



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Komisioni Qendror i Zgjedhjeve
Centralna Izborna Komisija
Central Election Commission



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Official Text

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Central Election Commission

Pursuant to the articles 64 item (a) and (b) and 128.1 and Chapter VI of the Law nr. 03/L-073 on General Elections in Republic of Kosovo, articles 29.1, 20 and Chapter VI of the Law 03/L-072 for Local Elections in Republic of Kosovo issues:

ELECTORAL RULE Nr. 12/2009
CAMPAING SPENDING LIMIT AND FINANCIAL DISCLOSURE

Section 1
Definitions

1.1 For the purpose of the present Rule, “Expenditure”, “Campaign Expenditure” mean the respective definition set up under article 3 of the Law nr. 03/L-073 on General Elections in Republic of Kosovo.

1.2 “Campaign Spending Limit” means the maximum amount of money that can be spent by a certified Political Entity as Campaign Expenditure for the Kosovo Assembly election, Municipal Assembly and Mayoral Elections.

1.3 “Campaign Auditor” shall mean any organization specifically tasked by the Office to audit campaign spending as specified in article 41.1 of the Law nr. 03/L-073 on General Elections in Republic of Kosovo

Section 2
Campaign spending limit

2.1 The Campaign Spending Limit for both Municipal Assembly and Mayoral Elections in one municipality shall be five hundred Euro (500 €) for every thousand (1000) registered voters in that municipality. The Campaign Spending Limit for the Kosovo Assembly Election shall be five hundred Euro (500 €) per every thousand (1000) registered voters.

CEC shall assign the maximum of Campaign Expenditure based on total number of registered voters from the last updated final voters list the CEC has.

2.2 The Campaign Spending Limits as established under Section 2.1 are cumulative for all elections contested by a Political Entity.

2.3. The CEC shall determine the maximum campaign expenditures based on the total number of registered voters in the voters list at the time of the last update of the voters list available to the CEC not later than (5) days following the announcement of Election Day.

2.4 Maximum campaign expenditures shall apply to any goods and services purchased for campaign purposes regardless of the time of purchase or provision of service.

Section 3

Campaign Financial Disclosure Requirements

3.1 Each Political Entity certified to participate in the elections shall submit a completed Campaign Financial Disclosure Report, using the format attached as Annex 1, for the Political Entity, including all of its branches and all its constituent parts, for a period that starts ninety days (90) before elections and ending with the day of the elections. Campaign Financial Disclosure Report for the Political Entity shall be submitted to “Office” no later than forty-five (45) calendar days after the day of the election.

3.2 All Political Entities that have candidates qualified for a second round mayoral election shall submit to the Office a completed Campaign Financial Disclosure Form in accordance with the Electoral Rule No. 10/2009 on Second Round of Mayoral Elections.

3.3 Campaign Financial Disclosure Report of every political entity including all of their branches and constituent part shall include complete and accurate disclosure of:

- (a) the Income of the Political Entity during the reporting period, including the source and date of all cash Contributions;
- (b) all Expenditures, including Campaign Expenditures, made by the Political Entity during the reporting period; and
- (c) a balance sheet showing the Assets, Liabilities and Equity of the Political Entity as of the first and last day of the reporting period.
- (d) a certified Political Entity shall ensure that each of its branches or constituent parts complete a Financial Information Report using the form attached as Annex 2.

3.4 Each Political Entity certified to participate in an election shall keep and maintain for period of seven (7) years accurate and detailed records of the financial situation of the Entity and all of its branches during the period covered by the Campaign Financial Disclosure Reports, including:

- (a) accounting books that record, in accordance with generally accepted accounting principles:
 - i. all income by source, amount, identifying the manner in which the Payment was made (i.e cash, cheque, bank draft etc) ; and
 - ii. all Payments made by the Political Entity to another person, the purpose of the Payment and the manner in which the Payment was made:
- (b) receipts for all Expenditures in excess of one hundred euro (€100)
- (c) bank records for all accounts held by or on behalf of the Political Entity
- (d) documents establishing the legal basis for ownership or occupation of all real property occupied by the Political Entity:
- (e) contracts to which the Political Entity is a party, including contracts relating to the lease or purchase of movable or immovable property:
- (f) a record of all contributions to the Political Entity, regardless of when they were made, including:
 - i. the value of each Contribution
 - ii. the date on which each Contribution was made:
 - iii. the full name, address and the ID number or other identification document; and
 - iv. full name of the person who received the Contribution on behalf of the Political Entity.

3.5 Each Financial Officer shall attend a training session in accounting and auditing arranged by the Office as soon as possible after his or her appointment unless he or she can establish to the satisfaction of the Office that he or she possesses sufficient expertise and experience that such training is not necessary.

