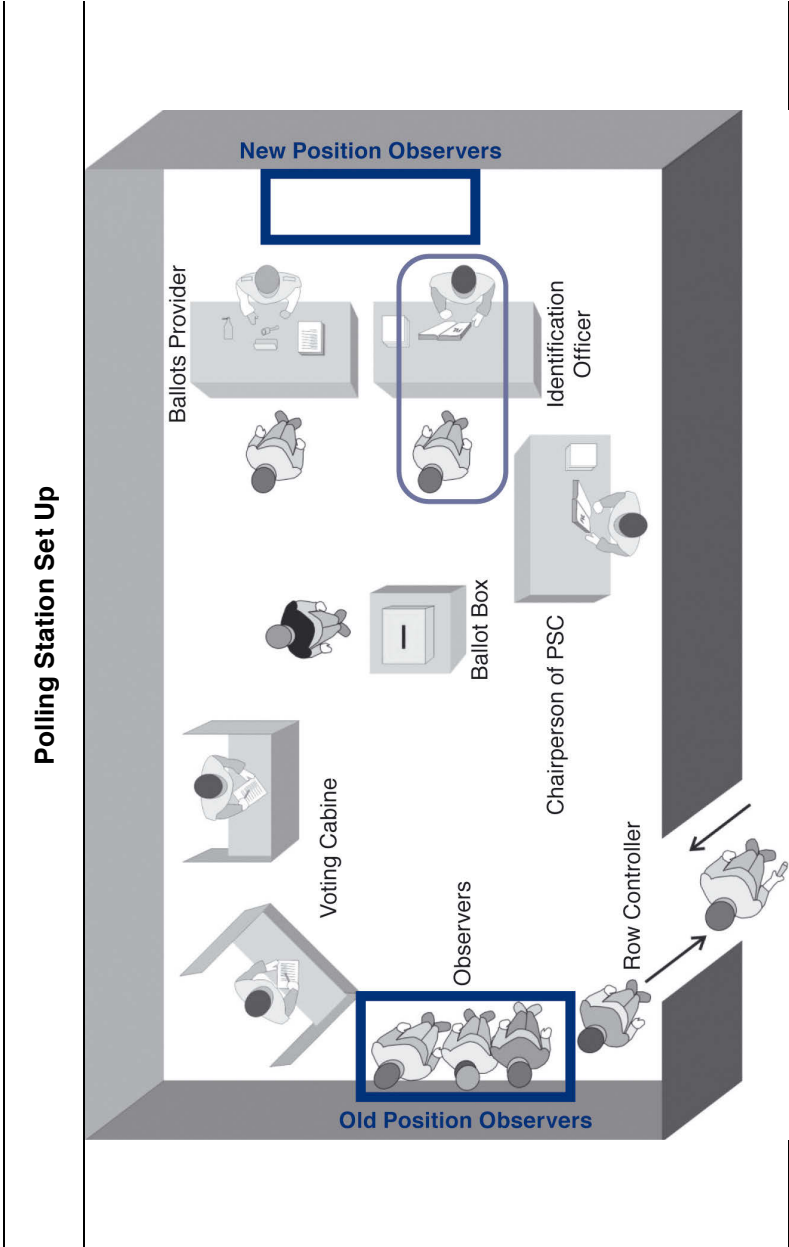
New Position for Observers

There was also a major concern that observers could not actually observe whether one votes with her ID card or signs by his name. This led to the request to allow observers to sit behind the ID commissioners. We insisted on the ability to be able to closely observe the voting process, as the law provides.

The former seating arrangement enabled physical proximity, but observers were not able to exercise scrutiny of the voter identification and signature. The new arrangement allows observers to compare one's name on their ID card with names in the Voter List as well as the photo in the ID of the voter. This proposal was also approved by CEC.

In the first round in Ferizaj, in 5% of the polling stations, observers were not allowed to sit behind the commissioner in order to control identification documents. This problem was not repeated in the second round or in Kaçanik, which testifies to the fact that commissioners got used to this type of observation, as required by the new procedures.

The Volunteer Observation Mission

Observers have also monitored the work of the Municipal Election Committees (MEC) and long term observers (LTOs) followed the preparations and the campaign. D4D and INPO recruited 124 observers for each round of elections in Ferizaj and 42 observers in Kaçanik (a total of 290 observers). Three to four mobile teams of two visited various polling centres (PCs) during Election Day. Their regular routes of deployment were sometimes interrupted to dispatch them to areas as violations were reported.

The Campaign and the Pre-election Silence were thoroughly monitored by qualified long-term observers (LTOs). Drawn from INPO staff, LTOs were trained on how to report on the main events organized by political entities and were equipped with adequate forms. During the five day electoral campaign, LTOs attended main events organized by political entities and prepared written reports, describing the nature of the events, detailing incidents and breaches of the Code of Good Conduct. Reports on electoral campaign and pre-electoral silence were published on the web-sites of D4D and INPO and were often cited by the media.[3]

Up to 20 persons were active in the call centre of our observation mission, responsible for data collection, data entry, drafting press-releases, addressing logistic issues and maintaining contact with the media.

Introducing Novelty

D4D maintains a database of the results of all past elections, by polling station. Based on three indicators from previous years: (a) suspiciously high turnout, (b) reports of abuse from previous elections, and (c) experience and seniority of observers, the Observation Mission carefully matched the most experienced observers with the polling stations that were most likely to see fraud.

The Voluntary Observation Mission (VOM) now maintains a roster of observers who have covered three sets of elections and who were individually evaluated on their performance. This enables targeted deployment of future observation missions where fraud is most likely.

Based on lessons learned from previous missions, the Observation Mission fears that local solidarity is very high. Using commissioners and observers from the same area often prevents them from being impartial. Even if they have no tendency for fraud, peer pressure is often high and forces commissioners and observers to turn a blind eye to fraud committed by fellow citizens or party-members.

Despite the additional logistical complications, the mission decided to deploy observers away from their area of residence. The lesson learned is that it was worth the effort, and the data collected on Election Day and the reports in the forms were richer than in the past. D4D has lobbied for a similar policy for the deployment of commissioners to be adopted by the CEC or to be included in the law.

Immediately after the first round in Ferizaj, our observation concluded that fraud inside polling stations has been brought to a minimum. Despite the short time between the elections of Ferizaj and Kaçanik, the observation mission tried to refocus and observe areas surrounding polling stations, including the polling station hallways, the immediate outside area, and the street. In this manner, observation attempted to better assess the scale of vote-buying and voter intimidation.

All the information gathered from static and mobile observers, from the preparatory phase until the voting ended, was entered into a database. The information was thoroughly analyzed and the results are presented in this paper.

Election Day Monitoring

On Election Day (ED), the election process started before dawn and observers monitored the hand-over of sensitive material (UV lamps, indelible ink, ballots) to chairpersons of the polling station committees (PSCs). A detailed written report was prepared by observes for the handover of sensitive materials.[4] No significant problems were noticed during this process.

Around 70% of our observers arrived at their designated polling station before 6:15 am to observe preparations, and all but one (289) arrived ahead of the start of the voting process at 7:00 am.

Each polling station (124 in Ferizaj and 42 in Kaçanik) was covered by at least one observer. Observers stayed in the polling stations until the counting process was concluded and submitted their forms to a designated supervisor.

Each observer was equipped with an Election Day Form (ED Form), composed of around 70 questions pertaining to the process from the preparations to the concluding of counting at the PS. These questions were processed quantitatively and were used for this report.

Parallel Vote Tabulation (PVT) and Media Outreach

During all three election days, Ferizaj's initial election, followed by a run-off election and Kaçanik's election, D4D/INPO issued three press releases, a press conference at the closure of the day, and responded to numerous other media inquiries. The *first* press release (issued at 08:30) reported on the timeliness of opening of polling stations and whether they were fully equipped for the electoral process.

A call centre was established in our temporary headquarters (INPO's offices in Ferizaj). The call centre collected

violations and incidents as they unfolded and was constantly in contact with observers and polling centre coordinators for turnout at various times during the day.

The team in charge of collecting reports of fraud and incidents was joined by additional volunteers three times during the day, to collect turnout at noon, at 5 pm and results once they were counted. The CEC collected turnout at 11 am and at 3 pm.

The turnout measured at noon was published along a summary of the process at 13:00 in the *second* media communiqué.[5] The turnout measured at 17:00 was published along a summary of violations at 18:00 in the *third* communiqué.[6]

The closure, the final turnout and preliminary unofficial results were aired in a press conference quickly after the closure of the electoral process (at 20:55 in Ferizaj in the first round and at 20:25 in Ferizaj in the second round and in Kaçanik). The Central Election Commission (CEC) reported almost identical figures around an hour-and-half later with the assistance of a commercial contractor. The results were immediately posted on both our website ready to be accessed by the general public and media.

The early publication of results is always beneficial to lower the tension, grant additional credibility to the process, and reduce the likelihood of disputing the results.

Institutional Performance

The CEC's technical preparations for the extraordinary elections in Ferizaj went through some turbulent phases and heated discussions. This paper treats most issues related to the process in thematic sections, but matters under the direct responsibility of the CEC are discussed here.

The electorate in Ferizaj and Kaçanik increased compared to the last elections and this increased the number of polling stations (an increase of two in Ferizaj) and voters per polling station (from 750 to 950). Due to a simple voting procedure (one tick for mayor), the increase was not problematic, but it is worrisome if the same policy is used for other elections in the future.

The CEC approved the number of ballots to be printed, 5% more than the number of eligible voters on Voter List (VL). However, the actual number of ballots planned for print exceeded were closer to 10%. After a complaint by an opposition party at the CEC, the number was reduced to 5%[7].

There were numerous cases of intervention by CEC and MEC staff on Election Day. An outrageous example was an intervention by a staff member of the CEC who was sent to address a heated dispute in Ferizaj. A voter insisted to vote although a signature had been placed next to his name, indicating that he had already voted. The official pragmatically suggested allowing him to vote by writing his name additionally and placing his signature.[8]

In Doganaj, civil society observers reported a case when a PDK observer attempted to vote with the copy of his ID (prohibited by law) which led to commotion when the Head of the PSC did not allow him to do so.[9] At a polling station in Glloboçicë, there were reports of a PDK observer performing the role of commissioner by spraying the index fingers of

voters, with the permission of the PSC. Vetëvendosje reported that PDK observers in Kovaçecë repeatedly loaned their observer IDs to other individuals who were not accredited as observers—so that they could remain in polling centres and exercise pressure on voters. Even in Ferizaj, observers noticed that in some polling stations (PSs), PDK observers changed their polling stations very often thereby causing disturbances within PSs.

