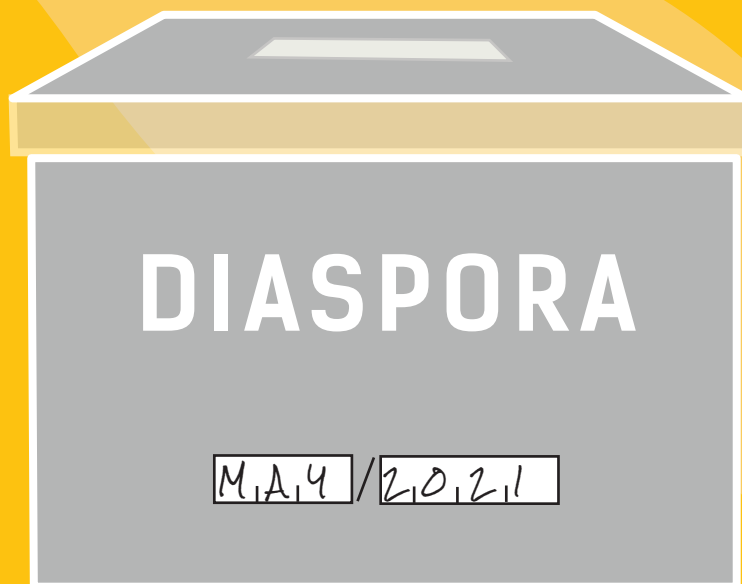
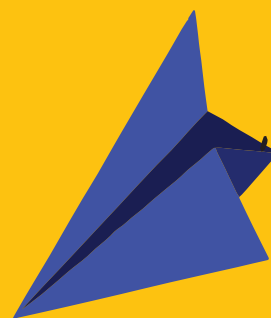


Analysis of the Out-of-Country  
Voting for the Kosovo Assembly  
Elections, held on February 14, 2021



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List of acronyms:

CEC - Central Election Commission

LGE - Law on General Elections

ECAP - Elections Complaints and Appeals Panel

CRC - Count and Results Center

MTC - Mail Transit Center

CECS - Central Election Commission Secretariat

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## INTRODUCTION

Citizens of the Republic of Kosovo living Out-of-Country have the right to elect and to be elected similarly as everybody else living in Kosovo. Republic of Kosovo through the Constitution<sup>1</sup> and its legislation enables the exercise of electoral rights for all citizens without distinction, regardless of the place where they live. Electoral rights fall within the framework of basic rights, and are guaranteed by the Constitution of the Republic of Kosovo and laws into force, but also by international conventions/documents.

In Kosovo Out-of-Country Voting is allowed for all types of elections. Non-resident citizens can vote by mail in the local or central elections, after being successfully registered to vote at the Central Election Commission (CEC). But, although there is a large number of citizens living Out-of-Country, and the interest to vote from Out-of-Country is over the years, their participation in the elections in Kosovo continues to be a complex process, followed by recurring problems.

Out-of-Country Voting since the first elections after the declaration of independence has not been treated with priority and the problems reported during the election cycles have not been sufficiently addressed. This has made the electoral potential Out-of-Country difficult to participate in democratic processes in the Republic of Kosovo, which has also affected the reduction of credibility on institutions.

Regardless the positive assessment of the progress of elections within the country, Out-of-Country Voting continues to be problematic during the electoral processes in Kosovo. Problems with the registration, delivery and receipt of ballot/s envelopes from Out-of-Country, as well as the lack of proper information and education of voters, have plagued followed almost every election cycle. These and other problems have not been addressed by the relevant institutions and superficial changes such as enabling the application for registration by e-mail from 2017, have not improved the process, which was proofed even by the elections of February 14, 2021.

This analysis aims to address the impediments in the Out-of-Country Voting process, and provides a detailed overview of all electoral operations within it. The analysis presents the data and results of the Out-of-Country Voting during the last elections for the Kosovo Assembly 2021.

This document addresses:

- The right and importance of the vote from Out-of-Country ,
- Legal framework on registration procedures and Out-of-Country Voting for the elections in Kosovo,
- Results of votes from Out-of-Country for the elections of February 14, 2021,
- Financial cost of Out-of-Country Voting
- Key impediments in frame of this process,
- Alternatives of Out-of-Country Voting .

Also, in the last part are given respective recommendations for the relevant institutions on the changes that need to be performed to overcome the impediments and solve problems in this process, in order to expand the opportunities for Out-of-Country Voting for the citizens of the Republic of Kosovo.

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<sup>1</sup>Every citizen of the Republic of Kosovo who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision.

## **THE RIGHT TO VOTE OUT-OF-COUNTRY**

### **IMPORTANCE OF OUT-OF-COUNTRY VOTING AND DIASPORA**

The involvement of the diaspora in political processes is an important tool that a country has to maintain strong ties with citizens Out-of-Country . Among the various aspects of the country of origin in which the diaspora should be closely involved, political participation is maybe one of the most important. In this regard, voting is not only the most important form of political participation, but also the best way to make the voices of the diaspora be heard. Also, the provision of opportunities to exercise the right of vote, shows even the interest of the state to treat equally all citizens regardless of the place where they live, and especially those who continue to cultivate relations with the home country even though they live in another state. Such position is confirmed by the report on Out-of-Country Voting of the Venice Commission for year 2011, where Out-of-Country Voting is assessed as a mechanism of equal treatment between citizens residing in the country and members of the diaspora<sup>2</sup>. According to the Venice Commission, it is at the discretion of states to include in their legislation the right of Out-of-Country Voting . But, when the states provide to non-resident citizens the right to vote, then they must provide all the opportunities to exercise this right equally for all. Furthermore, diaspora voting is an additional tool for preserving national affiliation and strengthening of ethnic identity, considering that the participation in decision-making increases the proximity and loyalty of the diaspora to institutions and society of the home country.

Kosovo is considered a country with a large diaspora in proportion to the total number of local citizens. Various sources prove that between 400,000 and 600,000 citizens of Kosovo live Out-of-Country , equipped with documents of the Republic of Kosovo, while the total number of members of the diaspora ranges from 800,000 to 1 million<sup>3</sup>.

According to data from the 2014 migration report of the Kosovo Agency of Statistics (KAS), there are over 380,000 citizens born in Kosovo but living Out-of-Country , whereas over 50% of emigrants are settled in Germany and Switzerland<sup>4</sup>. Meanwhile, it is assessed that over 300,000 citizens Out-of-Country have the right to vote<sup>5</sup>. After 2014, no new migration report was published by KAS or any other institution, but it is assessed that the number of citizens living outside Kosovo has been increased.

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Kosovo's Diaspora has historically been close to its country of origin. Since the 70's, it has been a maintainer of 'social peace' by sending remittances, which have been the only financial source for many Kosovar families and an important contributor to all political and social processes. Diaspora continues to be a major contributor to Kosovo's economy through financial remittances and according to Central Bank data, remittances account about 15% of Gross Domestic Product (GDP). If we add to this even the expenses that the diaspora incurs during visits to Kosovo and investments, then we can assess that the economic impact of the diaspora in Kosovo is very large.

While some progress has been made in recognizing the importance of the diaspora, very little has been done in terms of political representation and participation in decision-making.

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<sup>2</sup>"Report on Out-of-Country Voting". 2011. Venice Commission. [https://www.venice.coe.int/ëeb-forms/documents/default.aspx?pdffile=CDL-AD\(2011\)022-e](https://www.venice.coe.int/ëeb-forms/documents/default.aspx?pdffile=CDL-AD(2011)022-e).

<sup>3</sup>Krasniqi, Lirim. 2018. "Diaspora vote as infusion of democracy". GERMIN & KALLXO.Com. <https://kallxo.com/gjate/mendime/vota-e-diaspores-si-infuzion-i-demokracise/>.

<sup>4</sup>"Kosovar migration". 2014. Kosovo Agency of Statistics (KAS). <https://ask.rks-gov.net/media/1379/migrimi-kosovar-2014.pdf>.

<sup>5</sup>"Establishing the Justice in Elections: Cases review and the path to institutional cooperation". 2015. Democracy for Development (D4D). <https://d4d-ks.org/assets/2015-07-10-Electoral-Justice-Report-ALB.pdf>.

## LEGAL FRAMEWORK

The legislation into force of the Republic of Kosovo in regard to the Out-of-Country Voting considers the status of persons living Out-of-Country. Initially, the Constitution of the Republic of Kosovo in Article 45 par 1 has stipulated that “Every citizen of the Republic of Kosovo who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision,, Whereas Article 45 paragraph 3 has stipulated that “State institutions support the possibility of every person to participate in public activities and everyone’s right to democratically influence decisions of public bodies”.

