

**INTERIM REPORT
3 – 21 November 2016**

25 November 2016

I. EXECUTIVE SUMMARY

- After two years of political crisis, the main political forces agreed to dissolve the parliament for the second time this year. Early parliamentary elections were called for 11 December. On 3 November, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) to observe these elections.
- The electoral legal framework was substantially revised in 2015. Further changes in 2016 introduced temporary mechanisms for the political oversight of the electoral process, including a requirement for citizens with “questionable” voter registration data to actively register for these elections, as well as the formation of a Temporary Commission for media oversight.
- The State Election Commission (SEC) official sessions have so far been open to observers and media. However, the SEC has also met frequently in closed working sessions, where substantive discussions took place. Most Municipal Election Commissions are operational and preparations are underway, but some lack adequate premises and equipment. Provisions for equitable representation of ethnic groups and gender appear to be respected in the election administration.
- There are 1,784,524 voters preliminarily registered for these elections. As mistrust in the accuracy of the register persisted during previous elections, the SEC was tasked to maintain the register. It reviewed it by cross-checking several databases as well as by conducting field-checks. As mandated by a new amendment to the Electoral Code, the SEC deleted 28,341 voters from the register who have not re-registered. In spite of some criticism of the field-checks, a number of OSCE/ODIHR EOM interlocutors opined that public confidence in the voter register has increased as the review process has so far led to a limited number of requests for corrections.
- The SEC approved 20,629 applications for voting abroad. Numerous applications were submitted from the same email address. Some political parties stated to the OSCE/ODIHR EOM that they have assisted voters with their applications.
- The SEC registered, in a generally inclusive manner, 58 candidate lists submitted by 6 political parties and 5 coalitions. The 40 per cent gender requirement for the lists was respected. The lists of the two main contestants included representatives of smaller ethnic communities, some in likely winnable positions. Several opposition parties expressed an intention to seek votes from the ethnic Albanian community.
- Most political parties started mobilizing their electorate prior to the official campaign period, which began on 21 November. The pre-election atmosphere has been generally calm, with some isolated violent incidents noted. A number of allegations of pressure on public employees to support specific parties were reported to the OSCE/ODIHR EOM.
- Public media is required to provide equitable news coverage of electoral contestants, grant access to free airtime and organize debates. Substantial media reforms foreseen in the Przino Agreement

have yet to be agreed upon. OSCE/ODIHR EOM interlocutors raised concerns such as widespread self-censorship resulting from political pressure on media, and cases of inflammatory language and verbal attacks on journalists. On 7 November, the OSCE/ODIHR EOM began qualitative and quantitative media monitoring.

- Two prominent civil society organizations, MOST and CIVIL, are observing these elections. MOST plans to conduct parallel vote tabulation.

II. INTRODUCTION

Following an official invitation, on 3 November the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) to observe the 11 December early parliamentary elections.¹ The EOM, headed by Tana de Zulueta, consists of a 14-member core team based in Skopje and 20 long-term observers (LTOs) deployed throughout the country on 9 November. Mission members are drawn from 22 OSCE participating States. Participating States have been requested to second 300 short-term observers (STOs) to observe election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

Following the 2014 early parliamentary elections, six political parties and coalitions were represented in the parliament. The Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), with 61 seats, and the Democratic Union for Integration (DUI), with 19 seats, formed the government. The opposition included the Social Democratic Union of Macedonia (SDSM) with 34 seats and the Democratic Party of Albanians (DPA) with 7 seats. The National Democratic Revival (NDR) and Citizens Option for Macedonia (GROM) had one seat each.

The opposition claimed that the 2014 elections were rigged and decided to temporarily boycott parliament. The crisis deepened in February 2015 with a “wiretapping scandal”, when incriminating wiretapped recordings allegedly implicated government and public officials in corruption, election fraud, abuse of power and illegal surveillance of citizens were released, which led to sustained and widespread protests. On 2 June, as part of the Przino Agreement, early parliamentary elections were initially called for 24 April 2016.²

The elections were later postponed to 5 June on the grounds that key conditions had not been met, namely cleaning of the voter register, media reforms, and safeguards to separate state and party activities. Prior to the scheduled elections, the opposition announced a boycott and, of the four signatories of the Przino Agreement, only VMRO-DPMNE submitted candidate lists. On 25 May, the Constitutional Court declared the dissolution of parliament unconstitutional and the 5 June elections were cancelled.

