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**INTERNATIONAL OBSERVATION MISSION  
MUNICIPAL ELECTIONS – SECOND ROUND  
27 MARCH 2005  
FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**Skopje, 28 March 2005** – The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission for the 2005 municipal elections, in response to an invitation from the Ministry of Foreign Affairs of the Former Yugoslav Republic of Macedonia. They were joined by the Congress of Local and Regional Authorities of the Council of Europe to form the International Election Observation Mission (IEOM) for the election day observation. The OSCE/ODIHR and the Congress observed the election process to assess its compliance with principles for democratic elections, including OSCE commitments and Council of Europe standards, as well as its compliance with domestic legislation.

This statement should be considered in conjunction with the Statement of Preliminary Findings and Conclusions issued on 14 March, after the first round of voting. It is issued before the announcement of the final election results and before all complaints and appeals have been addressed by the electoral and judicial authorities. The final assessment of the municipal elections will depend on the manner in which these important procedures are completed.

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**PRELIMINARY CONCLUSIONS**

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In the period between the two rounds of the 2005 local elections in the Former Yugoslav Republic of Macedonia the authorities failed adequately to address the shortcomings identified in the first round, despite some efforts. The partial second round of the municipal elections on 27 March 2005, whilst generally well conducted in the majority of the country, again did not meet key OSCE commitments and Council of Europe standards guaranteeing universal and equal suffrage and ensuring the secrecy of the ballot. The fragmented nature of the second round does not allow a definitive assessment of the overall process. Serious violations were again noted on election day in a number of areas of the country, including some of those where gross irregularities had been observed on 13 March.

Following the complaint and appeals process, voting results from the first round were invalidated in 41 polling stations in 13 municipalities, and in the City of Skopje. Therefore, in some 57 municipalities a second round for the mayoral election was called for 27 March, with re-runs of the election for councillors in three of them. In nine other municipalities and in the City of Skopje, only re-runs were announced for 27 March, thus postponing a possible second round for the mayoral elections to 10 April.

The following positive features characterized the election process of the second round and the period since polling on 13 March:

- The legal deadlines for announcing the initial results of the first round of the election, as well as rendering decisions on the complaints and appeals by the Municipal Election Commissions (MECs) and the Supreme Court, were respected.
- The technical preparations for the second round of voting were carried out in an orderly and efficient manner. The State Election Commission (SEC) held a training session for MEC presidents and their deputies to prepare for the second round.
- Modest efforts were made by the authorities to address the irregularities committed during the first round. In particular, the Supreme Court allowed appeals in some cases where evidence of violations had been reported. In addition, some MECs changed the Electoral Boards (EBs) in polling stations where results had been annulled or where the conduct of the voting had been problematic.
- In a welcome development, the Ministry of Interior opened criminal investigations against persons involved in electoral malfeasance during the first round.
- The media showed a notable effort to provide information about the results of the first round and the complaints and appeals process, with a generally balanced coverage of these issues.
- The public broadcaster MTV provided free airtime to the contestants and organized debates among those candidates whose participation in the second round was confirmed.

At the same time, the following shortcomings were observed:

- Whilst election day was conducted in a generally orderly manner in most of the country, observers reported serious irregularities in a number of municipalities such as Gazi Baba, Butel, Lipkovo, Cucer Sandevo, Zelino, Jegunovce, Tearce, Tetovo, Studenicani, Aracinovo and Brvenica. Among the irregularities observed, there were cases of stolen ballot papers, ballot box stuffing, intimidation, group and proxy voting and identical signatures on the Voter List extracts.
- In between the rounds, the MECs did not act consistently to protect the legality of the election process and remedy cases of obvious unlawfulness and electoral malpractice. In many instances, MEC members voted on complaints exclusively according to political party interests instead of performing their duties impartially and conscientiously, as provided for by the election law. The SEC adopted a passive approach refraining from guiding the MECs during the complaints and appeals process.
- The controversy over the contest for mayor of the City of Skopje, delays in the announcement of first round results and the decision to boycott the second round by the ethnic Albanian opposition coalition dominated political debate and contributed to a growing lack of public confidence in the process. Reports of intimidation of election officials and employees of public companies and sporadic violent attacks on party activists also added to the negative atmosphere.
- The mandatory rule under Article 65 of the Local Election Law that only comments registered in the EB minutes can be invoked in complaints and appeal proceedings was used by the MECs to dismiss first round complaints, even where there was evidence that intimidation was used against members of EBs and candidate representatives.
- The continuing lack of more decisive intervention by the relevant authorities against episodes of intimidation of voters and EB members has led to a culture of impunity in

some municipalities, undermining confidence in the rule of law and the ability of election bodies to protect the legality of the process.

