

**INTERIM REPORT**  
**3 – 31 March 2020**

**30 April 2020**

**I. EXECUTIVE SUMMARY**

- The early parliamentary elections were scheduled to take place on 12 April. On 21 March, amid uncertainties posed by the global outbreak of the 2019 coronavirus disease (COVID-19), the electoral process was indefinitely suspended by a government decree. The decision was precipitated by unanimous recommendations by the president and political party leaders, including the opposition, and public statements from the election administration. The ODIHR Election Observation Mission (EOM) suspended its deployment on 17 March.
- The electoral legal framework underwent substantial revisions since the previous parliamentary elections in December 2016, including substantive changes to the Electoral Code in February 2020, a day prior to the dissolution of parliament and call for early elections. These amendments impacted key elements of the electoral process, altered certain constituency boundaries, and redistributed some responsibilities among the election administration and state agencies. Notwithstanding some positive changes, such as the registration of voters whose IDs expired after the announcement of elections and extended possibilities to appeal against campaign violations, a number of regulatory deficiencies persist and many ODIHR recommendations remain unaddressed. Some ODIHR interlocutors raised concerns that the amendments were adopted in a hasty manner with no broad consultation and that proposals by the inter-agency working group tasked with amending the Code were left without due consideration.
- Prior to the suspension of electoral activities, the three-level election administration headed by the State Election Commission (SEC) carried out most activities in accordance with legal deadlines. Government measures to prevent and contain the spread of COVID-19 impacted the operations of the SEC and the formation and training of lower commissions, which in some cases were delayed or suspended. SEC sessions were often called on short notice and not all minutes were made available, but SEC decisions and regulations were published online in a timely manner. The SEC informed the ODIHR EOM that it lacked institutional capacity to adequately execute the numerous new competencies assigned to it by the Electoral Code amendments. Municipal Election Commissions (MECs) were operational, but some limited their activities amid health-related restrictions on public gatherings and uncertainty over the continuation of the electoral process.
- The voter register is maintained by the SEC; at the time of suspension of the electoral process it included some 1.8 million citizens. Amendments to the Electoral Code provided that voters whose IDs expired after the date of the announcement of the elections were included in the register. The revised law also foresees that the voter register is derived from a central population register, intended to help harmonize citizen data across state agencies, but this population register is not yet functional. Voters could verify data and request changes throughout the year or during a two-week period of public scrutiny; the SEC indicated that an additional period of scrutiny would be introduced upon the continuation of the electoral process. The SEC planned not to conduct out-of-country voting, as the number of approved applications did not meet the required threshold.

- In total, 1,598 candidates were registered across the six electoral districts, on 78 lists of 12 political parties and 3 coalitions. Candidates could be nominated by registered political parties and their coalitions or groups of voters. No groups of voters met the 1,000 supporting signature requirement to nominate a candidate. The SEC introduced an online application and additional guidelines to facilitate the candidate registration process.
- Women are under-represented in public life. Although women comprised 39 per cent of members of the outgoing parliament, their numbers in high executive positions including ministers and mayors remain low. The requirement of 40 per cent representation of each gender on candidate lists was fully respected. Nevertheless, women led only some 24 per cent of all submitted lists.
- The official campaign period was due to start on 23 March and thus never unfolded. Limited activity by political parties took place before that date, and some negative rhetoric was noted between the leading figures of the two major parties. Prior to the suspension of the elections, in light of health-related restrictions on public gatherings, all parties agreed to refrain from outdoor canvassing and public rallies, and to focus instead on campaigning through traditional, online and social media.
- The national legal framework refers to ethnic communities and the Constitution guarantees their protection. Requirements exist for the equitable representation of ethnic communities on some election commissions, based on the municipal population. The coalitions led by the main ruling and main opposition party each included parties representing national minorities, and candidates from these communities were included in the respective electoral lists. For the first time, a pre-election alliance was formed between a mainly ethnic-Macedonian and an ethnic-Albanian party. Stakeholders noted challenges for members of smaller ethnic communities, particularly Roma, to obtain personal documents and to register an address, impacting their inclusion in the voter register.
- Campaigns can be financed from monetary and in-kind donations from individuals and legal entities, including political party assets. The legal framework stipulates extensive preventive measures against abuse of administrative resources. Amendments to the Electoral Code created additional interim reporting obligations, shortened the deadline for submission of final reports, and shifted primary jurisdiction on campaign finance oversight to the State Commission on Prevention of Corruption; the State Audit Office remains in charge of ex-post control.
- The diverse media operate in a shrinking advertising market. The legal framework provides for fair, balanced and impartial coverage. Paid political advertisements in media during the campaign are entirely state subsidized. The setting of a maximum price for advertisements, as provided for by the amendments to the Electoral Code, provoked dissatisfaction among major national broadcasters who unsuccessfully challenged the SEC's implementation of this matter in court. The media regulator did not identify any violations by the major broadcast media in its interim monitoring.
- The SEC is the first instance body for most electoral complaints, while the State Commission for Prevention of Corruption deals with complaints related to campaign finance and abuse of state resources. The Administrative Court reviews their decisions on appeal. A number of election-related complaints had been filed before the suspension of the elections, related mainly to voter registration abroad, registration of media, the determination of prices for political paid advertisements, and personal data protection. Following recent amendments, the jurisdiction of MECs was determined to include election day voter registration complaints.