Furthermore, importance is given to the qualification of persons as citizens living Out-of-Country or members of the diaspora. Pursuant to Article 2 of Law No. 04/L-215 on Citizenship, member of diaspora is “every person with lawful residence outside the Republic of Kosovo who proves that has been born in the Republic of Kosovo, a member of the Diaspora is also considered every person who is a first-generation descendent of a person who was born in the Republic of Kosovo.”<sup>6</sup>

Whereas, in regard to the legal capacity in order to participate in the elections, Law No. 03/L-073 on General Elections in the Republic of Kosovo, Article 5 emphasizes that “A person is eligible to vote in an election in accordance with the present Law if he or she is at least eighteen (18) years of age on the day of the election and satisfies at least one of the following criteria: s registered as a citizen of Kosovo in the Central Civil Registry; is residing outside Kosovo and left Kosovo on or after 1 January 1998; obtained the status of a refugee.”<sup>7</sup>

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<sup>6</sup>Assembly of Republic of Kosovo. 2008. “LAW NO. 03/L-034 ON KOSOVO CITIZENSHIP”. Pristina: Official Gazette of Republic of Kosovo. Article 2.

<sup>7</sup>Assembly of Republic of Kosovo. 2008. “LAW NO. 03/L-073 ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO”. Pristina: Official Gazette of Republic of Kosovo. Article 5.

## REGISTRATION OF VOTERS' FROM OUT-OF-COUNTRY

Pursuant to the Law on General Elections, the Central Election Commission (CEC) drafts procedural criteria for citizens who live outside Kosovo and want to vote for the elections in Kosovo. To be included in the Voters' List outside Kosovo, the criteria that must be proven according to the CEC are:

- Identity,
- Age,
- Being part of the Civil Registry in the Republic of Kosovo, or
- Being the Kosovo inhabitant on January 1, 1998, and
- Meeting of the civil legal capacity criteria:
  - a) To be born in Kosovo,
  - b) To have one parent born in Kosovo,
  - c) To have lived in Kosovo for an uninterrupted period of at least five (5) consecutive years,
  - d) You were forced to leave Kosovo therefore you were not able to reside in Kosovo for a subsequent period of five years,
  - e) To be a dependent child under the age of 18 (but who can reach 18 years of age by election day) of a person registered in the Civil Registry in Kosovo,
  - f) To be a dependent person under the age of 23, of a person registered in the Civil Register of the Republic of Kosovo, and, to be a regular student of a recognized educational institution.<sup>8</sup>

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<sup>8</sup>Procedure for assessing the criteria of legal capacity for obtaining of the right to vote: Voting outside Kosovo". Central Election Commission (CEC). [http://www.kqz-ks.org/voter\\_services/by\\_mail\\_voting/](http://www.kqz-ks.org/voter_services/by_mail_voting/) (Accessed on February 20, 2021.)

To prove the fulfillment of these criteria for Out-of-Country Voting , the application is sent to the CEC address by e-mail, mail or fax. Afterwards, the CEC examines whether the person has the right to vote and informs him/her on the acceptance or rejection of applications based on the conditions stipulated for registration. A citizen whose application for voting Out-of-Country Voting is rejected, is allowed to appeal the CEC decision to the Election Complaints and Appeals Panel (ECAP) within twenty-four (24) hours from the moment of receipt of the rejection, by mail or by personally filing the appeal.

To those whose application for registration as a voter outside Kosovo has been approved, the CEC sends an e-mail notification and announces the list of eligible voters registered as Out-of-Country voters'. Until 2017, the CEC used the method of notification by physical mail, through which sent to the address of the registered persons an incomplete ballot and the list of candidates, instructions on how to vote and the address of the CEC where voters should send the envelope with the ballot. Since 2017, the CEC has also started using e-mail for Out-of-Country voters' application and notification procedures, expanding the opportunities and speeding up the process of communicating with voters. Whereas in the 2019 and 2021 elections, no physical mail was used at all to notify voters abroad. This change, no matter how small it is, has positive effects for the CEC and the voters, both in financial and environmental terms. Registration for Out-of-Country Voting is a special period which may last up to forty (40) days during regular elections and may be shortened to seven (7) days during early or extraordinary elections. According to Electoral Rule no. 03/2013, Article 3.5, in regular elections, the period ends 60 days before the election day<sup>9</sup>. The CEC reviews all applications to determine the right of applicants to vote, and announces the final list of Out-of-Country voters' a few days before the start of the voting period, enabling the list to be challenged or appealed by persons who are not included in it.

In the Early Elections of 2021, the term for registration as a voter outside Kosovo has lasted 8 days and 18 hours, from 13 - 21 January at 18:00. This term was 3 days and 6 hours shorter than in the 2019 Elections and 1 day and 18 hours longer than the 2017 and 2014 elections. However, even considering the record number of applicants in 2021, this term is considered short for the registration.

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<sup>9</sup>This term has been adjusted to the period of confirmation and opposition of the voters list, which must be completed up to 40 days before election day. Whereas, the deadline between 60 days before the election day and 40 days before the election day, is determined for the period of opposition, where the list of voters (which includes voters inside and outside the country) is challenged and confirmed during this period.

**Table 1. Registration terms and number of applications for Out-of-Country Voting during the last 5 election cycles**

	2010	2014	2017	2019	2021
Registration term	N/A	7 days	7 days	12 days	8 days and 8 hours
No. of received applications	5,015	29,745	20,354	40,313	130,16
No. of approved applications (% of received applications)	1,640 (32%)	16,569 (55%)	15,118 (74%)	35,087 (87%)	102,467 (78%)
No. of approved applications (% of received applications)	32	40	59	53	67

During this time period, CEC received 175,273 applications in the system, out of which successfully were registered 130,168, this because 45,105 are as result of duplication during the application. Out of registered applications were approved 102,467 applications, and rejected 27,701 ones.

Applications for Out-of-Country Voting were received from a total of 67 countries, out of which applications from Germany (43,049) and Switzerland (26,686) accounting over 70% of all applications. It is worth noting that in the elections of February 14, 2021 the number of applications from Serbia has decreased significantly, with only 160 applications of approved voters', out of 4,337 in the 2019 elections.

Two days before the start of the registration period for Out-of-Country Voting, on January 11, 2021, the CEC made a decision to call all applicants in order to verify the authenticity of the applicant. This decision was appealed by GERMIN and Vetëvendosje Movement at ECAP and Supreme Court on the reasoning that it violates the right of vote, but the latter dismissed the appeals as inadmissible, without addressing their meritorious aspect, considering the CEC decision of a technical nature. There were delays from this restrictive decision, which also affected other election operations related to Out-of-Country Voting . Although the CEC had hired additional staff of 110 persons in order to implement this decision, didn't manage to call all applicants according to the operational plan, being forced to accept in the final voters' list 36,414 applications, which were not verified by phone, but who had met the formal preconditions, upon the recommendation of the CECS. Delays caused by the process of verifying applicants by telephone affected the voting period and in a large extent prevented the appeal of the final list of voters' from Out-of-Country , as it was published in the late afternoon of February 2, 2021. Voting period by mail started about 19 hours late and lasted until February 12th.



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In meantime, challenging or appealing the final list of voters' from Out-of-Country was another problem during this process. This is due to the controversial ECAP decisions, which initially announced that it receives complaints only by mail, but, that one day after announcing that "due to good will", it decided to accept the complaints sent even by e-mail (e-mail). By 3rd and 4th February, the ECAP had received 1116 complaints emails, out of which only 281 had been reviewed because they had the complaint form attached, whereas the rest had not been reviewed with justification that they had neither the form nor the content of the complaint. Out of the 281 appeals reviewed, 144 were accepted as grounded, and the CEC was ordered to include these voters' in the Out-of-Country voters' list .

However, a large number of persons who were not found on the Out-of-Country voters' list did not have the opportunity to appeal. For this, GERMIN in cooperation with the law office Hodaj & Partners, has launched a campaign to collect evidence from persons who have not been unjustly included in the Out-of-Country voters' list. These complaints are being processed and will be submitted to the Ombudsperson institution, with the request that the case be filed at the Constitutional Court.

The publication of the voters' list for the Early Elections for the Kosovo Assembly 2021 has been followed with concern, because it includes the personal data of citizens who have been registered as Out-of-Country voters'. Pursuant to the Electoral Rule No. 03/2013, Article 3 item 3.7, "CEC should draft the out of Kosovo voters list which contains the data of those voters who have successfully registered to vote outside of Kosovo, and remove their names from the Voters' Lists used in polling stations. Voters..." Based on the practice so far, the CEC has drafted and published the list of voters from outside Kosovo, which includes the personal data of voters as the full date of birth. GERMIN considers that the publication of such personal data in that way is contrary to Law No. 06/L-082 on Protection of Personal Data, Article 24 - Data protection by design and by default. GERMIN, after consulting with field experts, has officially written to the CEC before the latter published the Out-of-Country voters' list, asking for the protection of citizens' data in a way that would minimize the published data (example: to place at the date of birth 2 \* .1 \* .1986). This form would integrate the necessary guarantees into the processing, in order to meet the requirements of the law and protect the rights of data subjects, and enable them identification within the list. However, this request didn't receive any response from the CEC.

