



**INTERNATIONAL ELECTION OBSERVATION MISSION**  
**The former Yugoslav Republic of Macedonia**  
**Municipal Elections, 15 October 2017**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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**PRELIMINARY CONCLUSIONS**

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The holding of the 15 October municipal elections contributed to strengthening confidence in the democratic process. Elections were held in a competitive environment with candidates generally able to campaign without restriction and fundamental freedoms were overall respected. However, credible allegations of vote-buying, pressure on voters and isolated cases of violence occurred during the pre-election period. Overall, monitored media provided unbiased coverage of contestants and facilitated the opportunity for political debate. Despite organizational challenges, the election administration ensured that voters were able to exercise their voting rights. Election day generally proceeded orderly, although some procedural irregularities were observed.

The legal framework provides for fundamental rights and freedoms, including the protection of minority rights, and forms a sound basis for the conduct of democratic elections. While amendments in recent years addressed a number of prior OSCE/ODIHR and Council of Europe recommendations, shortcomings remain, including restrictions on independent candidate registration and limited rights for legal redress. A late revision of the Electoral Code that resulted in a change to the composition of the State Election Commission (SEC) is at odds with international good practice.

Overall, while the SEC was able to administer the elections, its discussions on politically contentious issues and unnecessary involvement in the operational work of its secretariat at times resulted in missed deadlines. This delayed the SEC's comprehensive voter education campaign. Some SEC regulations contradicted the legislation. SEC sessions were open to observers, yet frequently substantive decisions were made in closed meetings. Only a few mid-level commissions undertook initiatives to enhance transparency of their work. Positively, steps to facilitate voting rights for persons with disabilities were introduced.

A total of 1,814,644 voters were registered for the elections. During online and in-person verification of voter lists, only a small number of changes was requested. As a result, many interlocutors of international observers acknowledged growing confidence in the integrity of the voter register, while some continued to express concern, including on the implementation of the residency requirement.

Following an inclusive registration process, 19 political parties and coalitions and 65 groups of voters fielded a total of 258 mayoral candidates and 370 candidate lists for council elections. Voters were offered a range of choices, and highly-contested races took place in many municipalities.

The SEC composition met with the 30 per cent gender representation requirement in the election administration; however, it was not always respected at lower levels. Not all candidate lists complied with the legal requirements for gender balance, yet these were registered. Issues pertaining to women's participation in public life were not addressed in the campaign.

The legislation comprehensively regulates campaigning and generally provides for a level playing field. The campaign took place in an environment where fundamental freedoms of assembly and expression were generally respected. However, isolated politically-motivated incidents occurred related to attacks on campaign offices and violence against one candidate. The larger parties

campaigning on national matters of stability and integration, as well as issues of municipal services and infrastructure.

While campaign finance regulations have improved in recent years in line with previous recommendations, they did not fully ensure adequate transparency due to a lack of auditing requirements for interim reports, as well as insufficient oversight authority of the State Audit Office. Only a small portion of interim reports were submitted.

The OSCE/ODIHR EOM media monitoring showed that the public media provided all contestants with free airtime during prime time, but only a small number of candidates used it. The two larger parties dominated in paid advertising on private media. TV debates were well organized; however, not all invited candidates participated. The media authority responsible for ensuring balanced and unbiased election coverage, initiated six misdemeanour proceedings on media violations.

Interethnic relations played a role in the elections. While some parties sought votes across ethnic lines, most candidate lists reflected the ethnic composition of a particular municipality. Some confrontational campaigning was observed between candidates belonging to the same community.

The legal framework does not fully provide for effective legal redress in electoral disputes, contrary to OSCE commitments. The SEC received few pre-election day complaints. While concerns were raised on the misuse of administrative resources, vote-buying and pressure on voters, only a few complaints were filed with other authorities, some of which are under investigation. A number of interlocutors informed the OSCE/ODIHR EOM and the Congress of Local and Regional Authorities of the Council of Europe that they lacked trust in the ability of the election administration and courts to handle election-related cases impartially.

Citizen observer access to all stages of the process contributed to transparency and offered a non-partisan assessment of the elections. In total, 3,000 citizen observers were accredited to follow election day proceedings.

Early voting and election day progressed in an orderly manner in most parts of the country. Polling staff generally efficiently facilitated voting and adhered to prescribed procedures. However, international observers noted some reoccurring irregularities, including family/group voting and compromised vote secrecy. During tabulation, most MECs followed procedures. In 14 MECs, observers did not have a sufficient view of the data entry process, which limited transparency. The SEC started releasing preliminary results shortly after polls closed, which contributed to transparency; however, results were not disaggregated by polling station, limiting their scrutiny.