## **II. INTRODUCTION**

Following an invitation from the Ministry of Foreign Affairs of the Republic of North Macedonia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 1 March. The EOM, headed by Ms. Tana de Zulueta, consisted of a 12-member core team based in Skopje and 20 long-term observers deployed throughout the country from 10 March. Mission members were drawn from 21 OSCE participating States.

Following the introduction of restrictions on cross-border travel throughout the OSCE region related to the global outbreak of the 2019 coronavirus disease (COVID-19), ODIHR temporarily suspended its observation activities on 17 March. ODIHR stands ready to re-deploy an observation activity to North Macedonia, subject to regional travel and health directives.

## **III. BACKGROUND AND POLITICAL CONTEXT**

North Macedonia is a parliamentary republic with legislative powers vested in the unicameral parliament, the Assembly. The prime minister, who acts as the head of the government, is entrusted by the president to constitute the government based on the results of parliamentary elections.

The previous parliamentary elections were held in December 2016. In those elections, although the coalition led by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE) won more seats, a new government was formed in April 2017 by a coalition led by the Social Democratic Union of Macedonia (SDSM).<sup>1</sup> In total, six parties and coalitions gained representation in the parliament.<sup>1</sup> Women comprised 39 per cent of members of the outgoing parliament.

Key strategic goals for the outgoing government included unblocking North Macedonia's accession to both the EU and the North Atlantic Treaty Organization (NATO). A significant step in these discussions occurred with the signing of the bilateral Prespa Agreement with Greece in June 2018, following which North Macedonia adopted its new constitutional name.

The decision to call early parliamentary elections was precipitated by the European Council's decision in October 2019 to not open negotiations on the country's accession to the European Union (EU), which was widely regarded as a severe disappointment for the ruling party and prompted the outgoing government to resign. On 3 January 2020, the prime minister resigned and a caretaker government including opposition ministers took office for the hundred days preceding the scheduled elections.<sup>2</sup> On 16 February, the parliamentary speaker dissolved the parliament and called elections for 12 April, some eight months before the expiration of the parliamentary term. The scheduled elections were to be the fifth consecutive early parliamentary elections since 2008.

As the elections were being put on hold, key developments transpired in these accession processes. On 24 March, the EU's General Affairs Council approved the opening of accession negotiations with North Macedonia. Following the ratification by all NATO member states of the country's accession protocol, the country formally became a member of the alliance on 27 March.

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<sup>1</sup> In the 2016 elections, the VMRO-DPMNE coalition won 51 seats, the SDSM coalition 49, the Democratic Union for Integration (DUI) 10, BESA 5, the Alliance for Albanians 3, and the Democratic Party of Albanians 2.

<sup>2</sup> In 2015, 2016, and 2018, the Law on the Government was amended with provisions on the establishment of a caretaker government 100 days prior to elections, in line with the [2015 Przino Agreement](#).

The period leading to the scheduled early parliamentary elections was overshadowed by the global outbreak of the 2019 coronavirus pandemic (COVID-19), which impacted the election preparations, necessitated restrictions on campaign activities, and eclipsed most other political discourse.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The parliament is a unicameral body comprising 120 to 123 members, and is directly elected for a four-year term under a proportional representation model using closed lists. Twenty members of parliament (MPs) are elected from each of the six in-country electoral districts, and up to three MPs are elected from a single out-of-country electoral district. Seats for in-country districts are allocated to candidate lists according to the *D'Hondt* method of highest average. The number of MPs elected in the district abroad is conditioned by a threshold linked to the previous election results without a correlation to voter turnout.<sup>3</sup>

North Macedonia has ratified key international and regional human rights instruments pertaining to the holding of democratic elections.<sup>4</sup> The legal framework for the conduct of parliamentary elections includes the 1991 Constitution (last amended in 2019), the 2006 Electoral Code (last amended in February 2020), the 2004 Law on Political Parties, the 2004 Law on Financing Political Parties (last amended in 2018), relevant provisions of the Criminal Code, and regulations adopted by the SEC to supplement the law.<sup>5</sup>

