

REGULATION NO. 2001/33
UNMIK/REG/2001/33
15 November 2001

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. 2000/21 of 18 April 2000, as amended, on the Establishment of the Central Election Commission and UNMIK Administrative Direction No. 2001/12 of 31 July 2001 Implementing UNMIK Regulation No. 2000/13 on the Central Civil Registry,

Recalling the provisions of UNMIK Regulation No. 2001/9 of 15 May 2001 on a Constitutional Framework for Provisional Self-Government in Kosovo (“the Constitutional Framework”),

For the purpose of establishing the basic provisions governing the conduct of the Assembly elections in Kosovo,

Hereby promulgates the following:

Section 1

Definition

For the purposes of the present regulation, “political entity” shall mean a political party, coalition, citizens’ initiative or independent candidate.

Section 2

Date of Elections

The Special Representative of the Secretary-General shall set and announce the date of the Assembly elections.

Section 3

Certification of the Registration Process and the Election Results

3.1 The Special Representative of the Secretary-General shall have the authority to certify that the voters' list has been established in accordance with applicable regulations and administrative directions upon the recommendation of the Director of Election Operations whose function is defined in UNMIK Administrative Direction No. 2001/12.

3.2 The Special Representative of the Secretary-General, on the recommendation of the Central Election Commission, may order a recount of the ballots in any counting centre and may order repeat elections in any or all polling stations.

3.3 The Special Representative of the Secretary-General shall have the authority to certify the final election results upon the recommendation of the Central Election Commission. The Central Election Commission shall make a recommendation as to the certification of the election results after the completion of all polling station and counting centre procedures and when complaints concerning polling and counting have been adjudicated by the Election Complaints and Appeals Sub-Commission.

3.4 The Central Election Commission shall publish the final election results after their certification by the Special Representative of the Secretary-General.

Section 4

Allocation of Seats

4.1 A voter can vote for only one political entity on the ballot paper.

4.2 The seats in the Assembly shall be distributed according to the system of representation established by paragraph 9.1.3 of the Constitutional Framework, that is, 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) The twenty (20) seats reserved for the additional representation of Communities, in the manner specified in the Constitutional Framework.

4.3 The allocation of seats to political entities shall be carried out in the following manner:

(a) The total number of valid votes received by each political entity competing for a set of seats, as defined by paragraph 9.1.3(a)-(b) of the Constitutional Framework, shall be divided by 1, 3, 5, 7, 9, 11, 13, 15, *et seq.* until the number of divisors used corresponds with the total number of seats to be distributed in that set of seats;

(b) The quotients resulting from this series of divisions shall be arranged in order, greatest to least. Seats shall be allocated to political entities according to the quotients; the first seat goes to the entity with the largest quotient, the second seat goes to the entity with the next largest quotient, *et seq.* until all seats in that set have been allocated;

(c) Seats shall be first allocated to the set of one hundred seats specified in paragraph 9.1.3(a) of the Constitutional Framework and thereafter to the sets of seats reserved for the additional representation of non-Kosovo Albanian Communities specified in paragraph 9.1.3(b) of the Constitutional Framework in the following order: the Kosovo Serb Community ten (10) seats; the Roma, Ashkali and Egyptian Communities four (4) seats; the Bosniak Community three (3) seats; the Turkish Community two (2) seats; and the Gorani Community one (1) seat;

(d) Any quotient which gains a political entity a seat in any given set of seats shall be disregarded in any subsequent seat distribution;

(e) If a political entity is allocated seats equal to the number of candidates on its list and there are still seats to be allocated, then the remaining quotients of that entity shall not be taken into account in allocating any remaining seats; and

(f) Any seats allocated to a political entity in any set shall be summed in order to provide the total number of seats that the political entity has won. That sum shall be the total number of seats allocated to that political entity for the purposes of the election for distribution to its candidates.

4.4 If a tie occurs because the quotients are identical, the seat shall be allocated on the basis of the drawing of a lot by a member of the Central Election Commission in the presence of the authorised representatives of the political entities concerned.