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## **PRELIMINARY FINDINGS**

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### **Background**

After the 2016 early parliamentary elections, the formation of the government proved to be a challenge. The Internal Macedonian Revolutionary Organization-Democratic Party for Macedonia National Unity (VMRO-DPMNE) failed to reach an agreement with its traditional coalition partner, the Democratic Union for Integration (DUI).<sup>1</sup> Instead, the DUI and other ethnic Albanian parties aligned with the Social Democratic Union of Macedonia (SDSM), yet the president did not give them a mandate to form the government.

On 27 April, after several unsuccessful attempts, the speaker of the parliament was elected, which triggered a confrontation in the parliament and resulted in an assault on its members, including senior

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<sup>1</sup> The VMRO-DPMNE won the 2006, 2008, 2011 and 2014 parliamentary elections and led the government until May 2017.

members of the SDSM and Alliance for Albanians (AA). The political crisis de-escalated only after the president gave a mandate to the SDSM to form the government, which was established on 31 May, following a six-month delay. This delay resulted in the postponement of municipal elections.

In July, the government endorsed economic, judicial and political reforms, as well as a plan to address the misuse of administrative resources, pressure on public employees, unbalanced media coverage and lack of transparency of the election administration.<sup>2</sup>

The country's long standing aspirations to join the European Union (EU) and NATO, the continuously high unemployment rate and high emigration formed the backdrop to these elections. The conduct of municipal elections was perceived by most OSCE/ODIHR EOM interlocutors as a test of the new government's credibility, impacting the ongoing EU and NATO integration processes. Currently, 55 of the 80 municipalities are governed by the VMRO-DPMNE, while the SDSM has 4 party-affiliated mayors.

### **Legal Framework and Electoral System**

The elections are primarily governed by the 1991 Constitution and the 2006 Electoral Code (EC). The Constitution establishes fundamental rights and freedoms, including the protection of minority rights, while the EC generally provides a sound basis for the conduct of democratic elections.<sup>3</sup> The EC has undergone a series of positive amendments since its adoption, of which many are in line with prior OSCE/ODIHR and Council of Europe's Commission for Democracy through Law (Venice Commission) recommendations, particularly related to the separation of state and party, and campaign finance regulations. However, shortcomings pertaining to a number of aspects of the legislation remain, including undue restrictions on independent candidate registration and limited rights for legal redress.

In 2017, two key amendments to the EC were introduced: the timing of municipal elections was changed from May to October, and the parliament was authorized to change the composition of the State Election Commission (SEC).<sup>4</sup> SEC regulations supplement various aspects of the election legislation. However, some regulations were approved or amended late and some contradicted the legislation.<sup>5</sup> These combined factors challenged the integrity of the electoral process.

Municipal elections are held every four years to elect mayors and councils in 80 municipalities and the City of Skopje. Councillors are elected by proportional representation through closed lists. Mayors are elected through a two-round majoritarian system. Runoffs will be held on 29 October for municipalities in which no candidate received more than 50 per cent of the votes cast. For mayoral elections, only the first round requires a one-third voter turnout.

### **Election Administration**

The municipal elections were administered by a three-level election administration, comprising the SEC, 80 Municipal Election Commissions (MECs) and the Election Commission for the City of Skopje, and 3,480 Election Boards (EBs).

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<sup>2</sup> The Senior Experts' Group Report ([the Priebe Report](#)) from September 2017 assessed the judiciary, law enforcement and the independence of institutions, and offered recommendations to address their systemic shortcomings.

<sup>3</sup> The host country has ratified all key international and regional human rights instruments, including the United Nations (UN) [Convention on the Elimination of All Forms of Discrimination against Women](#) and the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD).

<sup>4</sup> Section II.2.b of the 2002 Venice Commission's [Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) recommends that "the fundamental elements of electoral law... should not be open to amendment less than one year before an election".

<sup>5</sup> This included regulations on candidate registration and the complaints and appeals process.

The SEC comprises nine members, three of whom are women. By law, three SEC members have no political affiliation and are selected through open competition. The other six reflect the political composition of the parliament.<sup>6</sup> The non-partisan members' five-year tenure is reasonably protected, while party nominees, following the September amendment to the EC, must be changed to align the composition of the SEC to the current parliament. Accordingly, on 22 September, a BESA member replaced the sitting Democratic Party of Albanians (DPA) member.<sup>7</sup> Furthermore, one current SEC member is under indictment in a case relating to a misuse of office during municipal elections in 2013, thus compromising the public perception of the SEC.

MECs comprise five members, randomly selected from among municipal-level civil servants. EBs are composed of two political appointees and three non-partisan members. Some EB members were appointed late. The SEC delivered three rounds of timely and consistent training to MEC members, who in turn trained the EBs.

