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United Nations Interim
Administration Mission
in Kosovo



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Intérimaire des Nations Unies
au Kosovo

UNMIK/REG/2007/26
29 August 2007

REGULATION NO. 2007/26

**AMENDING UNMIK REGULATION NO. 2004/12 ON ELECTIONS
FOR THE ASSEMBLY OF KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, UNMIK Regulation No. 2000/13 of 17 March 2000 on the Central Civil Registry, UNMIK Regulation No. 2004/9 of 27 April 2004 on the Central Election Commission, as amended, and UNMIK Regulation No. 2004/11 of 5 May 2004 on the Registration and Operation of Political Parties in Kosovo,

Acting in conformity with the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Taking into account the provisions regarding elections set out in the Comprehensive Proposal for the Kosovo Status Settlement (UN Doc. S/2007/168/Add.1),

Taking into account the recommendations contained in the Final Report of the Transition Working Group on Elections of 15 May 2007 as considered and endorsed by the Strategic Group on Transition on 9 June 2007,

For the purpose of amending UNMIK Regulation No. 2004/12 of 5 May 2004 on Elections for the Assembly of Kosovo,

Hereby promulgates the following:

Section 1
Amendments

As of the date on which the present Regulation enters into force, UNMIK Regulation No. 2004/12 shall be amended as follows:

1.1 Section 2 shall be revised to read: “The SRSG shall set and announce the date of elections for the Assembly of Kosovo. The SRSG may change such date as required.”

1.2 Chapter 2 with the heading “Distribution of Seats” shall be replaced by a new Chapter 2 with the heading “Electoral System” to read as follows:

“CHAPTER 2
ELECTORAL SYSTEM

Section 5
Assembly Elections

5.1 For the purpose of Assembly elections, Kosovo shall be considered a single, multi-member electoral district.

5.2 A Political Entity shall submit a list of candidates based on procedures established by the Central Election Commission when applying for certification as defined in section 9 of this Regulation. Each candidate list shall comprise at least 30% of candidates from the other gender according to the table attached as Annex 2.

5.3 Each certified Political Entity shall appear on an “open list” ballot.

5.4 A voter shall only vote for candidates of one (1) certified Political Entity contained on its official candidate list.

5.5 Voters may vote for up to ten (10) candidates within the same Political Entity’s candidate list. If a ballot is marked with more than ten (10) candidates, only the first ten (10) candidates marked shall be counted. The votes cast for candidates within the same Political Entity candidate list on one ballot shall be considered as constituting one (1) vote for the Political Entity to which the candidate list belongs, irrespective of the number of candidates marked.

Section 6
Distribution of Seats

6.1 Seats in the Assembly shall be distributed according to the system of representation established by section 9.1.3 of the Constitutional Framework, by allocating:

- (a) one hundred (100) seats amongst all certified Political Entities in proportion to the number of valid votes received by them; and
- (b) twenty (20) seats reserved for the additional representation of non-Albanian Kosovo communities, in the manner specified in the Constitutional Framework.

6.2 The hundred (100) seats of the Assembly as described in section 6.1 (a) shall be allocated in the following manner based upon the total number of valid votes received by each Political Entity:

- (a) amongst Political Entities representing the Kosovo Albanian community that received at least five percent (5%) of the total valid votes in the Assembly elections and Political Entities representing the non-Albanian Kosovo communities;
- (b) the total number of valid votes received by each Political Entity in the Assembly elections shall be divided by 1, 3, 5, 7, 9, 11, 13, 15, *et seq.* until the number of divisors used is equal to the number of seats;
- (c) the quotients resulting from this series of divisions shall be arranged in descending order. Seats shall be allocated to Political Entities according to the quotients, with the first seat going to the Entity with the largest quotient, the second seat going to the Entity with the next largest quotient, *et seq.* until all seats have been allocated;
- (d) if a Political Entity is allocated seats equal to the number of candidates on its list and there are still seats to be allocated to that Political Entity, then the remaining quotients of that Political Entity shall not be taken into account in allocating any remaining seats. Subsequent quotients in descending order shall be used until all seats are allocated.
- (e) if a tie occurs because two or more quotients are identical, the seat shall be allocated on the basis of a drawing of lots by the Chairperson of the Central Election Commission in the presence of the authorized representatives of the Political Entities concerned.

6.3 The twenty (20) reserved seats of the Assembly as described in section 6.1 (b) shall be allocated to the Political Entities representing non-Albanian Kosovo communities in the same manner as described in section 6.2 based on the total number of valid votes received by each Political Entity, irrespective of the number of seats already allocated from the hundred (100) seats.

6.4 All votes received by the candidates appearing on the open list of each Political Entity shall be counted separately. The candidate lists shall then be reordered in descending order based on the number of votes received by each candidate.

6.5 The seats allocated to a Political Entity in section 6.2 shall be distributed to the candidates on the Political Entity's candidate list as reordered in section 6.4, starting from the first candidate on the list in strict descending order, until the number of seats allocated to the Political Entity is exhausted. Additional seats allocated to Political Entities representing non-Albanian Kosovo communities as in section 6.3 shall be distributed to the subsequent candidates on the Political Entity's candidate list reordered as in section 6.4.

6.6 If, after the allocation of seats as set out in section 6.5, the candidates of the minority gender within a Political Entity have not been allocated at least 30% of the total seats for that Political Entity, the last elected candidate of the majority gender will be replaced by the next eligible candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least 30%.