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<sup>10</sup>For more, see the decision on verification of registration applications for the voters' registration application period outside Kosovo. Accessible at: [https://www.kqz-ks.org/wp-content/uploads/2021/01/42-2021-Vendim-per-verifikimin-e-aplikacioneve\\_11-01-2021\\_1\\_al.pdf](https://www.kqz-ks.org/wp-content/uploads/2021/01/42-2021-Vendim-per-verifikimin-e-aplikacioneve_11-01-2021_1_al.pdf), along with Administrative Instruction No. 01/2021 for verification of applications for registration for voting outside Kosovo. Accessible at: [https://www.kqz-ks.org/wp-content/uploads/2021/01/59-2021-Vendim-per-udhezim-nr-01-2021\\_12-01-2021\\_1\\_al.pdf](https://www.kqz-ks.org/wp-content/uploads/2021/01/59-2021-Vendim-per-udhezim-nr-01-2021_12-01-2021_1_al.pdf)

<sup>11</sup>For more, see the full complaint of GERMIN at ECAP. Accessible at: [https://germin.org/wp-content/uploads/2021/01/Ankesa\\_PZAP\\_1\\_Zgjedhjet\\_2021-2.pdf](https://germin.org/wp-content/uploads/2021/01/Ankesa_PZAP_1_Zgjedhjet_2021-2.pdf), along with the complaint at Supreme Court; Accessible at: [https://germin.org/wp-content/uploads/2021/01/Ankesa\\_Gjykata\\_Supreme\\_2021-1.pdf](https://germin.org/wp-content/uploads/2021/01/Ankesa_Gjykata_Supreme_2021-1.pdf)

<sup>12</sup>GERMIN had formally asked the ECAP to accept the complaints by e-mail, but their response was negative, on the reasoning that "they cannot provide something that is not provided by Law".

<sup>13</sup>For more, see ECAP notification not to receive complaints by e-mail. Accessible at:

[https://pzap.rks-gov.net/?p=10218&fbclid=IwAR17iRzWu4ce-Nacf73TDeAgYe9h758c4dIXsJfoTVD0veWOO53o-dKQ\\_TAw](https://pzap.rks-gov.net/?p=10218&fbclid=IwAR17iRzWu4ce-Nacf73TDeAgYe9h758c4dIXsJfoTVD0veWOO53o-dKQ_TAw), along with the decision on receiving of complaints by e-mail; Accessible at: [https://pzap.rks-gov.net/?p=10221&fbclid=IwAR1KqAM5QI7nJ\\_hSmc5Z8\\_SU3WdA\\_MKNTtbBeAZJcmAIJIIumLhlWpW2tuA](https://pzap.rks-gov.net/?p=10221&fbclid=IwAR1KqAM5QI7nJ_hSmc5Z8_SU3WdA_MKNTtbBeAZJcmAIJIIumLhlWpW2tuA)

## OUT-OF-COUNTRY VOTING IN KOSOVO 2021 ASSEMBLY ELECTIONS

In 2013, the CEC adopted a special Election Rule (No. 03/2013) which defines the procedures for Out-of-Country Voting .<sup>14</sup> All persons successfully registered as voters from Out-of-Country had the opportunity to download the ballot on the official website of the CEC, without having to wait for the original ballot that came by physical mail in previous years. Pursuant to Rule No. 03/2013, Article 4.2, the voter outside Kosovo, “after filling the ballot (s) voter must put ballot (s) in an unmarked envelope placed inside sealed outer envelope/for delivery. In envelope voter must also put a copy of his or her valid identification and a note containing personal information about him or her and which contains at least name, surname, father’s name and his or her date of birth.”<sup>15</sup>

After filling the ballot and putting it in the envelope according to the criteria stipulated by the CEC, the voter must send the envelope or package of ballots by mail to one of the CEC mailboxes, by the date determined by the latter, which pursuant to the Law on The General Election must be one (1) day before the Election Day.

After the announcement of the Out-of-Country voters’ list, those who were part of it had to send the ballots by mail by February 2-12, 2021. But, as stated above, the process of calling all applicants to vote from Out-of-Country also delayed the voting period, where they were initially supposed to be sent from 02-12 February 2021. But, due to the non-publication of the voters list on time, the voting period started with a delay of about 18 hours, more precisely after 18:00hrs. dated February 2, 2021.

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<sup>14</sup>For more see: ELECTION RULE No.3/2013 – VOTING OUT OF KOSOVO". 2013. Central Election Commission. Article 4.2. <http://ëëë.kqz-ks.org/ëp-content/uploads/2018/01/KQZ-Rregulla-03-2013.pdf>.

<sup>15</sup>" ELECTION RULE No.3/2013 – VOTING OUT OF KOSOVO". 2013. Central Election Commission. Article 4.2. <http://ëëë.kqz-ks.org/ëp-content/uploads/2018/01/KQZ-Rregulla-03-2013.pdf>.

As of February 12, at 24:00hrs., 43,447 alleged packages of ballots arrived at the CEC. Out of this number of received packages, 43,063 envelopes were verified, 320 of which were packages sent within the Republic of Kosovo, as well as 64 other unopened envelopes, which were investigative material for the State Prosecution Office of Kosovo. These ballot packages have arrived through several mail services such as: Kosovo Post and private post offices that provide fast transport such as DHL, UPS and TNT. In the following figures you can find in detail the quantity of packages received by the CEC officials according to the delivery/receiving mail from the data extracted by the GERMIN observation team.

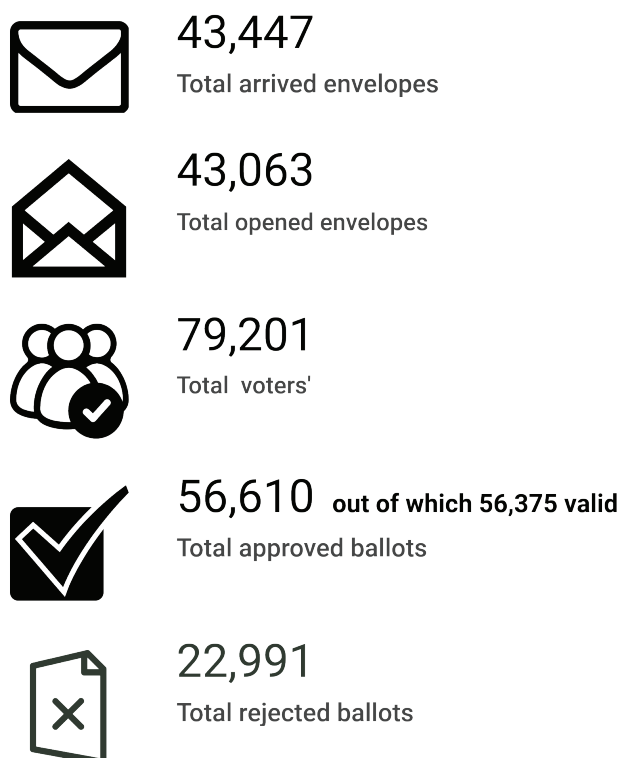
Figure 1. Ballot packages received by CEC within the deadline by the post office.

