



**European Union Election Observation Mission
Kosovo***

Runoff mayoral elections - 14 November 2021

PRELIMINARY STATEMENT

Well-administered runoffs after extensive recounts and tough competition in a vivid campaign

Pristina, 16 November 2021

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including tabulation of results and adjudication of petitions. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

- The 14 November runoff mayoral elections in the 21 out of 38 Kosovo municipalities were competitive and well administered. Voting and counting were assessed positively by EU observers. The campaign was peaceful but with harsher tone than in the first round and with instances of misleading content spread online. The five-day official campaign period limitation was disregarded by most candidates.
- Overall, EU EOM observers assessed polling as very good or good in 99 per cent of polling stations visited, in all 21 municipalities, and counting as good and very good in all polling stations visited although there were some difficulties with ballot reconciliation in about one-third of polling stations observed.
- The tabulation of the first-round results, although thorough and transparent, revealed significant weaknesses in counting and completion of the results' forms. Nearly one thousand polling station results for mayoral and municipal assembly elections had to be recounted which points out to a need for a holistic review of the design of ballot papers, candidate tally sheets and result forms, and of the training of Polling Station Committee (PSC) members. Before the runoff elections, the Central Election Commission (CEC) replaced 806 polling officials who performed poorly during the counting and the completion of the result forms.
- In the absence of sanctions for campaigning outside of the official five-day period, most candidates were canvassing long before the official campaign kicked off. Candidate rallies were attended by leaders of the major parties, including by Prime Minister Albin Kurti and his ministers while LVV candidates often portrayed themselves as the guarantors of projects financed from the central budget. Moreover, between the two rounds, the government announced a temporary increase of social benefits which led to opposition's accusations of indirect vote buying.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

- Blatant lack of transparency related to the financing of contestants' campaigns persisted in the second round. Perpetuating the low enforcement of campaign finance rules, the Kosovo Assembly is unable to guarantee timely audit of the disclosure reports and the CEC did not sufficiently support the implementation of applicable regulations.
- Public media offered a balanced news coverage and attempted to organise candidate debates for all 21 municipalities but most candidates chose not to participate. Private media regularly interviewed candidates and succeeded to hold several debates. In violation of the law, two TV channels published unreliable polls without sanction by the Independent Media Commission (IMC). Respecting the regulations, broadcast media refrained from airing paid political content outside the official election campaign period.
- While candidates shared useful information through online platforms, opaque Facebook pages were used to spread misleading content hampering the voters' ability to form opinions free from manipulative interference. Candidates generally used advertisements to promote their campaign platforms but third-party ads were largely used to discredit contestants, including with personal accusations.
- The complaints and appeals process after the first round was generally conducted in a transparent and impartial manner. Despite the short 72-hour adjudication deadline as well as technical and human resource constraints, Election Complaints and Appeals Panel (ECAP) adjudicated all the appeals on time. Only one ECAP decision – to repeat elections in one municipality – was rejected by the Supreme Court (SC). For the second round, six complaints were filed with ECAP concerning violation of campaign rules and 24 for the violation of the electoral silence period and irregularities during election day.

The European Union Election Observation Mission (EU EOM) has been present in Kosovo since 5 September following an invitation by the president of Kosovo. The Mission is led by Chief Observer, Mr Lukas Mandl, Member of the European Parliament (Austria). In total, the EU EOM deployed 62 observers from 21 EU Member States, Norway and Switzerland across Kosovo to assess the whole electoral process against international obligations and commitments for democratic elections as well as the Kosovo legislation. On election day, observers visited 269 polling stations in all 21 municipalities where runoff elections took place to observe voting and counting. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

Preliminary Findings

I. POLITICAL CONTEXT

The twenty-one mayoral races were tight and competitive with multiple tactical coalitions formed prior to the runoffs.

Following the 17 October municipal elections, members of all 38 municipal assemblies were elected as well as 17 out of 38 mayoral candidates who received over 50 per cent of the valid votes. The Kosovo-

wide turnout for the 17 October elections was 43 per cent, but in the Kosovo-Serb majority municipalities it was significantly higher at 61 per cent.

