

INTERIM REPORT
10 – 26 March

31 March

I. EXECUTIVE SUMMARY

- The presidential election will be held on 13 April, with a possible second round on 27 April. After a disagreement between the two parties in the governing coalition over the nomination of a consensual presidential candidate, the parliament was dissolved on 5 March and early parliamentary elections were called for 27 April.
- The January amendments to the Electoral Code represent an effort to address the majority of prior OSCE/ODIHR recommendations. However, a number of issues of concern remain unaddressed, including the inequality of the in-country and out-of-country votes in parliamentary elections and the 40 per cent turnout requirement in the second round of presidential elections.
- The three-level election administration, headed by the State Election Commission (SEC), has generally met all legal deadlines to date. SEC sessions attended by the OSCE/ODIHR EOM were conducted professionally and minutes of each session were published on the SEC website. On several occasions, members voted along party lines, resulting in tension.
- Four candidates will contest the presidential election. The deadline for submission of candidate lists for the early parliamentary elections is 29 March.
- The presidential election campaign officially started on 24 March, while the campaign for early parliamentary elections starts on 5 April. Presidential candidates started promoting their candidacies during visits across the country before this date. The SEC heard two complaints filed by the Social Democratic Union of Macedonia (SDSM) alleging early campaigning. The SEC upheld the first complaint and dismissed the second.
- The start of the campaign has been marked by ethnically divisive rhetoric. The Prime Minister called on ethnic Macedonians to give VMRO-DPMNE a clear majority of 62 seats to avoid pressure from the Democratic Union for Integration (DUI), and the DUI leader called on ethnic Albanians to give his party 25 seats so that they have more leverage in government.
- The Electoral Code obliges broadcast media to cover the campaign in a fair, balanced and unbiased manner: all presidential candidates are entitled to equal coverage, while contestants in the parliamentary race are covered proportionally based on the number of candidate lists they register. New provisions of the Code outline detailed requirements for election coverage by the public broadcaster, Macedonian Radio and Television, during the election campaign.
- The legal framework regulating party and campaign finance was amended in January 2014 to address major issues raised following the last elections, including the limits for donations.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 10 March. The OSCE/ODIHR EOM is led by Ambassador Geert-Hinrich Ahrens and consists of 11 experts based in Skopje and 20 long-term observers deployed throughout the country. Mission members are drawn from 17 OSCE participating States. Participating States have been requested to second 300 short-term observers to observe early voting, opening, voting, counting and tabulation for the 27 April early parliamentary elections and the possible second round of the presidential election. Due to the lack of secondments of short-term observers, the OSCE/ODIHR is not in a position to conduct the envisaged systematic and comprehensive observation of election day proceedings for the 13 April presidential election.

III. BACKGROUND AND POLITICAL CONTEXT

In line with constitutional and legal provisions, the presidential election will be held on 13 April with a possible second round scheduled for 27 April. Parliament was dissolved on 5 March at the initiative of the Democratic Union for Integration (DUI) and early parliamentary elections were set for 27 April. Even though the opposition supported the initiative for early elections, they characterized this decision as an excuse for the governing parties to call elections while opinion polls are in their favour to win another four-year term.

The incumbent President Gjorge Ivanov, who is affiliated with the governing Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), will run for a second term. In this election he will be challenged by Stevo Pendarovski, affiliated with the opposition Social Democratic Union of Macedonia (SDSM); Iljaz Halimi, the only ethnic Albanian candidate, affiliated with the Democratic Party of Albanians (DPA); and Zoran Popovski, affiliated with the recently-formed Citizens Option for Macedonia (GROM). All major political parties have announced to run in the early parliamentary elections.