On 20 July, with facilitation from the European Union and United States, the four main parties reached a new agreement.³ It emphasized two conditions for holding elections; enhancing the accuracy of the voter register and strengthening the media legal framework. On 31 August, the four parties announced

¹ See [previous OSCE/ODIHR reports](#) on the former Yugoslav Republic of Macedonia.

² The [Przino Agreement](#) and a following [Protocol](#) from 15 July were signed by the four parliamentary groups (DPA, DUI, VMRO-DPMNE and SDSM) and called for the implementation of a comprehensive set of measures to resolve the political crisis, including electoral and media reforms.

³ See the [20 July Agreement](#).

that conditions for “credible elections” were met and elections were scheduled for 11 December. On 17 October, after two years of political crisis, the parliament was dissolved for the second time this year.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Between 120 and 123 members of parliament (MPs) will be elected for a four-year term through a proportional representation system using closed lists. Twenty MPs will be elected from each of the six in-country electoral districts, and up to three from a single out-of-country district.⁴ The Electoral Code permits deviations of up to five per cent from the average number of registered voters for in-country districts. On 25 October, the Unity party challenged the holding of elections at the Constitutional Court as district 6 deviates by 5.65 per cent. The Court has yet to decide on the matter.

Parliamentary elections are governed by a number of legal documents that include the Constitution, the Electoral Code, the Law on Political Parties, the Law on Financing Political Parties, provisions of the Criminal Code, the Law on Media and the Law on Audio and Audiovisual Media Services, which are supplemented by regulations promulgated by the State Election Commission (SEC).

The legal framework was substantially revised in 2015 as a result of the Przino Agreement. The 2016 OSCE/ODIHR and the Council of Europe’s Venice Commission’s Joint Opinion on the Electoral Code concluded that many previous recommendations have been met, particularly those related to the principle of equal suffrage for out-of-country voting, the composition and competences of the SEC, level playing field for media coverage during the campaign period, strengthening party and campaign finance reporting and auditing, improved provisions for the separation of party and state and introducing deadlines for courts to decide on electoral disputes.⁵ However, it notes that the Electoral Code would benefit from a complete review in order to harmonize it internally and with other relevant laws, while some longstanding issues require further consideration, including in respect of candidate registration and campaigning. Additional changes made to Electoral Code in July 2016 contain provisions applicable only to the current elections. These include forming a Temporary Commission for media oversight and requiring citizens with “questionable” voter registration data to actively register for these elections.

V. ELECTION ADMINISTRATION

The elections are administered by the State Election Commission (SEC), 80 Municipal Election Commissions (MECs), and 3,480 Electoral Boards (EBs). An additional 46 EBs are established in diplomatic-consular offices for out-of-country voting.

The SEC is composed of nine members: three nominated by ruling parliamentary parties, three by opposition parties, and three independent experts selected in an open recruitment. The president and deputy are elected from among the non-partisan members. The SEC recruited temporary legal and IT personnel nominated by the main four political parties. The SEC is supported by 34 permanent regional offices.⁶

MECs are composed of five members who are randomly selected from among employees of the state and municipal administration. While most MECs are operational and election preparations are

⁴ The first candidate is elected if a list received a minimum number of votes equal to the MP elected in-country with the lowest number of votes during the previous elections; for the upcoming elections the number is 6,478 votes. Second and third candidates are elected if their list obtains twice or thrice as many votes, respectively.

⁵ See the OSCE/ODIHR and Venice Commission [Joint Opinion](#) on the Electoral Code of the former Yugoslav Republic of Macedonia, Opinion No. ELE-MKD/292/2016.

⁶ Additional 17 temporary offices operated until 11 November mainly on voter registration.

underway, some lack adequate premises and equipment.⁷ EBs comprise five members – three randomly selected public employees and two appointees from the main ruling and opposition parties.

The Electoral Code provides for equitable representation of ethnic groups and gender in election administration bodies. These requirements appear to have been met at MECs and EBs.⁸ Two of nine SEC members are women and three are ethnic Albanians.

The SEC official sessions were open to observers and media. However, the SEC also met in closed working sessions, where substantive discussion of matters to be decided in the public sessions took place. The SEC decisions were generally adopted unanimously, although members often engaged in lengthy procedural discussions.⁹ The decisions were published on the SEC website in a timely manner. The requirement that the minutes of the SEC sessions be made public within 48 hours has not been adhered to consistently.¹⁰

The SEC prepared training manuals for MECs and EBs. MECs were trained in June and July, and a second round of training sessions is ongoing. The training observed by the OSCE/ODIHR EOM was positively assessed by the participants and civil society.

