



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



Based on article 64.2 items (a) and (b), article 128.2 of Law no. 03/L-072 on Local Elections in Republic of Kosovo and Law no. 03/L-256 for Amendment of Law no. 03/L-073 on General Elections in Republic of Kosovo and article 20 and article 29.2 of Law no. 03/L-072 for Local Elections in Republic of Kosovo, Central Election Commission on 02.07.2013 issues:

ELECTION REGULATION No. 06 / 2013

COUNT AND RESULTS CENTER

Article 1

General Provisions

The purpose of this Regulation is to regulate the supervision and observation, intake, election material control, audit of results and investigation forms, verification of conditional ballot envelopes and by-mail ballot envelopes provided to vote through postal ballots, ballot counting procedure of the CRC, complaints about the process of working on the CRC, as well as the compilation of election results.

Article 2

Definitions

- 2.1 **The Count and Results Centre (C&RC)** is the location where CBs, By-Mail Ballots, and any regular ballots as required by the Central Election Commission (CEC) or Election Complaints and Appeals Panel (ECAP) are counted; whereas Reconciliation and Result Forms (RRFs) from each PS are audited and tabulated, Candidate Result Forms (CRFs) and Batch Result Forms (BRFs) are tabulated and final results are compiled.
- 2.2 **CRC Coordinator** is responsible for managing all staff and activities taking place in the CRC in consultation with the Chief Executive of the CEC Secretariat and also for the correct implementation of this Regulation. CRC Coordinator recommends and implements technical procedures prescribed by this Electoral Regulation and CRC Procedures.

- 2.3 Upon recommendation by the CRC coordinator, Chief Executive Officer of CECS appoints a staff member of CRC proven successful in testing procedures in accordance with the procedures for recruitment of Civil Service to act as Deputy Coordinator of the CRC in the absence of CRC coordinator.
- 2.4 **Conditional ballot envelope (CBE)** means the outer envelope in which personal information voters who vote with conditional ballot are listed. Within CB Envelope should be secrecy envelope which contains the casted ballot (s).
- 2.5 **By-mail ballot** means is the ballot through which is voted in accordance with provisions of article 96 of Law on General Elections in Republic of Kosovo, respectively Election Regulation (03/2013) for Voting Abroad Kosovo.
- 2.6 **Result and Reconciliation Form (RRF)** is the form attached as annex to this regulation and approved by CEC before elections with the aim of reconciliation of votes-results of a polling station.
- 2.7 **Candidate Result Form (CRF)** is the form attached as an annex to this election regulation and is approved by CEC before elections, with the aim of registering of results of candidates.
- 2.8 **Batch Result Forms (BRF)** is the form attached as an annex to this election regulation and is approved by CEC before elections with the aim of registering results from Conditional Voting, Special Need and Circumstance Voting and Out of Kosovo Voting.
- 2.9 **Final Voters List (FVL)** means voters list as defined in article 3 and article 8.6 of Law on General Elections in Republic of Kosovo, and article 2.2 of Law on Local Elections in Republic of Kosovo.
- 2.10 **Final Voters List of a Polling Station (FVL PS)** is the list of voters allocated in one regular Polling Station which holds the signatures of the voters whom have casted their regular votes in that PS, as defined in article 3 of Law on General Elections in Republic of Kosovo and article 2.2 of Law on Local Elections in Republic of Kosovo.
- 2.11 **Conditional Voters List (CVL)** of a PS is the list of voters whom vote with Conditional Ballots (CB) in a dual PS, as defined in article 3 of Law on General Elections in Republic of Kosovo and article 2.2 of Law on Local Elections in Republic of Kosovo or during program of special need and circumstance voting, according to article 99 of Law on General Elections in Republic of Kosovo and article 25 of Law on Local Elections in Republic of Kosovo and Regulation No. 04/2013.
- 2.12 **EPAC** means Election Panel for Appeals and Complaints, an independent body,

responsible for settlement of appeals and complaints regarding election process.