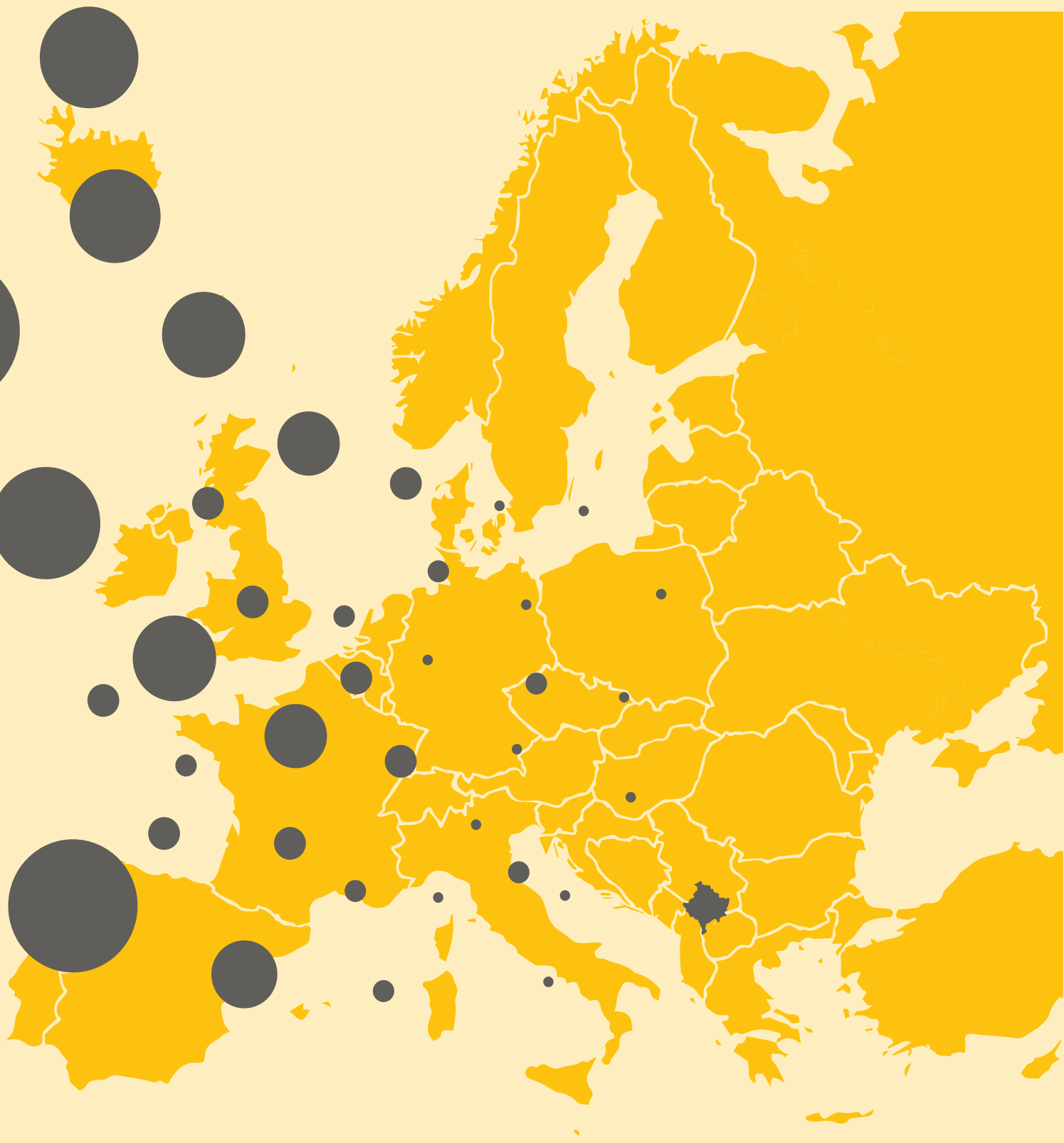


All these arrived packages, were initially sent to the former Gërmia facility, where they were stored until February 15, to be later transferred to the Counting and Results Center (CRC) in Fushë Kosovë. Considering that in these elections there was a large number of voters from Out-of-Country, a significant part of them, due to short deadlines, had sent envelopes with ballots through fast mail services with tracking system (tracking), needed signature of an official by the destination institution (CEC) in order for packages to be received. In the absence of any regulation about this matter, the CECS under police escort received packages in piles at the offices of these private post offices. This was a practice (improvisation) not implemented before, thus, GERMIN suggests addressing of the same as soon as possible, and establishment of the necessary acts to regulate any operation in regard to the receiving of votes by mail.

Out of 43,063 packages of verified ballots, 79,201 resulted in voters or ballots, out of which 56,610 were approved and 22,991 were rejected. The process of verification of ballot packages started on February 15 and lasted for two weeks, until March 1, 2021. For the verification of ballots arrived by mail initially were engaged 36 officials from the CEC, but due to the slow progress, this number was increased to 45, in order to complete the process as soon as possible.

**Table 2.** Data from the verification process of ballot packages from Out-of-Country





**THE RIGHT  
to VOTE**  
OUT- OF COUNTRY

**Table 3. The reasons for the rejection have been divided into several categories**

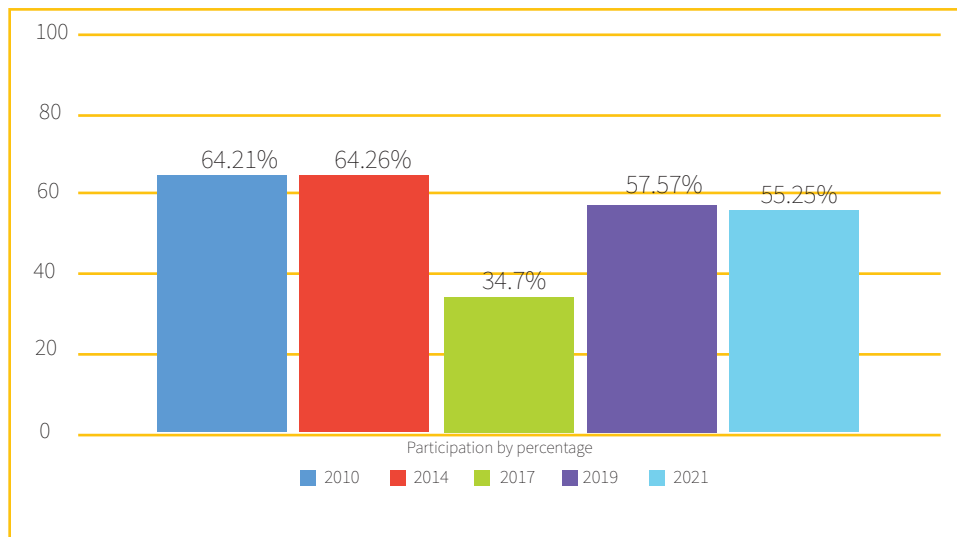
Rejection code	Reasons for rejection	No. of rejected
D1	Persons who have not applied in the period of application for registration	9,199
D2	Applicants rejected during the application period for registration	6,665
D4	Persons who have sent ballot packages more than once	1,325
D5	Persons who have not been identified (who sent only ballots) and persons who sent more ballot packages than approved persons	2,451
D6	Persons who have not proved their identity with valid identification documents (who have sent copies of expired documents)	910
D7	The number of ballot packages for this category were rejected because the package contains the number of ballots outside the close family circle <sup>16</sup> .	1,656
D8	Ballot packages delivered in person to post office number 6. <sup>17</sup>	385

Even in these elections, as in previous ones, the difference between registered voters and votes confirmed from Out-of-Country or by mail is high. The percentage of ballots confirmed compared to the number of voters successfully registered in the last four rounds of Kosovo Assembly Elections is as follows:

Year	Number of voters registered to vote by mail	Number of voters who sent the ballot by mail	% of participation in by mail voting
2021	102467	56610	55.25%
2019	35087	20191	57.57%
2017	15118	5201	34.70%
2014	16569	10446	64.26%
2010	1640	1053	64.21%

<sup>16</sup>For category "D7" were sent 153 ballot packages that exceed the close family circle. The number of individualized ballot packages rejected under this category contains a total of: One thousand six hundred (1,656 individualized ballot envelopes (example: within a ballot package were 84 individualized ballot envelopes outside the close family circle, 39, 37, 35, 33, 30 individualized envelopes with ballots outside the close family circle, etc.)

Figure 2. Percentage of participation in elections of voters registered Out-of-Country



<sup>17</sup>Ballot packages according to the rejection category "D8" do not contain the stamp and postage stamp of the delivery post office.













Another important element was the identification of envelopes coming through the Mail Transit Center (MTC). This is because GERMIN, after a research for the last elections had noticed that the envelopes that had passed through this center were not sealed with 'incoming date stamps', an action that was contrary to the Administrative Instruction No. 2005/4 on the Regulation of Universal Mail Services. The reasoning of the responsible officials at that time was that they lacked the material for sealing the envelopes. For the February 14 elections, this element was improved and the MTC was prepared before the start of the elections with all the necessary materials.