Despite organizational challenges, the election administration generally ensured that voters had the opportunity to exercise their voting rights. By law, the election administration is required to make its work public, while in practice, the SEC lacked genuine transparency. SEC sessions were open to observers, yet frequently substantive decisions were made in closed meetings. The publication of session minutes was delayed and not all SEC decisions, regulations and guidelines were available on its website. In addition, the SEC's discussions on politically contentious issues and unnecessary involvement in the operational work of its secretariat at times resulted in missed deadlines. This also delayed the SEC's comprehensive voter education campaign.<sup>8</sup> The level of transparency of MECs varied. While most did not apply measures to enhance transparency, some took the initiative to increase trust in their work.<sup>9</sup>

Local governments are responsible for financing elections. Municipalities whose accounts were blocked by a court decision due to unpaid debts received funding from the state budget.<sup>10</sup> At least 14 MECs lacked adequate premises and equipment, and faced further financial difficulties.<sup>11</sup> Despite these challenges, MECs generally worked in a professional manner.

The EC includes a 30 per cent gender representation criteria in the election administration, but this was not consistently respected. Thirteen MECs did not meet the gender quota.<sup>12</sup> Although not required by law, 28 per cent of MECs had a female president.

For the first time, to facilitate voting rights for persons with disabilities, the SEC, in co-operation with civil society, mapped polling stations that were wheelchair accessible and placed this information online. It also produced Braille ballot sleeves for some polling stations.

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<sup>6</sup> The VMRO-DPMNE and SDSM have two members each as having the most seats in the parliament, followed by the DUI and Movement BESA (BESA) with one member each.

<sup>7</sup> The SEC member's term was to expire in 2020; his objection to dismissal filed with the Administrative Court and State Commission for Prevention of Corruption (SCPC) was rejected.

<sup>8</sup> Due to the late procurement of services, the campaign started on 2 October.

<sup>9</sup> The OSCE/ODIHR EOM encountered a lack of transparency in 30 MECs. However, the MEC in Jegunovce proactively informed stakeholders about meetings and distributed minutes; the MEC in Novo Selo maintained a Facebook page.

<sup>10</sup> The Ministry of Finance allocated MKD 30 million (some EUR 488,000, EUR 1 is equivalent to MKD 61) to 17 such municipalities. The SEC undertook to transfer such funding for the first time, but its capacity to do so was insufficient.

<sup>11</sup> MECs in Arachonovo, Demit Kapija, Konce and Plasnica had inadequate equipment; MECs in Gazi Baba, Gevgelija, Radochis, Tearce and Zhelino had inadequate office space. MECs in Bogovinje, Brvenica, Tearce, Vrapchishte, and Zhelino lacked funds.

<sup>12</sup> Seven MECs had less than 30 per cent female members, while 6 had less than 30 per cent male members.

## Voter Registration

All citizens who reached the age of 18 years have the right to vote, except those declared legally incapacitated by a court decision. Such a restriction is at odds with OSCE commitments and international obligations.<sup>13</sup> Only persons with a registered address in the respective municipality and a valid identification card or a biometric passport are included in the voter register.<sup>14</sup>

Voter registration is passive; the SEC maintains the voter register based on data extracted from civil and population registers. Four times a year, it updates the register based on data provided by various state agencies.<sup>15</sup> The day after an election is called, a supplementary update of the voter register is conducted. The SEC has the right to undertake random inspections for accuracy. For these elections, the SEC did not deem it necessary to undertake a comprehensive verification of the voter register.<sup>16</sup>

During public scrutiny, more than 220,000 voters checked their data online and in-person, but only 230 requested corrections.<sup>17</sup> A limited number of changes were also requested by political parties.<sup>18</sup> As a result, many interlocutors of international observers acknowledged growing confidence in the integrity of the voter register, while some continued to express concern, including on the implementation of the residency requirement.

A total of 1,814,644 voters were registered for these elections. The SEC approved final voter lists on 25 September, a day after the official deadline. Printed voter lists were sent to MECs, which were then delivered to the EBs on 13 October.

## Candidate Registration

Any eligible voter residing in the respective municipality can stand for the elections, except those in prison or waiting to serve a prison term of more than six months. Registered parties, coalitions and groups of voters have the right to nominate candidates. The latter are required to support a nomination with signatures from 0.2 to 4.8 per cent of eligible voters residing in the respective municipality.<sup>19</sup> A voter could sign in support of more than one candidate and candidate list; however, the signatures are required to be collected in front of a SEC representative.

Following an inclusive registration process, 19 parties and coalitions, and 65 groups of voters fielded a total of 370 council lists and 258 mayoral candidates, including 19 independents.<sup>20</sup> Candidate lists were published on 25 September and displayed at MEC offices, enabling voters to familiarize themselves with their prospective candidates. The OSCE/ODIHR EOM is aware of the rejection of

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<sup>13</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) commits participating States to “guarantee universal and equal suffrage to adult citizens”. Deprivation of the right to vote on the basis of mental and intellectual disability is inconsistent with Articles 12 and 29 of the CRPD. Paragraph 9.4 of the [2013 CRPD Committee’s Communication No. 4/2011 \(Zsold Bujdoso and five others v. Hungary\)](#), which stated that: “an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability”.