- The de facto disenfranchisement of women in many areas is a source of serious concern together with their absence from many EBs, which materially increases the likelihood of serious irregularities.
- The conduct of voting on election day was assessed as ‘bad’ or ‘very bad’ in 14 per cent of the polling stations visited. The secrecy of the ballot was not respected in 17 per cent of cases, while group voting was reported in 16 per cent of observations. At least 30 cases of ballot-box stuffing were reported. The vote count was assessed as ‘bad’ or ‘very bad’ in 23 per cent of the polling stations observed.

The institutions represented in the IEOM stand ready to assist the national authorities and civil society to address any shortcomings in the electoral process.

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## **PRELIMINARY FINDINGS**

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### **Background**

On 14 March, the IEOM published a Preliminary Statement of Findings and Conclusions on the first round of voting which occurred on 13 March. This statement can be accessed on the OSCE/ODIHR website at [www.osce.org/odihr](http://www.osce.org/odihr); its findings and conclusions are not repeated here. This statement addresses developments since the first round of voting.

### **Political developments and the campaign**

The period leading up to the second round was politically dominated by disputes over the election results in some municipalities and alleged irregularities which occurred on 13 March. Opposition parties accused the ruling coalition of electoral fraud, in particular in the high profile contests for the City of Skopje and Tetovo. A major political controversy started in the early hours of 14 March, when the results for the mayoral race in the City of Skopje remained unclear. This was fuelled by the slowness of the election authorities to disclose the initial results.

On the night of the first round, the non-governmental organization MOST, which had carried out domestic election observation, released results of a parallel voting tabulation (PVT) for the City of Skopje election. These results indicated that the independent candidate for Skopje mayor, Trifun Kostovski, who was supported by most opposition parties, had achieved an outright victory in the first round, purportedly with more than 50 per cent of the vote. Following the announcement of the PVT results, Kostovski’s campaign team declared his victory, even though the election authorities had not released the results. These results were finally announced with some delay, showing that Kostovski had not achieved the crucial absolute majority, thus necessitating a second-round election. The opposition accused the ruling parties of electoral fraud, in particular in three Skopje municipalities where widespread irregularities had been observed. Despite the controversy over the PVT for the mayoral race, the PVT for the election of the council in the City of Skopje was not challenged.

In western areas of the country, in particular in Tetovo, the ethnic Albanian opposition coalition of the Democratic Party of Albanians (DPA) and the Party of Democratic Prosperity (PDP)

accused the governing parties of serious irregularities in the first-round vote. The DPA-PDP demanded re-runs in 16 predominantly Albanian-inhabited municipalities. The coalition held public protests in Tetovo and Gostivar against the alleged irregularities and unfair election process. When their demand for re-runs was not met, they called on their supporters to boycott the second round, expressing fears of further irregularities and violence in the second round.

The prime minister called a meeting of all the party leaders on 22 March to try to smooth over the post-first round controversies. The leader of the United Opposition, the strongest ethnic Macedonian opposition coalition, stayed away from the meeting, while the representative of the DPA-PDP coalition walked out, having re-stated the coalition's demands. At a follow-up meeting the next day, only one opposition party leader attended, and quickly left.

The controversy in Skopje and the DPA-PDP's announced boycott contributed to a profound lack of public confidence in the electoral process, compounded by the slowness of the election administration in announcing the results for some municipalities, and by the uncertainty concerning the outcome of the complaints and appeals process. Also contributing to the negative atmosphere were reports of intimidation of election officials and employees of public companies and isolated violent attacks on party activists, including in the village of Morani, in the municipality of Studenicani, where a DPA member was assaulted and hospitalized.