Prior to the elections, the electoral legal framework was substantially amended as part of the ongoing legislative reform aligning national law with the EU *acquis* as a precondition for EU accession advancement. In February 2020, extensive amendments were introduced into the Electoral Code. The changes encompassed the majority of electoral procedures and redistributed some key responsibilities among election administration and state agencies (see *Election Administration* section). Some amendments partially addressed previous ODIHR recommendations, such as registration of voters whose IDs expired after the announcement of elections and extended possibilities to appeal against

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<sup>3</sup> A candidate is elected from the out-of-country district, if the respective list receives at least the lowest number of votes won by an MP elected in-country in previous elections; for these elections the threshold is 6,534 votes. Second and third candidates are elected if their list obtains twice and thrice as many votes, respectively. In case no list in the electoral district abroad obtains the required number of votes, no MP is elected. This system was previously [criticized](#) by ODIHR and the Venice Commission for failing to guarantee the right to vote to all eligible voters in conformity with the principle of universality of the vote. The registration procedure and its outcome were contested at the Administrative Court, the State Election Commission, and the Agency for Personal Data Protection (see *Complaints and Appeals* section).

<sup>4</sup> This includes the 1948 Universal Declaration of Human Rights, the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR), the 1979 [United Nations Convention on the Elimination of All Forms of Discrimination against Women](#) (CEDAW), the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), the 1965 [International Convention on the Elimination of All Forms of Racial Discrimination](#) (CERD), the 2003 [UN Convention against Corruption](#) (UNCAC), and the 1990 [International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families](#). The country is member to the 1950 [European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR) and is subject to the jurisdiction of the European Court of Human Rights. The country also takes part in the European Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption (GRECO).

<sup>5</sup> The relevant legal framework was adopted or substantially amended in 2019 and 2020, including the 2019 Law on Prevention of Corruption and Conflict of Interest, the 2019 Law on the Prevention of and Protection against Discrimination, the 2020 Law on Personal Data Protection, and the 2020 Law on the Public Prosecutor's Office. Other laws pertinent to the elections are the 2014 amended Law on Media, the 2020 amended Law on Audio and Audio-visual Media Services, and the 2008 Law on Administrative Procedure. For the 2020 elections, the State Election Commission (SEC) regulated *inter alia* candidate registration, campaigning, procedures for determination of voters' identity, voting of persons with disabilities, detainees, and home-bound voting and voting at care facilities, determination of invalid ballots, election observation, and election-related disputes resolution by the SEC and Municipal Election Commissions.

campaign violations. Several long-standing ODIHR recommendations remain unaddressed, including *inter alia* guarantees of the equality of the vote, elimination of ambiguities in the regulation of recruitment and dismissal procedures of election administration members, and campaign finance rules, audit and oversight.<sup>6</sup> Considerable gaps and inconsistencies remain in the regulation of voter and candidate registration and related deadlines and appeals, and some voting procedures.

Some ODIHR EOM interlocutors raised concerns that the February 2020 changes to the Electoral Code were adopted under an expedited procedure without sufficient discussion, contrary to previous ODIHR recommendations that such a reform process be inclusive and take place well in advance of the elections. The amendments were passed on the eve of the dissolution of parliament and less than two months prior to the scheduled election day.<sup>7</sup> The proposals of an inter-agency working group tasked with amending the Electoral Code and composed of representatives from state institutions, election administration, and civil society were not incorporated.<sup>8</sup> The hasty adoption hampered the effective implementation of the amendments, as some previous regulatory deficiencies were not eliminated, administrative capacity and infrastructure was not always ensured, and some procurement processes could not be completed on time.<sup>9</sup>

The Electoral Code allows up to five per cent deviation from the average number of voters per electoral district. Wider disparities existed in four districts.<sup>10</sup> The February 2020 amendments to the Electoral Code altered the boundaries of two districts, moving two municipalities, Debar and Mavrovo-Rostuse, from electoral district six to district five.<sup>11</sup> Despite deviation in excess of the legal limit in districts three and four, these district boundaries remained unchanged.

## V. ELECTION ADMINISTRATION

Elections are managed by a three-level administration led by the SEC and comprising 80 Municipal Election Commissions (MECs) and 3,480 Electoral Boards (EBs). Since 2018, the SEC has seven

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<sup>6</sup> Moreover, the amendments did not implement ODIHR recommendations on the extension of suffrage rights for persons with intellectual or psychosocial disability, determination of a methodology for revising electoral district boundaries by an independent body, and harmonization of the Electoral Code internally and with other relevant laws through a comprehensive and inclusive review.

<sup>7</sup> The bill was [adopted](#) at 4:30 in the morning on 15 February, and self-dissolution of the Parliament followed on the next day. The Law entered into force following the official publication on 16 February 2020. Article 170 of the [Rules of Procedure](#) of the parliament stipulates an expedited procedure only for legal drafts that are uncomplex or non-extensive; concern termination of a law; particular provisions of a law; or, if it is an uncomplex or non-extensive harmonisation of a law with EU legislation, while for legal proposals of broader public interest, a public debate procedure is stipulated (Article 145).