4.5 The total number of seats allocated to a political entity at the conclusion of the procedure specified in section 4.3(f) shall be distributed to its candidates starting from the first candidate on that political entity's list, and thereafter in strict sequence until as many candidates have received seats as were allocated to that political entity.

4.6 Where the proportional representation formula specified in section 4.3 cannot be applied, the Special Representative of the Secretary-General shall determine how seats shall be allocated in consultation with the Central Election Commission.

4.7 An example of the electoral formula specified in section 4.3 is shown in the Annex attached to the present regulation. The Annex is for reference only. If there is a conflict between the Annex and section 4, the provisions of section 4 shall prevail.

4.8 Seats allocated in accordance with the present regulation are held personally by the elected candidate and not by the political entity. Upon a seat becoming vacant, the President of the Assembly shall make a request in writing to the Special Representative of the Secretary-General for the vacancy to be filled. Such request shall include an explanation as to how the vacancy arose. The Special Representative of the Secretary-General shall request the Central Election Commission to submit a recommendation for filling the vacancy indicating the name of

the next eligible person of the same gender as the person who has vacated the seat on the list of the political entity concerned.

Section 5

Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 6

Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7

Entry into Force

The present regulation shall enter into force on 15 November 2001.

Hans Haekkerup
Special Representative of the Secretary-General

ANNEX

Example of the electoral formula specified in section 4 of UNMIK Regulation No. 2001/33 of 15 November 2001 on Elections for the Assembly of Kosovo:

In an assembly where 100 seats are to be allocated, there are 8 political entities certified: 4 political parties, 2 coalitions, 1 citizens' initiative and 1 independent candidate. Each political party and coalition, except Party D, has 100 candidates on its respective candidates' list. Party D has only 5 candidates on its candidates' list. Independent Candidate E, by definition, has only 1 candidate and the citizens' initiative CI-H only has four candidates on its candidates' list.

The total number of valid votes cast is 558,522. Coalition A receives 105,918 votes, Coalition B receives 6,523 votes, Party C receives 215,678 votes, Party D receives 124,746 votes, Independent Candidate E receives 66,587 votes, Party F receives 21,379 votes, Party G receives 3,870 votes and citizens' initiative H receives 13,821 votes. Allocation of the 100 seats is carried out according to the following series of divisions, the divisors being indicated in the left-hand column:

| Seat Distribution Table | | | | | | | | |
|-------------------------|-----------|---------|-----------|-----------|----------|----------|---------|----------|
| | CL-A | CL-B | PT-C | PT-D | IC-E | PT-F | PT-G | CI-H |
| 1 | 105,918.0 | 6,523.0 | 215,678.0 | 124,746.0 | 66,587.0 | 21,379.0 | 3,870.0 | 13,821.0 |
| 3 | 35306.0 | 2174.3 | 71892.7 | 41582.0 | 22195.7 | 7126.3 | 1290.0 | 4607.0 |
| 5 | 21183.6 | 1304.6 | 43135.6 | 24949.2 | 13317.4 | 4275.8 | 774.0 | 2764.2 |
| 7 | 15131.1 | 931.9 | 30811.1 | 17820.9 | 9512.4 | 3054.1 | 552.9 | 1974.4 |
| 9 | 11768.7 | 724.8 | 23964.2 | 13860.7 | 7398.6 | 2375.4 | 430.0 | 1535.7 |
| 11 | 9628.9 | 593.0 | 19607.1 | 11340.5 | 6053.4 | 1943.5 | 351.8 | 1256.5 |
| 13 | 8147.5 | 501.8 | 16590.6 | 9595.8 | 5122.1 | 1644.5 | 297.7 | 1063.2 |
| 15 | 7061.2 | 434.9 | 14378.5 | 8316.4 | 4439.1 | 1425.3 | 258.0 | 921.4 |
| 17 | 6230.5 | 383.7 | 12686.9 | 7338.0 | 3916.9 | 1257.6 | 227.6 | 813.0 |
| 19 | 5574.6 | 343.3 | 11351.5 | 6565.6 | 3504.6 | 1125.2 | 203.7 | 727.4 |
| 21 | 5043.7 | 310.6 | 10270.4 | 5940.3 | 3170.8 | 1018.0 | 184.3 | 658.1 |
| 23 | 4605.1 | 283.6 | 9377.3 | 5423.7 | 2895.1 | 929.5 | 168.3 | 600.9 |
| 25 | 4236.7 | 260.9 | 8627.1 | 4989.8 | 2663.5 | 855.2 | 154.8 | 552.8 |
| 27 | 3922.9 | 241.6 | 7988.1 | 4620.2 | 2466.2 | 791.8 | 143.3 | 511.9 |
| 29 | 3652.3 | 224.9 | 7437.2 | 4301.6 | 2296.1 | 737.2 | 133.4 | 476.6 |
| 31 | 3416.7 | 210.4 | 6957.4 | 4024.1 | 2148.0 | 689.6 | 124.8 | 445.8 |
| 33 | 3209.6 | 197.7 | 6535.7 | 3780.2 | 2017.8 | 647.8 | 117.3 | 418.8 |
| 35 | 3026.2 | 186.4 | 6162.2 | 3564.2 | 1902.5 | 610.8 | 110.6 | 394.9 |
| 37 | 2862.6 | 176.3 | 5829.1 | 3371.5 | 1799.6 | 577.8 | 104.6 | 373.5 |
| 39 | 2715.8 | 167.3 | 5530.2 | 3198.6 | 1707.4 | 548.2 | 99.2 | 354.4 |
| 41 | 2583.4 | 159.1 | 5260.4 | 3042.6 | 1624.1 | 521.4 | 94.4 | 337.1 |
| 43 | 2463.2 | 151.7 | 5015.8 | 2901.1 | 1548.5 | 497.2 | 90.0 | 321.4 |
| 45 | 2353.7 | 145.0 | 4792.8 | 2772.1 | 1479.7 | 475.1 | 86.0 | 307.1 |
| 47 | 2253.6 | 138.8 | 4588.9 | 2654.2 | 1416.7 | 454.9 | 82.3 | 294.1 |
| 49 | 2161.6 | 133.1 | 4401.6 | 2545.8 | 1358.9 | 436.3 | 79.0 | 282.1 |
| 51 | 2076.8 | 127.9 | 4229.0 | 2446.0 | 1305.6 | 419.2 | 75.9 | 271.0 |
| 53 | 1998.5 | 123.1 | 4069.4 | 2353.7 | 1256.4 | 403.4 | 73.0 | 260.8 |

