



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Komisioni Qendror i Zgjedhjeve
Centralna Izborna Komisija
Central Election Commission



Based on article 99.1, 100 and article 64.2 item (a) and (b) of Law no. 03/L-073 on General Elections in Republic of Kosovo and Law no 03/l-256 on Amendment of Law no. 03/l-073 on General Elections in Republic of Kosovo and article 25 of Law no 03/L-072 on Local Elections in Republic of Kosovo, Central Election Commission on 02.07.2013 issues:

ELECTION REGULATION No. 04 / 2013

VOTING OF PERSONS WITH SPECIAL NEEDS AND CIRCUMSTANCES

Article 1

General provisions

- 1.1. This rule is intended to determine the manner and indicating the registration of voters with special needs and circumstances and their voting process.
- 1.2. Voting of persons with special needs and circumstances will be implemented on Election Day Polling Station Commission and Mobile Teams (KVVEL), organized by the MEC in their municipalities.
- 1.3. Each team of special need people and circumstances voting, will be recorded on a book which will contain important data regarding the development of SNCV
- 1.4. Special need and circumstance voting team will work from 09.00 until 21:00 on Election Day, starting from MEC and MEC turning.
- 1.5. All members of the team PSCMT will vote on their PS regular 09.00 on the day before the election.
- 1.6. The competent court shall submit to CEC data for persons whose action has been deprived of judicial decision final. These data submitted as required by the CEC.

- 1.7. Any voter registered as voter with needs and special circumstances in MEC, as a result of changes in certain circumstances, may request the MEC to return as regular voters at the polling station, but no later than five (5) days before Election Day.

Article 2

Definitions

- 2.1 **Voting of persons with special needs and circumstances (VPSCR)**, the Law on General Elections in the Republic of Kosovo, meaning agreements made and procedures followed for those voters eligible to vote in Kosovo who can not vote in person in PS (PS) in which they are allocated on Election Day.
- 2.2 Voters foreseen in this category are as follows:
- a) **Homebound voters:**, eligible voters who can not leave their homes to vote in person on a regular PS due to physical, health or any other disability;
 - b) **Voters confined in an institution:** eligible voters who are hospitalized, elderly people in certain homes for the elderly, persons with diminished mental health care institutions, inmates in prisons and detainees in detention centers, or
 - c) **Voters in specific circumstances:** eligible voters living in the community, who due to relocation from the close of their regular polling station or for security reasons, can not vote in their designated polling station. This type of voting requires the approval of the Municipal Election Commission (MEC).

Article 3

Voting of homebound persons

- 3.1 An eligible voter who wishes to register as a homebound voter, shall submit to the relevant MEC period between sixty (60) days and fifteen (15) days before the elections, the following documents:
- a) a completed application, a copy of which is attached as Appendix I;;
 - b) copy of the identification document (ID card valid, valid travel document, valid passport);;

- c) a copy of the certificate of disability or medical diagnosis in support of his / her application.
- 3.2 Non-governmental organizations (NGOs) which are registered and specialized assistance to homebound persons may accept registration forms and submit them to the Secretariat of the CEC, complete with names of persons to be 'the program was included in voters homebound persons.
- 3.3 Registration forms can be obtained at the SEC's offices and on the website of the CEC on the Internet.
- 3.4 MEC within two (2) days of the filing of the request will review all applications compared with the criteria set out in article 3.1 of this rule and shall notify in writing all applicants whether they are accepted or their applications rejected.
- 3.5 MEC must inform those applicants whose applications have been rejected that they can either vote in person at the designated polling station may require legal redress within the time provided in the notice in accordance with section 7 of this rule.
- 3.6 After the deadline for submission of applications for homebound voters, MEC will:
 - a) compile a list of all homebound voters registered within the municipality, including their name and surname, date of birth, personal identity number and home address of each homebound voters;
 - b) submit a copy of homebound voters registered with the Secretariat of the Central Election Commission (CEC);
 - c) split up the address list so that people from the same geographic area visited by the same team Polling Station Committee Mobile Team (PSCMT), and
 - d) Make all appropriate arrangements, including transportation PSCMT's or reimbursement of transportation.
 - e) Not later than one (1) day before Election Day, will mark (stamp) on the final list of voters and make it clear that the voter can not vote at the polling station.
- 3.7 PSCMT shall be composed of a chairman and two members. MEC will determine the number of PSCMT needed to conduct the process of voting of homebound persons and will fill these positions from among the members of the polling station backup

members (PSC), as set out in Article 79 of the Law on General Elections in the Republic of Kosovo. No more than one person from a political entity may become a member of the PSCMT. In case of replacement of a member's PSCMT, the procedures set out in Article 74.7 of the Law on General Elections in the Republic of Kosovo must be implemented.