**GENERAL RESULTS**

Meanwhile, there is a relatively high increase in the number of confirmed votes, coming from countries where the Kosovo diaspora is more concentrated. The countries from which the most of votes were sent are Germany and Switzerland, which comprises the source of over 75% of all votes from out of Kosovo. The following table reflects confirmed ballots according to key countries compared to the 2019 elections:



**Table 5.** Number of votes arrived by mail according to the sending countries in the last two elections for the Kosovo Assembly

	STATES	2021	2019
	GERMANY	26,472	7,684
	SWITZERLAND	17,010	7,077
	AUSTRIA	3,183	860
	SWEDEN	1,550	633
	FRANCE	1,532	643
	ITALY	1,400	548
	U.S.A	869	483
	UNITED KINGDOM	828	308
	NORWAY	639	261
	CANADA	469	61
	DENMARK	435	138
	SERBIA	19	3,782
	OTHERS	2,639	1,494
	TOTALI	56,610	20,199

<sup>18</sup>For more see the notice of GERMIN on this matter. Accessible at: [https://germin.org/wp-content/uploads/2020/12/raporti\\_vota\\_e\\_diaspores\\_2019\\_posta\\_e\\_kosoves\\_.pdf](https://germin.org/wp-content/uploads/2020/12/raporti_vota_e_diaspores_2019_posta_e_kosoves_.pdf)

**Table 6.** Confirmed ballots from Out-of-Country by municipalities in the last two elections for the Kosovo Assembly

Municipality	Elections 2021	Elections 2021	Municipality	Elections 2021	Elections 2019
Prishtinë	5,524	1,367	Glllogoc	888	267
Gjilan	4,059	838	Dragash	824	147
Ferizaj	3,883	907	Fushë Kosovë	820	193
Prizren	3,735	1,017	Shtime	817	233
Pejë	3,216	883	Obiliq	515	138
Gjakovë	2,851	821	Juniku	269	100
Suharekë	2,623	657	Mamushë	162	N/A
Podujevë	2,561	618	Hani i Elezit	124	N/A
Mitrovicë e Jugut	2,149	574	Shtërpcë	93	N/A
Vushtrri	2,083	534	Novobërdë	81	N/A
Rahovec	1,897	429	Klllokot	34	N/A
Viti	1,775	463	Mitrovicë e Veriut	34	N/A
Kamenicë	1,642	432	Zubin Potok	33	N/A
Lipjan	1,542	376	Graçanicë	27	N/A
Istog	1,527	410	Leposaviq	11	123
Deçan	1,498	446	Zveçan	8	N/A
Malishevë	1,345	350	Ranillug	5	N/A
Skenderaj	1,257	376	Partesh	1	N/A
Klinë	1,120	292	Mixed Municipalities*	4596	6,954
			TOTAL	56,610	20,199

The elections of February 14, 2021 marked the highest record of votes sent by mail, both in number and in the percentage of total votes. For the first time, the votes confirmed and valid from Out-of-Country constitute 6.3% of the total number of citizens who voted in the elections. If we do compare the total number of votes from the diaspora with the electoral threshold for political parties to win seats in parliament (5%), then the votes from Out-of-Country in this election would manage to exceed this threshold. In translation of the mandates in the Assembly, the votes from Out-of-Country in these elections are equivalent to 7 mandates/deputies.

Table 7. Voters' participation from Out-of-Country in the last four election cycles for the Kosovo Assembly

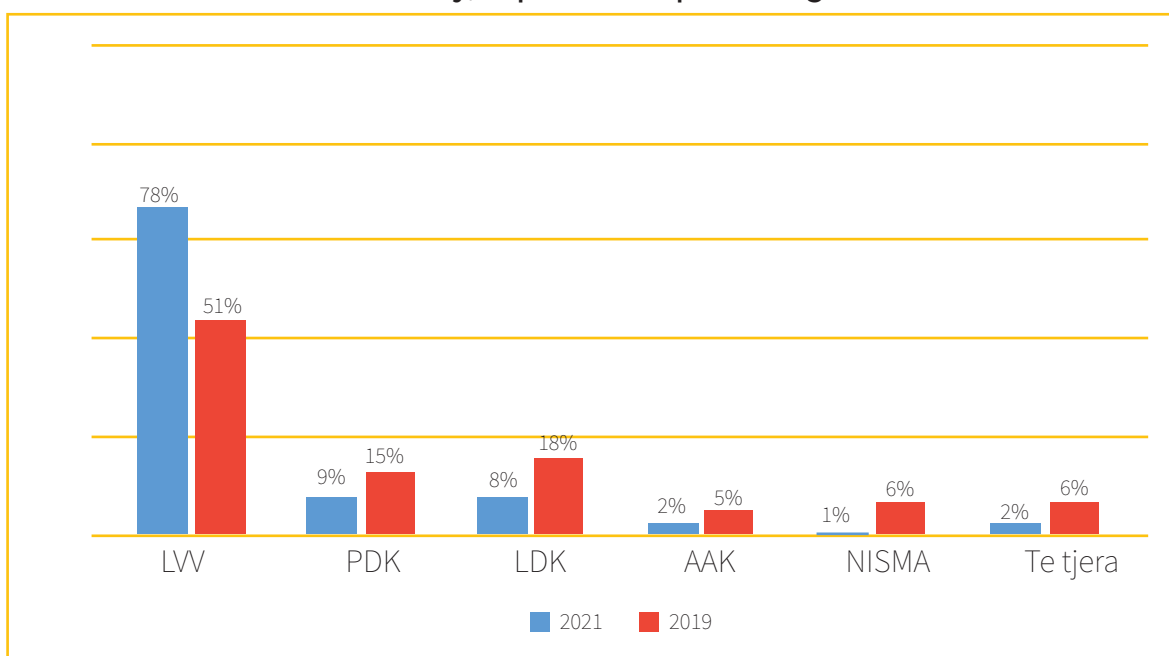
	2014	2017	2019	2021
Voting deadline	11 days	14 days	11 days	10 days and 6 hours
No. of packages received with ballots	N/A	9,157	24,523	43,447
Registered voters	16,569	15,118	35,087	102,467
No. of confirmed ballots	10,446	5,201	20,191	56,610
Confirmed ballots from Out-of-Country as a percentage of the total number of citizens who voted on February 14	1,4%	0,7%	2,3%	6.3%

<sup>19</sup>For 4,595 votes confirmed from Out-of-Country, the Municipality in Kosovo could not be identified.

## THE MOST VOTED PARTIES AND CANDIDATES FROM OUT-OF-COUNTRY

Vetëvendosje Movement was the most voted subject in the last two elections by votes from Out-of-Country . LVV received 44,252 votes from Out-of-Country , PDK received 5,032, LDK received 4,294 votes, AAK received 1,112 votes, Nisma received 441 votes, and other parties received 1,244 votes. Figure 3 presents the votes from Out-of-Country gained by the main political entities expressed in percentage in the last two elections for the Kosovo Assembly.

Figure 3. Results of votes from Out-of-Country by political entities in the last two elections for the Kosovo Assembly, expressed in percentage.



Meanwhile, votes from Out-of-Country in these elections have also had an impact on the total percentages of political parties. There are three political entities, which won about 10% of their total votes by voting out of Kosovo. Table 8 presents the votes from Out-of-Country for each entity and their percentage from the total votes of the entity.

Table 8. voting results from Out-of-Country for each political entity running in the elections of February 14, 2021.

Entity	No. of votes from Out-of-Country	Total votes of the entity	% of total votes of entity
Lëvizja Vetëvendosje - LW	44,252	438,335	10.10%
Partia Demokratike e Kosovës - PDK	5,032	148,285	3.39%
Lidhja Demokratike e Kosovës - LDK	4,294	110,985	3.87%
Aleanca Për Ardhmërinë e Kosovës - AAK	1,112	62,111	1.79%
Nisma Socialdemokrate	441	21,997	2.00%
Srpska Lista	0	44,407	0.00%
Kosova Demokratik Türk Partisi - KDTP	150	6,496	2.31%
Koalicija Vakat	66	5,366	1.23%
Iniciativa e Re Demokratike e Kosovës - IRDK	355	3,305	10.74%
Romani Iniciyativa - RI	1	3,172	0.03%
Nova Demokratska Stranka - NDS	23	2,885	0.80%
Socialdemokratska Unija - SDU	30	2,549	1.18%
Partia Liberale Egjiptiane - PLE	66	2,430	2.72%
Ujedinjena Zajednica - Adrijana Hodžić - Uz-Ah	4	2,217	0.18%

Jedinstvena Goranska Partija - Jgp	0	2,161	0.00%
Partia e Ashkalinjëve Për Integrim - PAI	212	2,138	9.92%
Partia Demokratike e Ashkanlive Të Kosovës - PDA	145	1,960	7.40%
Gi Za Slobodu Pravdu I Opstanak - Gi Spo	0	1,508	0.00%
Naša Inicijativa - Naša	49	1,375	3.56%
Lëvizja Për Bashkëveprim - LPB	32	1,261	2.54%
Yenilikçi Türk Hareket Partisi - YTHP	12	1,243	0.97%
Lëvizja Përparimtare E Romëve Të Kosovës - LPRK	26	1,208	2.15%
Fjala	29	1,087	2.67%
Partia Rome e Bashkuar e Kosovës - PREBK	4	1,074	0.37%
Koalicija Zajeno	18	1,010	1.78%
Kosovaki Nevi Romani Partia - KNRP	22	600	3.67%
Srpski Demokratski Savez - SDS	0	476	0.00%
Partia Balliste - PB	0	155	0.00%

Votes from out of Kosovo seems to have had a very huge impact on the candidates as well. Out of 20 most voted candidates from diaspora, 40% are women and 60% men. For the 20 most voted candidates from Out-of-Country , the average participation of the number of votes from Out-of-Country in the total number of candidate votes is about 13%.