Article 3

Monitoring and observation

- 3.1 All activities in the CRC can be supervised by members of the Central Election Commission (CEC). CEC members can observe activities in the CRC at any time.
- 3.2 Within the CRC no more than four (4) accredited observers from the same Accredited Organization can be present at the same time to observe elections.
- 3.3 In case of a recount of ballots and other situations, the Central Election Commission may increase the number of observers in CRC.
- 3.4 Media representatives accredited by the CEC can also observe the activity in CRC. Media representatives accredited by the CEC should be allowed within the CRC for a short time, provided that their presence does not prevent the counting process and by the same media that must not be more than four (4) people.
- 3.5 Despite the provisions of this rule, if the Chief Executive of CECS based on his/her opinion and at the request of the coordinator of the CRC states that the number of accredited election observers or accredited media representatives present within the CRC is obstructing the process, he / she shall instruct observers and / or representatives of the media to reduce their numbers.

Article 4

Intake and initial control of material

- 4.1 After receiving the material from each MEC, personnel of CRC must intake Result and Reconciliation Form (RRF), Candidate Result Form (CRF), Final Voters List (FVL), Conditional Voters List (CVL) Poll Books and sealed Conditional Ballot Envelopes (CBE) bags and sealed ballot boxes. Numbers of sealing tapes of ballot boxes and CBE bags must be verified. Personnel of CRC must write down every received item or the missing item in the intake report of CRC, one copy of whom is attached to this Regulation as an Annex.
- 4.2 CRC staff must do audits and investigations relating to materials received pursuant to section 4.1, if;
 - (a) the number of polling station from which the materials have arrived cannot be defined and/or

- (b) an RRF, CRF and/or FVL are missing and/or
 - (c) There are some other inaccuracies or deviations in legal procedures.
- 4.3 CEC Secretariat shall submit to the CRC coordinator envelopes of ballots for voting by mail the day before Election Day, as provided by Regulation 03/2013 Out of Kosovo Voting.
- 4.4 Municipal Election Commissions must submit all election material to the CRC. If during the intake of material from the CRC staff, it is evidenced that any electoral material is missing then MEC of the relevant municipality should bring the missing material to CRC, as soon as possible.

Article 5

Audit of result forms and investigations

- 5.1 CRC staff to check the accuracy of the data listed in any FPR and materials must retain for audit and / or investigation, in case of dispute over the level of tolerance shown between:
- a) the total number of regular ballots found in the ballot box compared to the total number of signatures on the FVL
 - b) number of CBE found in the Box of CBE compared to number of names in CVL.
 - c) the total number of valid votes, blank votes and invalid votes compared with the number of regular ballots found in the ballot box;
 - d) The total number of unused ballots, spoiled ballots, and the regular ballots found in the ballot box, CBE found in CBE bag compared with the number of ballots received. The level of tolerance will be presented with CEC decision, on the recommendation of the CRC Coordinator.
- 5.2 If the investigation is made pursuant to Article 4.2 and Article 5.1 of of this Regulation, does not solve the problem identified, CRC Coordinator shall submit a written recommendation to the CEC for its decision.
- 5.3 All material held for investigation by CRC staff, or until the CEC to decide as defined in Article 5.2, should be stored in a secure location with restricted access only to staff who is appointed by the coordinator of the CRC for investigation, therefore CRC investigator, pending the investigation.