<sup>8</sup> The working group was established under the 2015 Przino Agreement and reinstated following a [20 July 2016 agreement](#) between four main political parties. The Working Group continued its work in 2018 and 2019 under the coordination of the Ministry of Justice. At least nine stakeholder institutions developed and submitted comments and proposed amendments to the Electoral Code prior to the announcement of the 2020 early parliamentary elections, including on campaign finance reporting requirements and audit procedures and oversight functions of the agencies involved, anti-clientelism measures in campaign coverage, campaign regulations and oversight, and the protection of voting rights.

<sup>9</sup> For example, according to the SEC, voter identification procedures under Article 108-a could not be carried out as the necessary equipment was not procured, and the online complaints submission and tracking system was not launched.

<sup>10</sup> According to the SEC, in February 2020, the surplus in the electoral district (ED) No. 6 was 8.60 per cent, and in ED No. 2 it was 5.74 per cent. Shortfalls were reported in ED No. 4 (6.36 per cent) and in ED No. 3 (7.64 per cent). EDs No. 1 and No. 5 were within the legal margin of deviation.

<sup>11</sup> Delineation of boundaries in ED No. 6 was lobbied by DUI, the largest ethnic-Albanian parliamentary party, and was widely seen as a political compromise. ODIHR EOM interlocutors noted that the changes in ED No. 6 would potentially benefit ethnic-Albanian parties with some two additional seats. A debate related to unifying all EDs, including the out-of-country ED No. 7, into a single country-wide constituency did not reach consensus in the parliament.

members nominated by parliamentary political parties: four by the ruling parties, including the vice president, and three by the opposition parties, including the president. Three of the current SEC members are women, including the vice president. Initially established for six months to administer the 2018 referendum, the mandate of the current SEC was extended in November 2018 for up to two years.<sup>12</sup> Until the suspension of the electoral process, the SEC carried out most preparations in accordance with legal deadlines. Notwithstanding, all levels of the election administration faced some difficulties in fulfilling their mandates in light of public health measures related to preventing and containing the spread of COVID-19.

The recent amendments to the Electoral Code redistributed some key responsibilities among election commissions and state agencies and assigned a wide array of new competencies to the SEC. These new tasks include investigating alleged violations and examining evidence in dispute resolution mechanisms, initiating actions on electoral irregularities *ex officio*, and determining pricing for political advertisements in broadcast, print and online media. The SEC informed the ODIHR EOM that it lacks the legal guidelines and institutional capacity to adequately perform these duties and opined that in some instances, such as with complaints resolution or media-related issues, specialized professional bodies would be better equipped in handling them.

All SEC sessions were announced in advance in the media and through an official mailing list, albeit with short notice, usually on the same day. Following government measures to limit gatherings, SEC sessions were live-streamed on the website of the state-run Macedonian Information Agency (MIA) and on the SEC's Facebook page, without the physical presence of media or observers.<sup>13</sup> The SEC published minutes of all sessions held until 6 March. Minutes of the six sessions held after this date were not published, but all SEC regulations and decisions were adopted and published online in a timely manner.

The SEC produced a manual on the adjudication of complaints newly falling under MECs' competence, which addressed a lack of clarity on the issue. To facilitate the submission and formulation of claims by individuals and to reduce the number of cases deemed inadmissible on formal grounds, the SEC developed a number of templates and forms including on voter registration, candidate registration and complaints. Nevertheless, not all SEC decisions provided sufficient details to compensate for the lack of consistent legal guidance.<sup>14</sup>

The MECs comprise five members and their deputies, randomly selected by the SEC from among employees of the state and municipal administration for a term of five years. MECs supervise the administration of elections in the respective municipality, appoint and train EBs, and manage other technical preparations. The EBs are composed of three members, randomly selected by MECs from among public employees for a four-year term, and two temporary members nominated by the two (ruling and opposition) parties that received the highest number of votes in the previous parliamentary elections. The current public-employee members of MECs and EBs were appointed in 2017.

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<sup>12</sup> To accommodate the postponement of the elections, the government decree of 21 March 2020 further revised the term of office of the members of the SEC to expire six months from the day of holding the forthcoming parliamentary elections (see *Suspension of Electoral Process*).

<sup>13</sup> On 10 March, among other measures intended to prevent and contain the spread of COVID-19, the government introduced a prohibition on large public gatherings and recommended the cancellation of all gatherings regardless of size.