VI. VOTER REGISTRATION

Citizens 18 years of age by election day are eligible to vote, unless deprived of their legal capacity by a court decision. Voter registration is passive, with the exception of voters temporarily residing abroad who must actively register. Voting rights are granted to persons with a registered residence in the country who have a valid identification card or passport. The SEC is responsible for maintaining the voter register based on data extracted from civil and population registers.¹¹ There are 1,784,524 voters registered for these elections as of 18 November, including 20,629 voters abroad.

Longstanding mistrust in the accuracy of the voter register persisted in the previous elections, with allegations of various illegal entries. The SEC was tasked to review the voter register by cross-checking entries against the databases of 11 state institutions, which was followed by field checks that were observed by the four main political parties. On 26 April, the SEC reported 44,308 voters identified as living at addresses with more than 20 registered voters or where voters with more than 6 surnames were registered. After subsequent field checks, 39,502 voters with “questionable registration” were required to actively re-register.¹² On 13 November, the SEC decided to delete 28,341 voters from the register who did not re-register. In spite of criticism of field-checking procedures, a number of OSCE/ODIHR EOM interlocutors opined that confidence in the voter register has increased as the process led to a limited number of corrections.

Voters can request registration or amendments to data in the voter register at SEC regional offices throughout the year. In election years, voters can check their data also during a public scrutiny period

⁷ As observed by OSCE/ODIHR EOM in Novo Selo, Orizari, Kumanovo, Tetovo, Tearce, Gostivar, Vrapichishte, Mavrovo, Jegunovce, Zelino, Brvenica, Bogovinje and Kratovo.

⁸ In municipalities where ethnic communities constitute at least 20 per cent of the population, they should be represented in MECs and EBs.

⁹ The 2006 SEC Rules of Procedures do not regulate the organization of the sessions, and provide only that the SEC chairperson can stop a discussion when she/he decides that the topic has been exhausted.

¹⁰ The latest minutes published as of 21 November date from 7 November.

¹¹ Most of the verification of records decided by the SEC were, in fact, conducted by Ministry of Internal Affairs (MoIA) which oversees the Civil Registry.

¹² On 4 August, BESA appealed to the Constitutional Court the constitutionality of the new Article 196.b of the Electoral Code which allows SEC to delete such voters from the voter register. The Court rejected the appeal, but the decision is yet to be published in the Official Gazette.

(this year the period was 28 October to 11 November). In spite of the legal provision, the SEC regional offices did not display printed voter lists and voters could only check their personal data on computers at SEC offices or online. In total, 10,274 voters visited the SEC offices, yet the number of requested corrections was low.¹³ The SEC notified the voters about the outcome of their requests only by email, as required by law. As such, voters without email addresses were not informed.

At the end of the public scrutiny period, the SEC had to provide electoral contestants with copies of the preliminary voter lists. They did so with a two-day delay, caused by internal disagreements over the format of the data. Electoral contestants can request corrections until 23 November.

The SEC approved 20,629 of 21,029 applications for voting abroad.¹⁴ Numerous applications were submitted from the same email address. Some political parties informed the OSCE/ODIHR EOM that they assisted voters with their applications. Online application required voters to declare their ethnicity, which, according to the SEC, was necessary to print electoral materials in minority languages.¹⁵ Voters who did not register can vote in-country at the polling station of their last residency.

VII. CANDIDATE REGISTRATION

Any eligible voter can be a candidate for parliament, except those sentenced by a final court decision to more than six months and who have not completed their sentence. The law also identifies a range of government and government-related positions incompatible with candidacy.

Registered political parties, coalitions of political parties, and groups of voters can nominate candidates. The latter were required to provide at least 1,000 supporting signatures of voters residing in the respective district. In line with a previous OSCE/ODIHR recommendation, for the first time, a voter could sign in support of more than one candidate list; however, the signatures are still required to be collected in front of a SEC employee at a regional SEC office.