<sup>14</sup> See the [Congress Recommendation \(CG/2015\(28\)6\)](#) on residence requirements for municipal elections.

<sup>15</sup> The Ministry of Interior (MoI) informs on changes in the residency and identification documents’ registry; basic courts update on persons deprived of their legal capacity.

<sup>16</sup> Nevertheless, the SEC informed the OSCE/ODIHR EOM that according to records received from the MoI, 7,007 persons with no registered address and some 600 with uncertain addresses are not on the lists.

<sup>17</sup> During public scrutiny, 203,191 voters verified data online and 21,594 at the SEC regional offices. There were 133 requests for corrections of data, 65 additions, 22 removals due to death and 10 of other nature.

<sup>18</sup> Parties requested inclusion of or deletion of a total of 49 voters. Requests for inclusion were accepted, the ones for deletion were rejected by the SEC, as such changes are under the jurisdiction of the MoI, not the SEC.

<sup>19</sup> According to the EC, the number of required signatures is calculated based on the number of voters per municipality, which varies from 100 to 1,000. Section I.1.3.ii of the Code of Good Practice recommends supporting signatures not to exceed one per cent of registered voters.

<sup>20</sup> Two different political entities with the same logo and name, Alliance for Albanians, stood against each other as a party and as a coalition. A complaint by the party on this matter was rejected as this is not legally prohibited.

five candidate lists, which were appealed to and dismissed by the Administrative Court.<sup>21</sup> Contrary to the EC, the SEC held two lotteries on candidate order on the ballot; one for parties and coalitions, and the other for groups of voters. The latter were placed at the bottom of the list.

To enhance gender equality, the EC requires candidate lists to include not less than 40 per cent of the less represented gender. In addition, one in every three, plus one in every ten spots must be for the less represented gender. However, these requirements were undermined by a SEC regulation.<sup>22</sup> Of the mayoral candidates, 16 were women (6 per cent); and 14 per cent of council lists were headed by women. MECs registered 9 lists with fewer than 40 per cent women candidates and 17 lists that did not place women on required spots.<sup>23</sup> The respective MECs attributed this noncompliance to oversight and arithmetic errors. However, the OSCE/ODIHR EOM was also informed that one MEC that received a list with too few male candidates requested it to be corrected. There was no opportunity to seek legal redress against approved lists.

### Campaign Environment

The official campaign commenced on 25 September and ended at midnight on 13 October.<sup>24</sup> The EC comprehensively regulates campaigning and generally provides for a level playing field, though independent candidates are not fully granted equitable conditions, such as designated billboard space and media coverage. The law aims to protect voters from undue pressure and prevent vote-buying. Various restrictions aim to uphold a separation of the state and party, as well as ban the misuse of administrative resources.<sup>25</sup>

Prior to the official campaign, the government adopted a Declaration on Free and Fair Elections, calling on public and state officials to refrain from fraudulent activities and respect voters' right to choose freely. On 24 September at the SEC and MECs, the majority of mayoral candidates signed a Code of Conduct pledging to uphold the law.

The campaign took place in an environment in which fundamental freedoms of assembly and expression were generally respected. Voters were offered a range of choices and highly-contested races took place in many municipalities. Campaigns commenced with festive rallies, where party leaders presented their candidates, unveiled campaign slogans, and outlined policy platforms.<sup>26</sup> Four of the largest parties held rallies in administrative centres, while also relying on door-to-door canvassing and small-scale meetings. Smaller parties and independent candidates ran modest campaigns where they presented their visions for local development. A number of smaller parties complained to the OSCE/ODIHR EOM about the lack of a level playing field during campaigning. Overall, OSCE/ODIHR EOM interlocutors consistently noted an improvement in the campaign environment and conduct.

Strategies for municipal campaigns were drawn up at the central level and implemented locally. The larger parties campaigned on national issues of stability and integration and linked them to local issues of water, sanitation and infrastructure. The VRMO-DPMNE, and to a lesser extent, the SDSM, used negative messages during rallies. From 25 September, large billboards started to appear in urban

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<sup>21</sup> Three of five lists were de-registered, because a dedicated bank account was not opened within the deadline.

<sup>22</sup> The regulation was amended following requests from parties, after the nomination deadline. It provides that in municipalities with councils of between 11 and 19 members, a woman could be placed as low as the last place.

<sup>23</sup> As per the SEC, 11 lists did not have a woman in every third place; 6 did not have one in every tenth place.