- 3.8 MEC will inform the accredited observer regarding the directions of the PSCMT-and planned schedule to allow observers to accompany them on their visits to homebound voters. Will be the responsibility of observers to be present at the time and place in order to accompany the PSCMT.

Article 4 **Voting Process**

- 4.1 Before departure, seen clearly by the MEC and all accredited observers present, PSCMT must:

- a) closed the ballot box and writes the number of security seal in Form of Reconciliation of SNCV (FRSNCV), a copy of which is attached as Annex II;
- b) takes from the MEC sealed package with 50 ballots each for each pair of elections and write in FRSNVC respective number of ballots received, and
- c) Takes from MEC the homebound voters list (HVL) which will include name, surname, date of birth, number of valid personal identification document and addresses of homebound people marked by upcoming visits of PSCMT.

- 4.2 At the house of the homebound voter, PSCMT:

- a) must show identification badges provided and sealed from the MEC during all the process;
- b) Requires from the voter to be identified using an acceptable form of identification as provided in Article 90 of the Law on General Elections in the Republic of Kosovo, the acceptable identification documents
- c) after the identification of voters and because of voter data are listed in Conditional Voter List of Homebound Voters (CVLHV) PSCMT's members must record the

data of voters on conditional ballot envelopes, then proceed to give ballot(s) to voter and inform voters regarding voting procedures;

- d) allows voters to vote to help each person present, but not PSCMT member's or an accredited observe;
 - e) require all persons present, except that specified in Article 4.2 (d) of this rule, to leave the room, to make it possible for homebound voters to mark ballots
 - f) gives voters another ballot if he / she has damaged the first ballot, to keep the spoiled ballot and mark as "spoiled", and
 - g) ensures that after marking the ballot(s), homebound person puts the ballot(s) in the secrecy envelope(s) and puts the secrecy envelope(s) inside the Conditional ballot Envelope (CBE). After sealing the CBE, voter can cast it in the ballot box under the supervision of each present accredited observer.
- 4.3 If PSCMT has reached the home of homebound voters and voter is not home or refuses to let PSCMT inside of his/her, in CVLHV in front the name of voters must write "not present" or "rejects" , and all members of the PSCMT must sign near space "rejects". After that PSCMT leaves the house of the homebound voter.
- 4.4 At the end of the voting process, PSCMT's must close the opening of the ballot box and send material to MEC where, in the presence of MEC or observers, PSCMT shall calculate unused and damaged ballots, fill the form and submits the material to MEC.

Article 5

Voting in institutions

- 5.1 MEC should identify institutions under Article 2.2 (b) of this rule within their municipality, to make the necessary arrangements for voting and inform the administration of the relevant institutions to plan and schedule for voting team in institutions. MEC in cooperation with the administration of the institutions will record all citizens eligible to vote in these institutions no later than 15 days before Election

Day. This record must include the following information these eligible citizens: name and surname, date of birth, personal identity number and gender.