Campaign activities subsided after the first round. The main energy of the parties was directed at the political controversies and accusations of election irregularities, rather than at campaigning as such. To the extent that there was campaigning at all, most parties across the country relied upon door-to-door campaigning, with no big rallies.

### **Election Administration**

The majority of the MECs conducted continuously the tabulation process and announced initial results of the first round in the early hours on 14 March. However, in some Skopje municipalities the tabulation of the results and their announcement was delayed and took place in the late afternoon. This in turn affected the work of the City of Skopje Election Commission, which was able to prepare its protocol on the results only on the morning of 15 March, and to announce them publicly in the afternoon. While the SEC succeeded in announcing the overall initial results within the legal deadline of three days after polling day, the lack of preliminary information concerning the results for the mayoral contest in the City of Skopje created suspicion, lack of confidence and tension.

The first-round complaints and appeals process resulted in the invalidation of the voting results in 41 polling stations in 13 municipalities, and in the City of Skopje. The SEC recommended re-runs only in those cases where theoretically the result of a re-run could change the outcome of the relevant election. Mayors were elected in the first round in 18 municipalities. In some 57 municipalities, a second round for the mayoral election was called for 27 March, with re-runs of the election for councillors in three of them (Gostivar, Mavrovo i Rastusa and Gazi Baba). In nine other municipalities, and in the City of Skopje, only re-runs were announced for 27 March, thus postponing a possible second round for the mayoral elections to 10 April.

As a result of the lengthy and extensive process of complaints and appeals, complete information about which contests would be run in the second round was only available on the afternoon of 22 March, leaving the election administration little time to prepare for the second round. Nevertheless, the SEC met legal deadlines for the printing of ballot papers and the distribution of election materials to the MECs.

The SEC organized a training session for presidents and deputies of the MECs in those municipalities where voting on 27 March was expected, paying more attention to the conduct of the second round in the most problematic areas. However, no efforts were made to improve the level of understanding of the counting procedure by the EBs and to provide better training on the preparation of result protocols, despite the fact that serious problems in dealing with these aspects of the process had been noted during the first round.

Modest efforts were made by the election administration to address the multiple irregularities occurred during the first round. The SEC members were reluctant to replace the presidents of those MECs which had performed very badly. This reluctance reportedly was due to their concern not to undermine the fragile balance of the political-party interests in the appointment of judges as presidents, even though these appointments should be non-partisan. The SEC recommended to the MECs to replace EBs where the voting was annulled in the first round. This recommendation was followed in most cases, and a few changes in other EBs were also reported in polling stations where results had not been annulled.

Following the first round, the MEC Tetovo president (a senior judge in the Tetovo Primary Court) publicly complained that he was seriously threatened and pressured by political parties during the appeals process. At the same time, the DPA decided to replace its member and deputy on the Tetovo MEC with individuals who are under investigation for past electoral violations. The SEC approved these nominations, but received a complaint from the Tetovo MEC that they were not appropriate, due to the ongoing investigations, and that they were interfering with the work of the MEC. No further action was taken by the SEC on this case.

It is a matter of concern that despite previous documented examples of electoral intimidation in Skopje and in several parts of the country, the police and the Ministry of Interior continued to follow a passive role of non-intervention in the face of intimidation against voters and election officials. The police informed the OSCE/ODIHR Observation Mission that unless members of the EBs specifically request police intervention on election day, the police are reluctant to intervene. The Ministry of Interior asked the SEC to issue clear instructions, but the SEC responded that the law is clear that the police can intervene without any request from the EB to prevent crimes outside polling stations. The fact that this passive approach to organized electoral misconduct has been adopted seriously undermines the rule of law.

Early voting by military personnel, persons in custody and internally displaced persons (IDPs) in more than 30 special polling stations, as well as mobile-box voting by sick and disabled people, was conducted on 26 March. IEOM observers reported a well-organized and quiet vote, without serious problems, with a very low turnout. However, the VL extracts were inaccurate in the prisons in Gazi Baba and Tetovo, which left some inmates disenfranchised.

During election day the SEC held a continuous session receiving information about the voting process and checking reported irregularities. The SEC also released figures about the voter turnout. The instructions of the SEC directing the MECs to secure an immediate processing of the EB results protocols by the State Statistical Office teams allowed a timely announcement of preliminary results: at its last press conference at 24:00 hours the SEC announced the results of the second round from 49 municipalities.

