



Republic of Kosovo
Republika e Kosoves-Republika Kosova
Paneli Zgjedhor për Ankesa dhe Parashtresa
Izborni Panel za Zalbe I Predstavke
Elections Complaints and Appeals Panel

A.no. 362/2019

Elections Complaints and Appeals Panel, Panel composed of Judges: Faton Ademi Chairperson Fejzullah Rexhepi and Adnan Konushevc members, with the participation of high legal official Lutfie M. Ajvazi, deciding on the complaint submitted by Arjeta Rexhepi from political subject LVV (Self Determination Movement) submitted against the commissioners of the Voting Center 0402D/03R due to the irregularities on the voting date of Early elections for the Assembly of Kosova, at the panel session held on 10.10.2019, made the following :

DECISION

To **REJECT** as impermissible, the complaint A.no. 362/2019 dated on 09.10.2019, submitted by Arjeta Rexhepi from political subject LVV (Self Determination Movement) by which she required an order to be sent to CEP for renumbering of the ballots at the Voting Center 0402D/03R at “Selami Hallaqi” Primary School in Gjilan.

Reasoning

On 09.10.2019 ECAP received the complaint A.no. 362/2019 submitted by Arjeta Rexhepi from political subject LVV (Self Determination Movement) from Gjilan Municipality with allegations that at Voting Center number 0402D/03R, the counting was conducted at some Polling stations voting while the transportation was conducted only from one Polling station and which is an error of counting stage.

Upon review of legality of the complaint, ECAP found that:

The complaint is ungrounded

The panel assessed that the allegations of the complainant even though it is referred to irregularities on the voting day, because thus this complaint is challenging the result, which is still preliminary and can be changed, the complaint, at this stage of election process is premature because upon the announcement of the final result, the same can be challenged by political subjects and candidates who have allegations concerning the number of their votes. Since in the time aspect- the stage of the election process when the complaint may be submitted, it is premature, the complaint shall be rejected as impermissible.

At the time of publication of the result by CEP, the complainants can submit the complaint within 24 hours according to Article 105 of Law on General Elections.

Based on the abovementioned reasons and in accordance with Article 118.1 of LGE “*The ECAP shall accept a complaint that is well-grounded and dismiss a complaint that does not meet this standard*”, and Article 6.4 of Rules and Procedures of ECAP “*complaints which are impermissible and belated ECAP shall reject them by a decision*” and concerning the abovementioned complaint decided as in the enacting clause of this decision.

The decision as in the enacting clause of this ruling on rejection of the impermissible complaint does not influence the result and the complainant can appeal/challenge the results with the same allegations.

Therefore, based on the abovementioned reasons and according to Article 118.1 of LGE and Article 6.4, of Rules and Procedures of ECAP, the panel decided as in the enacting clause of this decision.

Elections Complaints and Appeals Panel

A.no. 362/2019 dated on 10.10.2019

Faton Ademi, **Chairperson**
(signed & stamped)

Legal remedy: *No appeal is allowed against this decision.*