Table 9. The 20 most voted candidates from out of Kosovo in the elections of February 14, 2021

	Name of the candidate	Number of votes from Out-of-Country	Total number of candidate votes	% of votes from Out-of-Country in the total o candidate votes	Entity
1	VJOSA OSMANI	33,323	300,756	11,08%	LVV
2	GLAUK KONJUFCA	31,092	200,646	15,50%	LVV
3	ARBEN VITIA	16,664	107,858	15,45%	LVV
4	DONIKA GËRVALLA-SCHËARZ	15,234	71,722	21,24%	LVV
5	MIMOZA KUSARI LILA	10,906	53,618	20,34%	LVV
6	ARMEND MUJA	9,910	43,982	22,53%	LVV
7	VASFIJE BLAIR	7,333	60,879	12,05%	LVV
8	AVNI DEHARI	6,401	51,126	12,52%	LVV
9	HEKURAN MURATI	6,342	41,172	15,40%	LVV

10	LIBURN ALIU	4,388	22,520	19,48%	LVV
11	HAXHI AVDYLI	3,872	26,681	14,51%	LVV
12	SARANDA BOGUJEVCI	3,769	26,389	14,28%	LVV
13	ENVER HOXHAJ	3,357	100,468	3,34%	PDK
14	AVDULLAH HOTI	2,733	69,648	3,92%	LDK
15	ARBERIJE NAGAVCI	2,662	21,781	12,22%	LVV
16	FATON PEÇI	2,548	25,284	10,08%	LVV
17	KUJTIM SHALA	2,083	32,703	6,37%	LDK
18	SHQIPE MEHMETI SELIMI	1,915	18,562	10,32%	LVV
19	MEFAIL BAJQINOVCI	1,681	18,794	8,94%	LVV
20	FITORE PACOLLI DALIPI	1,538	8,797	17,48%	LVV



## BALLOT PACKAGES ARRIVED AFTER LEGAL DEADLINE

During the process of verifying the validity of packages arrived by mail, GERMIN Organization through its observers accredited by the CEC, has noticed that in the CEC address, after February 12 - as the deadline for receiving ballots by mail, until on February 25, 2021, arrived 9,748 ballot packages. These packages were not accepted by the CECS and were not further processed.

Table 10. Number of votes arrived at CEC by mail after legal deadline

Post office	Date	Number of packages
Posta nr. 6	25.02.2020	9,030
DHL	18.02.2020	691
DHL	19.02.2020	27
Total: 9,748 packages		

Regarding the non-acceptance of envelopes with ballots received from Out-of-Country after the legal deadline, respectively on February 12, 2021, Decision no. KI 207/19 of Constitutional Court disabled the acceptance and processing of the same by CEC. This decision, although unfair from our point of view, is uncontested through the available legal remedies, which was evidenced in the decision issued by the Supreme Court regarding the appeals of LVV in this case, dated March 11, 2020.

Decision KI 207/19, of the Kosovo Constitutional Court was preceded by a request for assessment of the constitutionality of the two contested decisions of the Supreme Court, respectively the Judgment [A.A.U.ZH.nr.20/2019] of October 30, 2019 and the Judgment [A.A.U.ZH.nr.21/2019] of November 5, 2019, according to which the Supreme Court had ordered the CEC to accept the packages received after the deadline, with reasoning that the deadline stipulated by Article 96.2 of LGE in conjunction with Article 4.4 of Election Rule No. 03/2013 should be a legal norm on collision with Constitution, Article 3 of Protocol No.1 of ECHR,

and that pursuant to the Law on the Administrative Procedure, the date of delivery of the mail is that which is considered in the administrative and judicial practice. The Applicant to the Constitutional Court for review of the decision of the Supreme Court, Coalition “NISMA-AKR-PD”, had claimed that the Supreme Court, through these two decisions, has acted in violation of: (i) Article 7 [Values] of the Constitution ; (ii) paragraph 1 of Article 31 [Right to a Fair and Impartial Trial] of the Constitution in conjunction with paragraph 1 of Article 6 (Right to a Fair Trial) of the ECHR; and, (iii) Article 45 [Election and Participation Rights] of the Constitution in conjunction with Article 3 (Right to Free Elections), Protocol no. 1 of the ECHR. Also, the applicant alleged that the Supreme Court, contrary to the Constitution, decided to apply directly the international instruments contained in Article 22 of the Constitution and not Article 96.2 of the LGE and Article 4.4. of Electoral Rule no. 03/2013.

In regard to the claim that the Supreme Court, contrary to the Constitution, has decided to directly apply the international instruments contained in Article 22 of the Constitution and not the legal provisions, the Constitutional Court in its decision stated that in the light of the circumstances of the respective case, the Court concluded that regular courts have constitutional authority to apply a legal norm in accordance with the Constitution or to directly apply a self-enforceable constitutional norm, including international conventions that are an integral part of the Constitution under Article 22 of the Constitution. At the principle level, this means that the Supreme Court, in the respective case, has been in its right to directly apply the ECHR norm. Whether the finding of the collision in question is in accordance with the constitutional powers of the Supreme Court and whether its interpretation is correct under the circumstances of the respective case, it is under the authority of the Constitutional Court to decide definitively.

At the end of Decision KI 207/19, the Constitutional Court highlighted that despite the fact that the Constitution recognizes the regular courts the competence to interpret a norm of legal rank in accordance with a constitutional rank norm and/or the direct application of the norm of constitutional rank, this does not mean that regular courts can conclude or declare a legal norm as a norm contrary to the Constitution or the ECHR. In this regard, the Court had justified that such a competence, of ascertaining unconstitutionality and abrogation of a legal norm, the Constitution has not foreseen as a competence for regular courts. Consequently, according to the Constitutional Court, such a right, the Constitution has assigned exclusively to the Constitutional Court which may,

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<sup>20</sup>For more, see the Decision of Constitutional Court dated December 10, 2020: Accessible at <https://g-jk-ks.org/decisions> -from review session-held on December 10, 2020/

upon submission of a request by an authorized party under Article 113 of the Constitution, abrogate a legal norm that is contrary to Constitution, as well as determine the effects of such abrogation.

Regarding the compatibility of the challenged decisions of the Supreme Court with Article 45 of the Constitution in conjunction with Article 3 of Protocol no. 1 of the ECHR, considering the general principles regarding the Out-of-Country Voting established by the ECHR, the Court had justified that although the time for decision-making in electoral disputes is relatively short, and that the right to a fair trial under Article 31 of the Constitution and Article 6 of the ECHR does not apply to electoral disputes, this does not mean that decisions related to electoral disputes should not be sufficiently justified. The Constitutional Court had also justified that according to the ECHR, the procedure for reviewing electoral disputes must include by all means a “sufficiently reasoned decision” in order to “prevent the abuse of power by the relevant decision-making authority”. Following the application of these principles, the Court assessed that the justification of the Supreme Court and the conclusions reached on the basis of that justification were arbitrary, and did not meet the criteria of a sufficiently justified court decision. Upon this conclusion, the Constitutional Court had come due to the fact that the Supreme Court had not applied any relevant test of the main trial in the circumstances of the respective case: (i) what is meant by the “principle of universal voting” to which the Supreme Court referred, how that principle is related to the right to vote Out-of-Country , and how the same has been violated in the circumstances of the respective case; (ii) what are the obligations that Article 3 of Protocol no. 1 of the ECHR decides on states regarding the Out-of-Country Voting ; and (iii) what exactly is that which makes the deadline stipulated under Article 96.2 of the LGE in conjunction with Article 4.4. of Electoral Rule 03/2013 to be a legal norm in collision with Article 3 of Protocol no. 1 of the ECHR. In this regard, the Constitutional Court concluded that the Supreme Court had failed to establish how the ECAP decision-making was wrong, and why the ECAP line of justification should be replaced with another line that was not in line with the LGE and the electoral practice so far.

Furthermore, with regard to the restriction that ballots for Out-of-Country Voting must arrive at CEC twenty-four (24) hours before the election day, so that the same can be counted, the Court reached a conclusion that this restriction of the right to vote was a restriction provided by the Law; there was a legitimate aim intended to be achieved with that restriction; and there is a relationship of proportionality between the restriction of the right in question and the legitimate aim which was intended to be achieved.

