

INTERIM REPORT
25 February – 11 March 2013

13 March 2013

I. EXECUTIVE SUMMARY

- Elections will be held on 24 March for mayors and councils in 80 municipalities and in the City of Skopje. Mayors are elected in majoritarian contests and councils under a proportional system. If a mayoral candidate does not win an absolute majority in the first round or if turnout is less than one third of registered voters in the municipality, a second round between the top two candidates will be held within two weeks.
- On 2 January, the Social Democratic Union of Macedonia (SDSM) announced that it would boycott the municipal elections unless a number of demands were met. For nearly two months, the governing Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) and SDSM could not find a compromise to end the ensuing crisis. On 1 March, the party leaders finally reached an agreement mediated by the European Union, which ended the opposition's boycott of parliament and of the municipal elections. The deadline for registration of candidates was extended to 8 March.
- Registered political parties, coalitions, as well as groups of voters may nominate candidates. VMRO-DPMNE's petition on 8 March to withdraw candidate lists in Kičevo and Struga was rejected by the respective Municipal Election Commissions (MECs). Both MECs also rejected the SDSM candidate lists on the ground that lists contained names of candidates who were already on the verified lists of VMRO-DPMNE. The Administrative Court overturned both decisions. In total, 341 lists for mayor and 439 lists for councils were submitted by 16 political parties, 6 coalitions and 89 groups of citizens by the extended deadline of 8 March.
- The municipal elections are administered by a three-level election administration, comprising the State Election Commission (SEC), 80 MECs and the Election Commission for the City of Skopje, and 2,976 Election Boards. SEC sessions attended by the OSCE/ODIHR EOM, during this reporting period, were conducted in a professional and collegial manner. However, on 8 March, tension was observed during the session when considering long and contentious deliberations on the petition by VMRO-DPMNE.
- The final number of registered voters is 1,743,403, and some 43,633 voters checked their registration details at regional offices of the SEC during the public inspection period. The OSCE/ODIHR EOM was informed by the Ministry of Internal Affairs that some 119,000 citizens were not included in the voter lists as they do not possess the required biometric identification card or passport.
- The election campaign officially commenced on 4 March, although the OSCE/ODIHR EOM observed campaigning before this date. The campaign has so far been generally peaceful, but isolated election-related incidents and violent protests related to the appointment of a new defence minister have negatively impacted the campaign environment.

- The OSCE/ODIHR commenced its activities in Skopje on 25 February with an 11-member core team. On 2 March, 16 long-term observers were deployed throughout the country. The OSCE/ODIHR EOM has been monitoring coverage by the media since 25 February.

II. INTRODUCTION

Municipal elections were called on 11 January 2013 for 24 March, in line with constitutional and legal provisions. Following an invitation from the Ministry of Foreign Affairs, and based on the recommendation of a Needs Assessment Mission conducted from 28 to 31 January, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 25 February.¹ The OSCE/ODIHR EOM, headed by Ambassador Geert-Hinrich Ahrens, consists of an 11-member core team based in Skopje and 16 long-term observers (LTOs) deployed throughout the country. Members of the EOM are drawn from 17 OSCE participating States. The OSCE/ODIHR has requested OSCE participating States to second 300 short-term observers to observe voting, counting, and tabulation of results on election day.

III. POLITICAL CONTEXT

Following the forced ejection of opposition members and media from the parliament during a vote on the annual budget on 24 December 2012, the Social Democratic Union of Macedonia (SDSM), the leading opposition party, and several of its coalition partners began a boycott of parliament.

On 2 January, the SDSM announced that it would also boycott the municipal elections unless a number of demands were met, including that early parliamentary elections be held, the Electoral Code be reformed to address previous OSCE/ODIHR recommendations, the voter lists be revised, and the Ministers of Finance, Interior, and Justice, and the Executive Director of the public broadcaster Macedonian Radio and Television (MRT) all resign from their positions.

The governing Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) and the SDSM could not find a compromise to end the ensuing crisis for nearly two months. On 1 March, the leaders of the two parties finally reached an agreement mediated by the European Union that ended the opposition's boycott of the parliament and of the municipal elections.² The following day, in an emergency session, the parliament extended the candidate registration deadline until 8 March, thereby allowing electoral contestants associated with the opposition coalition, the Alliance for the Future, to register.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for municipal elections is regulated mainly by the Constitution and a comprehensive Electoral Code adopted in 2006 and last amended on 2 March 2013.³ The last amendments extended the deadline for submitting lists of candidates until 8 March and apply only to these elections.⁴ The remaining deadlines in the Electoral Code were not changed to reflect this

¹ The Needs Assessment Mission report and other previous OSCE/ODIHR reports are available at: <http://www.osce.org/odihr/elections/fyrom>.

² The text of the agreement can be found at http://ec.europa.eu/commission_2010-2014/fule/headlines/news/2013/03/20130301_en.htm.