Candidate registration was generally inclusive. By the legal deadline of 11 November, the SEC registered 6 political parties and 5 coalitions fielding a total of 1,092 candidates on 58 lists.¹⁶ In line with an enhanced quota to increase women's participation, 41 per cent of candidates are women, although only four women are top of the lists.¹⁷

VIII. CAMPAIGN AND CAMPAIGN FINANCE

The official campaign period began on 21 November and will end 24 hours before election day. The majority of political parties, however, started mobilizing their voters prior to this period, organizing some events and establishing campaign headquarters. Parties informed the OSCE/ODIHR EOM that small scale meetings and door-to-door canvassing will be the principal methods to reach out to voters

¹³ There were 176 for data changes, 88 for addition to the list and 71 for deletion due to wrong address or death.

¹⁴ According to the SEC, 76,721 citizens are registered as living abroad at the time of this report.

¹⁵ Election materials, including the ballots, should also be available in the six officially recognized minority languages. In districts where at least 20 per cent of the citizens speak one such language, candidate lists may also be submitted in this language.

¹⁶ The VMRO-DPMNE-led coalition 'For a Better Macedonia' includes 25 parties, and the SDSM-led coalition includes 15. The other coalitions are the Alliance for Albanians (DPA - Reform Movement, *Uniteti* and NDR), the Coalition for Change and Justice (Democratic Union, FRODEM, MORO – Workers Party, and DEMOS) and VMRO-Coalition for Macedonia (VMRO-PP, United for Macedonia and *Dostoinstvo*). The six registered parties are DUI, DPA, BESA, *Levica*, Party for Democratic Prosperity (PDP) and Liberal Party (LP). More than half of the outgoing 123 MPs are not competing for these elections.

¹⁷ This represents an increase of a quota by 10 per cent from the 2014 elections. Every third and tenth candidate must be from the less represented gender.

during the campaign period. The main campaign messages relate to the economy, employment, justice and youth emigration.

The pre-election atmosphere has been generally calm, although some violent incidents were noted.¹⁸ A number of unsubstantiated allegations of pressure on public employees to support specific parties were reported to the OSCE/ODIHR EOM.¹⁹

Electoral contestants are required to register a unique tax number and open a dedicated bank account for campaign finance purposes. Individuals may donate up to EUR 3,000, while legal entities may donate up to EUR 30,000. Foreign or anonymous donations and those from state-owned, religious and charitable organizations are prohibited. Contestants may spend a maximum of EUR 1.8 per registered voter in a district. Each list will be reimbursed by EUR 0.25 for each vote won, provided it obtains at least 1.5 per cent of the votes cast in the district.

Supervision of campaign finance is primarily carried out by the State Audit Office. Contestants have to submit two interim and one final report to the SEC, State Audit Office and State Commission for Preventing Corruption. All reports are to be published on the website of each institution.

IX. MEDIA

The media scene includes over 130 radio and TV channels operating in a relatively small market with media outlets divided along political and ethnic lines. Television is the most important media and the source of information for some 75 per cent of the population.²⁰ Many OSCE/ODIHR EOM interlocutors expressed concerns about dominant private broadcasters supporting the views of the government, which has a strong presence on the advertising market. Widespread self-censorship resulting from political pressure on media, along with cases of inflammatory language by some journalists and verbal attacks on journalists (especially by government officials) were among other concerns raised with the OSCE/ODIHR EOM.

The Electoral Code governs the media coverage of elections. Substantial amendments in 2015 address government-financed advertising and coverage of state officials favouring political parties during elections. The law requires balanced and equitable coverage during the official campaign period and obliges broadcast media and Internet portals to act in a fair and impartial manner should they cover the elections. The public broadcaster, Macedonian Radio and Television (MRT), is additionally required to grant access to free airtime and organize debates. Political advertising is allowed only in the private media. Parliamentary parties are entitled to a larger proportion of news coverage, free airtime and paid advertising compared to other contestants.

Substantial media reforms foreseen in the Przino Agreement have yet to be agreed upon. The 2016 amendments to the Electoral Code related to media are applicable only for the upcoming elections. The editor-in-chief of MRT was appointed by the opposition 100 days prior to these elections. The supervisory role of the Agency for Audio and Audiovisual Media Services (AVMS), which is the

¹⁸ On 13 November, the car of the DUI leader was stoned by a group of local residents in Kumanovo; on 7 November, the windows of a new SDSM campaign office in Arachinovo were broken, as were those of the VMRO-DPMNE in Kavadarci on 18 November; on 9 November, the car of the GROM branch president in Strumica was set on fire.

¹⁹ Allegedly, Bitola public employees were threatened with losing their job if they did not vote for DUI; in Ohrid, public employee performance reviews were announced for after election day - outside the regular cycle, which was perceived by the employees as pressure from VMRO-DPMNE; public employees in Strumica were required to attend a SDSM campaign video production.