### **First-round Complaints and Appeals**

Following serious irregularities in the first round, the OSCE/ODIHR was concerned at the number of instances where the MECs were unable to protect the legality of the election process and remedy cases of obvious unlawfulness and electoral malpractice. The election law provides that members of MECs must perform their duties impartially, conscientiously and in accordance with the law. Since the first round, the OSCE/ODIHR witnessed instances in some municipalities where these standards were not followed and where MECs acted primarily in accordance with party interests. The SEC adopted a passive approach, refraining from guiding the MECs during the complaints and appeals process.

Approximately 200 complaints were submitted to MECs nationwide alleging irregularities, mainly from political parties and independent candidates. Proceedings in some MECs observed by OSCE/ODIHR during the consideration of complaints were rather inefficient and disorderly. It is a matter of concern that the vast majority of complaints were rejected by the MECs, mostly on technical and procedural grounds. It was rare for the MECs to carry out an investigation into the substance or merits of a complaint, even where there was evidence of ballot stuffing or other serious irregularities.

Some MECs performed highly competently during the appeals process and some acted decisively to challenge irregularities committed by EBs and discrepancies revealed by the EB minutes. However, there were many instances where MECs proved reluctant to question EBs even when it was clear that fundamental safeguards and mandatory procedures had been ignored during the first round of voting.

The mandatory rule under Article 65 of the Local Election Law (LEL) that only comments registered in the EB minutes can be invoked in complaints and appeal proceedings was used by the MECs to dismiss complaints even where there was evidence that threats and intimidation were used against members of EBs and candidate representatives, including one case where the EB president himself was the appellant stating that he had been intimidated. The absence of negative remarks or objections in the EB protocols was therefore widely used to wave aside irregularities which took place in the first round. In some instances, this meant that EB members and presidents were reportedly threatened into silence during voting and counting, generally also silencing any subsequent appeals.

The election law provides that the MECs must work in public to ensure transparent decision-making and an open review process when the MECs decide on complaints. Immediately following the first round, and in marked contrast to the open and helpful attitude adopted by many MECs, attempts by OSCE/ODIHR observers to contact MEC presidents in some municipalities were frustrated, and in others contradictory or misleading information was given

about complaints. In varying degrees, MECs in Cair, Gazi Baba, Suto Orizari, Studenicani, Gostivar and Vrapciste adopted an uncooperative and obstructive attitude to accredited OSCE/ODIHR observers after the first round. The SEC was even required to issue a decision to all MECs ensuring that OSCE/ODIHR observers were allowed to be present at MEC sessions during the consideration of complaints.

The Supreme Court received 77 appeals against MEC decisions and delivered 64 judgments on these appeals, one judgment sometimes applicable to several complaints. The judgments were rendered within the legal deadlines. Of 64 judgments, 17 appeals to the Court were allowed in part or in full. Given the poor quality of MEC decisions in some municipalities, the significant number of appeals allowed by the Court is to be welcomed. The Court allowed appeals where irregularities or objections were noted in the EB minutes, where there was evidence of ballot stuffing, high numbers of invalid ballots and deceased persons voting. Consideration of these appeals was based on the complaints and supporting material and carried out by panels of five Supreme Court judges chosen at random. The appellate proceedings followed an ‘administrative’ procedure, and were not open to the public or the parties to the appeal. The Supreme Court helpfully provided copies of their decisions to the OSCE/ODIHR observation mission.

In most instances, the Supreme Court dismissed the appeal and upheld the rejection of the complaint by the MEC strictly adhering to the rule in Article 65 of the LEL that only comments entered in the EB minutes can be an object of assessment during the appeals process. The Court was generally reluctant closely to examine the circumstances on polling day and the allegations that proved the basis for the complaint. A number of judgments by the Supreme Court appeared to be inconsistent, as some complaints presenting similar evidence were differently evaluated by the various panels of judges dealing with them. Similarly, the Court adopted different stances on evaluating the legally recognized triggers that would justify the decision of a MEC to annul voting. Overall, a strict refusal by MECs and the courts properly to investigate election complaints and to accept at face value EB minutes resulted often in a highly artificial process where serious violations remained unexposed.