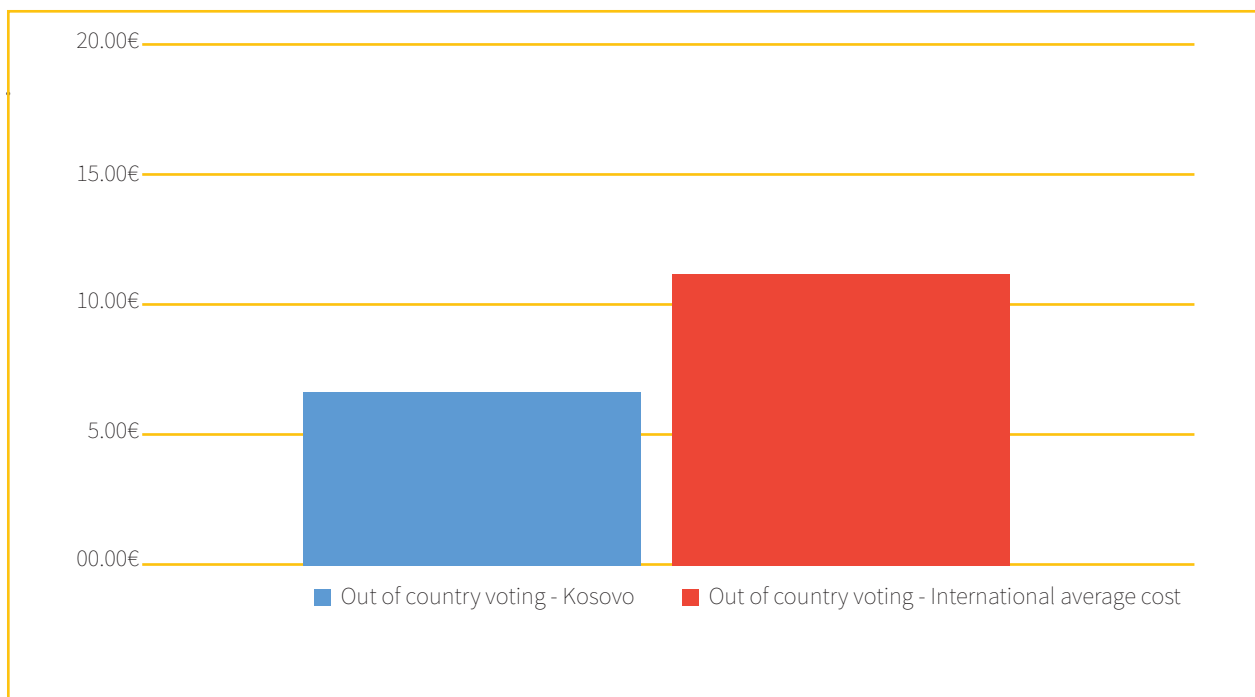
## FINANCIAL COST OF ORGANIZATION OF THE OUT-OF-COUNTRY VOTING IN KOSOVO

Out-of-Country Voting operations are usually much more costly than voting within the country. International experience shows that Out-of-Country Voting operations often cost at least five to 10 times more, depending on how a voter casts their ballot, resulting in a cost of 5-20 US \$ per voter. The way of physical voting or in diplomatic missions is considered as the most expensive form from the financial aspect of Out-of-Country Voting, while by mail voting is considered as the least expensive form for local institutions administering the elections, but not for voters. The latter often spend more by mail voting than by voting at a polling station in the country of residence.

Out-of-Country Voting in Kosovo is one of the relatively costly operations for the CEC. According to the CECS, over 200 thousand euros were spent for the staff engaged in this process for the elections of February 14, 2021, out of which about 75 thousand euros were for the temporary staff of data processing and the “call center”, whereas over 130 thousand euros for voting service officials. The telephone verification operation of applicants for registration as voters Out-of-Country, is assessed to have cost over 53 thousand euros. Meanwhile, the process of processing applications is assessed to have had a high cost, considering that CEC carries out this process manually, where all emails sent and the documents attached to them are printed by applicants for Out-of-Country Voting, which afterwards are inserted into the system. Expenditures directly related to voting out of Kosovo are added to the voter information campaign, technological maintenance of the email and accompanying elements including security elements, as well as the logistic cost of the packages’ verification process at the CRC. Although there is a lack of accurate and detailed data from the CECS for all expenditures, it is assessed that Out-of-Country Voting for the elections of 14 February 2021 had a cost of about 350 thousand euros, which is assessed to be higher compared to the same expenditures in previous elections. If we divide this amount by the number of voters/votes confirmed from Out-of-Country (56,610), then it results that an Out-of-Country voter has cost the CEC an average of 6.2 euros. This amount is relatively low, especially if we do compare it with the CEC expenditures for voting within the country. A voter within the country for the elections of February 14, 2021 cost the CEC 6.3 euros, or 1.02 times higher than the cost of organizing Out-of-Country Voting. The relatively low cost of organizing Out-of-Country Voting is also related to the current way of voting, although even at this point there is space for higher financial efficiency by the CEC.

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Figure 4. The cost of organizing the Out-of-Country Voting per voter in Kosovo compared to the international average



But, actual by mail voting seems to be much more costly for voters. Short deadlines for sending ballot envelopes have led many voters, especially in the recent elections, to use fast (express) services to send envelopes. These services are assessed to be six times higher than normal mail services. From the review of mail prices, it is noticed that for normal mail services, where the delivery of the envelope is realized between 3 to 7 days, the minimum cost from the countries from which the envelopes were sent is about 5 euros, whereas the maximum about 15 euros. On average for 35,799 voters who have used these services, the cost of sending the ballot/s envelope is 10 euros. Meanwhile, for fast mail services from European countries the minimum price varies from 30 euros to a maximum of 80 euros. Meanwhile, for other countries outside the European continent, prices range from 50 to 150 euros. Considering that the most envelopes, both fast and normal, are delivered from European countries, the average price for fast mail deliveries is 60 euros. In total, the total cost of sending the envelopes for the verified voters was 816,870 euros. If we do calculate even the assessment for the number of envelopes received after the legal deadline, then this cost amounts to 950,250 euros, which is almost 3 times higher than the cost of the CEC for organizing of Out-of-Country Voting. The average price of mail service for out-of-country voters' is 35 euros. From this we can conclude that the largest cost for conducting of Out-of-Country Voting is borne by the voters' themselves.

Table 11. Financial cost assessment for voters' from Out-of-Country for the Kosovo 2021 Assembly Elections

	Unit	Average price per unit *24	Sum
<i>Normal postal service - ballot packages received on time</i>	35,799	€10	€357,990
<i>Express postal services - ballot packages received on time</i>	7,648	€60	€458,880
<i>Normal postal service - ballot packages received after the deadline</i>	9,030	€10	€90,300
<i>Express postal service - ballot packages received after the deadline</i>	718	€60	€43,080
		<b>Total</b>	<b>€1,300,250</b>

## IMPEDIMENTS TO THE OUT-OF-COUNTRY VOTING IN KOSOVO

Apart from those repeated by the 2019 elections/report, the non-approval by the CEC of an electronic application form for the registration of voters from abroad affected other CEC operations, the postponement of deadlines and the impossibility of challenging the final voters list from abroad. The CEC decision to verify the applicants by telephone also affected the exclusion of some persons from the voters list (even though they met their legal capacity), but also discouraged other potential voters from diaspora.

According to the data presented above, but also according to the evidence of the election process so far, there are some impediments that affect the small number of citizens out of Kosovo who participate in the elections. Below there is a list of impediments for Out-of-Country Voting, some of which have been mentioned in the ongoing consultations that the GERMIN organization conducts with members of diaspora:

<sup>22</sup>The average price of mail services is derived as an assessment, based on mail price lists for mail services of the nature of envelopes sent by ballots from the respective countries.

**1. LACK OF VALID IDENTIFICATION DOCUMENTS:** A lot of citizens living abroad obtaining citizenship and other documents in resident countries have waived the Kosovo citizenship or have not updated their Kosovo identification documents for a long time. This affects the impossibility of proving the criteria of legal capacity, as required by the CEC to vote. Therefore, a significant part of them, considering the bureaucratic procedures for updating documents and the lack of institutional assistance, lose the right to vote. In this point of view, a part of the citizens (910), who were registered and sent the ballots by mail, were excluded in the verification process on the justification that their documents had expired. This was seen as unfair, due to the fact that the CEC had decided that voters within the country could vote even if their documents have expired on the election day.