²⁰ According to an [analysis](#) conducted by the agency "Market Vision" on the behalf of the Agency for Audio and Audiovisual Media Services (AVMS) in 2015.

regulatory body for broadcast media and media coverage of elections, was supplanted by a Temporary Commission. This five-member body includes nominees from the four main political parties, and a fifth selected by the four members, and assesses media coverage based on regular media monitoring reports prepared by the AVMS. As of 21 November, the Commission decided on a number of cases of biased coverage, hidden campaigning by government officials and government advertising. Based on its recommendations, the AVMS forwarded to the basic court 14 initiatives for misdemeanour procedures including six warnings (*MRT, Nova, Alfa, and Sitel*) and eight fines (*Alfa, Nova, and Sitel*). So far the court decided on one *Nova* case, dismissing it.

On 7 November, the OSCE/ODIHR EOM commenced qualitative and quantitative media monitoring of eight television channels and five daily newspapers.²¹

X. COMPLAINTS AND APPEALS

The SEC deals with most civil and administrative disputes related to elections, and the State Audit Office and the State Commission for Preventing Corruption deal with complaints related to campaign finance and misuse of administrative resources, respectively. Their decisions may be appealed to the Administrative Court. The basic courts deal with electoral offences, due to their criminal nature.

The Social Democratic Party of Macedonia and the People's Movement for Macedonia appealed to the Administrative Court the SEC decisions to reject their candidate lists. The court considered these cases in closed session, and rejected all appeals as ungrounded.²² All decisions have been published on the court website.

The SEC has adopted a procedures rulebook for dealing with complaints and appeals. An electronic system for case and complaint management, required by the Electoral Code, has been developed but is yet to be tested for these elections. So far the SEC has received few complaints.

XI. PARTICIPATION OF NATIONAL MINORITIES

Inter-ethnic relations remain a relevant political factor, and political parties tend to reach out mainly to their own communities. Parties representing minorities other than ethnic Albanians expressed dissatisfaction to the OSCE/ODHIR EOM for having been excluded from the political process that led to scheduling elections for 11 December. They also voiced concern that the electoral system provides no mechanisms to promote national minority participation, such as reserved or guaranteed seats in the parliament, which, in turn, forces them to join coalitions led by parties representing larger communities. Some concerns were expressed to the OSCE/ODHIR EOM on the extent to which the list of disputed voters, and the need for them to actively re-register, was not adequately advertised to reach all communities.

The SDSM and VMRO-DPMNE coalitions included in their lists representatives of almost all smaller communities, some in likely winnable positions. The SDSM voiced its aim to seek votes from the ethnic Albanian community. The electoral contest is more competitive in the ethnic Albanian communities, with the coalition Alliance for Albanians and BESA challenging the dominant position of

²¹ Prime time programmes aired by public TV channels MRT-1 and MRT-2 and private televisions *Sitel, Kanal 5, Alfa, Telma* and *Alsat-M* (between 18:00 and 24:00) as well as main news programmes of *Vesti 24* (aired at 20:00) are monitored daily along with the daily newspapers: *Dnevnik, Koha, Lajm, Sloboden Pecat* and *Vest*.

²² According to the Constitution, court hearings and passing of verdicts are public. The public can only be excluded in cases determined by law. The Electoral Code provides for the principle of public sessions when dealing with electoral matters by SEC and State Commission for Preventing Corruption. Further, the Law on the Courts states that proceedings before the courts are to be based on the principle of publicity and transparency.

DUI. Despite initial disagreements, most leaders of different parties representing the Roma community decided to run in the VMRO-DPMNE coalition.

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code allows for citizen, partisan and international observation. Two prominent civil society organizations are observing these elections: MOST has 80 LTOs and intends to deploy some 3,300 STOs, and also plans to conduct parallel vote tabulation; CIVIL has 35 LTOs, 10 mobile teams and intends to deploy some 300 STOs.

XIII. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work in Skopje on 3 November. The Head of Mission met with the Ministry of Foreign Affairs, the SEC, and representatives of political parties, media, civil society organizations, the OSCE Mission to Skopje and the international community.²³ The EOM established contacts with electoral stakeholders at all levels. The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) intend to deploy observer delegations for election day observation.

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

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The [OSCE/ODIHR EOM](#) and the [OSCE Mission in Skopje](#) operate separately under their specific mandates.