Runoff elections took place in the remaining 21 municipalities, including in Pristina, between the two leading candidates in each municipality. A multitude of *ad hoc* coalitions among the political entities to support the runoff candidates have been concluded between the two rounds. Frequently, these were tactical alliances formed despite ideological divides and disregarding the balance of power at central level.¹

In the first round, *Srpska Lista* (SL) candidates won the mayoral elections in nine out of ten municipalities where Kosovo-Serbs are in majority. Democratic Party of Kosovo (PDK) won four mayors in the first round, while Democratic League of Kosovo (LDK) and Alliance for the Future of Kosovo (AAK) won two each. While the mayoral candidates of the ruling *Lëvizja Vetëvendosje* (LVV) did not win a single mayoral position in the first round, its candidates qualified to the second round in 12 municipalities. The LDK candidates contested runoffs in ten municipalities, PDK in seven, and AAK in five.

As far as the seats in the municipal assemblies are concerned, LDK, PDK, and AAK generally maintained the status quo from the 2017 elections with LDK and PDK receiving 206 seats each and AAK 120 seats. LVV won 193 assembly seats, increasing their representation by over 30 per cent to the detriment of smaller parties such as Social Democratic Initiative (NISMA) and New Kosovo Alliance (AKR). SL with 147 seats dominates the municipal assemblies in the Kosovo-Serb majority municipalities, in some of them being the only political force.

Two out of 17 newly elected mayors are women, both representing SL. There was only one woman among the 42 candidates in the runoff elections. Out of 1,002 elected municipal counsellors, 364 are women – 221 elected through the votes received and 143 due to the quota mechanism. Besides the nine Kosovo-Serb mayors elected in the first round, one more Kosovo-Serb and one Kosovo-Turkish mayor were elected in the runoffs. In general, the outcome of these elections confirms that voters made their choices mainly along the ethnic lines.

II. CAMPAIGN ENVIRONMENT

The campaign, which started long before the official five-day period, was peaceful but with harsher tone than in the first round.

The runoff campaign officially began on 8 November and lasted only five days until 12 November at midnight, in accordance with the relevant CEC decision.² As neither the legal framework stipulates any sanctions for campaigning outside of this period nor the CEC took any measures,³ most of the contestants resumed their campaign activities shortly after the first round, particularly in social media.⁴

¹ The parties which are in opposition to the ruling party in the Kosovo Assembly frequently formed coalitions with this party at a municipal level.

² However, this CEC decision was not harmonized with the Law on General Elections (LGE) which stipulates 24 hours campaign silence period before the opening of polling stations at 7am. As a result, campaigning was observed on online platforms even shortly before 7am on 13 November.

³ According to art.126 of the LGE, the CEC could have issued a regulation defining sanctions and fines for violations of the LGE provisions.

⁴ ECAP rejected the only complaint related to pre-campaign activities on social media (submitted by LDK) explaining that it can only sanction violations of the code of conduct during the official campaign period.

The campaign remained competitive and decentralised, almost exclusively driven by the personalities of candidates rather than the programmes of their political parties. The municipal infrastructure continued to be the main topic, followed by health, education, agriculture and economic development. The contestants met by EU EOM stated that they enjoyed equal rights to freedom of assembly, expression and movement.

All campaign events⁵ observed by EU EOM were assessed as peaceful although the campaign's tone was somewhat harsher than in the first round mainly because of mutual attacks between mayoral candidates. Initially the meetings were predominantly small, mostly outdoor in squares, parks and cafés. The canvassing intensified two weeks before the election day with larger events. EU EOM observed 42 campaign rallies including several gathering over 500 participants organised in the last days of campaign.⁶ These rallies were conducted in a festive atmosphere, largely ignoring anti-COVID measures.

Many rallies were attended by leaders of the major parties as well as government officials, including Prime Minister Kurti and his ministers. Members of the Kosovo Assembly engaged in the campaign to the extent that several scheduled Kosovo Assembly's plenary sessions had to be cancelled due to the lack of quorum.

LVV candidates portrayed themselves as the facilitators or even guarantors of funds and projects financed from the central budget. This message was reiterated by the prime minister, ministers and MPs from LVV. Moreover, between the two rounds, the government announced a temporary increase of social benefits for the months of November and December 2021.⁷ While the government presented these measures as a part of the economic recovery package, adopted in June 2021, the timing of this decision provided an undue advantage to the LVV candidates, at odds with international good practice.⁸ Many EU EOM interlocutors raised concerns that these measures amounted to indirect vote-buying and misuse of state resources by the ruling party.