Commissioners were ill-equipped to stop family voting, willingly tolerating it as a widely accepted norm. At the same time, training was clearly inadequate and numerous commissioners lacked the understanding about electoral rules.

Observers reported cases of commissioners uncertain how to place already counted ballots in appropriate bags.[10] In 11% of PSs, observers reported that less than five commissioners were present in the PS. Often only two or three commissioners were present during the voting process.

Voter Information

The CEC-financed and organized voter information campaign on the election process was very symbolic. The CEC decided that the information campaign would include (a) a TV clip to get out the vote and (b) setting up two stands in Ferizaj instructing voters how to vote. These static points in Ferizaj were also active one day before polling. The CEC also sent out letters to newly registered 18-year-olds who just acquired the right to vote. They also reported that they sent letters to voters whose polling centre had changed due to the change of their residence address. D4D/INPO used national and regional media coverage to call on citizens to go out and vote for the elections in Ferizaj and Kaçanik.

Inside the polling stations, information on how to vote was missing in almost a fifth of polling stations in the first round

and in around 40% of these stations in the second round. This is worse than the national average of 4% in 2007.[11] Candidate lists were not put up (as procedures require) in almost half of the polling stations.

Materials & Equipment at Polling Stations

Legend:
- Ferizaj 1st round
- Ferizaj 2nd round
- Kaçanik

No candidate list: 32%, 41%, 44%

No information on how to vote: 19%, 39%, 17%

UV light not tested for proper functioning: 3%, 17%, 2%
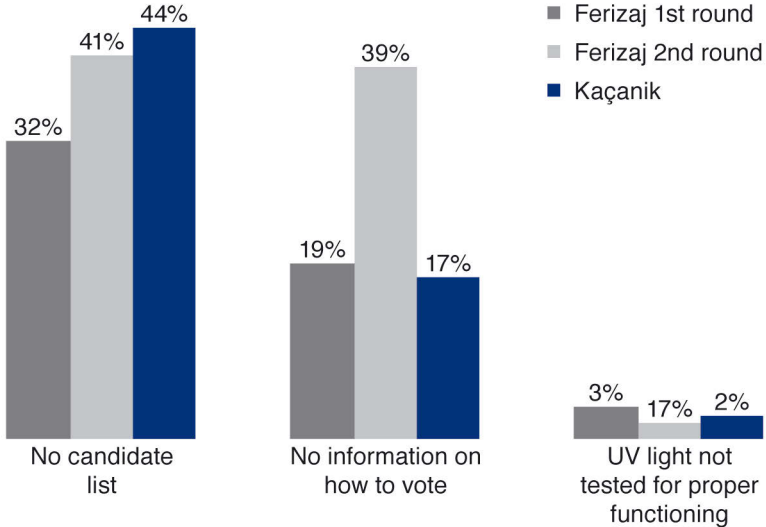
Sensitive Material

The Municipal Election Commission (MEC) is responsible for arranging Election Day ground operations in any given municipality. One of the main tasks of the MEC is to hand over the sensitive material to polling station chairpersons early in the morning. In Ferizaj, the hand-over process went well except for three cases when persons other than chairpersons received the sensitive material.

More alarming for ensuring a process safeguarded by fraud was that in 14-17% of polling stations (in the 1st and 2nd

round in Ferizaj) the indelible ink was not shown as packed by the producers (7.5% in Kaçanik). Currently, the ink is packaged by the CEC along other material, while D4D insists on a requirement that the ink has a seal from the original producer.

In 1.6-3.3% of the polling stations (in the 2nd and 1st round in Ferizaj respectively), UV lights were not tested for proper functioning (2.4% in Kaçanik). UV lamps with expired batteries were a major problem in 2010 and their negligence indicates systemic problems with accountability and the chain of responsibility.

Preparation & Opening of PSs

Preparation for setting up polling stations (scheduled for 6 am) started with delays of 15-30 minutes in 44% of the polling stations. Counting procedures generally went according to procedure, as did most technical aspects such as showing empty boxes, placing booths correctly, and specifying serial numbers. All polling stations were closed between 1900 and 1915. At this time, there were voters waiting in line to vote in 9% of the PSs; they were allowed to vote.

The Election Campaign

The election campaign for the first rounds (in both Ferizaj and Kaçanik) lasted 5 days and for the run-off in Ferizaj only 3 days. The campaign was generally calm and without serious incidents. However, Long-term Observers (LTOs) reported a long list of violations committed by political parties during the election campaign, especially in the first round in Ferizaj.

Campaign gatherings mostly took place in schools, cultural houses, restaurants, coffee bars, or private houses. All political entities (including independent candidates) as well as the CEC violated the Law on Election by placing election materials on trees and otherwise occupying public space. In communicating their message, party militants often disregarded the Code of Good Conduct and misused public property and assets.

Many government officials at the central and municipal level used their official vehicles for campaign purposes. High numbers of children were present in many PDK campaign rallies (e.g. in Balaj village). PDK also took advantage of its governing mandate to meet health workers for political and lobbying purposes, a clear violation.

Directors of various health facilities were seen in PDK meetings during their working hours. Organized groups of teachers attended PDK meetings, especially in villages. On the last day of the election campaign, Nehat Mustafa (the Deputy Minister of Education) had a meeting with recent graduates to discuss their upcoming prom, but it was primarily used for campaign purposes.

The participation of citizens in campaign gatherings was relatively low in the run-off, and they were mostly attended by party militants. Based on the count of observers, there were on average 100 people per gathering during the run-off

campaign in Ferizaj. The participation of women was very low and children were part of the proceedings.

LDK was the first political party that violated the start of the election campaign by placing posters of their candidate in public places ten hours before the campaign's official start. LDK also hindered the free movement of citizens by placing election stands in public pedestrian areas. PD posted election material of their candidate along the fences of 'The Great Mosque' (Xhamia e Madhe).

Election Day Findings

While the elections were generally assessed as meeting standards, a number of irregularities were cited in both Ferizaj and Kaçanik.

Political propaganda

Although prohibited by law, political propaganda was displayed in numerous polling sites. There were two types of illegal political display that observers spotted, campaign material inside polling stations and political posters in the vicinity of polling centres.

The level of political propaganda varied greatly, being very intensive in certain polling stations and little in others. Observers recorded 18 polling stations where there were at least some cases when voters were allowed to vote (or commissioners to talk) while displaying such material. This usually was the case when voters with a shirt, pin or flag of a certain party where allowed to enter the polling station and vote.

The display of political propaganda inside polling stations was an issue in 16.5% of these stations while influence was exercised through propaganda in the corridors (43%). This is much higher than the Kosovo-wide average from of 15% and 11% respectively observed in 2007 (Kosovo-wide).[12] 'Lobbying' inside polling stations was much more prevalent in Kaçanik (43%) while lobbying in corridors occurred in more than half of the polling centres (54%).

An instance of political propaganda was the ringing of a phone with a ringtone of a speech of the PDK president calling on voters to vote for them. An observer of Vetëvendosje at the scene insisted to write a complaint but was not allowed to by the polling station chairperson.

Political Propaganda

Ferizaj 1st round
Ferizaj 2nd round
Kaçanik

	Area around polling stations	Inside polling stations	In corridors
Ferizaj 1st round	19%	17%	43%
Ferizaj 2nd round	6%	17%	18%
Kaçanik	16%	43%	54%
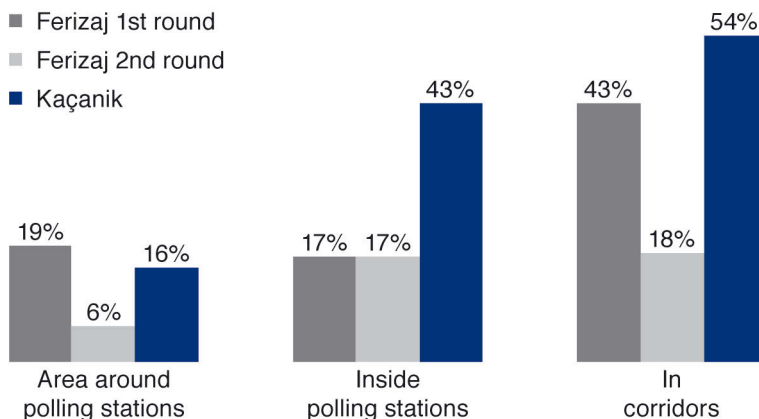
Propaganda material was not removed from the designated 100 meter radius around 19% of polling centres in Kaçanik (and 16% and 6% in the two rounds in Ferizaj, respectively).

School Directors as Managers

The technical role of managing polling centres assigned to school directors posed numerous concerns about the election process. Managers/school directors at times exceeded their logistical competencies and involved themselves in the election process.

The most dubious case occurred when a PC manager/school director pressured commissioners to allow a person to vote despite him being rejected since there was a signature next to his name already.

It is widely known that virtually all school directors are selected by political prerogatives and that this position is one of the main giveaways of the winning political party for its active supporters.

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Allowing a school director to appoint the help-desk staff raises concerns that voters of the opposing parties may be rejected more often. During the first round of elections in Ferizaj, our observers witnessed that a copy of the voters' list was kept in the office of school directors. Only some members of the PDK had access to it.

In most cases, the assisting staff consisted of teachers and employees of schools but there were even more worrisome cases. In Kaçanik, there was even the case of the Director of Urbanization of the municipality (a member of PDK), served as the help desk assistant.

Logistical staff also have a role in managing crowds and ensuring an orderly process around the corridors. Allowing crowds enables turning a blind eye or assisting party militants to intimidate voters.

Overcrowding

It is no surprise to observer overcrowding of hallways (despite the simple voting process of only one tick for a candidate). Most hallways had party militants roaming around throughout the day, obviously on duty. School directors clearly did not discharge their primary duty to ensure crowd-free hallways in polling centres.