<sup>24</sup> Campaigning in any way prior to the official period is banned, subject to a high fine.

<sup>25</sup> Provisions include bans during the electoral period against state and municipal governments making payments that are not already budgeted for; initiating new public infrastructure ventures or holding inaugurations of infrastructure projects; and termination or filling of public positions.

<sup>26</sup> On 26 October, at the opening rally of the VMRO-DPMNE in Ohrid, a member of the Hungarian ruling party gave an address; Hungary's prime minister and Slovenia's former prime minister held a joint press conference with the VMRO-DPMNE leader and the party's mayoral candidates on 29 October, in Ohrid.

centres, predominantly featuring mayoral candidates. Parties also opened temporary campaign offices where centrally produced campaign goods were distributed.

During rallies, female candidates were often on the main stage, but rarely spoke. Also within campaign management teams, women did not hold leadership positions. None of the parties addressed issues pertaining to women's participation in public life.<sup>27</sup>

On 19 September, the government adopted several laws providing financial and social benefits to citizens.<sup>28</sup> OSCE/ODIHR EOM stakeholders raised concerns over potential vote-buying, voter intimidation, the use of state resources for campaigning and a blurring of state and party; some of these were credible.<sup>29</sup> Charges were laid against two incumbent mayors for abuse of office, including for election-related offences.<sup>30</sup>

Isolated politically-motivated incidents occurred across the country, related to attacks on campaign offices and violence against one candidate. In Shuto Orizari, the incumbent mayoral candidate for the Union of Roma from Macedonia (URM) was attacked and injured. The incident exposed tensions and a high degree of polarization in the Roma community.<sup>31</sup>

## Campaign Finance

Campaign finance regulations have undergone significant development in recent years, in line with previous recommendations of the OSCE/ODIHR, Venice Commission, and Council of Europe's Group of States against Corruption (GRECO). However, some recommendations to further enhance transparency in campaign finance remain unaddressed, including auditing requirements for interim campaign finance reports and enhanced oversight authority of the State Audit Office (SAO).<sup>32</sup>

Campaigns are funded by party membership fees and private donations. The EC limits individual donations, lists prohibited sources and sets a campaign spending limit.<sup>33</sup> Expenses are partly

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<sup>27</sup> OSCE Ministerial Council Decision No 7/09 on Women's Participation in Political and Public Life calls for States to "provide for specific measures to achieve the goal of gender balance in all legislative, judicial and executive bodies".

<sup>28</sup> This increased the minimum wage and provided monthly payments to former public employees of privatized state bodies. As per a SCPC Opinion any legislative debates during elections are prohibited by law.

<sup>29</sup> In Studenicani, a party offered voters employment in the administration, in Kochani, a candidate is under investigation for vote-buying, in Demir Kapija a voter was offered money for his vote. In Chaska, a state official threatened families with the loss of social security benefits; a similar case took place in Kochani against a Roma family. Infrastructure projects have been initiated in a number of municipalities during the election period. In Demir Kapija, a government notice called on citizens to inquire about 200 jobs in a private company. Paragraph 7.7 of the 1990 OSCE Copenhagen Document commits participating States to "ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution". See also the 2016 [OSCE/ODIHR and Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

<sup>30</sup> Charges were filed against the mayor of Shtip on 21 September. On 26 September, the mayor of Novo Selo was charged with misuse of office for allegedly distributing campaign materials while using an official vehicle.

<sup>31</sup> The party in power in Shuto Orizari, the URM, is a traditional ally of the VMRO-DPMNE; OSCE/ODIHR EOM interlocutors noted that the change of government weakened the URM position locally and boosted the confidence of their competitors, in particular of the SDSM candidate. Although not in an election-related dispute, one candidate was killed in an incident in Kichevo. Further incidents include an attempted pepper spraying of the former prime minister from the VMRO-DPMNE, as well as the vandalization of at least 10 campaign offices of the BESA, DUI, SDSM and VMRO-DPMNE.

<sup>32</sup> See the 2014 [GRECO Third Evaluation Round Second Compliance Report](#).

<sup>33</sup> Donations are limited to EUR 3,000 (individuals) and EUR 30,000 (legal entities), including in-kind contributions. The spending limit is set at EUR 1.8 per registered voter in a municipality, per round. Amounts in the EC are provided in EUR.

reimbursed by the local administration for lists that receive at least 1.5 per cent of votes cast in a municipality. Campaign transactions should be administered through a dedicated bank account.

The SAO exercises campaign finance oversight. Before election day, it had to receive two interim campaign finance reports from electoral contestants. Final reports are submitted within four months after the elections and the SAO is required to audit these reports. The SAO's limited mandate and resources to review reports does not fulfil transparency and accountability requirements as outlined in international obligations and standards.<sup>34</sup> The SAO is mandated to act on irregularities based on its initiative or a complaint; no such cases have been reported.