The EU EOM observed violations of the election silence period, including by 33 ads on Facebook and Instagram. On the day of electoral silence, the prime minister visited at least two municipalities (Gjakovë/Djakovica and Podujevë/Podujevo) to meet in public with the LVV candidates.⁹

III. CAMPAIGN FINANCE

Blatant lack of transparency related to the financing of contestants' campaigns persisted in the second round of the elections.

⁵ According to CEC data, a total of 110 candidate rallies were approved.

⁶ The rallies with over 500 participants observed included: AAK events in Gjakovë/Djakovica, Istog/Istok, and Junik; Democrats for Drenas (DD) meeting in Glogoc/Glogovac; LDK rallies in Gjilan/Gnjilane and Istog/Istok; LVV in Gjilan/Gnjilane, Gjakovë/Djakovica, Pristina and Prizren, NISMA in Malishevë/Mališevo, PDK in Malishevë/Mališevo, Prizren and Vushtrri/ Vučitrn.

⁷ On 27 October, the government approved a onetime €100 supplement to pensions in November and doubled the payments of social aid for November and December. The budget for these measures exceeded €35 million and is expected to benefit some 300,000 families.

⁸ Guideline II.B.1.3 of the 2016 Venice Commission and OSCE/ODIHR [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) states that “to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns.”

⁹ LVV was fined by ECAP with €5,100 for violation of the election silence period.

Several civil society and party representatives at the central and local level reiterated to the EU EOM their concerns about the undisclosed financial support that parties receive from businesses. Some also raised concerns that especially the main parties exceeded the spending limits. However, due to a lack of convincing evidence, they do not intend to submit official complaints.

In its capacity of oversight institution, the CEC demonstrated limited consideration of campaign finance issues, contributing to a low enforcement of applicable rules. The CEC changed its practice and extended the reporting period for campaign income from 90 days to 6 months prior to the elections. While this decision brought the CEC's practice in line with the legislation, it was communicated to contestants at the end of October when the first round was already concluded, raising doubts that contestants will be able to implement the new requirement. Further, the CEC does not require contestants to provide a break-down of their campaign finances per municipality which later prevents the auditors from establishing if spending limits in a specific municipality were respected.¹⁰

The budget that should have been used for auditing the campaign reports for the 2021 local elections was exhausted to conduct the long-overdue verification of the financial reports for the past three years (2018-2020).¹¹ According to the Kosovo Assembly representatives, lack of available funding, combined with expected lack of interest from qualified auditors, could cause significant delays in the conduct of the audit. This would perpetuate the pattern of delayed verification procedures with results available only years after the elections, thus preventing any meaningful enforcement of the campaign finance framework.

IV. ELECTION ADMINISTRATION

Well-organised runoffs but numerous recounts of the first-round results revealed significant inefficiencies in the count and completion of results forms.

The preparations for the second round of mayoral elections were well administered by the CEC and the Municipal Election Commissions (MECs). Additional trainings were organised for the Polling Station Committees (PSCs), including for their members who already worked in the first round as well as for new members and the mobile teams. In accordance with the law, the CEC adopted a new PSC composition formula to ensure that candidates participating in the runoff would be represented in the PSCs.

Acknowledging the liability of the PSC members, unintentional or not, for the inaccuracies of the results forms that led to protracted tabulation, the CEC replaced 806 PSC members, whose polling station results, after the recounts, had more than one vote difference for political entities and/or more than three votes difference for candidates for municipal assemblies. Furthermore, some political parties also replaced several PSC members whom they nominated on the ground of poor performance during counting in the first round.

Tabulation of the Municipal Assembly and First Round Mayoral Election Results

Numerous recounts of polling station results, predominantly of the municipal assembly elections, were ordered by the CEC/CRC and, following adjudication of appeals, also by the ECAP. While the high level of scrutiny of the tabulation at the CRC proved to be essential for the accuracy of the results, these recounts significantly slowed down the announcement of the results as well as their certification.

¹⁰ Each municipality has a different spending limit that reflects the number of registered voters therein.

¹¹ The audit of annual financial reports and campaign disclosure statements from 2018 until 2020 began in July 2021 and the audit results were submitted to the Kosovo Assembly on 26 October.