Crowds in polling centre corridors were quite common during the Election Day. Observers rated there "often overcrowded" in 5-10% of polling centres (including both elections in Ferizaj and the election in Kaçanik). Observers noted "sometimes overcrowded" in 45-76% of polling centres-for all three elections. Overcrowded corridors with unauthorized persons exemplified the inability or unwillingness of school directors to perform their competencies.

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Overcrowded Polling Center Corridors

Ferizaj 1st round
Ferizaj 2nd round
Kaçanik

	Often	Sometimes	Never
Ferizaj 1st round	10%	51%	39%
Ferizaj 2nd round	5%	45%	51%
Kaçanik	8%	76%	16%
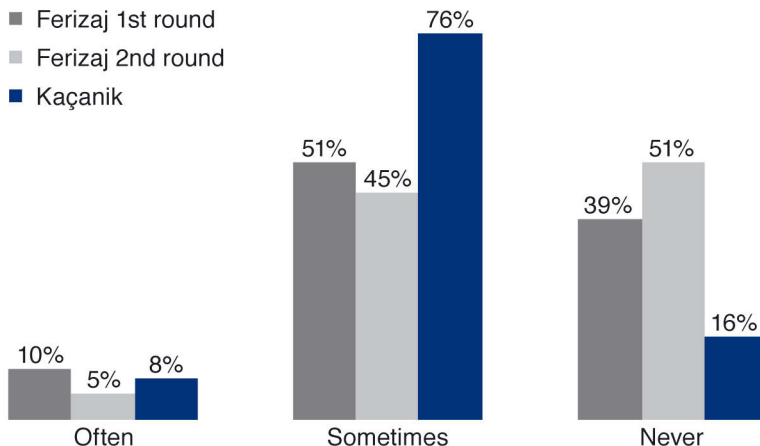
Overcrowded Polling Stations

Ferizaj 1st round
Ferizaj 2nd round
Kaçanik

	Often	Sometimes	Never
Ferizaj 1st round	0.9%	44.5%	54.5%
Ferizaj 2nd round	0.9%	34.2%	65%
Kaçanik	7.5%	70%	22.5%
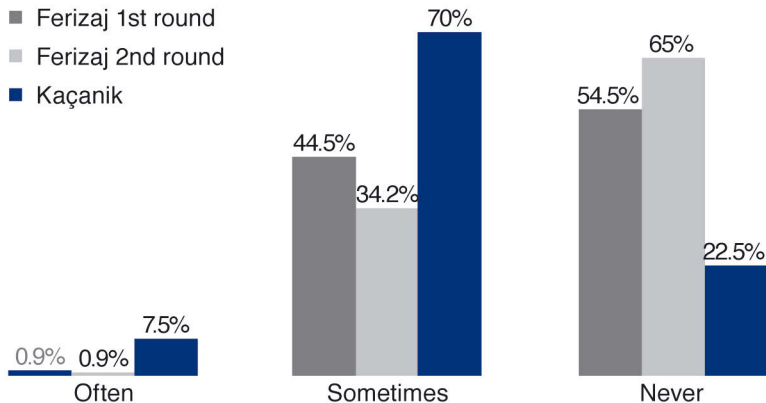
Polling stations were also overcrowded, although less than the corridors. Only 1% of polling stations in Ferizaj (same in

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either round) were "often overcrowded", compared to nearly 8% in Kaçanik. A range from 44.5% (Ferizaj, 1st round) to 70% (Kaçanik) of the three elections was considered as 'sometimes overcrowded'.

Multiple Voting

Invisible ink was virtually always checked but there were numerous cases when persons with invisible ink on their fingers tried to vote (meaning that they would be voting for a second time). Some of them succeeded with the blessing of commissioners. There was a case when a voter showed a decision from the CEC to allow him to vote despite the ink on his finger.[13]

Voters with Signature Already by Their Name on VL

- Ferizaj 1st round
- Ferizaj 2nd round
- Kaçanik

Ferizaj 1st round	15%
Ferizaj 2nd round	13%
Kaçanik	12%

1 to 10 voters

Another voter with ink on his finger was allowed to vote after the arrival of the Kosovo Police and two members of the CEC Secretariat.[14] The argument was that the ink came from being in touch with another person who voted—a clear violation that was allowed with the blessing of electoral authorities.

There were cases where voters with expired ID cards were not allowed to vote. In the late afternoon, however, the head of the Municipal Election Commission ordered the chairperson to allow these individuals to vote, which is a violation, as is voting with ID photocopies, which was also allowed at times.

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These cases sometimes led to tension during the voting process, such as when one person (a member of the Kosovo Security Force) wanted to vote but was not allowed to do so because there was already a signature under his name on the voter list. He later returned to the polling station with the PC manager (school director) who pressured commissioners to allow him to vote, similar to the role of MEC and CECS officials.

Efficiency at the Voting Booth

In the past there were reports of voters who were paid to vote and they had to prove this by taking a photo of their ballot as evidence. While individual cases were reported, the observation mission decided to measure the time it took to vote behind the booth as a possible indicator.

Observer forms were adequately designed and observers were trained to track the time it took 15 voters in the voting booth, at different times during Election Day.

Average Voting Time Inside Booth

Legend:
- Ferizaj 1st round
- Ferizaj 2nd round
- Kaçanik

< 1 min: 52%, 58%, 56%
1-2 min: 32%, 35%, 30%
> 2 min: 16%, 8%, 15%

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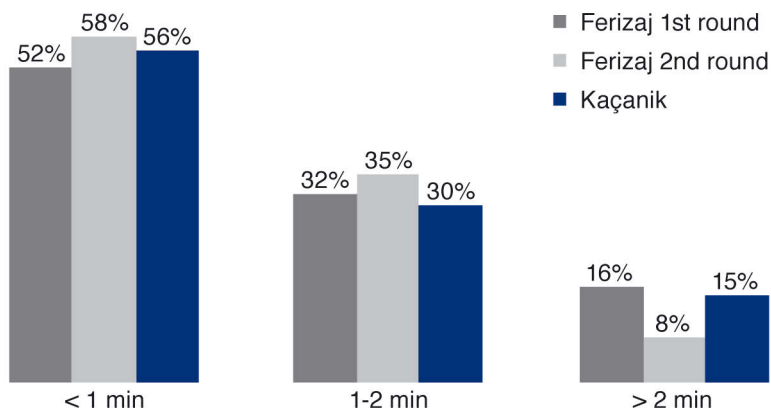
Just over half of the voters (on average, in all elections) took less than one minute to vote, which is not surprising for they had only one mark to make (from 2-7 candidates). Around a third took between 1-2 minutes to vote behind the booth, while 8-16% took more than 2 minutes to vote.

Considering that the ballot for the extraordinary mayoral elections in Ferizaj was very simple and required only one mark, it is safe to say that any voter that spent more than one minute voting (excluding elderly voters) could have been busy with something more than just voting.

Family Voting and Voting with Assistance

Family voting continues to be a feature of the electoral process in Kosovo. During the first round of elections, observers reported more than one case of family voting in two-thirds to three-fourths of polling stations, while there were more than 10 cases in 11% of PSs.

Family Voting

- Ferizaj 1st round
- Ferizaj 2nd round
- Kaçanik

75% 78%
61%

< 10 cases

11% 7%
22%

> 10 cases
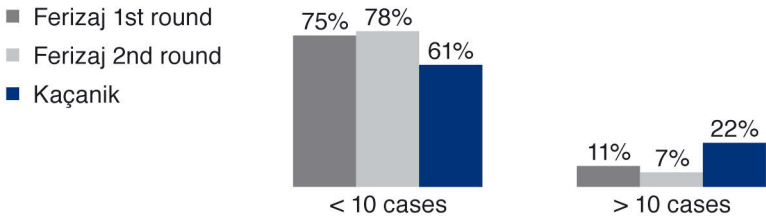
The scale of the phenomenon indicates that family voting is not challenged by the commissioners. The CEC does not seem to have instructed commissioners to prevent this phenomenon. The law is clear that only illiterate individuals can be assisted, and a person may assist only one person and may not assist others.

The prevalence of family voting indicates that in the best

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case numerous elderly individuals (mostly women) have their will or secrecy violated. In the worst case, this may have become a technique to implement vote-buying. In 2007, family voting was observed in 62% of the first round elections and 38% of second round elections.[15]

Voting with assistance is similar to family voting. In 18% of polling stations in Ferizaj (1st round) there were more than 10 voters who requested to vote with assistance. This share decreased to 13% in the second round. In 40% of polling stations in Kaçanik, there were more than 10 voters who asked to vote with assistance.

Polling Stations Where Voters Needed Assistance
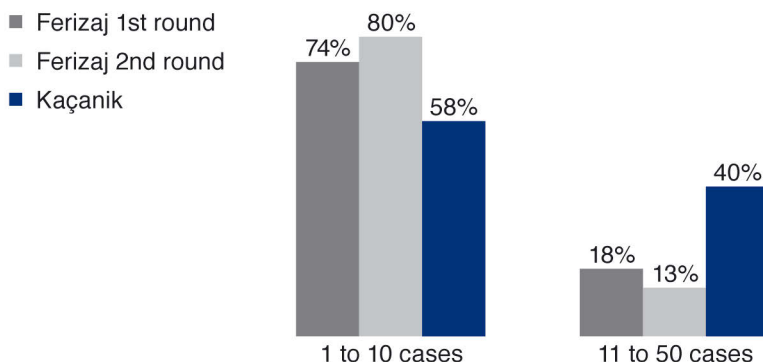
Observers reported that the same person helped more than one time voters in 13% of Ferizaj polling stations in the first round. These figures were more alarming in Kaçanik where this phenomenon infected 32% of polling stations. In all of these cases the chairperson did not take any action against this phenomenon.

Interestingly, the share of voters voting collectively or with assistance is much higher than that of illiteracy reported. The excessive numbers who vote with assistance raise fears

that hundreds of literate individuals are forced to vote with assistance to prove whom they are voting for.

Same Person Helped More Than One Voter

- Ferizaj 1st round — 13.3%
- Ferizaj 2nd round — 12.6%
- Kaçanik — 31.7%

The procedures were clearly not followed properly, and the same individuals may have assisted numerous voters. The CEC should inspect the voting book kept by the chairperson to verify whether the number of assistants has been meticulously registered.