Only a small portion of interim reports were submitted and many contestants used an outdated template, or did not detail expenditure as required by the new format.<sup>35</sup> Interim reports were published online by the SEC.<sup>36</sup> In three cases, expenditures exceeded income.<sup>37</sup> Furthermore, expenses were not broken down by municipality, hindering the ability to determine compliance with spending limits.

## Media

The media landscape, characterized by a large number of operators in a relatively small market, includes 170 media outlets. Television is the main source of information, the circulation of newspapers is low, while growing Internet penetration has led to a significant development of online news websites. Overall, the media is divided along political lines. According to OSCE/ODIHR EOM interlocutors, concerns still persist on low professional standards in a number of media outlets to the detriment of the public's right to receive objective and balanced reporting.<sup>38</sup>

The Constitution guarantees freedom of expression and prohibits censorship. The EC requires all media, including news websites, to cover the elections in a fair, balanced and unbiased manner. The public broadcaster's Macedonian Radio Television (MRT) news coverage of elections is strictly regulated as is the paid advertising in private media.<sup>39</sup> However, the EC does not explicitly provide for equitable media coverage for independent candidates.

Media compliance with the legal requirements is monitored by the Agency for Audio and Audiovisual Media Services (AVMS), which may apply sanctions and refer the matter to the relevant court. The AVMS conducted systematic media monitoring and regularly published reports. The AVMS started six misdemeanour proceedings on violations pertaining to paid political advertising, unbalanced reporting and the publication of opinion polls.<sup>40</sup>

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<sup>34</sup> Article 7(3) of the UN [Convention against Corruption](#) recommends that "each State Party shall also consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and where applicable, the funding of political parties". See also paragraphs 201-206 of the 2011 [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#).

<sup>35</sup> On 1 September, the Ministry of Finance adopted a new detailed template for campaign finance reports.

<sup>36</sup> The SCPC and SAO were also required to publish the reports, and did so, although the latter with a delay.

<sup>37</sup> Out of 15 first interim reports from independent candidates, 10 reported no income. The AA, BESA, DPA, DUI and Levica reported more expenditures than income.

<sup>38</sup> The 2015 and 2016 amendments to the EC addressed some concerns, but key media reforms have not yet been implemented.

<sup>39</sup> The MRT operates MTV1, MTV2. The MRT had to devote 30 per cent of its daily newscast to campaign activities of the ruling parties, 30 per cent to the opposition parties, and 10 per cent to non-parliamentary parties all together. On private broadcast media, ruling and opposition parties could each purchase up to eight minutes per hour, while other parliamentary and non-parliamentary parties were each limited to one minute per hour.

<sup>40</sup> The AVMS started misdemeanour proceedings against TV *Alsati-M*, TV *Nova* and TV *24 Vesti*, TV 21, TV Star and TV *Alfa*.

The OSCE/ODIHR EOM media monitoring results showed that as required by the EC, the public broadcaster provided all contestants with a free airtime within prime time.<sup>41</sup> However, only 26 candidates used this opportunity on MTV1. The Albanian speaking candidates did not request any free airtime on MTV2.

The MRT's news coverage disadvantaged smaller parties and independent candidates, limiting voters' access to information. On MTV1, the SDSM received 37 per cent of coverage, VMRO-DPMNE 32 per cent, DUI 11 per cent and BESA 7 per cent. Other parliamentary parties were given a combined total of 9 per cent coverage, while non-parliamentary received 3 per cent and independent candidates were allotted 1 per cent. MTV2 dedicated more time to the ethnic Albanian parties.

Private media provided predominant coverage to the SDSM-led coalition mainly due to paid advertising. The SDSM received 47 per cent of the total coverage, followed by the VMRO-DPMNE with 29 per cent and DUI with 17 per cent. The SDSM aired negative advertisements throughout the campaign. Overall, monitored private electronic media demonstrated a rather neutral tone towards candidates in editorial coverage.

Both public and private broadcast media conducted debates among mayoral candidates in their respective municipalities and in the MRT studio in Skopje. The debates were well organized; however, OSCE/ODIHR EOM media monitoring results showed that a high number of invited VMRO-DPMNE candidates did not participate.

Social media was widely used in the campaign. A high number of candidates opened official Facebook pages for campaigning. Overall, candidates from larger parties, particularly the VMRO-DPMNE, used social media more frequently compared to other parties and independent candidates.