Municipal assembly ballots cast in 341 polling stations as well as mayoral ballots from 16 polling stations had to be recounted after the reception of materials from the MECs and after the data entry process. These were due to problems related to changed ballot box security seals' numbers, unsigned results forms and discrepancies between the number of voters' signatures on the Conditional Voters List (CVL) and the number of Conditional Ballot Envelopes (CBEs), as well as mathematical errors in reconciliation. The subsequent audit process identified other inconsistencies and proceeded to new recounts for a variety of reasons, mainly discrepancies in the results sheets of municipal assembly elections between the number of votes received by political entities (Reconciliation and Results Form - RRFs) and by their candidates (Candidates Results Form – CRFs).

The CEC announced the results of mayoral elections on 28 October and certified those of 34 municipalities on 29 October. Following the adjudication of complaints by ECAP, the mayoral results of three remaining municipalities were certified on 3 November. The mayoral results of the last municipality were certified on 5 November, while the municipal assembly results were also announced on the same day. After examining the numerous complaints against the municipal assembly election results, the ECAP ordered the recount of an additional 630 polling stations. Notably, these recounts led to the tabulation process still ongoing until the eve of the 14 November runoff elections.

The large number of recounts of the municipal assembly election results points not only to a serious problem with the reconciliation and completion of the results forms by the PSC members, the overwhelming majority of which successfully passed the written exam following their training for the first round, but also to mistakes during the transfer of data from tally sheets to the CRF and to potential misconduct by some PSC members.¹²

The number of invalid ballots in the first round of the mayoral elections, according to EU EOM calculations based on data disaggregated by municipality as published by the CEC, was 1.6 per cent and the number of blank ballots nearly 1 per cent. On the other hand, the number of invalid ballot papers for the assembly elections amounted to almost 7 per cent, indicating insufficient voter information activities or excessively complex ballot design, and the number of blank ballots to 1.6 per cent.

Overall, the EU observers assessed the tabulation as transparent and well organised. The activities at the CRC were conducted in the presence of observers from political entities, who did not file any complaints against the tabulation process or report any problems to the EU EOM observers. To increase transparency, the CRC had placed 50 cameras at the data entry and the counting tables while also sharing daily progress reports and detailed data on every part of the process with stakeholders. However, the data was not always structured in a way that would facilitate analysis and the correlations between various sets of data were sometimes unclear, making it difficult to assess their coherence.

The EU EOM analysed the municipal assembly election results sheets of the polling stations where recounts were conducted due to discrepancies in the results forms between the political entities' votes (RRFs) and the candidates' votes (CRFs).¹³ In these, the EU EOM identified a pattern of errors from which all political entities benefited, but mostly the major ones.¹⁴ In particular, in most of these polling stations, several candidates were attributed, during the completion of the CRFs, more votes than the ones they

¹² According to the CEC final report on the training activities, out of 14,855 PSC members who were trained for the first round, only 20 failed at the written exam.

¹³ In particular, the EU EOM analysed the results sheets of the 291 polling stations that the CRC/CEC ordered a recount and focused on these results where the candidates received higher number of votes than their political entity (154 polling station results out of the 291).

¹⁴ PDK, LDK, LVV and AAK and occasionally NISMA and AKR.

actually received and this higher number was predominantly identical with their ordinal number on the ballot paper. This pattern indicates likely human error due to fatigue and the complexity of the candidate tally sheets and CRF, although isolated cases of deliberate wrongdoing could not be excluded.

As the thoroughness of the tabulation is indispensable for the acceptance of the results by the election stakeholders and their trust in the electoral process, a total of 987 recounts conducted for the first round of elections (or 40 per cent) points out to a need for a holistic review of the design of ballot papers, candidate tally sheets and result forms, and of the criteria for recruitment as well as of the training of PSC members.

V. ELECTORAL DISPUTES

The complaints and appeals process was generally conducted in a transparent and impartial manner despite a very short adjudication deadline.

The complaints and appeals process was generally conducted by ECAP in a transparent and impartial manner. For the first round, ECAP received 40 complaints concerning the breaking of the electoral silence and the prohibition to campaign on election day, most of them related to social media. ECAP accepted 24 of them and imposed a total of €12,550 in fines to six political entities. The EU EOM assessed these decisions as grounded.