Article 6

Verification of conditional ballot envelopes and by-mail ballot envelopes

- 6.1 Only Secrecy Envelopes of Conditional Ballots and Secrecy Envelopes of SNV which are referred, sealed with Conditional Ballot Envelope and SNE and By-Mail Envelopes which can be referred, sealed with identification documents of voters, will be preceded for verification.
- 6.2 Personnel of CRC must confirm Conditional Ballot Envelope (CBE), Secrecy Envelope of SNV or Envelope of By-Mail Ballot, if:
- a) name of the voter in CBE or in By-Mail Ballot Envelope is found in FVL;
 - b) same voter did not vote with other regular ballot, other Conditional Ballot (CB) or other By-mail Ballot.
 - c) By-Mail Ballot Envelope includes a copy of identification document that is required according to article 3.3 item a and b of Regulation 03/2013 "Out of Kosovo Voting" and
 - d) voter was not excluded from Voters List with a decision from EPAC or decision of first degree court.
- 6.3 CRC must maintain and separate all confirmed CBE from un-confirmed CBE's for any kind of elections. CRC must count only ballots with confirmed envelopes and who went through intake. Same will apply for by-mail ballot envelopes and by-mail envelopes.
- 6.4 Personnel of CRC opens confirmed CBE's that refer to article 6.3 and:
- a) Refuses the CB Envelope if it is found blank;
 - b) Refuses CB Envelope if it contains more than one Secrecy Envelope;
- 6.5 Personnel of CRC will open confirmed Secrecy Envelopes of Conditional Ballots and confirmed Secrecy Envelopes of By-Mail Ballot which derives from article 6.3 and will correct ballots for confirmed elections, and:
- a) Refuses Secrecy Envelope if it doesn't contain the ballot.
 - b) Refuses Secrecy Envelope if it contains more than one ballot for the same elections.
 - b) Accepts Secrecy Envelope if it contains ballot(s) for respective election(s) and if the voter is registered in the municipality for which he/she has casted his/her vote.

Article 7
Counting of ballots in CRC

- 7.1 Ballots found inside received secrecy envelopes, which were not rejected as defined in article 6, as well any other ballot that requires counting pursuant to CEC or EPAC decision, must be counted in CRC.
- 7.2 Ballots must be considered as invalid if:
- a) more than one political entity was marked in the ballot; or
 - b) the way the ballot was marked makes the purpose of the voter unclear; or
 - c) the ballot was not stamped with official ballot stamp, unless it is a ballot of by-mail voting program; or
 - d) is a ballot of by-mail voting program that is not an acceptable ballot as defined with article 1.3 of Election Regulation no.03/2013 for Out of Kosovo Voting.
- 7.3 Ballot is not marked and should be considered as blank ballot.
- 7.4 Results of counting process must be recorded in Batch Result Form (BRF) (BRF is used as a form in which results of conditional votes, SNV votes and By-Mail votes are recorded) a copy of which is attached as an annex to this Regulation in one RRF or CRF.

Article 8
Complaints regarding to process in CRC

- 8.1 Complaints about the conduct of the count in the CRC, under Article 105 of the Law on General Elections in the Republic of Kosovo and Article 26 of the Law on Local Elections in the Republic of Kosovo must be submitted in ECAP in writing within 24 hours of the occurrence of the alleged violation.
- 8.2 Submitting the complaint does not interfere or stop the counting process.
- 8.3 Pursuant to the provisions of Article 105.3 of the Law on General Elections in the Republic of Kosovo, and Article 26 of the Law on Local Elections in the Republic of Kosovo, for all the complaints ECAP will decide no later than 72 hours after receiving them in their headquarters.

Article 9
Election Results

- 9.1 After all remaining complaints regarding the voting and counting are reviewed and decided by the ECAP and after taking any action required by the CEC, CRC staff

should draw total results of all RRF's, CRF's and BRF's received and compile election results.

- 9.2 Election results mean the number of votes received by each political party certified for each election for which they compete, and the number of votes received by each candidate and also all other data required under article 106.4 the Law on General Elections in the Republic of Kosovo.
- 9.3 In exceptional cases before certification of the results, the CEC can order a recount of ballots in any Polling Station, Polling Center, and Counting Center or repeat voting at a Polling Center or in a municipality.
- 9.4 The election results are final and binding, once certified by the CEC, in accordance with Article 106.1 of the Law on General Elections in the Republic of Kosovo and Article 26 of the Law on Local Elections in the Republic of Kosovo.
- 9.5 Prior to certification of the election results, it is the competence of EPAC, in exceptional cases to annul the results of a Polling Station or Polling Center, and order CEC to repeat the voting in a Polling Station or Polling Center, if it considers that they have impact in final results.
- 9.6 According to certified results, CEC must prepare a list of all the certified election mandates and submits to Kosovo President the recommendation to meet these mandates.

Article 10

Final and transitional provisions

With entry into force of this Regulation, Election Regulation no. 06/2008 on Count and Results Center dated 25.06/.2009 is abolished.

Article 11

Entry into force

This Regulation enters into force on 02.07.2013

President of Central Election Commission