Section 4 Audit

4.1 The office shall audit all Campaign Finance Disclosure Report and Candidate Financial Disclosure Form. The use of an external auditor as a campaign auditor is subject to decision of the CEC.

4.2 All Political Entities shall cooperate fully with the Campaign Auditor and shall provide the auditors with full and unfettered access to the financial records of the Political Entity, including without limitation all of the records referred to in section 3.4 of this rule.

4.3 The Campaign Auditor shall present the preliminary results of an audit, including a list of any apparent errors or omissions, to the highest executive body of the Political Entity within forty-five (45) days of commencing the audit, and no later than four (4) months after elections.

4.4 A Political Entity may, within fifteen (15) working days of its receipt of the preliminary results of an audit, submit a revised financial report and an explanation that addresses any apparent errors or omissions identified by the Campaign auditor.

4.5 The Campaign Auditor shall submit a final audit report to the CEC and the highest executive body of the Political Entity no later than fifteen (15) working days of its receipt of the preliminary results of an audit. The final report shall identify any errors or omissions in the financial report, taking into account any explanation and revision submitted under section 4.4 of this rule.

Section 5 Campaign Contributions

A Political Entity shall not accept a Contribution that would not be acceptable for a Political Party to receive as set out in CEC Rule 01/2008, On the Registration and Operation of Political Parties and the applicable legislation.

Section 6 Sanctions

6.1 The CEC acting through the Office may charge any Political Entities that Submit Campaign Financial Disclosure Reports after the applicable forty-five (45) calendar days, as set out in section 3.1 of this Rule. CEC shall transfer all fines and administrative fees collected to the Kosovo Consolidated Budget.

6.2 The imposition of a fee or fine hereunder does not prejudice any criminal sanction that may apply. Cases which might implicate a criminal action shall be forwarded by the CEC to the Office of the Prosecutor of Kosovo.

6.3 A Political Entity may appeal a decision of the CEC imposing a fine or fee in accordance with the Law on General Elections in Kosovo.

6.4 The CEC may charge Political Entities for late submission of the Campaign Financial Disclosure Reports in accordance to Annex 3 of this rule.

6.5 The Office may file a complaint with the Election Complaints and Appeals Commission (ECAC) in accordance with ECAC's Rules of Procedures after the deadline for publishing of the Campaign Financial

Disclosure Report except for the following cases:

- (a) if a Political Entity within 15 days after the deadline defined in section 6.1, submits an incomplete or inaccurate Campaign Financial Disclosure Report, or submits a Report that does not comply with Section 3;
- (b) Political Entity exceeds the Campaign Spending Limit as established under this Rule
- (c) Political Entity does not cooperate fully with the Office auditors and does not provide the auditors with full and unfettered access to the financial records of the Political Entity as established in Section 4, or
- (d) Political Entity has accepted a Contribution against the provision established in Section 5.

6.6 The Office may file a complaint with the Election Complaints and Appeals Commission (ECAC) in accordance with ECAC's Rules of Procedures if the Political Entity fails to submit a Campaign Financial Disclosure Report within 15 days after the deadline defined in section 6.1.

6.7 Political entities shall pay all fines and fees into the CEC bank account and submit to the Office a copy of the payment slip.

Section 7 Public Information

7.1 The CEC, acting through the Office, shall establish and maintain a Public Information File containing current copies of the following:

- (a) Register of Donors indicating:
 - i. the full name and Civil Registration, passport or driver license number of each person who made Contributions to a Political Entity, the combined value of which have exceeded one hundred Euro (€100) in any calendar year;
 - ii. the identity of the recipient Political Entities;
 - iii. the value of the Contribution; and
 - iv. the Dates on which the Contribution were made;
- (b) copies of all Campaign Financial Disclosure Report submitted to the Office;
- (c) copies of all Candidate Financial Disclosure Form for certified candidates submitted to the Office; and
- (d) copies of any final reports relating to audits performed by the Office.

7.2 The office shall make the contents of the Public Information File available for viewing by members of the public in a central location to be established by the Office during regular business hours, at the CEC web-site and at such other locations and times as the CEC may direct.

Section 8
Entry into force

This Election Rule enters into force on June 25, 2009

Nesrin Lushta

President of the Central Election Commission

Annex 3
Fees for late submission of Campaign Financial Disclosure Reports

		Categories of Political Entities	
		<i>Political Parties Citizens' Initiatives Coalitions</i>	<i>Independent Candidates</i>
Late submission	1-5 day(s)	100 €	20€
	6-10 days	200 €	30€
	10-15 days	300 €	50 €