



**THE CENTRAL ELECTION COMMISSION (CEC)**, pursuant to Article 64, paragraph 2, sub-paragraphs 2.1 and 2.2, articles 54, 55, 58 of the Law No. 08/L-228 on General Elections in the Republic of Kosovo (LGE), and articles 19, 20 and 29, paragraph 2 of Law No. 03/072 on Local Elections in the Republic of Kosovo (LLE), on 08.03.2024 adopts this:

## **ELECTION REGULATION NO. 08/2024**

### **ELECTION OBSERVERS**

#### **Article 1**

##### **Purpose**

This Regulation defines the procedure for applying, reviewing applications and accrediting observing organizations and media, and the rights and obligations of accredited observing organizations and their observers.

#### **Article 2**

##### **Accreditation of organizations and their observers**

1. Certified political entities, non-governmental organizations (NGOs), governmental and intergovernmental organizations, international specialized organizations involved in elections and protection of human rights, as well as representatives of foreign countries, have the right to apply for accreditation as election observers.
  - 1.1. NGOs that operate in the field of elections and human rights protection may observe the electoral process.
2. Any certified political entity may submit a request for the accreditation of observers to the CEC at any time, but no later than twenty-five (25) days before election day.
3. Each non-governmental, governmental, intergovernmental organization, international organization, and representatives of foreign countries may submit a request for accreditation of observers to the CEC at any time, but no later than fifteen (15) days before election day.
4. Media may submit requests for accreditation of observers to the CEC at any time, but no later than five (5) days before election day.

## **Article 3**

### **Application and review of applications**

1. Certified political entities, non-governmental organizations, governmental and intergovernmental organizations, international organizations, representatives of foreign countries, and media applying for accreditation must provide the following documentation:
  - 1.1. Accreditation form of observing organization - Appendix I;
  - 1.2. list of observers - Appendix II, containing:
    - 1.2.1. Name, surname, date of birth, personal number and contact telephone number for each observer, in physical and electronic format.
2. The Office for Registration, Certification, and Financial Control of Political Entities (the Office) reviews the documents submitted by an organization for accreditation and sends a notice for correcting the documentation:
  - 2.1. within five (5) days for political entities;
  - 2.2. within twenty-four (24) hours for organizations;
  - 2.3. within eight (8) hours for the media.
3. Organizations that have applied for accreditation and received a notice for correcting documentation as specified in paragraph 1 of this article, must make the indicated corrections and resubmit the documents to the Office:
  - 3.1. Within three (3) days from the notification for political entities;
  - 3.2. within twenty-four (24) hours for organizations;
  - 3.3. within eight (8) hours for the media.
4. The CEC approves or rejects the requests of:
  - 4.1. certified political entities, no later than ten (10) days after submission;
  - 4.2. organizations, no later than five (5) days after submission;
  - 4.3. media, no later than two (2) days after submission;
  - 4.4. If an application for accreditation is rejected, the CEC, through the Office, will send a written notification to the organization and inform them of their right to appeal the decision to the Election Complaints and Appeals Panel (ECAP) within forty-eight (48) hours of receiving the notification.
5. The Office notifies the organization for accreditation of its observers by the CEC and issues them accreditation decision and special identification badges for all observers.
6. The identification badges for observers are received by the authorized representative of the accredited organization, who is required to sign the handover list.

## **Article 4**

### **Rights and obligations of accredited organizations and their observers**

1. An observer has the right to:
  - 1.1. Observe without hindrance the preparation and conduct of elections, including post-election day meetings, hearings and activities related to elections, complaints and submissions regarding election results, and determination of winning candidates;
  - 1.2. submit written comments to election commissions and polling station committees;
  - 1.3. observe the packaging, transfer, delivery, handling, counting, secure storage, and destruction of ballots;
  - 1.4. receive copies of decisions, protocols, tables, minutes, and other documentation throughout the entire electoral process, including processes before and after election day.
2. During electoral process, including voter registration process, an accredited observer may submit a complaint for any violation of applicable Rules, Administrative Instructions, Electoral Rules, or Administrative Procedure to the CEC in accordance with its procedures.
3. An observer is required to:
  - 3.1. comply with the requirements of this law and the rules of CEC
  - 3.2. wear the observer's identity badge visibly when engaged in observation activities;
  - 3.3. refrain from wearing distinctive signs that serve as means of propaganda or that could influence the voters' will or identify them with a specific political party or candidate; and
  - 3.4. refrain from violating the voter's right to ballot secrecy and from hindering the voting process and the administration of elections.
4. An accredited observer organization may send one observer to CEC and MEC meetings.
5. The accredited organization is responsible and must ensure that its observers are fully informed of their rights and obligations and about electoral process.
6. The accredited organization is responsible for the individual conduct of its observers.
7. If the accredited organization finds that one of its observers has violated the code of conduct for observers, it must withdraw observer's badge and submit it to the CEC in order to cancel the accreditation.
8. The CEC can at any time cancel the accreditation of an observer who violates the LGE, CEC Regulations, instructions or administrative procedures related to electoral process.

