

LAW No.03/L –256

**ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-073 ON GENERAL ELECTIONS IN THE
REPUBLIC OF KOSOVO**

The Assembly of Republic of Kosovo;

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

Approves:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-073 ON GENERAL ELECTIONS IN
THE REPUBLIC OF KOSOVO**

Article 1

Article 3 of the law in force the definition of “ECAC” is reworded as the following:

“**ECAP**” shall mean the **Elections Complaints and Appeals Panel**, an independent body in charge of adjudicating complaints and appeals concerning the electoral process.

Article 2

In the whole text of the law in force “**ECAC**” - **Elections Complaints and Appeals Committee is replaced by**“**ECAP**” - **Elections Complaints and Appeals Panel**.

Article 3

Article 4 of the law in force, paragraph 3. is reworded as the following:

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

Article 4

Article 105 of the law in force, paragraph 1. is reworded as the following:

105.1 Complaints concerning the conduct of the count at the C&RC shall be submitted in writing to the ECAP within twenty four (24) hours of the occurrence of the alleged violation.

Article 5

Article 105 of the law in force paragraph 3. is reworded by the following:

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

Article 6

Article 106 of the law in force, paragraph 1. is reworded as the following:

106.1 The CEC shall certify the final election results after the completion of all polling station and counting centre procedures and when all outstanding complaints related to voting and counting have been adjudicated by the ECAP and any appeals of ECAP's decisions on them have been determined by the Supreme Court of Kosovo.

Article 7

Article 110 of the law in force is replaced by the following:

110.1. Kosovo shall be considered a single electoral district.

110.2. A Political Entity that is not an independent candidate shall submit a list of candidates that complies with Article 27, Article 29 and CEC rules.

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

110.4. A voter shall be issued with a single ballot for the election and

a) shall mark it with a vote for one (1) political entity, and

b) may also mark it with votes for up to five (5) candidates from the list for the political entity for whom the voter has voted.

110.5. If a ballot is marked for more than five (5) candidates only the vote for the Political Entity shall be counted.

Article 8

1. Article 111 of the law in force paragraph 4. is reworded as following:

111.4. All votes received by the candidates appearing on the open list of each Political Entity shall be counted separately. The candidate lists shall then be reordered in descending order based on the number of votes received by each candidate.

2. Article 111 of the law in force paragraph 6. is reworded as following:

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

Article 9

Article 115 of the law in force paragraph 2. is reworded as the following:

115.2. The President of the Supreme Court shall appoint a chairperson of ECAP from among the judges of the Supreme Court and members from among the judges of District Courts. Upon the entry into force of this paragraph, the President of the Supreme Court shall appoint the ECAP chairperson and members within fifteen (15) days.

Article 10

Article 115 of the law in force, paragraph 4. is reworded as the following:

115.4 If a position of chairperson or member becomes vacant, the President of the Supreme Court shall appoint a person to fill the vacancy within fifteen (15) days in accordance with Article 115.2.

Article 11

Article 116 of the law in force, paragraph 1. is reworded as the following:

116.1 The ECAP shall consist of ten (10) members including the chairperson. The ECAP may sit in divisions of at least three (3) members.

Article 12

1. Article 118 of the law in force, paragraph 2. is reworded as following:

118.2 The ECAP shall provide the legal and factual basis for its decision in writing. The ECAP shall provide copies of its written decisions to the parties involved in the matter within seventy two (72) hours of the issuance of the decision if it affects the certification of the election results. For other decisions the ECAP shall provide copies of its written decisions to the parties involved in the matter within five (5) calendar days.

2. Article 118 of the law in force, paragraph 4. is reworded as following:

118.4 An appeal may be made from a decision of the ECAP, as ECAP may reconsider any of its decisions upon the presentation by an interested party. An appeal to the Supreme Court of Kosovo may be made within twenty four (24) hours of the decision by ECAP, if the fine involved is higher than five thousand Euro (€5,000) or if the matter affects a fundamental right. The Supreme Court shall decide within seventy two (72) hours after the appeal is filed.

3. Article 118 of the law in force, paragraph 5. is reworded as following:

118.5 The ECAP decision is binding upon the CEC to implement, unless an appeal allowed by this law is timely filed and the Supreme Court determines otherwise.

Article 13

Article 119 of the law in force paragraph 1. is reworded as the following:

119.1 A person who has a legal interest in a matter within the jurisdiction of ECAP, or whose rights concerning the electoral process as established by this law or electoral rule have been violated, may submit a complaint to the ECAP within twenty four (24) hours after the close of the polling stations and the ECAP shall decide the complaint within seventy two (72) hours after the complaint is received.

Article 14

Article 120 of the law in force, paragraph 1. points b) and c) are reworded as the following:

b) prior to certification of the election results and, in the sole discretion of ECAP, under exceptional circumstances to nullify the results of a specific polling station or polling center, and to order the CEC to repeat the voting in a polling centre or polling station; if it considers that the final election results could be affected; and

c) impose a fine on a Political Entity of up to fifty thousand euro (€50,000).

Article 15

Article 122 of the law in force, paragraph 1. is reworded as the following:

122.1 A natural or legal person whose legal rights have been affected by any of the following decisions of the CEC may appeal that decision to the ECAP within twenty four (24) hours after the decision being appealed is announced by CEC and the appeal must be decided by ECAP within seventy two (72) hours after the appeal is made:

Article 16

This law enters into force on the day of decreeing by the President of Republic of Kosovo.

Law No. 03/L-256
29 October 2010

Promulgated by Decree No. DL-067-2010, dated 01.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.