**2. INFORMATION AND KNOWLEDGE ABOUT OUT-OF-COUNTRY VOTING:** Kosovo citizens abroad in many cases have no knowledge about their electoral rights guaranteed by the Constitution of Kosovo. Many members of diaspora still have little information about rights, starting from the right to elect and to be elected, and furthermore up to the rights and procedures of complaint. Without being informed about electoral rights, and without knowing the importance of participating in elections, citizens abroad are much less inclined to vote. Also, mail voting procedures are bureaucratic and discouraging for some potential voters. Printing and filling out forms in the application and registration procedures, copying and scanning the necessary documentation and the procedures of sending the ballot through envelopes to the CEC mail, are procedures that have time and financial costs and in many cases are discouraging for some of citizens abroad. Also, the high number of rejected packages from those received in time by the CEC is an indicator of lack of information on voting procedures by citizens abroad. Informing voters from the diaspora continues to be a point that requires more work and commitment. In recent years, the CEC has taken several actions targeting voters abroad, such as placing information leaflets at Pristina Airport informing voters about voting procedures as they leave Kosovo. The CEC has also made available the use of electronic methods for application and registration, and easy access to ballots and brochures of candidates, as they are available on the CEC website. However, apart campaigns organized close to the elections, there is a lack of ongoing institutional commitment for informing and educating voters from abroad. In this regard, information and education can be more targeted by using the capacities of embassies and consulates of the Republic of Kosovo, the Ministry of Foreign Affairs and Diaspora, but also various diaspora organizations abroad.



**3. SHORT DEADLINES FOR REGISTERING AND VOTING:** According to electoral rule 03-2013, during regular election cycles, voters from abroad may submit applications for registration in the interim period, not earlier than 25 days from the announcement of the election and not later than 60 days before the election day. However, this deadline in the parliamentary elections of 2014 and 2017 has been shortened to 7 days, as was done in 2019 (12 days) and 2021 (9 days), also because they were early elections. The very short deadline does not allow much space for citizens abroad to meet all the criteria in the Out-of-Country Voting process. Also, even for those who register successfully, the deadline for sending/receiving ballot/s envelopes to the CEC address remains challenging, considering mail delays which are not the responsibility of voters. The 2021 elections proved that a large number of citizens abroad could not exercise their electoral rights due to the arrival of ballots after the legal deadline (over 9 thousand). Also, the shortening of deadlines in cases of early elections is not provided either in the electoral rule for Out-of-Country Voting or in the LGE. There are CEC decisions that have determined such an item, a practice which should be changed and consider the possibility of clearly setting of deadlines within the legal framework.

**4. VERIFICATION OF APPLICANTS BY PHONE:** The CEC, with the Administrative Instruction No.01/2021 on the verification of applications for registration and voting out of Kosovo, approved by Decision No.59-2021 of the CEC, has foreseen the process of verification of applications for the period of application for voters' registration out of Kosovo. Among others, this instruction provides that the secretariat will verify the application process for registration by contacting all applicants, so that the contact of applicants by phone was divided into three stages. We do consider that such a mechanism for verification of applications, has consequently violated the right to participate in voting, as in some cases due to objective reasons it has been impossible to contact applicants in order to verify them, and this process has negatively affected other election operations such as the finalization of the abroad voters list and the impossibility of challenging/appealing this list. Therefore, this instruction and this form of verification should be reviewed, as it reflects a not good practice, with consequences for the whole process.



**4. NON-SERIOUS TREATMENT OF OUT-OF-COUNTRY VOTING:** Relevant institutions have so far not addressed with proper seriousness the abroad voting process. The fact that the same problems are repeated, and other impediments are added, indicates the unwillingness of the institutions responsible for addressing them. With few exceptions, a large number of political actors silently ignore the improvement of this process and the legal framework, whereas the institutions responsible to undertake the necessary actions have not taken anything so far. In this regard, Out-of-Country Voting has so far been seen as a secondary issue in the electoral reform debate. Since 2018, the process of amending the LGE has started, respectively the part of Out-of-Country Voting, but we don't have a conclusion yet, although there is a draft approved by the Parliamentary Committee on Legislation during the sixth and seventh legislatures of the Kosovo Assembly.

## **ALTERNATIVES OF OUT-OF-COUNTRY VOTING**

### **PHYSICAL VOTING IN THE DIPLOMATIC MISSIONS OF THE REPUBLIC OF KOSOVO**

This voting model requires the approval of the amendments to the Law on General Elections, respectively Chapter 14 (Chapter XIV) of this Law. These amendments are foreseen in the existing draft approved by the Committee on Legislation during the 6th legislature and their voting/approval is required with the vote of the majority of the deputies of the Assembly. These amendments establish the legal basis for enabling of voting in embassies and consulates of the Republic of Kosovo. But its implementation also requires the drafting and approval of supplementary/secondary legislation by the Central Election Commission. The registration of members of the diaspora by the former Ministry of Diaspora didn't manage to collect all the data of citizens abroad. However, even as such, this register has not been used so far by the CEC to create a specific list of citizens abroad which can be constantly updated. Also, the Ministry of Internal Affairs should cooperate with the Central Election Commission to establish an identification code for Kosovo citizens living abroad in the civil registry, as there is a code for citizens who obtains documents of the Republic of Kosovo

at embassies and consulates abroad. This model also requires to examine the aspect of voters' representation and the entire domestic electoral system - currently nationally proportional. Many states that use this model have created specific electoral zones for voters abroad and specific representation quotas. Also, it should be specified for which types of elections this form of voting is permitted, as there may be organizational, financial and security implications (e.g., the two-round system in local elections would be difficult to achieve through this model abroad.). 109 states currently use this form of Out-of-Country Voting.



Advantages of physical voting:

- Higher transparency of voting process,
- Equal voting conditions for the citizens abroad,
- Encourages higher participation in voting and ensures vote confidentiality.



Deficiencies of physical voting:

- High financial and organizational cost,
- The time needed for preparation is greater - it can affect early/extraordinary elections,
- Difficult access to polling centers in geographically large states.

### EXPANDING THE OPPORTUNITIES FOR THE CURRENT POSTAL-VOTING METHOD

In addition to the current voting opportunity, the expansion of mail voting opportunities may include the possibility of sending mail to the Kosovo embassies and consulates in the country of residence of citizens abroad. This is because short deadlines are often making it impossible to send ballot envelopes in time to the CEC address, so an opportunity be established that mail ballot be sent to the diplomatic/consular mission in the same country, in addition to the opportunity of sending mail to the CEC address. Votes by mail arrive much faster within the territory of a country. Whereas the same, the diplomatic or consular mission can send by diplomatic mail to the CEC. This way would expand the current voting opportunities and accelerate the process.

Also, to the current application forms for registration as a voter from Out-of-Country, it is recommended to add an electronic platform on the CEC website which would enable the online application for registration (web-based). Such a platform would: (1) facilitate and simplify compared to the current manual form as there would be no need to print/fill out the form; (2) reduce the chances of errors in data entry, as it could be configured not to accept erroneous data and applicants could correct their data; (3) avoid overloading of the CEC official e-mail that was a problem in the previous elections.

Advantages of by mail voting:

- Low financial and organizational cost
- Easy access for voters regardless of place of residence

Deficiencies of by mail voting:

- Concerns/safety aspect suspicions,
- High implementation and maintenance costs.

## E-VOTING

E-voting by the diaspora would be fast and efficient. However, information technology, infrastructure and accompanying security measures pose serious challenges for successful implementation. Interference by external actors in the electoral process, as has happened in some countries, poses a high risk of manipulating the results. E-voting is particularly vulnerable to hacking or digital manipulation. Preparation of a system from zero that would protect voters' information and data transmission is complicated. Also, a legal framework on definition of criteria for identifying voters (for example smart ID readers) who would use e-voting. Estonia is a country where a quarter of voters use the internet to vote and can serve as an example of a possible Kosovo study to assess the potential and challenges of e-voting

Advantages of e-voting:

- Accessible worldwide,
- Fast and without delays in any type of election,
- Reduces the cost of human errors in the process.

Deficiencies of e-voting:

- Concerns/safety aspect suspicions,
- High implementation and maintenance costs

## **NOTE**

GERMIN organization, since the Parliamentary Elections of year 2017, has launched the campaign “Diaspora Vote”, in order to sensitize the wide public inside and out of Kosovo, on the importance and voting procedures from Out-of-Country, focusing on members of diaspora. Through detailed notifications, articles emphasizing the importance of Out-of-Country Voting, and infographics sent through digital channels and platforms, GERMIN managed to transmit information to a large number of members of diaspora, who have the legal capacity to exercise their electoral rights in Kosovo. The campaign “Diaspora Vote” has continued even during the process of Early Elections for the Kosovo Assembly in 2019 and 2021, expanding furthermore with activities such as direct observation of the process at institutions relevant to the administration of elections. In this regard, this analysis has been drafted, which addresses Out-of-Country Voting and presents the main characteristics of this process, with a focus on Early Elections for the Kosovo Assembly, held on February 14, 2021.

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# VOTING 2021

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