³ Other applicable laws are the Law on Broadcasting Activity, the Law on Political Parties, the Law on Financing Political Parties, the Law on Civil Servants, the Law on Administrative Disputes, the Law on Local Self Government, the Law on Territorial Administration of Local Self-Government and the Criminal Code.

⁴ The amendment was passed with 84 members voting in favour, and one against. It was the first time since 24 December 2012 that SDSM and other opposition parties returned to parliament.

extension, causing some confusion among stakeholders as to when the campaign period officially started.

In a 2011 Joint Opinion on the Electoral Code, the OSCE/ODIHR and the European Commission for Democracy through Law (Venice Commission) concluded that while many previous recommendations have been met, “there remain some issues which need further consideration”.⁵ In the agreement that resolved the political crisis, the government and opposition decided to continue with electoral reform after the municipal elections on the basis of OSCE/ODIHR recommendations.

Mayoral and municipal council elections are held every four years in the second half of March. Each of the 80 municipalities and the City of Skopje elects a mayor and a council. Mayors are elected through a majoritarian system consisting of two rounds. To be elected mayor in the first round, a candidate must receive more than 50 per cent of the vote, provided that at least one third of voters on the voter list for the municipal elections participated. Otherwise, a second round is held within two weeks between the two candidates who received the highest numbers of votes. There is no turnout requirement in the second round of voting.

Municipal councillors are elected by a proportional representation system with closed lists and seats are allocated using the *d’Hondt* formula. There is no turnout requirement for municipal council elections. The number of councillors elected per municipality depends on the population in each municipality. The number cannot be less than 9 nor more than 33, except in the City of Skopje where the number is set at 45.

V. ELECTION ADMINISTRATION

The municipal elections are administered by a three-level election administration, comprising the State Election Commission (SEC), 80 Municipal Election Commissions (MECs) and the Election Commission for the City of Skopje, and 2,976 Election Boards (EBs).

The SEC is a permanent body responsible for the overall conduct of elections. It is composed of seven members appointed by the parliament with a two-third majority, 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. The SEC sessions are open to accredited observers and media. Sessions attended by the OSCE/ODIHR EOM during this reporting period were conducted in a professional and collegial manner, and minutes of each session were published on the SEC website. However, on 8 March, tension was observed during the session when considering long and contentious deliberations on the petition by VMRO-DPMNE to withdraw its lists in Struga and Kičevo.

The MECs are responsible for administering elections in their municipality. They appoint and monitor the work of the EBs that, in turn, are responsible for the conduct of election day procedures at the polling stations. MECs and EBs each have a president, four members and five deputies. MECs 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. Training of the MECs was conducted by the SEC on 28 February. The MECs intend to train the EBs between 1 and 21 March.

⁵ Joint Opinion on the Electoral Code of the former Yugoslav Republic of Macedonia, Opinion No. 640/2011, CDL-AD(20011)027: <http://www.osce.org/odihr/84226>.

The Electoral Code provides for equitable ethnic and gender representation in the election administration.⁶

VI. VOTER REGISTRATION

Voter registration is passive and the SEC is responsible for maintaining voters lists based on information extracted from registries kept by the Ministry of Internal Affairs and the Ministry of Justice. All citizens who are 18 years or older on election day, have residency in their respective municipality, have a valid biometric identification card (ID) or passport, and have not been deprived of their legal capacity by a court decision are eligible to be registered. The OSCE/ODIHR EOM was informed by the Ministry of Internal Affairs that some 119,000 citizens were not included in the voter lists as they do not possess a biometric ID or passport.

According to the SEC, 1,743,403 citizens are registered to vote for these elections. During the public inspection period, 43,633 people checked their registration in the voter lists at the regional offices of the SEC.⁷ A total of 1,788 requests for new registrations were received, of which 4 were rejected. Some 1,173 requests for amendments were accepted. In addition, 3 requests for deleting persons from the voter list were accepted. Voters were also able to check their details through an internet-based search programme.

The Ministry of Justice submitted data to the SEC on persons who are in custody or serving prison sentences. There are 11 detention centres and prisons with 1,446 inmates registered on special voter list excerpts. Voting in prisons, as well as for homebound voters and those under house arrest takes place one day prior to election day.

VII. CANDIDATE REGISTRATION

A candidate must be an eligible voter and resident in the municipality where s/he will contest the election. Municipal elections may be contested by candidates nominated by registered political parties or coalitions of political parties or by independent candidates nominated by a group of voters.

Independent candidates are required to support their candidature with 100 to 450 signatures depending on the size of the municipality, with 1,000 signatures required for the City of Skopje. The law also identifies a range of government and government-related positions as being incompatible with the position of a member of a municipal council or mayor.