<sup>14</sup> Some SEC decisions did not contain relevant data; for instance, the decision on voter registration abroad omitted reference to the precise number of valid applications required to conduct out-of-country voting; the regulations on complaints did not provide for a clear deadline for transfer of complaints from the first instance commission to the appellate body.

According to the SEC, all MECs started their work on schedule. Although fully operational in the initial stages of the process, several MECs visited by the ODIHR EOM started to limit or partially halt their activities amid heightened health measures brought about by the spread of the pandemic and uncertainty about the continuation of the elections.

The level of transparency of MEC activities varied by municipality and decision-making practices at the MECs were not always consistent. In some cases, minutes of sessions were posted on a public board, in others they were sent to the SEC. On occasion, members were not present at sessions or arrived late, sometimes resulting in a lack of quorum. It appeared that in some instances, decisions taken by a small number of members were later ratified on paper by other members without their participation in the decision-making process. A significant number of visited MECs complained to ODIHR about low levels of funding, as well as inadequate premises and equipment.

The deadline for the formation of EBs was 8 March. Although most EBs were formed by MECs within the legal deadline, the process was delayed in some cases, according to the SEC, due to an outdated database of public employees.<sup>15</sup> In addition, the government issued a decision to retract all eligible medical staff from MECs and EBs due to the pressing need for medical personnel to be available for COVID-19 duties, affecting an estimated 15 to 20 per cent of MEC and EB members, and up to 45 per cent in some municipalities.<sup>16</sup>

According to the Electoral Code, the composition of each election management body must respect legal requirements for ethnic and gender representation.<sup>17</sup> Each gender should comprise at least 30 per cent of all MECs and EBs. Equitable representation of ethnic communities is required for all MECs and EBs in municipalities in which at least 20 per cent of the population are members of such communities.<sup>18</sup> In case of a shortfall in suitable appointees in the public administration, members from other municipalities with the required profile are selected.

The SEC suspended training of all EBs on 11 March, at which point only limited training had occurred in certain municipalities, and prior to the suspension of the elections was exploring distance learning options to replace in-person trainings. Training materials were developed in the Macedonian, Albanian, Romani, Serbian, and Turkish languages. Some ODIHR EOM interlocutors welcomed plans for more extensive training than in prior elections, with all EB members to be trained. In the limited number of trainings observed by the ODIHR EOM, a newly introduced role of MECs' in reviewing complaints was not always adequately addressed and ODIHR observers reported inconsistent understanding among MECs of this procedural change.

## **VI. VOTER REGISTRATION**

Citizens at least 18 years of age on election day with permanent residence in the electoral district are eligible to vote, unless deprived of their legal capacity by a court decision. The recent amendments to the Electoral Code mandated the registration of voters whose IDs expired during the period from the announcement of the elections to the election day, partially addressing a prior ODIHR

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<sup>15</sup> The EB members are selected randomly. The SEC stated that in several municipalities up to 70 per cent of EB members were recruited from the same institutions. Some ODIHR EOM interlocutors stated that strong sanctions on election administration violations and fears of pressure from political parties potentially discourage public employees from joining EBs.

<sup>16</sup> In a session on 15 March, the SEC referred to some 3,200 medical professionals who required replacement.

<sup>17</sup> The SEC conducted an internal audit of its workplace policies in late 2019 which identified measures to monitor and enhance gender mainstreaming and sensitivity in its administrative practices.

<sup>18</sup> This requirement was not adhered to in some commissions visited by the ODIHR EOM. The Code also provides for ballots to be printed in another language in municipalities where at least 20 per cent of the citizens speak such a language.

recommendation. The amendments further provided for timely incorporation in the voter list of the data of voters who applied for or received new IDs from the announcement of the elections until the close of public inspection. However, voter check-in at polling stations remains conditional upon the validity of ID documents.<sup>19</sup>

The registration system for in-country voting is passive and continuous, based on information extracted from the civil and other national registries. The SEC is responsible for maintaining and updating the register, in co-operation with the Ministry of Interior, courts and the Office for Management of Registers of Birth, Marriages and Death, which administer the logistical, technical and methodological processing of data. The 2020 amendments require the voter register to be automatically generated from the central population register (CPR). However, this provision was not yet implemented; the electronic CPR was officially launched in October 2019, but is not operational, as the data collection necessary for synchronization with other source databases has not been completed.<sup>20</sup> The law stipulates four regular updates as well as an additional submission period for elections organized outside the reporting cycle, aimed at ensuring timely provision of updated voter registration data by all responsible agencies.

All citizens have the right to verify their data in the voter register in-person and online and to request changes throughout the year. Between 26 February and 11 March, voter lists were available for public scrutiny in SEC regional offices.<sup>21</sup> In accordance with the law, the SEC provided copies of the preliminary voter register to six parliamentary parties upon request after the conclusion of public scrutiny. However, the SEC informed the ODIHR EOM that the voter register is not final, and that an additional period of public scrutiny is likely once a new timeline is established for the postponed elections and related preparations resume.<sup>22</sup> The register included 1,821,981 voters at the time the SEC suspended operations.