## Complaints and Appeals

The SEC, SCPC, SAO and Administrative Court adjudicate various election-related complaints and appeals, while basic courts have jurisdiction over civil and criminal cases.<sup>42</sup> A number of interlocutors informed international observers that they lacked trust in the ability of the election administration and courts to handle election-related cases impartially. Five Administrative Court judges, who are under pending indictment for the misuse of office in handling a key complaint in the 2013 municipal elections, continued to handle complaints and appeals in these elections, contributing to the perception of bias.<sup>43</sup> Transparency is reduced by the Administrative Court holding closed sessions.<sup>44</sup>

The EC provides a limited framework for effective legal redress in electoral disputes. While certain decisions of the SEC and MECs are subject to judicial review, most are not, thus significant aspects of the electoral process are under the final authority of the election administration, contrary to OSCE

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<sup>41</sup> The OSCE/ODIHR EOM media monitoring was conducted from 21 September to 15 October, and included the quantitative and qualitative monitoring of election-related coverage of six main TV channels: MTV1, MTV2, Sitel, Kanal 5, Telma, Alsat-M and four daily newspapers: *Nova Makedonija*, *Sloboden Pecat*, *Vecer* and *Koha*.

<sup>42</sup> The law provides MECs with the authority to decide on complaints, but does not establish any specific types of complaints under their jurisdiction; in practice, MECs did not adjudicate complaints.

<sup>43</sup> As a precautionary measure, the Special Prosecution Office requested the basic court to prohibit the five judges from adjudicating election-related cases; however, the request was denied. The president of the Administrative Court informed the OSCE/ODIHR EOM that he did not have authority to recuse the judges from the cases.

<sup>44</sup> Paragraph 12 of the 1990 OSCE Copenhagen Document states that "proceedings may only be held in camera in circumstances prescribed by law and consistent with obligations under international laws and international commitments". See also Article 14 of the [International Covenant on Civil and Political Rights](#) (ICCPR).

commitments and international good practice.<sup>45</sup> Stakeholders have limited rights to seek a legal remedy for campaign-related violations, also at odds with international obligations.<sup>46</sup> Voter and civic groups have limited rights to challenge irregularities and cannot appeal election results.<sup>47</sup>

Prior to election day, the SEC received few complaints under its limited jurisdiction.<sup>48</sup> While various OSCE/ODIHR EOM interlocutors raised concerns on the misuse of administrative resources during the campaign, vote-buying and pressure on voters, only a few such complaints were submitted to the SCPC, some of which are under investigation.<sup>49</sup> Notably, the SCPC's authority was undermined by parliament when it dismissed the general prosecutor on 17 August, despite such a decision being in violation of the EC.<sup>50</sup>

### Participation of National Minorities

Although interethnic relations play a role in municipal elections, they did not feature prominently in the campaign.<sup>51</sup> Candidates and lists tend to reflect the ethnic composition of a particular municipality. In several cases, however, candidates sought votes from across ethnic lines. In municipalities with an ethnic Albanian majority, several ethnic Albanian parties in the ruling coalition were competing against each other, including high profile candidates.<sup>52</sup>

Parties representing smaller ethnic communities fielded mayoral candidates in only a few municipalities where such ethnic groups are concentrated, including Turks in Centar Zhupa and Plasnica, and the Roma in Shuto Orizari. In other localities, smaller communities presented lists of candidates for councils either with the parties representing such communities or as members of larger coalitions. Smaller parties complained to the OSCE/ODHIR EOM of not having a SEC member and that they are underrepresented in the local election administration.

The atmosphere was calm in areas where minorities reside, while strong and confrontational rhetoric were observed by candidates belonging to the same community, such as among ethnic Albanian candidates in Struga. The national media devoted little airtime and space to candidates representing smaller communities and themes relevant to them were afforded limited coverage.

### Citizen and International Observers

The EC foresees citizen and international observers' access to all stages of the electoral process and the binding SEC Code of Conduct calls for impartiality and non-interference in the electoral process.

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<sup>45</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity." See also [Rec\(2004\)20](#) of the Council of Europe's Committee of Ministers on judicial review of administrative acts. The Code of Good Practice states "The appeal body in election matters should be either an electoral commission or a court. In any case, final appeal to a court must be possible."

<sup>46</sup> Article 2.3(a) of the ICCPR obligates States "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity".

<sup>47</sup> Section II.3.3 of the Code of Good Practice states that "standing...in appeals must be granted as widely as possible...A reasonable quorum may, however, be imposed for appeals by voters on the results."

<sup>48</sup> It considered nine complaints regarding the denial of homebound voting, overturning MEC decisions.

<sup>49</sup> In addition to 15 complaints related to the dismissal of public servants in the election period, the SCPC received five complaints on the initiation of infrastructure projects and the use of administrative resources for campaigning by an incumbent mayor.

<sup>50</sup> The SCPC Opinion on this issue was adopted on 15 August, following a request of four VMRO-DPMNE members of parliament.