Candidates lists for municipal elections are submitted to the relevant MEC. One in each consecutive three places on a list must be reserved for the less represented gender. In municipalities where more than 20 per cent of the citizens speak an official language other than Macedonian, candidate lists may also be submitted in that respective language.

Despite otherwise confrontational relations, VMRO-DPMNE and the SDSM have agreed to support each other's candidates in places where there is a close race between an ethnic Macedonian and an ethnic Albanian candidate for mayor, such as in Kičevo and Struga. On 8 March, VMRO-DPMNE filed a petition with the SEC asking that they be allowed to withdraw their candidate list for municipal councillors in Kičevo and Struga. After a contentious discussion, the SEC voted five against one, along

⁶ Ethnic communities that constitute more than 20 per cent of the population in a municipality are represented in the MECs and EBs, and at least 30 per cent of members in all election commissions must come from each gender.

⁷ The public inspection period was from 26 January to 9 February 2013.

ethnic lines, to allow the withdrawal.⁸ However, the MECs in both municipalities did not accept the SEC decision and voted against allowing VMRO-DPMNE to withdraw their list. They subsequently rejected the list submitted by SDSM because it contained names of candidates who were already on the verified list of VMRO-DPMNE.⁹

The SDSM appealed the rejection of its lists by the MECs to the Administrative Court. On 9 March the court overturned the decisions of both MECs. As a result, the VMRO-DPMNE lists were withdrawn and the joint SDSM and VMRO-DPMNE lists were accepted in both municipalities.

In total, 381 lists for mayor and 439 lists for councils were submitted by 16 political parties, 6 coalitions and 89 groups of citizens by the extended deadline of 8 March.

VIII. CAMPAIGN AND CAMPAIGN FINANCE

As a result of the recent political crisis, these elections have taken on a wider political significance, tending to focus on national rather than local issues. The leader of the governing VMRO-DPMNE coalition referred to the municipal elections as a referendum on the country's future, while the SDSM chairperson insisted that the results of elections should determine whether or not to hold early parliamentary elections.¹⁰

The election campaign commenced officially on 4 March and will end at midnight on 22 March. Although the law prohibits campaigning before the official start date, the OSCE/ODIHR EOM observed several events already on 2 March, including in Kičevo (Democratic Union for Integration, DUI) and Štip (VMRO-DPMNE), which featured presentations of the candidates' electoral programmes. In addition, because of the boycott and extended registration deadline, parties associated with the opposition Alliance for the Future started campaigning before their candidates and lists were verified by the election administration.

Tensions from the two-month crisis have sharpened the tone of the election campaign. However, the campaign has so far been moderately visible across the country, with rallies and meetings held in some of the major population centres.¹¹ Billboards and posters are visible across the country and nearly all political parties and some independent candidates have used social media and their websites to reach out to the electorate. Several political parties have raised concerns about the potential misuse of administrative resources and intimidation of voters, especially of public sector employees. Most candidates campaign predominantly within single ethnic communities, with very few contestants reaching out to a multiethnic electorate.

Although campaign events have so far been peaceful, media reported several isolated election-related incidents. Moreover, instances of violent protests surrounding the appointment of a new Defense Minister from the governing coalition partner DUI, Talat Xhaferi, have negatively impacted the campaign environment. Several political parties have linked protests and violent incidents in the country to the ongoing election campaign, accusing their opponents of trying to benefit from rising ethnic tensions ahead of the 24 March elections.

⁸ The vice-chairman did not participate in the vote as he had left the session before the vote was taken.

⁹ Article 57(2) of the Electoral Code prohibits any candidate from appearing on two different lists. The OSCE/ODIHR EOM was informed that the SDSM lists in Struga and Kičevo contained 12 and 13 candidates, respectively, that were already on the VMRO-DPMNE list.

¹⁰ Nikola Gruevski's (VMRO-DPMNE) speech opening the 'For Better Macedonia' campaign in Ohrid on 4 March. Branko Crvenkovski (SDSM) made his remarks on 4 March at the opening rally in Strumica.

¹¹ The OSCE/ODIHR EOM observed 18 rallies across the country during the reporting period.

All electoral contestants are obliged to open a special bank account for campaign contributions and expenditures, which constitutes the only means for campaign financing. In early March the Ministry of Finance organized a training in Skopje for political parties on the new campaign finance forms. The first interim report on campaign expenditure from candidates and parties must be submitted on 14 March, and the second one on 23 March. The deadline for the final report is 30 days after the end of the campaign. The reports must be submitted to the SEC, the State Audit Office and the State Commission for Preventing Corruption. Within 60 days of the submission of the final report, the State Audit Office must conduct a review and initiate misdemeanor procedures should they detect irregularities which are contrary to the provisions of the Electoral Code.