Conditional Voting

As before, conditional voting was too complicated for the election administration and caused suspicion. Seemingly without adequate justification, many voters were not allowed to vote conditionally.

The large number of irregularities in the voters' list may have affected the number of conditional votes. The difference between the first and second round of voting in Ferizaj is surprising. There were 521 conditional votes in the first round as compared to 607 in the second. Following the first round, around 500 voters changed (updated) their addresses, and this should have led to lower turnout of conditional votes in the second round as compared to the first. These findings may suggest a serious reason to be concerned. In Kaçanik, there were 196 conditional votes total.

Considerable irregularities in counting were evidenced in the run-off elections. There were 126 invalid conditional ballots out of a total 617, or roughly one in five ballots casted through conditional voting. CEC evidenced eight cases of persons voting twice through conditional voting. The head of the CEC suggested sending those names for prosecution but no decision was taken by the CEC.

The 'Bulgarian Train'

Civil society observers were instructed to spot whether they found anything else (white paper, or improper ballot) at the end of the counting. Junk paper was found in a polling station. Usually this is an indication of a phenomenon called the 'Bulgarian train'—it goes by different names.

A Bulgarian train is when a ballot leaves the polling station usually because a voter takes the original ballot with him/her and casts a dummy ballot instead. The spare ballot which has left the polling station may enable hundreds of others to sell their vote and cast original ballots as per the wish of the paying party. The first voter gives back the empty ballot to the party, which fills it up as per their preference and gives it to subsequent voters. Each additional voter takes an empty ballot, and casts the ballot which was given to them by the party. This cycle can be repeated until the end of the voting hours.

An indication of this phenomenon taking place is when crowds huddle around the polling centre and a spare ballot or paper is found inside the boxes. This time the fraudulent parties were more sophisticated. Aware that any spare material in the boxes would be indicative of fraud, they instructed their militants to cast the first (fake) ballot conditionally. Moreover, they entered ballots of the first round (unclear how they secured them) in conditional envelopes in the second round, and took the original ballots with them.

Eight ballots from the first round were found having been taken to the box in the second round of the elections. That this was not a technical problem but an indication of systematic attempt of fraud was indicated by its spread across four different polling centres (polling centres in the villages of Mirashë and Surqinë, Zenel Hajdini School and the mobile centre for special needs voting). An envelope was found without a ballot inside at all, a clear indication that the ballot was taken away by the voter. These are strong indications that this fraudulent technique was widely used, and this is an additional argument to do away with conditional voting.

Targeted Calling & Driving

During the ED in Ferizaj and Kaçanik our observers registered two additional and potentially worrisome phenomena that raise concerns of possible manipulation. Party militants organized massive transport schemes to drive voters from their homes to polling stations. LDK and PDK have openly admitted to having organized free transport for their voters.

Transporting voters is not against the law per se, but there are two concerns related to this scheme. The first concern is that this transportation was secretive and with small vehicles, making vote-buying easy. A related concern is that such transportation has high costs, so the 'investor' likely considers it very rewarding to carry this out.

It can be concluded that winning the election is very rewarding, an indication of the potential for corruption. According to BIRN in Ferizaj, Qazim Rrahmani (a former adviser of the government) and Danush Ademi (an MP) organized and paid around 50 euro to taxi drivers to transport voters to the PSs.[16] Voters reportedly not only received free transport but also got free 'advice' on which candidate to vote for. It is remarkable that the turnout

among the Ashkali community in Ferizaj was the highest on historical record, compared to the low turnout among the majority Albanian community.

The second concern related to this form of transportation is that it is selective. The crowds in the hallways and in front of the schools were made up of party commissioners. One may get the impression that they were idle, but they had specific tasks as well as targets. Party observers assigned to the hallways and school-yards regularly check in with their colleagues inside the polling station. Party observers inside the polling station pass on information to their colleagues outside and much of this information is about who has and who has not voted (based on the signatures). This information makes it possible to call voters—not randomly or generally—but by targeting calling and transporting those who had not yet voted that day.

At the polling stations of Kaçanik i Vjetër and Doganaj, PDK observers constantly checked the Voter List to see who had not voted yet and then passed this information along to party militants waiting with vans outside the polling centre. Based on this information, the vans went to private homes and returned with new voters. While it is considered acceptable to transport voters to polling centres, it is not acceptable for observers of any party to check the Voter List to see whether an individual voted or not. This is particularly for the purpose of avoiding the use of that information to go to people's houses and get them out to vote, thereby putting pressure on voters.

Calling voters and letting them know that they have not voted, is direct pressure. Vote secrecy and privacy laws should regulate this matter, and whether a person has voted or not should be protected by law. Hence this practice of targeted calling should be forbidden. This practice is especially concerning due to a widespread clientelistic regime, which can make it easy to discharge individuals

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from public jobs if they fail to perform on Election Day. Moreover, the feeling of an omni-present and omni-powerful party may create the impression where voters are not only fearful that the party knows whether they voted or not but that the party also knows whom they voted for.

Security Forces

According to the law, security forces cannot enter a polling station unless they are invited by the head of the PSC to bring order to the voting process. Security forces were invited to bring control in around 5.5% of the polling stations in Ferizaj, and never in Kaçanik. Uninvited, security forces entered 14.3% of the polling stations in Kaçanik and in fewer than 3% of the cases in Ferizaj.

Uninvited Security Forces at Polling Stations

- Ferizaj 1st round
- Ferizaj 2nd round
- Kaçanik

	Invited	Uninvited
Ferizaj 1st round	6.5%	2.8%
Ferizaj 2nd round	4.5%	0.9%
Kaçanik	0.0%	14.3%
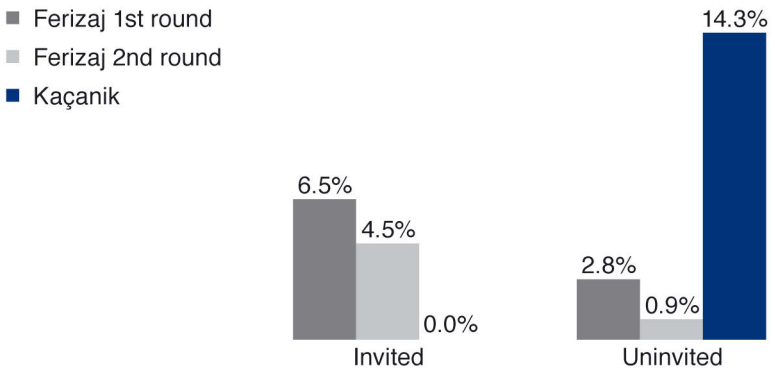
Tensions fell in the second round as the intervention of security forces decreased. Obstruction was reported in 4% of the PSs during the voting process. Generally most PSs did not exhibit security concerns. In every tenth case, unauthorized persons were hanging around polling station corridors pretending to help voters to find their station.

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The Electorate

Voter List Irregularities

A major problem that D4D has raised consistently is the Voter List, and observations clearly confirm the concerns. Multiple problems related to the Voter List unfortunately materialized. Between 6-17% of polling stations in Ferizaj and Kaçanik had serious problems with over 10 voters rejected.

Share of Polling Stations with Rejected Voters
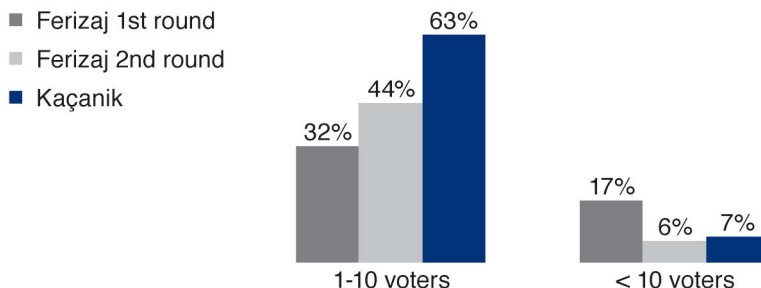
In almost a third of polling stations in Ferizaj (32.5% and 44.3% in the second round), there were one to ten voters who could not find their name in the Ferizaj list. The situation was more alarming in Kaçanik, where this was observed in 63.4% of polling stations. Most of these voters complained that they voted in the PS where their names were missing in the last elections, while now they their names were not in the VL. This was an issue "most of the time" in 17% of the first round elections and 10% of the second round elections in 2007.[17]

This problem resulted in many voters voting conditionally, driving several kilometres away to cast their vote or giving up voting altogether. Altogether, between 50-70% of polling

stations rejected voters, indicating massive disenfranchisement and providing a potentially major reason behind the low turnout. D4D/INPO observers noticed that many voters could not find their name on the VL, approximately 4-20 persons for every PS.

Voters complained that their deceased relatives were still in the Voter List. In some cases relatives showed observers the death certificate of the relative who was still in the VL. D4D has already published a paper that conducted an audit of the voters list, while here we present findings only pertaining to the observation of the Ferizaj and Kaçanik elections.

The Central Election Commission (CEC) is aware of the serious problems with the Voter List, including deceased persons, address changes, diaspora, fictive voters, and double entries. Although the CEC is responsible for producing the final version of the VL, there are other central and local level institutions involved in its preparation, namely the Ministry of the Interior (MIA), in charge of maintaining the Civil Registry.

How many voters are there?

According to the CEC, there were 95,449 voters in the VL for the extraordinary elections in Ferizaj, and 31,473 in Kaçanik. These numbers seem highly inflated considering the data from the population count conducted by the Kosovo Statistical Agency in April 2011. The population count indicates there were 108,690 persons living in the Municipality of Ferizaj and 33,454 in Kaçanik. To be able to compare this data with the voter list (and ascertain the level of a mismatch) we need to subtract the number of minors and then compare the figures for adults from both sources.

The average of minors under 18 in Kosovo is around 35% of the total population. Based on census data and our calculation[18], in Ferizaj the share of minors (under 18) is

35.8%, (35.5% in Kaçanik). Once we subtract the minors (38,954) from the census data, that there are no more than 69,736 adults eligible to vote residing in the Municipality of Ferizaj (compared to the list which has 95,449).