Citizens with permanent residence in the country and a valid ID who are temporarily residing abroad are included in separate voter lists within the country, unless they apply to register for voting in designated diplomatic or consular offices. The threshold of 6,534 registered voters required to conduct out-of-country voting was not reached. Therefore, the SEC determined that out-of-country voting would not proceed. Of the 7,535 applications received from 16 February to 11 March, the SEC accepted 6,096 applications and rejected 1,439. The SEC cited the large number of applications sent from single e-mail accounts (ranging from 300 to 800 per account), which is contrary to the requirement that each application comes from a corresponding personal e-mail address, as the reason for the high percentage of rejected voting applications.

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<sup>19</sup> The 2020 amendments to the Electoral Code provide for the implementation of biometric registration of voters in polling stations, using verification via scanners for thumbprints as well as for biometric ID cards. The SEC did not plan to implement these provisions for these elections.

<sup>20</sup> The CPR is regulated by the Law on Central Population Register adopted in May 2019 and is developed and maintained by the Ministry of Information Society and Administration. The CPR is based on synchronised data of the Address Register and the Spatial Data Register and cannot be functional until these other registers are completed. According to ODIHR EOM interlocutors, the finalisation of the project was postponed due to the lack of financial resources and issues identified during the data collections stage for the address register pilot project conducted in four municipalities, Gostivar, Kisela Voda, Sveti Nikole, and Zelenikovo, where some 70 per cent of buildings and streets appeared to have no identification. In January 2020, the Agency for Real Estate Cadastre [announced](#) collection of geospatial data in 11 regions until April 2020.

<sup>21</sup> The SEC informed the ODIHR EOM that they do not have compiled data on how many voters requested changes online or in-person. Observation by the ODIHR EOM suggested that the figures were low to negligible.

<sup>22</sup> Article 31 of the Electoral Code grants sole responsibility of the maintenance of the voter register to the SEC, obliges the SEC to conduct a monthly update of the voter register, and entitles the SEC to conduct additional data verifications with the databases of all responsible public agencies to address inconsistencies.



Civil society organizations met by the ODIHR EOM described persistent challenges for members of smaller ethnic communities, particularly Roma, in obtaining personal documents, as well as barriers in registering addresses for newly constructed housing, potentially impacting the inclusiveness the voter register.

## VII. CANDIDATE REGISTRATION

Citizens of at least 18 years of age who have the right to vote are eligible to stand as candidates, thereby excluding those whose legal capacity has been revoked on the basis of intellectual or psychosocial disability, at odds with international obligations and prior ODIHR recommendations. The legal framework further removes candidature rights from those currently serving a sentence of more than six months of imprisonment.

Candidates could be nominated by registered political parties and coalitions, as well as by groups of voters, in-country or abroad. The Electoral Code does not align deadlines for voter registration and candidate nomination.<sup>23</sup> Candidates nominated by voters must collect at least 1,000 supporting signatures of voters residing in the respective district. For the first time, addressing a previous ODIHR recommendation, supporting signatures of voters could be collected at notaries' offices in addition to the authorized locations in front of SEC employees at regional SEC offices.<sup>24</sup> By the end of the registration period, no group of voters successfully nominated a list, as none met the signature requirement.<sup>25</sup>

Candidate registration took place from 12 to 20 March.<sup>26</sup> For these elections, the SEC launched a new online application for submission of candidate lists.<sup>27</sup> Although the Electoral Code does not specify a list of documentation required for candidate nomination, the SEC issued guidelines which provided a checklist for candidates and detailed the verification procedure. By 20 March, within the legal deadline, the SEC registered 12 political parties and 3 coalitions fielding a total of 1,598 candidates on 78 lists. The SEC published all lists of candidates on its webpage with an interactive tool which displayed candidates' data per party affiliation, gender, electoral district and municipality.

In general, women are under-represented in public life.<sup>28</sup> Measures in the Electoral Code to promote gender parity in party lists boosted the representation of women in the outgoing parliament, with 47 women out of 120 MPs. However, only 5 of 24 ministers in the outgoing government were women, and only 6 of 81 mayors. All submitted lists met the required 40 per cent quota; some exceeded the threshold.<sup>29</sup> In total, 675 registered candidates (42 per cent) were women, and women headed 19 of 78

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<sup>23</sup> Under the Electoral Code, candidate nomination is completed prior to the finalization of voter registration.

<sup>24</sup> Notary fees are the responsibility of the groups of voters nominating the candidates. At least 1,000 voters abroad are required to sign for the proposed candidates in front of the officials at the diplomatic or consular offices.