Campaign expenditures are limited to MKD 180 (EUR 3) per registered voter in the municipality for which a list is submitted. Financing of the campaign can only come from membership fees, donations from private persons of up to EUR 5,000, and from legal entities of up to 5 per cent of their total income in the previous year.¹²

IX. MEDIA

The large number of registered media outlets in the country are divided along language and political lines. Television remains the key media and the main source of political information in the country. The role of the internet and social networks has increased in recent years.

The Electoral Code, the Law on Broadcasting Activity, and regulations (rulebooks) adopted by the Broadcasting Council (BC) form the basic legal framework governing the campaign in the media. The BC oversees compliance of the broadcast media. Since 12 January, the BC has been monitoring 27 national and regional broadcast media. Since the official start of the campaign, the BC has included most regional and local broadcast media outlets into their monitoring sample increasing it to 142 broadcast media outlets.¹³ Before the official start of the campaign, the BC received two complaints. In the first week of the campaign three complaints were submitted.

The public broadcaster, Macedonian Radio and Television (MRT), is obliged to allocate free airtime to candidates. The law does not stipulate the duration of allotted time or when it should be aired. MRT decided to allocate two minutes to every mayoral candidate and one minute to every candidate list for municipal council. The time is to be used exclusively by the contestants it was allotted to. MRT is planning to host 5 debates in Macedonian language and 18 debates in Albanian for candidates of major municipalities. In addition, MRT intends to organize 5 current affairs programmes featuring candidates in major municipalities.

The OSCE/ODIHR EOM's media monitoring is conducted in two time periods: the first from 25 February to 3 March, covering the period before the start of the official campaign. The second covers the official campaign period from 4 March to 22 March. The media monitoring consists of quantitative and qualitative analysis of the prime time broadcasts of two public and five private TV channels, as well as five daily newspapers.¹⁴

X. COMPLAINTS AND APPEALS

For municipal elections, the SEC has jurisdiction over complaints related to candidate and voter

¹² Electoral Code provides limit in EUR 5,000, which equals to approximately MKD 30,500.

¹³ The BC decided not to monitor nine radio stations, as these media outlets chose not to cover the election campaign and not to place any political advertisements.

¹⁴ TV channels: *MTV-1* (public), *MTV-2* (public), *Kanal 5*, *Sitel*, *Alsar-M*, *Telma* and *Alfa*. Newspapers: *Dnevnik*, *Nova Makedonija*, *Focus*, *Koha*, *Zhurnal Plus*.

registration, as well as other infringements of voting rights. Appeals of these decisions are heard by the Administrative Court, whose decisions are final. Complaints on electoral malpractice that amount to a misdemeanor are resolved by the Basic Courts, with an appeal to the Court of Appeals. Short deadlines are provided for the resolution of complaints and appeals regarding the protection of the candidates' and voters' rights.¹⁵

Eight complaints were filed with the Administrative Court during the initial candidate registration period, disputing rejection of candidate lists: two were accepted and six were rejected. With the extension of the candidate registration deadline, three candidate lists that were initially rejected by the MEC because of late submission were resubmitted and accepted.¹⁶ No complaints have been lodged regarding voter lists with the Administrative Court. The OSCE/ODIHR EOM has not been informed of any complaints being filed at the Basic Courts.

In addition to the two complaints against the MECs in Struga and Kičevo, on 9 March, the SDSM filed another complaint with the Administrative Court against the rejection of their list by the MEC in Shuto Orizari. The court rejected the SDSM complaint on the ground of jurisdiction and late submission.

XI. INTERNATIONAL AND CITIZEN OBSERVERS

The Electoral Code provides for international and citizen election observation. Citizen observer groups must be registered at least one year prior to election day and include the protection of human rights within their statutes. The organizations MOST, Civil, and the Institute for Democracy plan to observe these elections. In addition, each submitter of a candidate list has the right to appoint an authorized representative and deputy to follow the work of the election administration.

XII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 25 February. The Head of the EOM has met with the Prime Minister, the Minister of Internal Affairs, the Minister of Foreign Affairs, the SEC Chairperson, and the leaders of the main political parties. The EOM has also established or initiated contacts with the government institutions involved in the electoral process, civil society, and the media in the capital and at the regional level. The first meeting with representatives of OSCE participating States was held on 7 March. Sixteen LTOs deployed in teams of two are meeting regional stakeholders and observing electoral campaign events.

*The English version of this report is the only official document.
Unofficial translations are also provided in Macedonian and Albanian.*

¹⁵ In some cases the complainant must submit an appeal within 24 hours of receiving the decision from the MEC and the Administrative Court must decide within 24 hours. On complaints on the protection of the right to vote, the SEC must decide within four hours of receiving the complaint. Administrative Courts must decide within 24 hours of receipt of a SEC decision.

¹⁶ Alliance of Tito's Left Forces in Aerodrom and Karpoš municipality and Social Democratic Union in Gjorče Petrov.