| | | | | | | | | |
|--------------|-----------|----------|-----------|----------|----------|----------|----------|----------|
| 55 | 1925.8 | 118.6 | 3921.4 | 2268.1 | 1210.7 | 388.7 | 70.4 | 251.3 |
| 57 | 1858.2 | 114.4 | 3783.8 | 2188.5 | 1168.2 | 375.1 | 67.9 | 242.5 |
| 59 | 1795.2 | 110.6 | 3655.6 | 2114.3 | 1128.6 | 362.4 | 65.6 | 234.3 |
| 61 | 1736.4 | 106.9 | 3535.7 | 2045.0 | 1091.6 | 350.5 | 63.4 | 226.6 |
| 63 | 1681.2 | 103.5 | 3423.5 | 1980.1 | 1056.9 | 339.3 | 61.4 | 219.4 |
| 65 | 1629.5 | 100.4 | 3318.1 | 1919.2 | 1024.4 | 328.9 | 59.5 | 212.6 |
| 67 | 1580.9 | 97.4 | 3219.1 | 1861.9 | 993.8 | 319.1 | 57.8 | 206.3 |
| 69 | 1535.0 | 94.5 | 3125.8 | 1807.9 | 965.0 | 309.8 | 56.1 | 200.3 |
| 71 | 1491.8 | 91.9 | 3037.7 | 1757.0 | 937.8 | 301.1 | 54.5 | 194.7 |
| 73 | 1450.9 | 89.4 | 2954.5 | 1708.8 | 912.2 | 292.9 | 53.0 | 189.3 |
| 75 | 1412.2 | 87.0 | 2875.7 | 1663.3 | 887.8 | 285.1 | 51.6 | 184.3 |
| 77 | 1375.6 | 84.7 | 2801.0 | 1620.1 | 864.8 | 277.6 | 50.3 | 179.5 |
| 79 | 1340.7 | 82.6 | 2730.1 | 1579.1 | 842.9 | 270.6 | 49.0 | 174.9 |
| 81 | 1307.6 | 80.5 | 2662.7 | 1540.1 | 822.1 | 263.9 | 47.8 | 170.6 |
| 83 | 1276.1 | 78.6 | 2598.5 | 1503.0 | 802.3 | 257.6 | 46.6 | 166.5 |
| 85 | 1246.1 | 76.7 | 2537.4 | 1467.6 | 783.4 | 251.5 | 45.5 | 162.6 |
| 87 | 1217.4 | 75.0 | 2479.1 | 1433.9 | 765.4 | 245.7 | 44.5 | 158.9 |
| 89 | 1190.1 | 73.3 | 2423.3 | 1401.6 | 748.2 | 240.2 | 43.5 | 155.3 |
| 91 | 1163.9 | 71.7 | 2370.1 | 1370.8 | 731.7 | 234.9 | 42.5 | 151.9 |
| 93 | 1138.9 | 70.1 | 2319.1 | 1341.4 | 716.0 | 229.9 | 41.6 | 148.6 |
| 95 | 1114.9 | 68.7 | 2270.3 | 1313.1 | 700.9 | 225.0 | 40.7 | 145.5 |
| 97 | 1091.9 | 67.2 | 2223.5 | 1286.0 | 686.5 | 220.4 | 39.9 | 142.5 |
| 99 | 1069.9 | 65.9 | 2178.6 | 1260.1 | 672.6 | 215.9 | 39.1 | 139.6 |
| 101 | 1048.7 | 64.6 | 2135.4 | 1235.1 | 659.3 | 211.7 | 38.3 | 136.8 |
| 103 | 1028.3 | 63.3 | 2094.0 | 1211.1 | 646.5 | 207.6 | 37.6 | 134.2 |
| 105 | 1008.7 | 62.1 | 2054.1 | 1188.1 | 634.2 | 203.6 | 36.9 | 131.6 |
| 107 | 989.9 | 61.0 | 2015.7 | 1165.9 | 622.3 | 199.8 | 36.2 | 129.2 |
| 109 | 971.7 | 59.8 | 1978.7 | 1144.5 | 610.9 | 196.1 | 35.5 | 126.8 |
| 111 | 954.2 | 58.8 | 1943.0 | 1123.8 | 599.9 | 192.6 | 34.9 | 124.5 |
| 113 | 937.3 | 57.7 | 1908.7 | 1103.9 | 589.3 | 189.2 | 34.2 | 122.3 |
| 115 | 921.0 | 56.7 | 1875.5 | 1084.7 | 579.0 | 185.9 | 33.7 | 120.2 |
| Seats | 27 | 2 | 54 | 5 | 1 | 6 | 1 | 4 |

The 100 highest relevant quotients range from 215,678 to 1,943.5 and are highlighted in the Table above. These quotients take into account that Independent Candidate E can only hold one seat and Party D only has 5 candidates on its list. Therefore, after allocating to Independent Candidate E a seat based on his/her first quotient (66,587), the remaining quotients are not taken into account. Likewise, after allocating to Party D 5 seats for the 5 candidates on its list (based on the quotients: 124,746; 41,582; 24,949; 17,820; and 13,860), Party D's subsequent quotients are not taken into account.

The final distribution of seats to each entity is indicated at the foot of the Table. The total is one hundred.