<sup>25</sup> Six candidates unsuccessfully attempted to [register by signature collection](#). The maximum number of signatures obtained was 255 in electoral district 4, and the total number of signatures collected by all individual candidates countrywide was 536, two candidates failed to collect any signatures.

<sup>26</sup> All 78 lists submitted by political parties were accepted.

<sup>27</sup> The application was intended to facilitate submission and verification of candidates' nomination documentation and ensure the automatic distribution of seats under the *D'Hondt* formula. The application was not widely used by the list submitters and the SEC ultimately transferred the data to the online application manually.

<sup>28</sup> See also paragraph 29 of the [2018 CEDAW Concluding Observations](#), which noted that "women are still underrepresented in the Assembly, the Cabinet and municipal councils, among mayors, in decision-making positions in the foreign service and in the judiciary." Paragraph 21 also points to "the persistence of discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family, in the education system and in society".

<sup>29</sup> At least one candidate of each gender must be placed in every three spots on the list, and an additional one in every ten.

lists.<sup>30</sup> The SDSM lists for each electoral district featured a woman and a man as the first two candidates. VMRO-DPMNE's lists were led by women in two districts.

## VIII. CAMPAIGN

In accordance with the Electoral Code, the official campaign period was due to begin on 23 March, 20 days prior to election day.<sup>31</sup> The Electoral Code prohibits campaigning between the deadline for registration of candidates (12 March) and the start of the official campaign. Political parties engaged in some campaign activities before this moratorium. In the second half of February, both the SDSM and VMRO-DPMNE held marches in Skopje, the former stressing the outgoing government's record in reforming the judiciary, the latter accusing the outgoing prime minister of meddling in the justice system. The two party leaders held a televised debate on 28 February, in which the state of the judiciary also featured prominently. The SDSM held a party congress on 9 March, while VMRO-DPMNE organized party events on 11 March to present their candidates and coalition partners. Campaign billboards appeared in some towns. These early activities were characterized by much negative discourse, including posters and recordings alleging corruption or interference in the judiciary by leading figures of both the SDSM and VMRO-DPMNE.

Potential campaign activities were substantially curtailed amid growing public health concerns related to COVID-19. On 10 March, the government introduced a prohibition on public gatherings and events with more than 1,000 participants, both indoors and outdoors, and recommended the cancellation of events with fewer than 1,000 participants. This and related measures were originally intended to last until the official start of the campaign on 23 March and were ultimately broadened and extended indefinitely by subsequent decisions. Following a meeting of party leaders on 12 March, the parties agreed to refrain from holding public campaign rallies, and to focus on campaigning through the broadcast, online and social media, and with billboards. As a result, parties' preparations for the official campaign were in practice put largely on hold, and parties in several regions informed the ODIHR EOM that their activities did not commence at all.

The legal framework aimed at combating abuse of administrative resources and corruption is extensive and was recently substantially amended.<sup>32</sup> Provisions outlawing the use of administrative resources in the campaign include a moratorium on announcing new publicly-funded projects and the prohibition of the use of state offices, equipment or personnel for campaigning, and of pressure on public employees. From the announcement of elections, payments of salaries, pensions or welfare other than regular payments may not be made from budgetary funds. Except in urgent cases, the public-sector employment of new persons or the termination of employment of existing employees is

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<sup>30</sup> This accounts for some 24 per cent. In line with reforms aligning national law with the EU *acquis* and following the ratification of the Council of Europe Istanbul Convention in March 2018, the country committed to facilitate meaningful participation of women in political life, including in the fields of elections and decision-making. The [National Action Plan for Gender Equality in 2018-2020](#) provides for measures facilitating gender equality in public administration, including gender parity in election administration, however, not all proposed measures are implemented. The [National Strategy for Equality and Non-Discrimination for 2016-2020](#) commits the government to implement international anti-discrimination standards.

<sup>31</sup> The campaign ends 24 hours before election day. No opinion polls may be published during the five days prior to election day.

<sup>32</sup> Including the Law on Prevention of Corruption and Conflict of Interest, the Law on Lobbying and the Law on the Protection of Whistle-blowers, the Law on Public Financial Control and a number of laws regulating public sector employment. The [2019 Greco Evaluation Report on North Macedonia](#) concluded that “[t]he overall strength of the anti-corruption framework is questionable as the implementation of different policies and laws is weak and selective in practice, and frequent legislative changes have created an overall unpredictable environment and allowed for corrupt public officials to act with impunity”.

prohibited, including those initiated by the caretaker government.<sup>33</sup> A recent amendment provides clarification as to what would constitute such urgent cases.

One of the issues stressed by the SDSM at its congress was promises of improved care for the most vulnerable, including for persons with various types of disabilities. The party leader promised increases in allowances for persons with disabilities and that access ramps to all public buildings would be mandatory by 2024. Sign-language interpretation was provided at the VMRO-DPMNE event to present its candidates.

