



Official Text as amended and supplemented on June 25, 2009

*Central Election Commission*

Pursuant to articles 99.1,100 and articles 64.2 (a) and (b) of the Law nr. 03/L-073 on General Elections in Republic of Kosovo and the Article 25 of the Law nr. 03/L-072 on Local Election in Republic of Kosovo issues:

**ELECTORAL RULE Nr. 04/2008**  
**SPECIAL NEEDS AND SPECIAL CIRCUMSTANCE VOTING**

Section 1  
Definitions and General Provisions

1.1 Special Needs and Special Circumstance Voting (SNSCV) according to the Law on General Elections in Republic of Kosovo refers to the arrangements made and the procedures followed for those voters eligible to vote in Kosovo who cannot vote in person at the Polling Station (PS) to which they were assigned on the Election Day.

1.2 Voters entitled in this category are the following:

- (a) homebound voters: eligible voters who cannot leave their home to vote in person at a regular PS due to physical, medial, or any other kind of disability;
- (b) voters confined to an institution: eligible voters who are hospitalized, elderly people in specially designated homes for the elderly, persons of diminished mental capacity in institutions of health care, inmates in prisons and detainees in detention centers; or
- (c) special circumstance voting: eligible voters living in communities who, due to relocation from the vicinity of their regular PS or security concerns, cannot vote at their assigned PS. This type of voting shall require the approval of the Municipal Election Commission (MEC).

1.3 Voting of persons with special needs and special circumstance will be conducted on Election Day by the Polling Station Commission Mobile Teams (PSCMT), organized by MECs in their municipalities.

1.4 Each team responsible for voting of persons with special needs and special circumstance shall have a Poll Book in which important information regarding the conduct of SNSCV shall be noted.

1.5 Teams responsible for voting of persons with special needs and special circumstance shall operate from 09.00 to 21.00 hours on the Election Day, departing from the MEC and returning to the MEC.

1.6 All the PSCMT team members shall vote at their regular PS before 09:00 on Election Day.

1.7 The competent court shall submit data to the CEC on persons who have been deprived of their legal capacity with a final court decision. Such data shall be delivered as required by the CEC.

## Section 2

### Homebound voting

2.1 An eligible voter who wants to register as a Homebound Voter, needs to submit following documents to the relevant MEC fifteen (15) days prior to Election Day:

- (a) a completed application form, a copy of which is attached as Annex I or the hand written request including the personal data;
- (b) a photocopy of the disability certificate or a medical diagnosis in support of their application.

2.2 Non Governmental Organization (NGO) who are registered and specialized in services for the homebound people, may submit to the CEC Secretariat the names of homebound persons for inclusion in the homebound voting program.

2.3 The MEC shall review all applications against the criteria set forth in Section 2.1 of this rule and inform all the applicants in writing whether their applications were accepted or rejected.

2.4 The MEC shall inform those applicants whose request were rejected that they can either vote in person at their assigned Polling Station or seek for legal redress in accordance with section 6 of this rule.

2.5 After the deadline for submitting an application to be a homebound voter, MEC shall:

- (a) compile a list of all registered homebound voters of the respective municipality, including their name and surname, ID personal number and home address of each homebound voter;
- (b) submit a copy of the registered homebound voters to the Central Election Commission (CEC) Secretariat;
- (c) divide the list by addresses in such a way that people in the same graphic area are visited by the same Polling Station Commission Mobile Teams (PSCMT); and
- (d) make all relevant presentations, including transport of the PSCMT or compensation of transportation costs.

2.6 A PSCMT shall consist of one Chairperson and two members. The MEC shall establish the number of PSCMT necessary to conduct the Homebound Voting process and shall fill these positions from the Polling Station Committee reserves, described in Article 79 of the Law on General Elections in Republic of Kosovo. No more than one person from one Political Entity may be appointed in the same PSCMT. In case of replacement of an PSCMT member, the procedures established in Article 74.7 of the Law on General Elections in Republic of Kosovo shall be carried out.

2.7 The MEC shall inform the accredited observers in advance of the PSCMT routes to enable the observers to accompany them during their visits to homebound voters. It shall be the obligation of the observers to be present at the right time and place in order to accompany the PSCMT.

## Section 3

### Voting process

3.1 Before starting, in view of the MEC and any accredited observers present, the PSCMT shall:

- (a) seal the ballot box and write and seal number on the SNV Reconciliation Form (SNVRF), a copy of which is attached as Annex II;
- (b) receive from the MEC ballots for each election and write the total number of ballots received on the SNVRF; and
- (c) receive from the MEC the Homebound Voter List (HVL) that shall include the name, surname, personal number of the valid identification document, as well addresses of the homebound voters to be visited by the PSCMT .