In a more positive development, on 17 March the Ministry of Interior announced that 19 persons were under criminal investigation for offences committed on election day.

### **The Media between Rounds**

Shortly after 13 March, the Broadcasting Council (BC) issued the results of the monitoring conducted during the first-round campaign. A significant number of public and private broadcasters were found to have breached the rules on equal access to the media issued by the BC, particularly concerning limits for broadcasting political advertising and the campaign silence.

The effort of the BC monitoring activities was noteworthy. However, the presence in the BC of a member of the City of Skopje mayor’s cabinet created a conflict of interest and raised doubts about the impartiality of this body.

After the first round, the media showed a notable effort to inform the public on the process of appeals and complaints, as well as on the consolidation of the results. However, the information

was sometimes inaccurate, partly due to the delay with which the election administration disclosed the results.

Print and broadcast media focused on the mutual accusations of both the ruling and opposition parties of irregularities and falsification of results. The delay in the consolidation of the results was often criticized in the print media, especially in relation to the City of Skopje mayoral contest. With little exception, the coverage was generally balanced and different viewpoints were reflected in the reporting.

The public broadcaster *MTV* provided free airtime to the contestants, organizing debates among those candidates whose participation in the second round of the elections was confirmed. *MTVI* also rebroadcast the special informative programme dedicated to the elections.

The findings of the OSCE/ODIHR media monitoring indicate an improvement in the coverage *MTVI* gave to the representatives of the state bodies, which was reduced to some 27 per cent of the total airtime. The major political entities were represented rather equally. As far as the Albanian *MTV3* is concerned, the findings show that the channel continued its biased coverage. The presence of government interests was significant, with some 39 per cent of airtime on the newscasts. The ruling DUI was again favoured, receiving twice the amount of airtime of its opponent, the DPA/PDP.

The political parties started to advertise several days after the first round. The opposition parties conducted a campaign against the ruling coalition pointing out the irregularities that took place in the first round of the elections.

In between the two rounds, the OSCE/ODIHR observation mission was informed that the owner of the premises of the only Albanian-language daily, *Fakti*, had evicted the newspaper and had kept its technical equipment. As a result, *Fakti* ceased publication on 21 March, creating a gap in the media landscape, in particular for the Albanian-speaking readership.

### **Women's Participation**

Prior to the first round, there were only 18 women candidates for mayor out of a total of 379 candidates. Of these, one was elected mayor in the first round, while three others entered the race for the second round. On election day, observers reported that in half of the polling stations there was not a single woman present in the EB. The observation revealed that EBs that included women were less likely to experience irregularities. This is clearly indicated by the 21 per cent overall negative assessment by IEOM observers in polling stations where no women were participating in the EBs, in contrast to 5 per cent where at least one woman was a member of the EB. As noted during the first round, group voting remained quite widespread, in particular in certain areas of the country, where women were de facto disenfranchised.

### **Domestic Observers**

The SEC accredited more than 5,100 non-partisan observers from 15 local NGOs. The non-partisan domestic NGO "MOST" again deployed the largest group of observers, some 3,000, including 40 mobile teams and 190 rotating observers. The presence of domestic non-partisan

observers from MOST was reported by IEOM observers in a majority of the polling stations visited. MOST observers were present in all MECs during the tabulation process.

On polling day, in reaction to a complaint by the SDSM that MOST was violating the SEC observer code of conduct by publicly reporting on observed irregularities prior to the close of voting, the SEC issued a warning generally reminding MOST to follow the code of conduct. This reflected a sudden change of approach by the SEC, which had not challenged the right of domestic observers to report publicly during voting either in the first round or in previous elections. As previously recommended by the OSCE/ODIHR, the rights of domestic observers should be clarified in the election legislation to enhance transparency in the election process.

### **Election Day, Vote Count and Tabulation**

Whilst election day was conducted in a generally orderly manner in most of the country, observers reported serious irregularities in a number of municipalities, such as Gazi Baba, Butel, Lipkovo, Cucer Sandevo, Zelino, Jegunovce, Tearce, Tetovo, Studenicani, Aracinovo and Brvenica, which again undermined the universality and equality of the vote. IEOM observers visited over 1,300 polling stations nationwide. Among the irregularities reported by IEOM observers, there were cases of stolen ballot papers, intimidation, ballot-box stuffing, group and proxy voting, identical signatures on the Voter List extracts and other procedural errors and omissions.