Electorate Trends in Ferizaj (2000-2012)

Size of the Voters' List		% difference per year	
Local Assembly (2000)	57,724		
National (2001)	63,867	10.60%	2000 - 2001
Local Assembly (2002)	76,350	19.50%	2001 - 2002
National (2004)	74,174	-1.40%	2002 - 2004
3 sets of elections (2007)	89,741	7.00%	2004 - 2007
2 sets of local elections (2009)	88,306	-0.80%	2007 - 2009
National (2010)	91,876	4.00%	2009 - 2010
Extraordinary Mayoral (2012)	95,449	2.60%	2010 - 2012
Census (total residents in 2011)	108,690		
Calculation of mismatch of eligible voters between census and voters' list			
Minors under 18 =	38,954	(35.84% of census)	
Over 18 =	69,736	(Census data - minors)	
VL 2012 data Adults according to census =	25,713	presumed deceased & diaspora	

The difference between the Voter List and the adults from the population count is 25,713. This is due to the census only counting residents and not the diaspora. The Voter List includes the diaspora, since the majority still have the right to vote. At the same time, it is no secret that the Voter List has thousands of deceased persons, which the population count does not include.

This figure is alarming primarily because it leaves considerable room for possible manipulation. Given the right organization, this is a massive space for which it may

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be possible to falsely vote with a remote possibility of getting caught.

Electorate Trends in Kaçanik (2000-2012)

Size of the Voters' List		% difference per year	
Local Assembly (2000)	24,905		
National (2001)	27,920	+12.1%	2000 - 2001
Local Assembly (2002)	30,337	+8.7%	2001 - 2002
National (2004)	31,948	+2.7%	2002 - 2004
3 sets of elections (2007)	34,830	+3.0%	2004 - 2007
2 sets of local elections (2009)	29,397	-7.8%	2007 - 2009
National (2010)	30,308	+3.1%	2009 - 2010
Extraordinary Mayoral (2012)	31,473	+2.6%	2010 - 2012
Census (total residents in 2011)	33,454		
Calculation of mismatch of eligible voters between census and voters' list			
Minors under 18 =	11,876	(35.5% of census)	
Over 18 =	21,578	(Census data - minors)	
VL 2012 data Adults according to census =	9,895	presumed deceased & diaspora	

The situation in Kaçanik is similar to that in Ferizaj. Subtracting the number of minors, which is 35.5% based on census data, the resulting figure is 21,578 adults eligible to vote. The number of voters also decreased by around 7.8% from year 2007 to year 2009, due to the establishment of the new Municipality of Hani i Elezit.

Comparing the VL and census data provides 31.4% or 9,895 persons that we presume are either deceased or part of the diaspora. D4D conducted an audit of the VL in Kaçanik and the results of this audit once more reinforce our findings on VL mismatches. The audit of the Kaçanik VL shows that 19% of the persons therein contained live in the diaspora and 3%

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of these voters are deceased. The additional 7% of the 31.4% we assume are in Kosovo but living in another municipality - these are the people for whom we couldn't find any information.

Voters' List 2012 Minus **Census Data for Adults** = **9,895** (31.4%)

These are mostly deceased or diaspora. As our VL Audit in Kaçanik showed, these two categories take:	
Deceased:	3%
Diaspora:	19%
And the additional 9% is probably explained by:	
In other municipalities inside Kosovo:	5%
No info about them:	7%

D4D received ample information from observers in the field that in many PSs, especially in villages, commissioners were aware of the people on the voter lists who live abroad, have moved to other municipalities within Kosovo or are deceased.

When the CEC received the most recent extract of the civil registry from the Ministry of Internal Affairs, they received a report of names in the VL who most likely are deceased. However, due to complicated procedures, these names could not be removed from the voter list. On 17 April, the CEC decided to remove 250 names from the VL in Ferizaj after they received a report from the CEC Secretariat. The CEC was almost certain that 1,300 more names were of persons who are deceased. However, because the death certificates of these persons had no personal number or had other mistakes, it made it impossible to remove them to verify if they were indeed deceased.

A Kaçanik village provides another example of how problematic the voters' list can be and how it can have a

negative effect on the entire voting process. The results of the audit process in Gjurgjedell elicit that out of the 336 registered voters in the voters' list, 150 were identified at the same address, 27 within Kaçanik municipality but at a different address, 23 out of the municipality but within Kosovo, 104 out of the country, 19 were identified as deceased and there was no information on 13 registered voters.

Gjurgjedell Voters' List Audit	
A. Location as in the VL	150
B. Other location	27
C. Other municipality	23
D. Out of Kosovo	104
E. Deceased	19
No information	13
Total registered voters in VL	336
2010 reported turnout	92.3%

2012 Gjurgjedell Turnout	
31. Shukri Luta (VV)	35
32. Besim Ilazi (PDK)	36
33. Sahit Bela (LDK)	1
34. Kjani Berisha (AKR)	5
35. Tahir Çaka (AAK)	19
Total	96
2012 reported turnout	28.9%
2012 calculated real turnout	54.2%

2010 results show that 92.3% or 310 people voted from Gjurgjedell. In order for there to have been a turnout of 92.3%, everyone from the above categories would have had to have voted—including a few of those who were deceased.

In the 2012 Kaçanik elections for mayor, 96 people or 28.9% turned out from Gjurgjedell—an indication that this time around there was no voting on behalf of the deceased or those in the diaspora. With an updated voters' list, the turnout in Gjurgjedell would have been above 54%, a realistic turnout representing greater legitimacy for the elected mayor.

These figures present only a fraction of the real challenge. The CEC approved the Voter List on the 19th of April, with one vote against (Vetëvendosje), although they were aware of the existing problems. More should have been done by the

MIA and by the CEC to reduce the room for irregularities with the VL on Election Day.
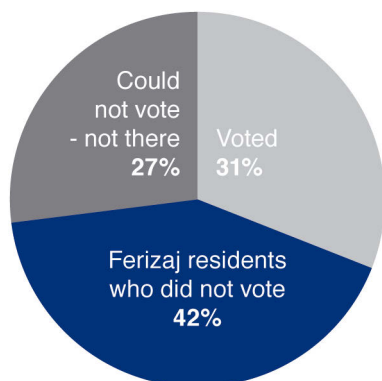
Turnout

Turnout for the extraordinary elections in 2012 was fairly low, at just 31% in Ferizaj and 35% in Kaçanik. The turnout for the run-off elections in Ferizaj was even lower (28%), which was expected.

Real Turnout in Ferizaj

Could not vote - not there **27%**

Voted **31%**

Ferizaj residents who did not vote **42%**

The low turnout may be explained by a combination of reasons: (a) voting fatigue due to frequent elections, (b) election fraud, (c) a short mandate ahead. But turnout is not as low as figures indicate, since, as illustrated above, the voter list is inflated.

As D4D has assessed in some of its earlier studies and further reinforces here, reported turnout is not an accurate reflection as the Voter List is highly inflated with hundreds of thousands of members of the diaspora on the same list and many names of the deceased not yet removed from the list.

Putting Turnout in Context

Real turnout is higher than the percentage indicated above. As argued earlier in the paper, the voter lists contain thousands of names of people who have moved abroad or are deceased. It is essential to compare the number of voters not only with the inaccurate voter list, but with the number of voters residing in the municipality.

Real Turnout in Kaçanik
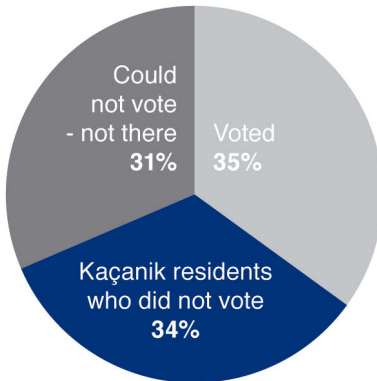
The 31% turnout needs to be put in the context of the inaccurate voters' lists. If we subtract the number of deceased or those living abroad, the number of eligible voters stands at 69,736, which is the size of the electorate that can actually vote on Election Day.

The reported turnout of 28,643, out of 69,736, constitutes 41% which is the real turnout had the voters list been more accurate. Similarly in Kaçanik the 35% turnout would have been 51%, with adjusted electorate figures. This is a useful tool to compare actual turnout with reported turnout in surveys in order to better assess the figures and spot suspiciously high turnout.

D4D has conducted a similar analysis for all municipalities, and the mismatch Kosovo-wide also turns out to be 31% (after subtracting voters who do not live in the town of residence with the reported turnout). These figures indicate that a turnout over 70%, with the current flawed voter lists, is technically impossible, and would certainly prove fraud.

Turnout during Election Day

Observers recorded turnout figures three times during Election Day, which corresponded with figures presented by the CEC.

Only 11.5% of eligible voters in Ferizaj voted by noon, while in the more rural Kaçanik, the turnout at noon was nearly

14%. In other segments turnout during the day indicated an interesting trend.

There was a big jump in voter turnout in the last two hours of Election Day. Around a third of voters cast their ballot between 5PM and 7PM, which was the trend in Kaçanik too. Most election pundits are well aware that very few voters turn out to vote during these hours. Holding these elections in spring was a positive factor and weather allowed it, but it is well-known that most Kosovars usually vote well before 5Pm.

Turnout Throughout Election Day
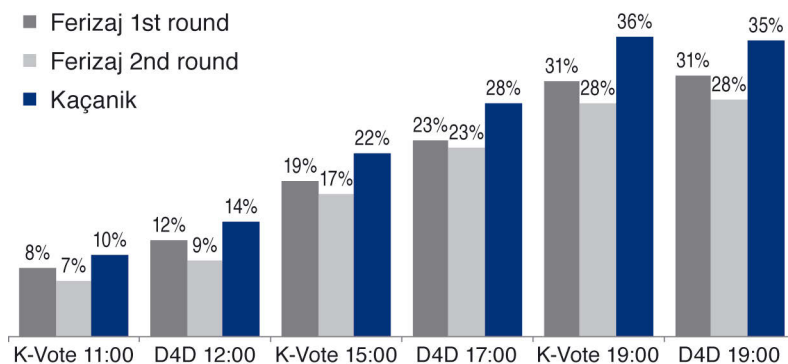
This "last minute" vote raises suspicion of possible "intimidation" or even "manipulation" of voters to vote for a certain candidate. This phenomenon could be easily manipulative especially when elections are held in autumn, and there is less daylight in late afternoon hours.