DUI originally announced that it would boycott the presidential election and call for early parliamentary elections citing that its coalition partner VMRO-DPMNE ignored its calls to nominate a consensual candidate who could represent both the ethnic Macedonian and ethnic Albanian communities. The party's leader, Ali Ahmeti, subsequently stated that they would encourage the ethnic Albanian community to abstain from voting in order to prevent reaching the 40 per cent voter turnout requirement in the second round and thus make the presidential election fail.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are regulated mainly by the Constitution and the Electoral Code. The Electoral Code was last amended on 24 January 2014.¹ It represents an effort to address the majority of prior OSCE/ODIHR recommendations.² These amendments include safeguards for the separation of party and state; clarified party and campaign finance regulations and strengthened reporting requirements; a right for political parties to inspect and request changes in the voter list; new deadlines for courts to decide on media offences and for the State Election Commission (SEC) and the State Commission for the Prevention of Corruption (SCPC) to forward cases to the courts.

¹ Venice Commission Code of Good Practice in Electoral Matters recommends that “the fundamental elements of electoral law...should not be open to amendment less than one year before an election”.
<http://www.venice.coe.int/webforms/documents/CDL-AD%282002%29023rev-e.aspx>

² Previous OSCE/ODIHR reports are available at <http://osce.org/odihr/elections/fyrom>.

However, a number of issues remain unaddressed, most notably: restrictive regulations related to the definition and length of the campaign; the inequality of the in-country and out-of-country votes; the 50 per cent threshold to win the presidential election in the first round and the 40 per cent turnout requirement in the second round; and lack of auditing and sanctions for non-submission of pre-election campaign finance reports.

The President is elected in a single constituency by general and direct suffrage by secret ballot for a term of five years under a majoritarian system. The same person may not be elected as president more than twice. To be elected in the first round, a candidate must receive votes from more than 50 per cent of the total number of registered voters. Otherwise, a second round is held in two weeks between the two candidates who received the highest numbers of votes in the first round. In the second round, the candidate with the most votes wins, provided that there is a higher than 40 per cent turnout. Otherwise, the entire election process is repeated.

Parliament is elected for a four-year term. Out of 123 elected members, 120 are elected under a proportional representation system, in the 6 electoral districts. The remaining three are elected in a majoritarian system in three out-of-country districts of Europe and Africa, North and South America, and Australia and Asia. There is no threshold requirement for the proportional contest. However, the out-of-country candidates have to win at least two per cent of the total registered voters in the respective district in order to be elected. In past elections, the small number of voters who registered and voted abroad raised questions about the equality of the in-country and out-of-country votes.

V. ELECTION ADMINISTRATION

Elections are administered by a three-level election administration: the SEC, 80 Municipal Election Commissions (MECs), 3,480 Election Boards (EBs) in-country and 34 EBs in the Diplomatic-Consular Offices (DCOs).

The SEC is a permanent body responsible for the overall conduct of elections. It is composed of seven members appointed by the parliament for a four-year term. The SEC president and two members are nominated by opposition parties, and the vice-president and three members by the governing parties.³ The SEC sessions are open to accredited observers and the media.

In general, the SEC has met legal deadlines to date and its sessions attended by the OSCE/ODIHR EOM were conducted in a professional manner, with minutes of each session published on the SEC website within 48 hours as required by law. However, the SEC sessions when deciding on requests from DUI and SDSM for changes in the voter list were tense and voting was along party lines (See section on Voter Registration).

The MECs are responsible for administering elections in their respective municipality. They appoint EBs and monitor their work. EBs are responsible for the conduct of the elections on election day. MECs and EBs each have a president, four members and their deputies. MEC members are randomly selected from among the employees working in the local administration. EBs are composed using a mixed professional-political model with one member nominated by the governing political parties, one by the opposition parties, and three members randomly selected from public service employees. Similarly, EBs are formed for the polling stations opened in the DCOs abroad, with the president nominated from among the diplomats employed in that DCO.

³ The SEC president was appointed on 21 November 2013. The former president resigned on 18 October 2013 for personal reasons.

In line with international good practice and following a previous OSCE/ODIHR recommendation, the Electoral Code was amended with a provision that requires EB presidents to hold a university degree and members to have secondary education.⁴ The OSCE/ODIHR EOM was informed by some MECs that this was creating some difficulties in identifying the required number of qualified people. Two trainings were conducted by the SEC for MECs on 5 March and 26 March throughout the country. The Electoral Code provisions for equitable ethnic and gender representation of the election administration have been observed.