3.2 At the house of the Homebound voter, the PSCMT shall:

- (a) display their identification badges provided and stamped by the MEC at all the times during the process;
- (b) request the voter to identify him/herself using one of the accepted identification documents set out in Article 90 of the Law on General Elections in Republic of Kosovo, on Acceptable Identification Documents;
- (c) After satisfactory identification of the voter and after the data of the voters are written in the Homebound Conditional Voter List (HCVL), member of the PSCMT shall write the data of the voter on the conditional ballot envelope, issue the voter the ballot(s) and instruct the voter on the voting procedures;
- (d) allow the voter to be assisted to vote by any person present, but not by a PSCMT member or accredited observer;
- (e) request all present, with the exception of the person specified in Section 3.2 (d) of this rule, to leave the room to allow the homebound voter to mark the ballot(s);
- (f) give the voter another ballot if he/she spoiled the first ballot, retain the spoiled ballot and mark it as “spoiled”; and
- (g) ensure that after marking the ballot(s), the homebound voter introduces the ballot(s) into the Secrecy Envelope (s), seals the Secrecy Envelope(s) and place the Secrecy Envelopes(s) inside the Conditional Ballot Envelope (CBE). After sealing the CBE, the voter shall place it into the ballot box in view of any accredited observers present.

3.3 If the PSCMT arrives at the house of the homebound voter and the voter refuses to allow them to enter, on the HCVL next to the voter’s name should be written “refused” and have all the PSCMT members sign next to the entry. Then the PSCMT shall leave the house of the homebound voter.

3.4 At the end of the voting process, the PSCMT shall seal the voting slot and take the materials to the MEC where, in view of the MEC or observers present, the PSCMT shall account for unused and spoiled ballots and handover the material to the MEC.

#### Section 4 Voting in Institutions

4.1 MEC shall identify the institutions set out in Section 1.2(b) within their municipality, make the necessary preparations for polling, inform the administration of the respective institutions of the plan and schedule the Institution Polling Team (IPT) according to the number of voters in each institution. In doing so, IPT can visit one or more institutions during voting hours as established under Section 1.5 for the schedule of the IPT or the MEC may decide to allocate more than one IPT to the same institution should the needs of a particular institution so require.

4.2 An IPT shall consist of one Chairperson and two members. The MEC shall establish the number of IPTs necessary to conduct the Voting in Institutions. When the number of IPTs has been established, the MEC shall fill these positions from the pool of reserves PSC members described in article 79 of the Law on General Elections in Republic of Kosovo. Not more than one person from one political entity may be appointed in the same IPT. If it becomes necessary to replace an IPT member, the procedures established in article 74.7 of the Law on General Elections in Republic of Kosovo.

4.3 IPT shall operate either as a mobile team, moving from one voter to another with a mobile ballot box, or set up a Polling Station inside the institution and allow voters to form a queue, whichever of two options shall best serve the interest of voters and layout of the institution.

4.4 The IPT shall follow the same procedures for casting Conditional Ballots as set out in Section 12 of the Electoral Rule No. 09/2009 on Polling and Counting Inside Polling Station.

4.5 In order to vote in one of the institutions set out in Section 1.2 (b) of this rule, an eligible voter shall have been registered in the said institution latest on Election Day.

4.6 An eligible voter may cast a conditional ballot in the institution in which he/she resides if at the time of the visit by the IPT he/she can identify him/herself with one of the accepted identification documents set out in Article 90 of the Law on General Elections in Republic Kosovo, under Accepted Identification Documents.

4.7 At the end of the SNV process, the IPT shall seal the voting slot and take the materials to the MEC where, in view of the MEC or observers present, the IPT shall account for unused and spoiled ballots and handover the material to the MEC.

## Section 5

### Special Circumstance Voting

5.1 The MEC shall compile a list in advance of locations where the special circumstance voters are living.

5.2 Pursuant to article 99.1, of the Law on General Elections in Republic of Kosovo, the MEC shall decide upon the number of voters and persons appointed to use this right.

5.3 The MEC shall primarily inform the voters on the time and location where the special circumstance voting (SCV) for the displaced will take place.

5.4 A SCV Team (SCVT) shall consist of one Chairperson and two members. The MEC shall establish the number of SCVTs necessary to conduct the Special Needs Voting process. When the number of SCVTs has been established, the MEC shall fill these positions from the pool of reserves PSC members as described in article 79 of the Law on General Elections in Republic of Kosovo. No more than one person from one Political Entity may be appointed as an SCVT member in the same SCVT. If it becomes necessary to replace an SCVT member, the procedures established in article 74.7 of the Law on General Elections in Republic of Kosovo shall apply.

5.5 Polling and counting for Special Circumstance Voting shall be conducted in the same manner as Conditional Ballot Voting, set out in section 12 of the Electoral Rule No. 09/2009 on Polling and Counting Inside Polling Station.

5.6 After Special Circumstance Voting is concluded, the SCVT shall seal the voting slot and take the materials to the MEC where, in view of the MEC or observers present, the SCVT shall account for unused and spoiled ballots and handover the material to the MEC.

5.7 As an alternative we can foresee early voting, before the Election Day and by mail, after all the interested voters are identified for the special needs voting

Section 6  
Adjudication Process

6.1 The MEC shall issue a written notice informing any eligible voter or group of voters whose request for SNSCV was denied of his/her/their right to seek legal redress at the competent body according to the Law on General Elections in Republic of Kosovo.

6.2 If the competent body within its jurisdiction decides that the Voter has the right to participate in the SNSCV programme it may order the MEC to include or exclude the eligible voters from the list of SNSCV.

Section 7  
Entry into Force

This Election Rule enters into force on June 25, 2009.

**Nesrin Lushta**

President of the Central Election Commission

---