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The Voting Results

The snap mayoral elections in Ferizaj and Kaçanik were the first in Kosovo since the flawed electoral process in December of 2010. As with any electoral process, they provided a barometer to measure local and national government performance as well as general voter sentiment. PDK won both electoral campaigns, with LDK coming second in Ferizaj and the Alliance for the Future of Kosovo (AAK) as the first runner up in Kaçanik.

Political Party support in Ferizaj

The extraordinary mayoral election in Ferizaj was a competition among eight political entities. All seven political entities representing the Albanian majority in the Kosovo Assembly took part in the mayoral by-elections. With the national assembly half-way into its current mandate, the race in Ferizaj was seen as measure of public pulse. An independent candidate also took part but his performance was modest. There were no pre-election coalitions, even for parties in national-level coalitions.

Of the 31% who came out and voted, two thirds supported PDK and LDK. If we assume that the party militants turned out at the same rate as in the first round, then more than two thirds of other party votes turned out to vote for one of the two finalists.

In the first round, Agim Aliu (PDK) received just over half of the votes that his predecessor did in the 2009 election and 9% less than the party won in the local assembly elections in 2009.

After the LDD's near demise, the LDD branch once re-joined LDK, which embraced the very leader of the break-up faction as its candidate, Adem Salihaj. Earlier LDD splintered from LDK, which was very strong in Ferizaj

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(especially in 2007 when it was the second largest party in this municipality).

In 2009, LDK had the support of 4,948 and LDD the support of 5,621 voters. In the first round of 2012, LDK mustered 6,903 votes, only 65% of the votes that LDK and LDD had combined in 2009. Salihaj also underperformed relative to national election results in 2010.

Changes in political parties support

Ferizaj	LDK	LDD	PDK	AAK	AKR	VV
Local Assembly 2000	28,141		11,077	821		
National 2001	26,846		11,727	1,763		
Local Assembly 2002	25,746		12,648	1,658		
National 2004	24,418		11,458	1,472		
National Assembly 2007	4,957	7,787	12,441	1,179	4,742	
Local assemblies 2007	4,989	7,704	12,050	1,379	4,897	
Mayoral 2007	5,092	9,635	14,562	1,143	4,373	
Mayoral 2nd round 2007		8,697	14,902			
Local assemblies 2009	4,948	5,621	12,866	2,575	4,651	
Mayoral 2009	4,411	6,100	19,360	1,722	6,233	
National Assembly 2010	8,892	1,556	12,199	2,307	3,372	7,429
Mayoral 2012	6,903		11,712	3,116	1,403	4,564
Mayoral 2nd round 2012	11,100		15,102			

The main loser of the 2012 mayoral by-elections in Ferizaj was AKR which lost around two-thirds of its vote compared to 2009 and 2010. The main reason for its serious loss was that its successful candidate flocked to AAK which amassed more than 10%. AAK improved its performance by close to a third as a result of the new candidate. AAK is the only party which improved its performance in 2012 compared to previous elections.

The Vetëvendosje! Movement candidate, competing for the first time, came in third with 4,564 votes, but garnered only
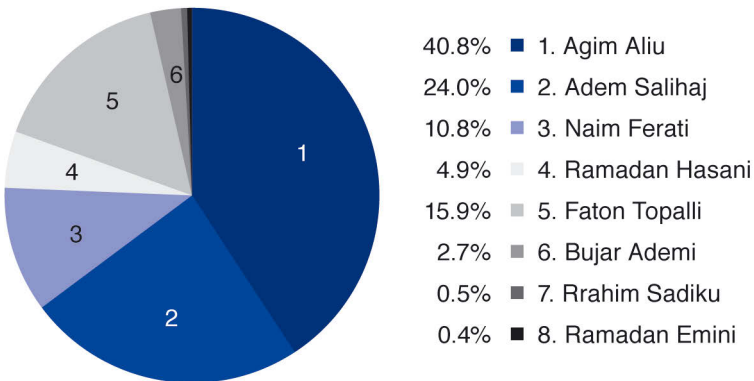
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61% of votes that VV von in Ferizaj in the 2010 national election.

In the run-off, PDK's Aliu won 29% more than in the first round (3,390 votes) while the LDK candidate won 60% more than he won in the first round. Despite the 'angry' vote that other parties seemed to have given to the second candidate, it was insufficient to impact the final tally.

Ferizaj 1st round, candidate results

40.8%	1. Agim Aliu
24.0%	2. Adem Salihaj
10.8%	3. Naim Ferati
4.9%	4. Ramadan Hasani
15.9%	5. Faton Topalli
2.7%	6. Bujar Ademi
0.5%	7. Rrahim Sadiku
0.4%	8. Ramadan Emini

Urban/Rural Analysis

There are some urban and rural differences prevalent in Kosovo. Votes in rural areas were more disciplined, voting at a rate of 32.4% compared with 27.1% in urban areas.[19]

The PDK candidate won almost an equal share in both areas, while the other candidates were to some extent more preferred by one group or the other. The LDK candidate fared better in rural areas where he received nearly 4% more of the vote than in urban areas, and a similar trend applied to AAK, AKR and PD. The trend was the opposite for Vetëvendosje. VV won nearly 6% more in urban areas compared to the rural hinterland.

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Results by Location

Ferizaj 1st Round Candidates	Urban		Rural	
	No	%	No	%
Naim Ferati (AAK)	1,407	10%	1,652	11%
Bujar Ademi (PD)	331	2%	407	3%
Faton Topalli (VV)	2,552	19%	1,963	13%
Rrahim Sadiku (IP)	65	0%	77	1%
Ramadan Hasani (AKR)	576	4%	788	5%
Agim Aliu (PDK)	5,470	41%	6,057	41%
Adem Salihaj (LDK)	2,985	22%	3,828	26%
Ramadan Emini (LB)	68	1%	43	0%
Valid Ballots	13,454	27%	14,815	32%
Ferizaj Run Off	Urban		Rural	
	No	%	No	%
Agim Aliu (PDK)	6,503	60%	8,332	56%
Adem Salihaj (LDK)	4,394	40%	6,516	44%
Valid Ballots	10,897	100%	14,848	100%
Total Electorate	49,728	22%	45,721	32%

Widespread Disappointment in Kaçanik

It is noteworthy that all political parties which participated in the 2012 mayoral elections in Kaçanik lost support since the previous elections in 2009.

The biggest loser in Kaçanik was LDK, with only 615 votes. LDK achieved its worst election result since 2000, around 74% less than in 2009. Support for AKR also decreased and the party ranked fourth with only 541 votes (61% less votes that in 2009).

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Changes in political parties support

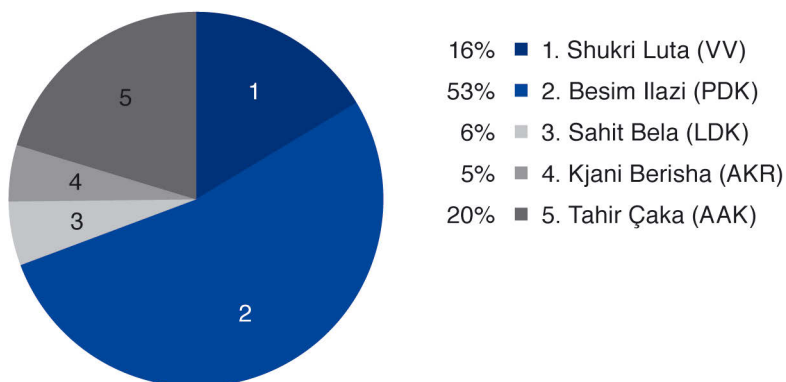| Kaçanik	LDK	LDD	PDK	AAK	AKR	VV
Local Assembly 2000	7,069		9,302	900		
National 2001	7,201		7,632	903		
Local Assembly 2002	7,910		8,643	844		
National 2004	7,205		9,329	918		
National Assembly 2007	856	856	8,757	1,090	1,566	
Local assemblies 2007	2,829	1,038	8,537	1,657	1,706	
Mayoral 2007	3,012	1,077	7,147	1,675	1,767	
Mayoral 2nd round 2007	3,291		9,662			
Local assemblies 2009	2,205	333	6,374	3,411	1,068	
Mayoral 2009	2,299		7,008	3,860	1,303	
Mayoral 2nd round 2009			7,633	5,479		
National Assembly 2010	2,137	206	6,491	1,965	938	2,607
Mayoral 2012	615		5,845	2,239	541	1,810

AAK received 43% less than in the 2009 first round mayoral election or 60% less than in the second round of the 2009 elections. PDK received 5,845 votes or 18% less than in 2009 mayoral election. VV did not participate in 2009 but compared to 2010, VV received around a third less of the vote (comparing its 2012 local election results in Kaçanik to its national assembly election results in this municipality in 2010). If this trend continues in Kaçanik, the legitimacy of these who govern Kaçanik will become a major problem.

The victory of the PDK candidate, Besim Ilazi, was uncontested in Kaçanik as he managed to win the election in the first round with nearly 53% of the vote. Tahir Caka from the AAK came in second with more than 20% of the vote, whereas LDK surprisingly amassed just over 5%.

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Voting Results in Kaçanik

16%	■ 1. Shukri Luta (VV)
53%	■ 2. Besim Ilazi (PDK)
6%	■ 3. Sahit Bela (LDK)
5%	■ 4. Kjani Berisha (AKR)
20%	■ 5. Tahir Çaka (AAK)

Urban and Rural Votes in Kaçanik

A closer look at the voting results of each polling station indicated large discrepancies among urban and rural votes. Besim Ilazi (PDK) received nearly 70% of the vote in rural areas. The future mayor received roughly the same number of votes in urban areas as the AAK candidate at 31%, with the VV candidate trailing not too far behind with 22%. But PDK's near 90% performance in Kaçanik's hinterland was unmatched.