VI. VOTER REGISTRATION

Citizens who are over 18 on election day, have residency in the respective electoral district, have a valid biometric identification card (ID) or passport, and have not been deprived of their legal capacity by a court decision, are included in the voter lists for in-country voting. In order to vote abroad, an eligible voter must be registered with a respective DCO as temporarily living or working abroad. Although the Constitution does not require a person to have residency in-country in order to be an eligible voter, the Electoral Code stipulates that only people with in-country residency shall be included in the voter list.

According to the Electoral Code, the SEC is responsible for the voter lists based on information they receive from the Ministry of Internal Affairs (MoI), which keeps the records of citizenship and residency, and issues biometrical IDs and passports. In addition, the Ministry of Justice (MoJ) provides information about deceased people to the SEC.

Amendments to the Electoral Code allow political parties to challenge the voter lists based on copies provided to them by the SEC. Two complaints were filed with the SEC under this provision, one by DUI and the other by SDSM, requesting changes to be made to 453 and 14,492 names respectively.⁵ The SEC initially requested the MoI to address these requests; however, the MoI responded that they had provided the information required by the law and the responsibility now rested with the SEC. Subsequently the SEC rejected these requests by voting along party lines.⁶ SDSM and DUI appealed to the Administrative Court which rejected the complaints based on documents provided by the MoI. No independent investigation was conducted into the matter by the MoI.

The deadlines for closing the voter lists are different for the presidential and parliamentary elections. This will result in the creation of two different voter lists. According to the SEC, 1,779,572 citizens are registered to vote for the presidential election, of which 8,332 are voters temporarily working or residing abroad who registered to vote out-of-country. During the public inspection period, approximately 74,400 people checked their registration in the voter list for the presidential election at the SEC regional offices, and approximately 115,400 people checked their data through the Internet. The voter lists for the early parliamentary elections will be finalized on 9 April.

⁴ In the Final Report for the 2013 municipal elections, the OSCE/ODIHR recommended that “Consideration could be given to providing frequent and more detailed trainings for EB members.” Venice Commission Code of Good Practice in Electoral Matters recommends that members of election administration “must be qualified in electoral matters” and “must receive standard training.”

⁵ DUI requested the deletion of 453 citizens, all registered to vote in the Tirana Embassy. SDSM challenged 14,492 names including groups of people registered with the same address, 991 deceased people, and those who allegedly changed address or left the country.

⁶ During the SEC session held over the period 20 and 21 March, the three VMRO-DPMNE members voted against both complaints, while the DPA nominee abstained.

VII. CANDIDATE REGISTRATION

The right to stand as a presidential candidate is granted to citizens who have the right to vote, are at least 40 years old and have lived in the country for at least 10 years within the last 15 years. A nomination for president must be supported by 10,000 voters or 30 members of parliament. The signatures of support must be provided in front of SEC representatives in one of the 34 SEC regional offices. The SEC decided to open a SEC regional office in each of the 80 municipalities, in order to expedite the process. Two nominees, who failed to collect the required number of signatures alleged that having to provide signatures in front of a state official was intimidating and that the number of required signatures was too high. Neither filed an official complaint.⁷

Parliamentary elections may be contested by candidates nominated by political parties, coalitions of political parties, or by independent candidates nominated by groups of voters. Nominations can be submitted to the SEC until 29 March. Every citizen with voting rights is eligible to stand as a candidate in parliamentary elections. Those who are serving a prison sentence of at least six months for a criminal offence are not eligible to run. In an effort to encourage the participation of women, the Electoral Code provides that at least one name out of three consecutive places on a candidate list should be reserved for the less-represented gender.