Fifty-eight complaints were filed regarding voting, counting and the tabulation process for both the mayoral and the municipal assembly elections in the first round, and ECAP rejected 37 of them as inadmissible.¹⁵ Thirteen complaints were rejected as no relevant evidence was submitted, in six cases ECAP partially accepted the complaints and sanctioned some of the PSC members for minor irregularities and one complaint was rejected for submission after the deadline. Only one complaint was fully accepted – ECAP surprisingly cancelled the mayoral election results in the municipality of Hani I Elezit/Elez Han due to alleged vote buying and pressure on voters by the PDK mayoral candidate. This was the only complaint that, according to EU EOM analysis, was not well adjudicated by ECAP as the evidence provided by the complainant was weak and ECAP's legal reasoning scarce. The decision was annulled by the Supreme Court (SC) after the PDK's appeal, and the case was sent back for retrial to a new ECAP panel that fined PDK with €10,100 for breaking the electoral silence. The SC upheld the decision.

After the announcement of the first round final results for the mayoral elections, five appeals were filed with ECAP within the 24-hour deadline concerning various inconsistencies or alleged manipulation of the results in five municipalities. Four of them were rejected by ECAP and one was partially approved, and ECAP fined *Srpska Lista* with €8,100 for the violation of the Code on Conduct in Kllkot/ Klokot.¹⁶ The SC upheld the decision.

After the announcement of the final results for the municipal assembly elections, 352 appeals were filed with ECAP, claiming counting errors or various discrepancies between the polling station results forms and the CEC final results. Despite the short 72-hour decision deadline, as well as technical and human

¹⁵ The legal framework does not provide for appeals against the final results, but only for complaints related to voting and counting in the polling stations and the tabulation process at the CRC within a 24-hour deadline. ECAP acknowledges this anomaly and, in practice, rejects such complaints as inadmissible or premature but allows the complainants to resubmit them after the CEC announces the final results.

¹⁶ On 29 October, an appeal was filed by GI *Srpska Narodna Sloga* against *Srpska Lista* in Kllkot/ Klokot denouncing vote buying practices by four persons, who were arrested for this electoral offence and are currently under indictment. On this basis ECAP partially approved the appeal and imposed the fine.

resource constraints, ECAP adjudicated all the appeals on time, issuing 92 decisions for 630 recounts, including almost full recounts in Podujevë/Podujevo and South Mitrovica. However, in many cases, the scale of errors claimed by the complainants would have been insufficient to overturn the outcome, and the evidence provided was sometimes limited or not clearly described in the legal reasoning of the decision.

The remaining appeals against the final results for the municipal assembly elections were rejected by ECAP generally for lack of evidence. Against these decisions, 26 appeals were filed to the SC, which rejected 24 of them as ungrounded, as the appellants failed to provide proofs for their claims, and one as it was filed after the 24-hour deadline. Only one was accepted and the SC ordered the CEC to verify the votes won by the appellant.¹⁷ According to the EU EOM's analysis, the decision is well grounded, as indeed some inconsistencies could be identified when comparing the CRFs with the final results.

Regarding the campaign for the second round, six complaints were filed with ECAP concerning violation of campaign rules, including the use of children in campaign activities and misplacement of campaign material. Twenty-four complaints were filed for the violation of the electoral silence period and irregularities during election day.

VI. MEDIA

Public media attempted to organise candidate debates for all 21 municipalities and offered a balanced coverage while private broadcasters positively contributed to inform voters by holding several debates and interviews with candidates, and generally respected regulations.

Before the beginning of second round election campaign, monitored TV channels largely covered in their news the announcement of first round preliminary results and the activities of the CEC and CRC. In other editorial programs, private broadcasters immediately started to focus on the runoffs by airing interviews with mayoral candidates already two days after the first round, and election debates shortly after.¹⁸

During the campaign, the first public TV channel dedicated considerably more news coverage of municipal races than private broadcasters, its news coverage covered most of municipalities and proved to be balanced.¹⁹ The public TV channels *RTK1* and *RTK2* tried to organise election debates for all 21 municipalities during the five-day election campaign but succeeded only in two cases, with most of debates turning into interviews for one candidate, as the opponent did not participate. At the contrary, private TV channels, which started well before the official election campaign, succeeded in organising several more debates. Namely, in between the two rounds, *TV Dukagjini* aired thirteen debates, *Kanal 10* nine debates, and *Klan Kosova* five.²⁰ In addition, private TV channels offered to candidates not interested in debates the opportunity to be interviewed individually. Most debates and interviews were also live-

¹⁷ The SC ordered the CEC to verify the votes won by the appellant, Dardan Krasniqi (Democrats for Drenas), based on the CRFs of all the polling stations of the municipality of Glogoc/Glogovac, due to discrepancies between the number of votes the appellant had in the CRFs and the final results published by the CEC. As per EU EOM analysis, there is indeed a 10 votes discrepancy in the result form of one polling station following a recount done by the CRC on 25 October, compared to the original CRF.