Further research is required in order to assess whether PDK focused its campaign more in the rural areas, and how influential the party is in the villages.
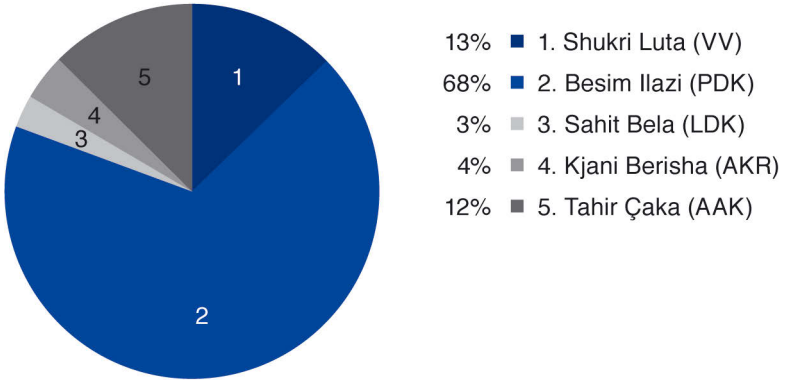
D4D fears that intensive targeted calling may be one of the explanations behind the big difference in results between the town of Kaçanik and its surrounding villages. The parties in Kosovo have no ideological profiles; hence this makes it unlikely to see major ideological differences by location. As a comparison, Ferizaj indicated that the differences in voting trends between the villages and the town were very small. Moreover, the difference in development, for example,

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between Kaçanik and its villages is not major and certainly does not have differences in the way that cosmopolitan cities differ from the conservative hinterland (e.g. Munich vs. the rest of Bavaria).
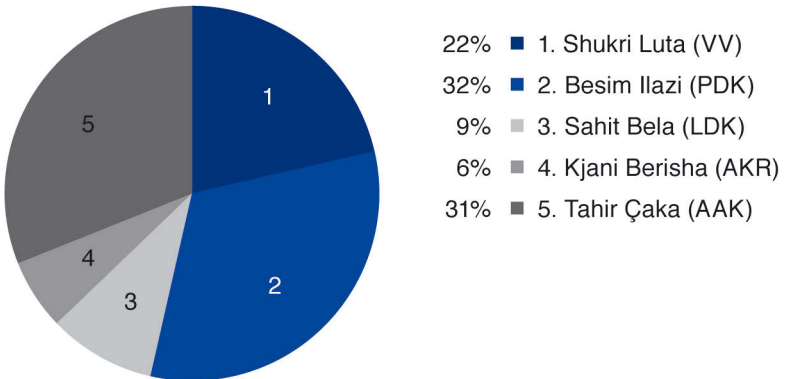
Rural Share of Votes, Kaçanik

13%	■	1. Shukri Luta (VV)
68%	■	2. Besim Ilazi (PDK)
3%	■	3. Sahit Bela (LDK)
4%	■	4. Kjani Berisha (AKR)
12%	■	5. Tahir Çaka (AAK)

Urban Share of Votes, Kaçanik

22%	■	1. Shukri Luta (VV)
32%	■	2. Besim Ilazi (PDK)
9%	■	3. Sahit Bela (LDK)
6%	■	4. Kjani Berisha (AKR)
31%	■	5. Tahir Çaka (AAK)

D4D believes that the intimidation exercised through calling and other means is more effective in villages. Due to their

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small size, the perceived omni-presence of the party is more effective. During the campaign, there were reports that followers of opposition parties did not attend rallies due to the fear of retribution and being forced out of their jobs. A more detailed study is required to assess the real scope of the intimidation, and to advocate regulating this type of irregularity.

Invalid Ballots

In one of its earlier studies on election trends, D4D showed that the average rate of invalid ballots in 2010 was 3.8%.

Share of Invalid Ballots

- Ferizaj 1st round — 1.2%
- Ferizaj 2nd round — 1.6%
- Kaçanik — 1.1%

However, the ballots for the mayoral elections were simple: they contained only the names of the prospective mayoral candidate and required ticking only one of these candidates. Previously, there had been a considerable number of invalid ballots due to the confusion caused by two-to-three types of elections being held at the same time.

In total there were 327 invalid ballots in Ferizaj and 122 invalid ballots in Kaçanik. There is a somewhat more suspicious trend in the invalid ballots from the run-off elections in Ferizaj, where the rate was higher than in the first round by 1.6% or with a total of 90 more invalid ballots. The ballot for the run-off election contained only two names, requiring the voter to check only one of them (in the first round there were seven candidates), so it was simpler to vote

(than in the first round) and less likely that a ballot would be invalidated. The trend in past elections shows that there generally is a lower rate of invalid ballots in the run-off.

The trend of invalid ballots in Ferizaj indicates the contrary. In addition, these invalid ballots were concentrated in selected areas, making the irregularities even more problematic. There were three polling stations where the rate of invalid ballots was around 10% of all ballots casted, which should be investigated by the CEC.

Women and Less Represented Groups

Gender Balance Among Commissioners

Men have overwhelmingly dominated the composition of polling station committees (PSCs), particularly in rural areas. Women are better represented in the Assembly (due to the quota) than in PSCs where their representation depends on party will.

Share of Female Commissioners

	Total	Urban	Rural
Ferizaj	21%	25%	17%
Kaçanik	9%	10%	8%

Every fourth commissioner in the town of Ferizaj was female, while in this was the case for every sixth PSC members in Ferizaj's rural areas. In Kaçanik, women's representation in PSCs was even lower - according to the forms filled out by our observers, there were only 8.7% women who served as commissioners on Election Day in Kaçanik. Party observing was also overwhelmingly male dominated, but this was not measured quantitatively. In 2007, about every fourth commissioner was a female. Thus, female participation worsened in Ferizaj and Kaçanik compared to the 2007 Kosovo average.[20]

D4D re-emphasizes the fact that women have an important role to play in polling stations, potentially reducing fraud, and more generally empowering women's participation and turnout.

Female turnout

D4D tracked women's voter turnout by counting the share of women that voted within a-half-an-hour timeframe at a random time during Election Day.

Share of Female Voters

	Female	Male
Ferizaj	38%	62%
Kaçanik	40%	60%

The share of female voters in Ferizaj and Kaçanik was 37.5% (same level for urban and rural areas) based on results we obtained from a reliable coverage of 111 polling stations.[21]

It is interesting that female turnout in Kaçanik was as high as 40% (42.4% in the town of Kaçanik and 38.7% in the villages). Whereas the proportion of women commissioners in Kaçanik was lower than that in Ferizaj—9 % in Kaçanik versus 21% in Ferizaj—the turnout of women was greater in the former. The high turnout in Kaçanik may be an indication of mass mobilization for turnout by the parties. Overall, this figure marks an improvement compared to 2007, when it stood at 33% Kosovo-wide.[22]

This participation is considerably lower than men but more telling is the fact that most female voters came in accompanied by a man (husband or son). The female vote was also closely associated with the phenomenon of family voting, which indicates that many may not have voted based on their own will.

Disabled Persons

Over two thirds of polling stations do not offer access to disabled voters. In the Ferizaj elections, 68% of the polling centres were not accessible to handicapped voters. The same was true for 76% of the polling centres in Kaçanik. The situation was surprisingly worse in urban areas (where most polling centres had multiple floors) with 74%, while rural areas were slightly better with 62% inaccessibility. As a comparison, in the Kosovo-wide general and local elections of 2007 there was 54% inaccessibility for disabled persons.[23]

A low proportion of accessible polling centres led to low turnout among disabled. This continues to effectively disenfranchise the disabled from exercising their right to vote. Investing in ramps would be a useful investment in this regard, providing accessibility to voters and to disabled school-aged children, since most of the polling centres are public school buildings.

Conclusions

The bitter experience of a fraudulent electoral process in 2010, with consequent recounts and re-voting, was partly relieved by the more fair election processes in Ferizaj and Kaçanik. Even with the lower level of stakes in these local elections and the low trend of irregularities, it would be a mistake to get overly comfortable with the performance of the election administration. In fact, the evidence provided by our observers shows that even this electoral process had its fair share of irregularities, including pressure on voters and cases of politicized and unprofessional commissioners.

Based on D4D's recommendations, the CEC took the necessary measures to proportionally divide the posts of the ID commissioners among the parties running for elections. In addition, the recommendations led to observers taking a new position behind commissioners, allowing them to better oversee a key element of the voting process. There were recurring issues with the voters' list in both municipalities, leading to irregularities of voting by proxy and voters being listed at incorrect voting locations.

Polling station commissioners, who mostly took the blame for the flawed election process of 2010, performed better this time around. However, there were still cases when they failed to prevent and stop irregularities. Family voting was observed in numerous polling stations. Besides the inability to stop family voting, inadequate commissioner training in certain procedures was noticed. For example, our observers reported cases of commissioners were not being sure of how to place the counted ballots in appropriate bags.

Acting as managers of polling stations, school directors continue to exceed their competences with regard to exercising influence while they underperform in maintain a calm voting atmosphere at the voting centre. This is emphasized by the political affiliation of the majority of

school directors. Similar worries are expressed about the supporting staff at the help-desk of the polling centre.

Low voter turnout in both municipalities in elections that determine the leader of the municipality—who will direct the municipality budget and plan and implement infrastructure projects—shows a lack of trust and confidence in the electoral process. In addition, this could be due to the aforementioned fact that the voter lists are inflated, including non-resident and even deceased voters.

The following recommendations focus on improving management of both polling centres and polling stations. They introduce several stipulations to be included in the relevant electoral legislation to stamp out irregularities and lead to less politicized and more representative electoral administration.

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Recommendations

Polling Centre Management

School directors should only have a logistic role

School directors should no longer serve as PC managers. They should only have a technical Election Day role, to turn on the generator and open the classrooms for polling. Moreover, the CEC should prepare a detailed job description for PS managers.

Depoliticize the Help Desk

Although the CEC is fully aware that most school directors are politically affiliated, it decided with a majority of votes for help-desk personnel at polling centres to be appointed by PC managers (school directors) at their discretion, and drawn from the school staff. The composition of the Help Desk should also be regulated by law, ensuring that it is not politically affiliated and influenced.

Polling Station Commissions

Role of Commissioners

A commissioner's role on ED is very important for the achievement of a free and fair election. As a result, their responsibilities should be regulated by law and not remain at the discretion of one or more individuals, as it has been until now. Institutionalizing the role of commissioners will improve the electoral process and avoid unnecessary politicisation.

The Size of the PSC to be regulated by Law

The CEC should not decide how many commissioners should be at a particular PS. Previously, it has been the CEC that made decisions on this matter, sometimes reducing the

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number of commissioners at a PS to a minimum. As this practice has had a negative impact on the election process, hereafter it should be regulated by the relevant law.