<sup>51</sup> According to the latest census in 2002, 64.18 per cent declared themselves as ethnic Macedonians, 25.17 per cent as ethnic Albanians, 3.85 per cent as ethnic Turks, 2.66 per cent as ethnic Roma, 1.78 per cent as ethnic Serbs, 0.84 per cent as ethnic Bosniaks, 0.48 as ethnic Vlachs and 1.04 per cent as other.

<sup>52</sup> For example, in Gostivar, the AA Minister of Health stood against the incumbent DUI mayor, and in Struga where the AA mayor was challenged by the DUI candidate and former mayor.

In a timely and inclusive process the SEC accredited 6 citizen and 24 international observer organizations, contributing to the transparency of the electoral process. Citizen observers assessed the preparations for the elections and conduct of the campaign across the country, which offered a non-partisan assessment of the elections. In addition, a civic initiative was launched to assist persons with disabilities to exercise their voting rights. For election day, the SEC accredited 3,000 citizen observers; 2,800 from MOST and 200 from CIVIL. Contestants also accredited their representatives.

## Election Day

Early voting and election day progressed in an orderly manner in most parts of the country; however, some procedural irregularities were observed, particularly during counting and tabulation. Police initiated seven cases on alleged vote-buying in five municipalities; three of them were referred for prosecution.<sup>53</sup> Transparency was enhanced by the presence of party and citizen observers in 76 and 52 per cent, respectively, of polling stations observed.

Homebound voters cast their votes on 14 October.<sup>54</sup> This was negatively assessed in 14 of 96 cases observed. Vote secrecy was compromised in 13 cases, while in 7 cases, EBs did not use the ballot box. In several prisons, some inmates were not included in voter lists as they did not have valid ID cards.

Opening was assessed by international observers as good or very good in 75 of 82 polling stations observed. Most polling stations opened on time or with a slight delay with minor procedural irregularities observed. In 14 cases, protocols were not filled in before opening; and in 5 cases, party observers were observed to be interfering in the process.

Voting was assessed positively in 94 per cent of polling stations observed. The most frequent irregularities included family/group and proxy voting (8 and 2 per cent, respectively), improperly sealed ballot boxes (2 per cent), and attempts to influence voter's choice (1 per cent). The layout of polling stations insufficiently protected vote secrecy in 2 per cent of observations. The SEC received requests from more than 10 MECs seeking instructions on how to address irregularities.

Voters could not find their names on voter lists in nine per cent of polling stations observed. The SEC received more than 45 complaints concerning the denial of the right to vote; most were rejected. T Braille ballot sleeves were available in 8 per cent of polling stations observed, and more than two thirds of polling stations observed had a wheelchair accessible voting booth.

Counting was assessed as efficient and transparent in 69 out of 78 polling stations observed; however, in 9 cases, prescribed procedures were not followed, in 15 cases, EBs did not properly invalidate unused ballots and did not determine the number of voters who voted, in 11 cases, unauthorized persons counted ballots. In 12 cases, EBs faced difficulties in completing protocols.

During tabulation, in 65 out of 71 MECs observed, most followed procedures. However, deficiencies in transparency (3 cases), insufficient space (12 cases) and disorganization (6 cases) extended the process in six MECs. In 14 MECs, observers did not have a sufficient view of the data entry process, which limited transparency.

The SEC started releasing preliminary results shortly after polls closed, which contributed to transparency; however, results were not disaggregated by polling station, limiting their scrutiny. The SEC announced preliminary voter turnout at 60 per cent.

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<sup>53</sup> The MoI informed international observers of some 122 reports received concerning election-related cases.

<sup>54</sup> According to the SEC, 5,025 homebound voters, 1,882 voters in prisons and 9 internally displaced persons were registered for early voting.

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## MISSION INFORMATION AND ACKNOWLEDGEMENTS

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Skopje, 16 October 2017 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Congress of Local and Regional Authorities of the Council of Europe (Congress). The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation.

Ambassador Audrey Glover is the Head of the OSCE/ODIHR Election Observation Mission, deployed from 13 September and Karim Van Overmeire (Belgium) led the Congress delegation.

Both institutions involved in this International Election Observation Mission have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation of results and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some 20 weeks after the completion of the electoral process. The Congress will present its report at its 34<sup>th</sup> Session in March 2018.

The OSCE/ODIHR EOM includes 17 experts in the capital and 20 long-term observers deployed throughout the country. On election day, 208 observers were deployed, including a 13-member delegation from the Congress, which included 12 Council of Europe Member States. OSCE/ODIHR observers were drawn from 31 OSCE participating States.

The observers wish to thank the authorities of the host country for the invitation to observe the elections, and the State Election Commission for its assistance. They also wish to express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for co-operation.

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*The English version of this Statement is the only official document.*

*An unofficial translation is available in Macedonian and Albanian languages.*