## **Article 5**

### **Accreditation and role of the media**

1. Staff of print or electronic media (media outlets) who wish to enter the polling center (PC), polling station (PS), Municipal Counting Center (MCC), or Counting and Results Center (CRC) on election day or during the counting process must be accredited by the CEC.
2. The list must contain the following data and documents:
  - 2.1. The name of the media outlet and copy of the registration certificate;
  - 2.2. name, surname, date of birth, personal number and contact phone number for each observer, in electronic form;
3. After the CEC's decision on accreditation, the Office provides media outlets with accreditation badges for observers.
4. The accredited media observer must carry both the accreditation badge and identification document of the media they represent, ensuring that both are visible during the observation period, and has the right to:
  - 4.1. Enter polling centers (PC), polling stations (PS), municipal counting centers (MCC), and the Results Center (CRC), as well as other facilities of the CEC and Municipal Election Commission (MEC) that are open to the public and media;
  - 4.2. capture footage with cameras and take photographs.
5. The activity of media staff must not compromise the integrity of electoral process, election silence, or privacy and secrecy of the vote.
6. The CEC may withdraw accreditation of a media staff member at any time in the event of a violation of electoral legislation provisions.

### **Article 6**

#### **The role of observers during elections**

1. Observers may observe the process of evaluating the packages containing ballot papers sent by voters from outside Kosovo, the process of opening the polling stations (PS), voting, counting, packaging, and the delivery of materials from PS to the MEC and from the MEC to the CRC, except for the marking of the ballot by the voter.
2. No more than one observer from the same accredited organization may be present at the same time during the processes provided for in paragraph 1 of this article.

### **Article 7**

#### **Observation of the ballot counting process at the polling station. by accredited media**

1. The counting of ballot papers at the polling station can be observed by accredited media, which are allowed to film and take photograph.

2. Depending on the space available at the PS, the chairperson of PS determines the number of media representatives allowed to follow the counting at a specific PS.
3. The representative of accredited media must submit a request to the chairperson of polling station to observe the counting process at the designated polling station, before the counting begins. The chairperson of the PSC records the request in the poll book, noting the details of accredited media observer.
4. The chairperson of PS must inform the media that they can film the process of counting the ballots, but without presenting personal data protected by law.
5. Media representatives must remain in the area designated by the chairperson, at an appropriate distance from the work tables, and are prohibited from making physical contact with election materials, disrupting the ballot counting process, or communicating with members of the PSC.
6. Media representatives who leave the polling station during the counting process are not allowed to return to PS.

## **Article 8**

### **Observation of the counting process at the Municipal Counting Center (MCC)**

1. All activities conducted at the MCC may be observed by accredited observers and media.
2. Within the MCC, observation is allowed to no more than one observer from the same accredited organization for each counting table.
3. Political entities are obliged to submit the list of observers who will observe the process inside the MCC.
4. Observers stand opposite the counting groups, at an appropriate distance from the work tables, and are prohibited from having physical contact with electoral materials.
5. The MCC verifies the observers and allows access to the MCC, according to the decision of the CEC.

## **Article 9**

### **Observation of the process of counting candidate's votes at the Counting and Results Center**

1. All activities conducted at the Counting and Results Center can be observed by accredited observers and media.
2. Inside the CRC, observation is allowed for no more than one observer from the same accredited organization at each counting table.

3. Political entities are obliged to submit the list of observers who will monitor the process inside the CRC.
4. Observers stand opposite the counting groups, at an appropriate distance from the work tables, and are prohibited from having physical contact with electoral materials.

## **Article 10**

### **Observation of the evaluating process for ballot packages from voting outside Kosovo**

1. Accredited observers and media can observe the evaluation process of ballot packages sent by voters from outside Kosovo.
2. In the area where the evaluation of ballot packages takes place, no more than one observer from the same accredited organization is allowed to observe at each counting table.
3. During the observation process, observers are not allowed access to voters' personal data, which is protected under the Law on Personal Data.

## **Article 11**

### **Election observers for the second round of elections**

1. Observers accredited before the first round of elections are allowed to observe the second round of elections for municipal mayors.
2. Representatives of certified political entities, NGOs, governmental and intergovernmental organizations, international organizations specialized and engaged in human rights protection, representatives of foreign countries, or media can apply to the CEC for accreditation to observe the second round of elections for municipal mayors. If they are already accredited as an observer organization, they can submit a request for the accreditation of additional observers no later than five (5) days before election day.

## **Article 12**

### **Transitional and final provisions**

1. Upon the entry into force of this Regulation, Election Rule no. 08/2023 Election Observers is repealed.
2. The following are integral part of this Regulation:
  - 2.1. Appendix I – Accreditation form for observer organizations;
  - 2.2. Appendix II – List of observers;

3. Within sixty (60) days of the entry into force of this regulation, the Office is obligated to draft the procedure for the accreditation of observers and the guide for the code of conduct for observers.

### **Article 13**

#### **Entry in to Force**

This Regulation shall enter into force on the date of its adoption.

**Chairperson**

**Central Elections Commission**

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**Kreshnik Radoniqi**