The opening procedures were assessed as ‘bad’ or ‘very bad’ in one out of four of the polling stations visited. Among the problems noted, in 28 per cent of the polling stations observed voting materials were not available, while in half of the polling stations visited the voting instructions poster was not displayed. Half of the polling stations did not open on time, while one in three had a delay of more than 10 minutes. In three out of ten polling stations the required minutes form was not filled in before opening.

The conduct of voting procedures was assessed as ‘bad’ or ‘very bad’ in 14 per cent of observations. The secrecy of the ballot was not respected in 17 per cent of polling stations visited, while group voting was observed in 16 per cent. Instances of intimidation outside polling stations were reported in at least 20 cases, while inside polling stations they were witnessed in at least 10 observations. Tension or unrest outside of polling stations was reported in 4 per cent of observations, and campaign materials in 6 per cent. Inside polling stations tension or unrest was seen in 4 per cent and campaigning in one per cent of observations. The general atmosphere was described as ‘bad’ or ‘very bad’ in 8 per cent of the polling stations observed.

Serious irregularities included over 30 observed cases of ballot-box stuffing and over 50 cases of proxy voting. Identical signatures on the Voter List extract were reported in at least 100 cases. Ballot boxes were not properly sealed in 4 per cent of cases, in particular in the Tetovo and Strumica regions.

Many voting procedures were not properly followed: ink marking was never checked in 8 per cent of polling stations observed. Ink was not applied in one out of ten of the polling stations observed. Procedures to check the voters’ identification were not conducted in 7 per cent of the observations. Voters were not signing the Voter List extract in 7 per cent.

The vote count was evaluated by IEOM observers as ‘bad’ or ‘very bad’ in 23 per cent of the counting observations. The understanding of counting procedures as well as the organization of the count was assessed as ‘bad’ or ‘very bad’ in one out of four observations. Ballots in clumps inside ballot boxes were reported in one out of seven observations, while procedures to ensure the transparency of the process were not always followed. Results did not reconcile in 17 polling stations observed. In more than half of the polling stations visited, copies of the results minutes were not posted publicly. In two cases, IEOM observers were prevented from observing the count. Deliberate falsification of results protocols was reported in three observations, while significant procedural errors were noted in 30 cases.

IEOM observers were also present during the tabulation of the results at the MECs, and reported that most procedures were adhered to.

The OSCE/ODIHR observation mission will continue to follow the final stages of the tabulation process and any relevant complaints and appeals, as well as any further contests. The OSCE/ODIHR will issue a comprehensive report on the election approximately six weeks after the completion of the process.

*This statement is available in the English and Macedonian languages.  
However, the English text is the only official version.*

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#### **MISSION INFORMATION & ACKNOWLEDGMENTS**

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Julian Peel Yates (United Kingdom) headed the long-term OSCE/ODIHR Election Observation Mission. The Congress of Local and Regional Authorities of Europe delegation was headed by Mr. Keith Whitmore (United Kingdom).

This statement is based on the election preparation and campaign observations of 11 election experts of the OSCE/ODIHR EOM stationed in Skopje and 18 long-term observers deployed in nine regions.

On election day, the International Election Observation Mission (IEOM) deployed some 260 observers from 31 OSCE participating States, including the 8-member delegation from the Congress of Local and Regional Authorities of the Council of Europe. Representatives of embassies of OSCE participating States in Skopje and of international organizations also contributed short-term observers to the IEOM, and the IEOM would like to acknowledge their assistance. On election day, IEOM observers visited more than 1,300 polling stations out of the approximately 3,000 throughout the country.

The IEOM wishes to thank the Ministry of Foreign Affairs, the State Election Commission and other national and local authorities for their assistance and co-operation during the course of the observation. The IEOM also wishes to express appreciation to the OSCE Spillover Monitor Mission to Skopje, the Council of Europe Office in Skopje and the European Union Monitoring Mission, as well as other international organizations and embassies accredited in Skopje for their support throughout the duration of the mission.

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