6.7 No person who is a member of another elected legislative body may take a seat in the Assembly. An Assembly member who is or becomes a member of another elected legislative body after he takes up his or her seat in the Assembly, shall forfeit his or her mandate in the Assembly.

6.8 A person whose mandate is forfeited under this section shall be replaced in accordance with the provisions of section 7.

Section 7

Replacement of Assembly Members

7.1 Mandates for seats allocated in accordance with the present Regulation are held personally by the elected candidate and not by the Political Entity. A mandate of an Assembly member may not be altered or terminated before the expiration of the mandate of the Assembly except by reason of:

- (a) the acquisition of the status that would render him or her ineligible to be a candidate.
- (b) the conviction in the past three years of a criminal offence for which he or she is sentenced to a prison term of six (6) months or more;
- (c) the failure of the member to attend a session of the Assembly or the Committee(s) of which he or she is a member for six (6)

consecutive months, unless the failure was due to a reason approved by the Assembly;

- (d) the death or mental or physical incapacity of the member; or
- (e) the resignation of the member.

7.2 An Assembly member whose term ceases pursuant to section 7.1 shall be replaced as follows:

- (a) by the next eligible candidate of the same gender on the reordered candidate list of the same Political Entity;
- (b) if there is no other eligible candidate of the same gender on the reordered candidate list, by the next eligible candidate on the reordered candidate list of the same Political Entity;
- (c) if there are no other eligible candidates on the reordered candidate list, by the next eligible candidate on the reordered candidate list of the Political Entity which had the next largest quotient of votes under the formula set out in section 6.1 in the most recent election.

7.3 The Assembly shall notify the Central Election Commission, through its Secretariat, of a vacancy in the Assembly. The Central Election Commission shall then make a recommendation to the SRSG to fill the vacancy.”

1.3 Section 9.1 shall be revised to read: “An eligible voter who is temporarily residing outside of, or displaced from, Kosovo is entitled to cast a ballot in an election to the Assembly if he or she has successfully proved to the Central Election Commission that he or she is an eligible voter according to section 7 in accordance with procedures and by a deadline established by the Central Election Commission.

1.4 Section 10.1 (b) shall be revised to read: “have successfully demonstrated to the Central Election Commission that they are eligible voters pursuant to sections 7 and 9.”

1.5 In Section 19.1, the word “certified” shall be replaced by the words “applying for certification”.

1.6 A new section 20.1(c) shall be added that reads: “if it determines that the candidate list contains incomplete or inaccurate information, return the candidate list to the applicant for correction, with a notice identifying the defects in the application.”

1.7 Section 21 shall be deleted and subsequent sections renumbered accordingly.

1.8. In Section 24.1, the words “on or” shall be inserted before the phrase “before the deadline.”

1.9 Section 38.1 shall be revised to read: “No later than sixty (60) days prior to the date set for Assembly Elections, the SRSG shall designate, based on nominations from the President of the Supreme Court, a panel of judges from the Supreme Court of Kosovo and the District Courts of Kosovo who shall serve as Commissioners of the Election Complaints and Appeals Commission.”

1.10 In Section 38.2, the following sentence shall be added at the end of the first sentence: “The exercise of functions and responsibilities by the Election Complaints and Appeals Commission shall be without prejudice to the authority of the SRSG to ensure full implementation of UNSCR 1244 (1999) and the Constitutional Framework as to take appropriate measures when necessary.”

1.11 Section 39 shall be revised to read: “The Election and Appeals Commission shall consist of five (5) Commissioners including one (1) Chief Commissioner and four (4) Commissioners. At least two (2) of the Commissioners shall be International Judges. The Election and Appeals Commission may sit in panels of at least three (3) Commissioners, with at least one (1) International Judge sitting on each panel. An International Judge shall act as a presiding officer of the Commission at all panels.

1.12 The title of Section 41 shall be revised to read “Decisions.”

1.12 Section 41.1. shall be deleted and subsequent sub-sections re-numbered accordingly.

Section 2
Entry into Force

The present Regulation shall enter into force on 29 August 2007.



Joachim Rücker
Special Representative of the Secretary-General

ANNEX 2
Gender Requirement Table Specified in Section 5.2

Column A No. of Candidates on List	Column B Minimum Number of Each Gender on List
1	0
2	1
3	1
4	2
5	2
6	2
7	3
8	3
9	3
10	3
11	4
12	4
13	4
14	5
15	5
16	5
17	6
18	6
19	6
20	6
21	7
22	7
23	7
24	8
25	8
26	8
27	9
28	9
29	9
30	9
31	10
32	10
33	10
34	11
35	11
36	11
37	12

Column A No. of Candidates on List	Column B Minimum Number of Each Gender on List
38	12
39	12
40	12

41	13
42	13
43	13
44	14
45	14
46	14
47	15
48	15
49	15
50	15
51	16
52	16
53	16
54	17
55	17
56	17
57	18
58	18
59	18
60	18
61	19
62	19
63	19
64	20
65	20
66	20
67	21
68	21
69	21
70	21
71	22
72	22
73	22
74	23

Column A No. of Candidates on List	Column B Minimum Number of Each Gender on List
75	23
76	23
77	24
78	24
79	24
80	24
81	25
82	25
83	25
84	26

85	26
86	26
87	27
88	27
89	27
90	27
91	28
92	28
93	28
94	29
95	29
96	29
97	30
98	30
99	30
100	30
101	31
102	31
103	31
104	32
105	32
106	32
107	33
108	33
109	33
110	33