VIII. CAMPAIGN ENVIRONMENT

The presidential election campaign officially began on 24 March, while the campaign for the early parliamentary elections starts on 5 April. Candidates started meeting with citizens during visits across the country before this date.⁸ In mid-March, President Ivanov visited 70 towns and villages. On 23 March, he presented his election program. On 16 March, Mr. Pendarovski held a 50-person gathering in Prilep. On 21 March, the DPA held a rally with 350 people in Gostivar to promote and call on ethnic Albanians to vote for Mr. Halimi. Moreover, both the President and the Prime Minister, whose own parliamentary campaign does not officially commence until 5 April, have publicly promoted reports on the VMRO-DPMNE's record in office. The DUI also presented a report on its achievements since the 2011 elections on 22 March.

All four presidential candidates and their affiliated political parties held rallies on 24 March to officially open the campaign; VMRO-DPMNE held a rally in Ohrid; SDSM, GROM and DPA held rallies in Skopje. DUI held a rally in Kičevo calling on supporters not to vote because the country needed a consensual candidate for president who is acceptable to all citizens.

The campaign is expected to focus on the economy, employment, education and social reforms. Another key issue is the country's Euro-Atlantic integration prospects, a key goal of all presidential candidates and main party leaders. The start of the campaign has already been marked by ethnically divisive rhetoric. Prime Minister Gruevski called on ethnic Macedonians to give the VMRO-DPMNE a clear majority of 62 seats to avoid pressure from the DUI and Mr. Ahmeti called on ethnic Albanians to give his party 25 seats so that they have more leverage in government.

⁷ These are Stojanče Angelov, the Chairperson of the *Dostoinstvo* (Dignity), and Biljana Vankovska, independent candidate.

⁸ The campaign period starts 20 days prior to election day. As the campaign for parliamentary elections was coinciding with the campaign silence period for the presidential election, the SEC unanimously decided to start the parliamentary campaign two days earlier with a two-day interruption during the campaign silence for the presidential election.

Some party leaders informed the OSCE/ODIHR EOM that intimidation and pressure by state authorities is expected to be an issue in the campaign. Even before the official start of the campaign for early parliamentary elections, allegations of corruption and personal attacks are being exchanged between the two main ethnic Macedonian parties (VMRO-DPMNE and SDSM) and between the two main ethnic Albanian parties (DUI and DPA).

IX. CAMPAIGN FINANCE

The legal framework regulating party and campaign finance was amended in January 2014 to address a number of issues raised following the last elections.⁹ Contestants are obliged to register a unique tax number and to open a separate bank account. All campaign-related financial transactions must go through this bank account. Each electoral contestant may not spend more than MKD 180 (approx. 3 EUR) per registered voter, a total sum of approximately EUR 5 million. Contestants are reimbursed for election expenses by the state budget with MKD 15 (approx. 0.25 EUR) for each vote won, provided that they have obtained at least 1.5 per cent of the total number of votes cast.

In response to OSCE/ODIHR recommendations, recent amendments to the Law on Political Party Financing introduced new limits on donations. Eligible private persons are allowed to donate up to the equivalent of EUR 5,000 in national currency, while legal entities may donate up to EUR 50,000. Anonymous donations are prohibited, as well as those from state, public, municipal or foreign sources, citizens' associations, and religious communities.

Electoral contestants have to submit four detailed financial reports on a template provided by the Ministry of Finance (MoF), including one before both election days. The reports have to be submitted to the SEC, the State Audit Office (SAO) and the SCPC and must be published on the website of these institutions. The SAO reviews the final financial reports within 60 days from submission. There is no auditing of the pre-election financial reports or sanctions for non-submission.

X. THE MEDIA

The Electoral Code obliges broadcast media to cover the campaigns in a fair, balanced and unbiased manner: all presidential candidates are entitled to equal coverage, while electoral contestants in the parliamentary race are covered proportionally, based on the number of candidate lists they register.