¹⁸ The EU EOM continued the monitoring of five TV channels, a sample of online news media as well as their Facebook pages between the two rounds of elections.

¹⁹ During the five-day official election campaign, *RTK1* devoted 26 per cent of its prime-time news coverage to LVV, 21 per cent to PDK, 20 per cent to LDK and 14 per cent to AAK.

²⁰ Election debates on *TV Dukagjini* were organised by the Balkan Investigative Reporting Network (BIRN) office in Kosovo. Two TV channels, *Klan Kosova* and *TV Dukagjini*, succeeded in organising a debate for Pristina mayoral race.

streamed on TV channels' Facebook pages. Ahead of the second round, the tone of debates became more tense, with increased mutual attacks and accusations among contestants, at times with limited moderation from TV hosts.²¹ News websites offered a limited or rather biased coverage of municipal races. EU EOM interlocutors reported the practice by news websites to offer some paid news coverage to contestants without labelling the articles published in their websites as paid-for.

The LGE provisions for broadcast media election coverage apply only to the official five-day campaign period, including detailed rules for paid political content and conditions for offering free airtime to political entities. Nevertheless, monitored TV channels respected the IMC regulation which explicitly forbids media to broadcast paid political content outside the campaign period.²² Broadcasters also generally respected the election-related regulation during the campaign. Yet, *TV Dukagjini* and *Kanal 10* published and commented on their talk shows results of election surveys conducted through their Facebook pages, which were in violation of the legal requirements, potentially misleading voters and damaging candidates.²³ While the IMC, during the second round campaign period, timely sanctioned broadcasters for other violations of the election law, it did not sanction broadcasters breaching the provision on publication of opinion polls during both campaign periods.²⁴

VII. DIGITAL COMMUNICATION AND SOCIAL MEDIA

While candidates shared useful information through online platforms, opaque Facebook pages were used to spread misleading content hampering the voters' ability to form opinions free from manipulative interference.

While the campaign officially began on 8 November, campaigning online resumed immediately after the first round. Online platforms were used by contestants to promote their policies and to mobilise the electorate. LVV remained the most active party on Facebook, followed by PDK and LDK. All three parties campaigned mostly through their main Facebook pages and pages administered by their municipal branches, as well as through official and personal accounts of their candidates. To a lesser extent, Instagram was also used to campaign. The EU EOM noticed an increase of campaign posts addressing diaspora electorate on social networks compared to the first round.

In contrast with the calm rhetoric observed before the first round, the tone of the digital campaign became more negative. Some candidates used Facebook and Instagram to address opponents with harsh language, at times attempting to delegitimise them. A continuous increase of Facebook ads by candidates, political parties and third parties was observed between the two rounds. An analysis of their content showed that,

²¹ For instance, political accusations exchanged in the debate for Kaçanik/Kaçanik Municipality aired by *Kanal 10* on 31st October 2021 resulted in the PDK's incumbent candidate suing the LVV candidate for defamation.

²² Art. 2.2 and Art. 14.6 of Commercial audiovisual communication, IMC by-law 2017/07.

²³ Article 47.5 of LGE, requires opinion polls published by broadcasters to include information "on total number of respondents, the name of the implementing company, the name of the party responsible for it, and the margin of error.". IMC Guidelines specify that "The terms poll and survey are used to include any reporting of public support measurements or attitudes towards certified political entities, or anything related to elections".

²⁴ On 18 and 20 October, IMC sanctioned broadcasters for violations occurred during the first-round election campaign. On 11 November, IMC sanctioned *Kanal 10* and *T7* for breaching Art.49.6 of LGE (not proper labelling of paid political content) during the second-round campaign.

while candidates generally used advertisements to promote their campaign platforms, third-party electoral ads were largely used to discredit contestants, including with personal accusations.²⁵

The EU EOM observed a malicious use of Facebook pages to discredit contestants. Some of these pages were created in the six weeks before the runoff or changed their name soon after the first round, providing insufficient data for identifying their administrators, which weakened the voters' ability to discern their sources of political information to make a fully informed decision.