Gender Representation of the PSCs

The CEC should adopt a regulation ordering political entities to appoint women to comprise at least 30% of the staff at PSCs. Female representation has been very low until now.

Allocate commissioners in municipalities other than their own.

Members of PSCs should not be voters of the municipality where they are assigned to on Election Day (and the PSC members should be of different municipalities). There should also be a random assignment of PSC member roles.

Observation

The voting booths should be turned in a direction that allows observers to see the back of the voter

In this new position, the secrecy of the vote is still maintained and the possibility of changing the ballot with similar paper is reduced. This widespread international practice lowers the possibilities to take a photo of the ballot, or to replace the empty ballot with another one that voters may pull out of their pockets.

Observers should be allowed to sit behind the commissioners in PSs

By sitting behind commissioners, observers are able to follow the voting procedure more closely.

Reduce the number of political party observers

Political entities participating in the election process should

have the right to appoint only one observer at the PS, and this should be included in the law. As most political parties are represented with one commissioner at the PSCs, it is more than enough that they have just one observer. In addition, the total number of accredited observers should be regulated by law where political parties have the right to accredit only 10% more observers than the number of polling stations.

Higher numbers of accredited observers from political entities is creating unnecessary crowds within and around PSs who exercise pressure on voters.

Badges should be visible at all times

There are those whom have their badges on backwards at several polling stations. This bad practice should be regulated with a specific CEC regulation where strict penalties are issued to those carrying their badges improperly and to the political parties that they belong to. In cases where someone carries the badge of someone else for entering a polling station, this person should be treated as an electoral manipulator and should be prosecuted according to legal dispositions.

The CEC

The lawmaking competencies of the CEC should be reduced

The current framework gives the CEC great legal competencies. The important electoral rule segments should be included in the electoral law and code. The CEC should be the implementer of electoral laws and not have the lawmaker role.

Strengthen the competencies of the Secretariat

The Secretariat should gain more competences to transform

it towards a more professional body that is functional without excessive dependence on the Commission. There should also be more investment in the training and capacity building of the secretariat.

A CEC balanced between the position and opposition

To balance the CEC members, excluding the Chairperson, in an equal number of representatives from the majority and the opposition. Firstly places are allocated to entities that represent entities that compete for reserved seats in Parliament and other seats are allocated in order to achieve overall balance between the majority and opposition. The same formula should be used in the composition of MEC PSC.

A detailed procedural manual

Manuals for commissioners should include the most minute details. In many cases during the Election Day, commissioners were found in positions where they are not sure of what to do. While a previous training manual used by the OSCE from 2001 to 2007 was very detailed, the one used in these more recent elections left out many important points. After each election, training manuals should be updated with new cases and solutions offered for those cases.

PSC training should be improved

Currently, PS Commissioners do not know how to react in certain situations. Except the manual, the level of the training should be upgraded and commissioners should also be prepared for numerous situations, especially for cases when voters whose names already are marked with a signature, insist to vote.

New procedures

A number of new procedures should be introduced, such as: (a) mandatory testing of equipment during the preparation, (b) mandatory provision of information how to vote, (c) sensitive material to be sealed by the producer and this package should be verified during before the polling beings.

Security

Security officials must prevent militants expressing or distributing political propaganda from entering polling stations.

Family Voting

Stage a campaign against family voting and instruct commissioners how to handle cases, instruct voters as per their right and insist vigorously to reduce the incidence of family voting.

Access for Disabled

The CEC should not only demand support for disabled access, but should insist to open more polling centres and avoid the use of higher floors.

A more vigorous voter information campaign

A vigorous voter campaign by the CEC is necessary on the rights and responsibilities of voters and on how to vote. This would help reduce invalid ballots and increase voter turnout.

The CEC's website should be regularly updated

The problems accessing and have up-to-date information from the CEC website raise doubt on the CEC's rigour in organizing elections in Kosovo. The CEC can increase confidence on its organizational capacity if it ensures easy access to its website.

Documents required to vote should be clarified

There are many reported cases of those attempting to vote with bank debit cards, copies of identity cards, foreign passports, etc. The CEC must clarify to the public and electoral commissioners which documents voters are allowed to vote with. The list of these documents should be public and posted at every polling station. Commissioners and municipality electoral commissions must not be allowed to set the eligible identification documents based on their personal discretion.

Voters' List

A more robust campaign to improve the Voter List

Voter List should be a priority of the Ministry of Internal Affairs and the Central Election Commission. Either the Civil Registry improves significantly or alternatively, the CEC should introduce separate cards for voting.

The Diaspora should be placed on a separate list

Having in mind that a large number of diaspora (300,000 to 400,000 names) appears on the voters list, while only a small number (around 5,000) of them votes by mail, then the possibilities for fraud and voting on behalf of others exist. Diaspora should be allowed to vote through a special voters list which is made available to Kosovo's diplomatic representation.

Removal of names of deceased persons from the list

The Ministry of Interior should identify mechanisms to enforce sanctions deriving from the Law on Civil Registry for non-declaring the deaths. The death certificate should be abolished to stimulate better reporting of deceased.

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Political Entities

Parties should not allow children in their campaign events. They should not pressure public servants (public health and education employees) to attend their campaign gatherings. The calling of citizens is not illegal but should be regulated to prevent intimidation.

The responsibility of parties in controlling party militants should not be overlooked and as a result collective penalties for political parties should be maintained.

Law on political parties

The Kosovo Assembly should draft a law on political parties and on their financing. The law on political parties will help with their democratization and for increasing transparency towards voters. Voters will be able to follow the internal development of party democracy as relevant institutions oversee political party financing.

Results & Adjudication

Reporting Results

Make it mandatory to report as many results as possible in uniformed manner, broken down by polling stations year-by-year. Even annulled results should be published for transparency.

The CEC's responsibility in the legal chain of command

Responsibility ought to be established along CEC's legal chain of command in regards to the procedural violations on Election Day.

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Endnotes

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dyte-ne-ferizaj/. Kacanik: http://d4d-ks.org/aktivitetet/komunikata-e-pare-per-zgjedhjet-ne-kacanik/ (last accessed 12 November 2012).

5 D4D. 29 April 2012. Komunikata 2 (13:30). Dalja në votime deri në ora 12:00 dhe mbarëvajtja e procesit zgjedhor. (Communiqué 2 at 13:30. Turnout until noon and the integrity of the electoral process). http://d4d-ks.org/aktivitetet/komunikata-e-dyte-per-zgjedhjet-ne-ferizaj/. Second Round Ferizaj http://d4d-ks.org/aktivitetet/komunikata-e-dyte-e-zgjedhjeve-te-raundit-te-dyte-ne-ferizaj/. Kacanik: http://d4d-ks.org/aktivitetet/komunikata-e-dyte-per-zgjedhjet-ne-kacanik/ (last accessed 12 November 2012).

6 D4D. 29 April 2012. Communiqué 3 (18:00) Turnout until 17:00 and the integrity of the electoral process (Dalja në votime deri në ora 17:00 dhe mbarëvajtja e procesit zgjedhor). Communiqués can be found as follows. First Round Ferizaj http://d4d-ks.org/aktivitetet/komunikata-e-trete-per-zgjedhjet-ne-ferizaj/. Second Round Ferizaj: http://d4d-ks.org/aktivitetet/komunikata-e-trete-e-zgjedhjeve-te-raunit-te-dyte-ne-ferizaj/. Kaçanik: http://d4d-ks.org/aktivitetet/komunikata-e-trete-per-zgjedhjet-ne-kacanik/ (last accessed 12 November 2012).

7 Central Election Committee meeting. 19 April 2012.

8 This took place at the Zenel Hajdini Agricultural School.

9 Doganaj Polling Center: 2502; Polling Station: 01D.

10 The standard procedure is to place the ballots into bags once they are counted by the PSCs at the end of the voting process and then they are placed back in the voting boxes for transportation to the Central Counting Station.

11 Malazogu, Leon. February 2008. Election Analysis: Trends and Lessons Learned. Kosovar Institute for Policy Research and Development. Prishtinë, p. 12.

12 Ibid, p. 12.

13 This was reported at polling station 2501D/04R SH. F. "Tefik Canga".

14 This was reported at polling station 2503x/05D SH. F. "Jeronim De Rada".

[15] Malazogu, Leon. February 2008. Election Analysis: Trends and Lessons Learned. Kosovar Institute for Policy Research and Development. Prishtinë, p. 11.

[16] Besa Shahini. 3 May 2012. Selam prej Ferizajt (Greetings from Ferizaj). Gazeta Jeta në Kosovë. http://gazetajnk.com/?cid=1,1015,2057 (last accessed 20 September 2012).

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[18] Unofficially preliminary results of the 2011 census conducted by Kosovo Statistical Agency show that 28.03% of the Kosovo population is in the 0-14 age group and 27.47% is in the 15-29 age group. Dividing 27.47% into four equal parts, according to age group, results in 6.87% between the ages 15-18. The sum of the 0-14 age group and the 15-18 age group gives the result of 34.90% of the population under 18 years old. The same formula is used for Ferizaj and other municipalities.

[19] Conditional ballots have been excluded from this calculation.

[20] Malazogu, Leon. February 2008. Election Analysis: Trends and Lessons Learned. Kosovar Institute for Policy Research and Development. Prishtinë, p. 40.

[21] Results from thirteen polling stations were not considered, as they were deemed unreliable.

[22] Malazogu, Leon. February 2008. Election Analysis: Trends and Lessons Learned. Kosovar Institute for Policy Research and Development. Prishtinë, p. 40.

[23] Ibid, p. 10.

Lessons Learned for Future Elections

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Democracy for Development (D4D) is a think-tank organization established in 2010 with the vision that democracy is a precondition for development. The founding members of D4D believe that democracy is both a means and ends for development and they have tasked themselves with a mission to research and reach out to a wider community of stakeholders to make this link apparent.

D4D's mission is to influence the development of public policy to accelerate the socio-economic development of Kosovo, improve governance, and strengthen democratic culture in the country.

For more information about D4D's activities please visit our website: www.d4d-ks.org.

Schweizerische Eidgenossenschaft
Confédération suisse
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Federal Department of Foreign Affairs FDFA

Fondacioni i Kosovës për Shoqëri të Hapur
Kosovo Foundation for Open Society
Kosovska Fondacija za Otvoreno Društvo