New provisions in the Electoral Code outline detailed requirements for newscasts aired on the public broadcaster, Macedonian Radio and Television (MRT) in the course of the election campaign: one third of the newscasts are to be devoted to local and international events, one third to the activities of ruling political parties, and one third to the activities of the political parties in opposition.¹⁰ Those political parties who did not participate in the previous parliamentary elections and do not have seats in parliament are not entitled to any coverage during these newscasts.¹¹ The MRT is obliged to allocate free time to all electoral contestants and air them between 16:00 and 23:00. On 21 March, MRT decided to provide each presidential candidate with 15 minutes of free airtime for presentations in the week that precedes election day. During the campaign, private broadcasters are entitled to sell up to 12 minutes per hour for paid political advertisements, with a maximum of 8 minutes per hour per each electoral contestant.

⁹ The Law on Political Party Financing was amended on 24 January 2014.

¹⁰ The time will be allocated to the ruling and opposition parties according to the results of the previous parliamentary elections.

¹¹ A number of interlocutors from the MRT described these provisions to be ambiguous, especially in light of the overlap of the two campaigns. Failure of the MRT to follow these requirements could result in the dismissal of the General Director of the MRT.

The Agency for Audio and Audiovisual Media Services (AVMS) is the key media regulatory body responsible for conducting media monitoring and initiating misdemeanor procedures in cases of identified violations. On 21 March, the AVMS adopted ‘Specifics of the monitoring methodology for the 2014 Electoral Process’. While not legally binding, this document clarifies the legal requirements for media coverage of the campaigns, including the period when the presidential and parliamentary campaigns overlap. The AVMS has initiated two misdemeanor procedures against *MRT-2* and *TV Sitel* for not publishing all legally required information when publishing public opinion polls, and two against *TV Boem* for airing paid political advertisements before the official start of the campaign.

On 11 March, the OSCE/ODIHR EOM Media Monitoring Unit commenced qualitative and quantitative media monitoring of eight television channels and four daily newspapers.¹² The monitoring will cover both the presidential and parliamentary campaigns as well as the period before the official start of the campaign.

XI. COMPLAINTS AND APPEALS

The complaints and appeals framework for both elections provides for the protection of electoral rights at each stage of the electoral process. Complaints may be filed by candidates, or submitters of candidate lists, as well as by voters in a limited number of cases. Complaints are heard by the SEC, the Basic Courts, the Courts of Appeal and the Administrative Court. There are different timeframes for filing and deciding different types of complaints varying from 24 hours to 7 days. The SEC cannot impose sanctions but has to forward the cases to the competent court for the initiation of proceedings. There is no deadline prescribed for the court to decide on these cases.

On 25 March the SEC heard two complaints filed by SDSM alleging early campaigning. The SEC upheld the first complaint where the SDSM alleged that President Ivanov had engaged in early campaigning on 14 March.¹³ The second complaint that alleged early campaigning by VMRO-DPMNE by holding a public event on 16 March promoting the government’s achievements was rejected on the ground that candidate lists for the early parliamentary elections had not yet been confirmed.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for citizen and international election observation. Citizen observer groups must be registered at least one year prior to election day and include the protection of human rights in their statute. The citizen observer organizations MOST and CIVIL plan to deploy observers. In addition, each submitter of a candidate list has the right to appoint an authorized representative and a deputy to follow the work of the election administration, including on election day.

XIII. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 10 March. The Head of the Mission has met with the President, the Prime Minister, SEC, and other high-level officials, the four presidential candidates, political parties and diplomatic representatives. The EOM has also established contacts with representatives of media, civil society and other electoral stakeholders. The Parliamentary Assembly of the Council of Europe (PACE) is planning to deploy observer delegations for both elections, while the OSCE Parliamentary Assembly will deploy a delegation to observe the early parliamentary elections on 27 April.

¹² TVs: *MRT-1*, *MRT-2*, *Sitel*, *Kanal 5*, *Alsat-M*, *Telma*, *Alfa* and *Vesti 24*. Newspapers: *Dnevnik*, *Nova Makedonija*, *Sloboden Pecat* and *Koha*.

¹³ Article 69a of the Electoral Code defines campaigning as an activity to promote a registered candidate during the official campaign period.