- 5.2. CEC through memorandums of cooperation with relevant institutions will enable the recording of these voters.
- 5.3 MEC must send a list of these citizens with the right to vote in CECS no later than one day after the end of the recording period. CECS prepares ballots and other materials in based on the data of voters on the municipality of origin. Voting team in institutions (VTI) is formed in accordance with the number of voters in each institution. By doing so, same EVI can visit one or more institutions during the voting process as defined in Article 1.5 of this rule for the EVI working hours, or MEC may decide to appoint more than one EVI in the same institution if the institution has specific requests.
- 5.4 Voting team in institutions (EVI) will consist of a chairperson and two members. MEC will determine the number of EVI States needed to guide the process of voting in institutions. When the specified number of EVI's, MEC will fill these positions from among the members of the polling station backup (PSC), as described in the article as described in Article 79 of the Law on General Elections in the Republic of Kosovo. No more than one person from a political entity may become a member of EVI in the same EVI. If it becomes necessary to replace a member of the EVI, the procedures set out in Article 74.7 of the Law on General Elections in the Republic of Kosovo.
- 5.5 VTI is working as a mobile team that goes from one to the other voter with the mobile ballot box, or establishes a polling station within the institution and will enable voters to form a row, either of these two possibilities which serve best to the interests of voters and plans of the institution will be implemented.
- 5.6 VTI shall apply the same procedures for the disposal of Conditional Ballot as defined in Article 12 of the Election Rule No. CEC 09/2013 for voting and counting at polling stations and polling center management.
- 5.7 To vote in one of the institutions established under Article 2.2 (b) of this Rule, eligible voters must be registered in the aforementioned institutions no later than the fifteen days (15) before Election Day.
- 5.8 An eligible voter can cast a conditional ballot provided in the institution in which he is established if at the time of the visit by VTI has he / she can be identified with an acceptable identification document as defined by Article 90 of the Law on General Elections of Republic of Kosovo, on acceptable identification documents.

- 5.9 At the end of the process SNCV, VTI has to shut the opening of the ballot box and send all materials to the MEC, where under the supervision of the MEC or present observers, VTI is going to unused ballots and damaged material and submit them to MEC.

Article 6

Voting in special circumstances

- 6.1 MEC will prepare in advance a list of data and locations of voters living in special circumstances not later than fifteen (15) days before Election Day. The information should include: name, surname, date of birth, personal identity number and address.
- 6.2 Under Article 99.1 of the Law on General Elections in the Republic of Kosovo, the number of voters and certain persons who will use this right, will be decided by MEC no later than fifteen (15) days before the Election Day.
- 6.3 MEC no later than one (1) day prior to Election Day will mark (stamp) these voters on the final voters list and make it clear that the voter can not vote in regular polling station.
- 6.4 MEC will inform in advance, no later than five (5) days before the election day all voters regarding the exact time and place where the voting for special circumstances will take place (SCV).
- 6.5 Voting team for special circumstances (VTSC) shall consist of a chairperson and two members. MEC will determine the number of VTSC necessary to lead the voting with special needs. When the number of VTSC is determined, MEC will fill these positions from among the members of the polling station backup members (PSC's), as described in Article 79 of Law for General Elections in the Republic of Kosovo. No more than one person from the same political entity may become a member of the same VTSC. If it becomes necessary to replace a VTSC member, the procedures set out in Article 74.7 of the Law on General Elections in the Republic of Kosovo will be implemented.
- 6.6 Voting and counting for special circumstances will be made in the same manner as conditional voting, as defined in Article 12 of the Electoral Rule no. 09/2013 for voting, counting at polling stations and polling management
- 6.7 Once the special circumstance voting is completed, has the VTSC closes the opening the ballot box and send all materials to the MEC, where under the supervision of the

MEC or present observers, VTSC is going to make the calculation of unused ballots and damaged material and delivers them to MEC.

- 6.8 Alternatively we can plan an early by mail voting before Election Day after identification of all interested voters to vote with special needs and circumstances.

Article 7

Trial process

- 7.1 MEC shall notify each eligible voter or group of voters who were denied requests for VPNRV, not later than three (3) days after the filing of the petition, informing him of the right to seek legal redress in the court of first instance in accordance with the Law on General Elections in the Republic of Kosovo.
- 7.2 If the court of first instance within three (3) days of receiving of the appeal, decided that the voter is eligible to participate in the program of SNCV, may order MEC to involve the voter to SNCV's list.

Article 8

Final and transitional provisions

- 8.1 With entry into force of this regulation, election regulation no. 04/2008 Voting of Persons with Special Needs and Circumstances of date 25.06.2009 is abolished.
- 8.2 An integral part of this regulation is also the annex:

Annex – I From of registration of voters with special needs

Article 9

Entry into force

This regulation enter into force on 02.07.2013.

President of Central Election Commission