These opaque pages sponsored many posts addressing contestants with a negative rhetoric. While not being a part of the official candidates' campaign, they contributed to generate information disorder, with no transparency about who paid for them. These pages aimed at misleading voters, adversely affecting their right to form opinions on a political matter free from manipulative influence.²⁶ Despite that this practice contravened its Community Standards, Facebook did not remove these pages between the two rounds.²⁷

VIII. ELECTION OBSERVATION

Domestic observers representing contestants and civil society enhanced the transparency.

The Democracy in Action coalition deployed some 100 citizen observers on election day, as in the first round. Only half of the observers of civil society organisations accredited for the first round confirmed to the CEC their participation for the second round, while 12 new CSO observers were accredited. Political entities accredited 814 additional observers and had to confirm to the CEC their representatives already accredited for the first round.²⁸

IX. POLLING AND COUNTING

Voting and counting was assessed as good or very good in nearly all polling stations visited.

Overall, EU EOM observers assessed polling as very good or good in 99 per cent of polling stations visited, in all 21 municipalities. The opening of polling stations was observed in 19 out of the 21 municipalities holding a second round. EU observers reported that most polling stations opened on time or with a short delay of less than 10 minutes. The PSC chairperson was male in 81 per cent of polling stations visited.

²⁵ The EU EOM social media unit tracked manually paid electoral advertising on Facebook and Instagram on a daily basis.

²⁶ See United Nations (UN) Human Rights Committee General Comment No. 25 paragraph 19: "Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

²⁷ "In line with our commitment to authenticity, we do not allow people to misrepresent themselves on Facebook, use fake accounts, artificially boost the popularity of content or engage in behaviours designed to enable other violations under our Community Standards. [...] Do not: [...] Conceal a Page's purpose by misleading users about the ownership or control of that Page", Facebook Transparency Centre, Inauthentic Behaviour: [Inauthentic Behavior | Transparency Center \(fb.com\)](https://www.facebook.com/transparencycenter/).

²⁸ As per article 54.1 of the LGE, "certified political entities, NGOs and governmental and inter-governmental organisations as well as international organisations (...) have the right to request the accreditation of observers"; therefore the law does make a distinction in the use of the word "observers" based on whether they represent a political entity or civil society organisation.

Voting proceeded throughout the day in a peaceful and orderly manner, except of isolated incidents in Junik.²⁹ Two persons were arrested for alleged vote buying in Kamenicë/Kamenica.

The secrecy of the vote was respected in all polling stations visited. However, in 13 per cent of visits, voters with expired Kosovo IDs were not allowed to vote, while in many polling stations visited different kinds of expired voter identification documents were accepted (including passports and driving licenses), all these not in line with the relevant CEC decision. Only 65 per cent of polling stations and polling centres observed were accessible for voters with reduced mobility, while the polling station layout was suitable for voters in wheelchair in about 85 per cent of polling locations visited. Tactile ballot papers were not available in 33 per cent of polling centres visited.

Assisted voting was recorded in the poll books of 70 per cent of the polling stations visited. Not being familiar with voting procedures, advanced age, poor eyesight and illiteracy accounted for the vast majority of reasons provided for assisted voting. Group/family voting was observed in 6 per cent of polling stations visited. The presence of political entities' accredited observers during voting was noted in 97 per cent of polling stations visited but citizen observers in only 4 per cent.

The counting was conducted in a transparent manner with political party observers present in all 22 polling stations where the EU EOM observed counting; citizen observers were present in only two of the polling stations visited. Procedures related with ballot reconciliation were not completely followed in about one-third of the 22 polling stations visited, which led to difficulties in completing the RRF in three of those polling stations. Nevertheless, the overall conduct of counting was assessed as very good in 64 per cent and good in 36 per cent of the polling stations observed.

Intake procedures at the MECs were assessed as smooth, quick and efficient by all the EU observers. In six out of the 20 MECs visited by EU observers, corrections had to be made regarding materials not properly packed and results forms not fully completed. No procedural errors were noted in any of the MECs visited. Overall, the EU observers assessed the conduct of the reception of materials as very good in 80 per cent and as good in the remaining 20 per cent of MECs visited.

This Statement should be read in conjunction with the EU EOM Statement of 19 October. Electronic versions of both statements are available on the Mission website: Kosovo2021.eueom.eu

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²⁹ The son of the LDK candidate threatened the polling centre manager for denying him entry into the polling centre (he was not an accredited observer). In another case, a former LVV assembly member quarrelled with a polling official. The police had to intervene in both cases.