## IX. CAMPAIGN FINANCE

Election campaigns can be financed from monetary and in-kind donations from individuals and legal entities amounting to EUR 3,000 and EUR 30,000, respectively. Donations from foreign, municipal, and anonymous sources, and those from state-owned, religious and charitable organizations are outlawed. Parties can finance electoral campaigns from funds on their regular bank account, membership fees, donations, and bank loans earmarked for election campaigns.<sup>34</sup> Campaign expenditure is limited to some EUR 2 per registered voter in a district. Parties are required to register a unique tax number and open a dedicated transaction account for campaign finance purposes.

The 2020 amendments to the Electoral Code provided for an additional report to be submitted 19 days after the election day and shortened the deadline for submission of the final report from 4 to 3 months after the elections. Two interim reports are due: one mid-campaign, and another one day prior to the elections, allowing no time for scrutiny or publication prior to the elections. All four reports must itemize income and expenditures and must be filed to the SEC, State Audit Office (SAO) and State Commission for the Prevention of Corruption (SCPC), who each publish the full reports online. Only the final report is subject to an obligatory audit. Third-party campaigning and reporting of expenses incurred by political parties supporting independent candidates remain unregulated.

In 2020, the Electoral Code was aligned with the 2019 Law on Prevention of Corruption and Conflict of Interest, shifting the primary jurisdiction over campaign finance oversight and abuse of administrative resources to the SCPC. The SCPC is tasked to conduct ongoing monitoring of campaign financing throughout the electoral period, including financial activities of political parties and public officials, and to request data from banks and other competent institutions. The body is entitled to initiate inspections *ex officio* and examine complaints by natural and legal persons, including by contestants, parties and election observers, and initiate criminal prosecution in case of violations and in reaction to the reports from the SAO.<sup>35</sup> The SAO exercises ex-post control of campaign finance based on auditing of the final report. The Electoral Code creates parallel avenues for initiation of misdemeanor proceedings, as the SAO can report the violations to the prosecutor or

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<sup>33</sup> The Minister of Interior of the caretaker government challenged several governmental employment decisions. The Government [denied](#) violations, while the Prosecutor General's Office [announced](#) initiation of investigations.

<sup>34</sup> Political parties that win over one per cent of votes are entitled to public funding. Under the 2018 amendment to the Law on Financing of Political Parties, the public subsidies to political parties increased from 0.06 per cent to 0.15 per cent of the income part of the annual budget (from EUR 1.8 million to 4.5 million). Under the Law, 70 per cent shall be distributed among the parliamentary parties proportionally to the number of MPs. In 2020, the VMRO-DPMNE and the SDSM are entitled to EUR 1,180,000 and EUR 1,025,000 respectively. On 21 March, the Minister of Justice proposed to abolish budgetary payments to political parties as a COVID-19 related austerity measure. Neither SDSM, nor VMRO-DPMNE, whose party accounts and property were frozen since 2018 due to investigation of party financing violations, opposed.

<sup>35</sup> Previously, this competence was within the jurisdiction of the SAO. According to ODIHR EOM interlocutors, the SCPC remains understaffed and lacks the capacity to conduct effective campaign finance oversight. Interlocutors from civil society stated they did not intend to actively participate in campaign finance monitoring due to lack of resources and restricted access to financial documentation. Unlike in previous campaigns, no memorandum of cooperation was signed between the SCPC and civil society organizations.

initiate misdemeanor procedures directly. Upon the recommendation of the SAO, the SEC decides on the loss of campaign expenditures compensation in case of reporting irregularities.<sup>36</sup>

One-third of the budget for administering elections is allocated to partially compensate campaign expenses of participants whose candidates were elected.<sup>37</sup> All public funds are managed and distributed by the SEC, including for political advertising in the media during the campaign. No campaign-related public funds were distributed prior to the suspension of electoral activities on 21 March.

In an effort to control the abuse of administrative resources and in line with legal requirements, on 1 March, the Ministry of Finance and the SEC published a pre-election financial report with an itemized overview of budgetary incomes and expenditures planned and executed from the state budget from the beginning of the fiscal year. Daily reports on budgetary spending from the announcement of elections up to 21 March were also published on the Ministry website.<sup>38</sup>

## X. MEDIA

A large number of media outlets operate in a shrinking advertisement market. Television is the main source of information, followed by online media. Print media circulation continues a steady decline, although the printing and distribution is partially subsidized by the government since 2018. The public Macedonian Radio and Television (*MRT*) is financed exclusively from the state budget since 2017, which was criticized by ODIHR EOM interlocutors as undermining its editorial independence.

ODIHR EOM interlocutors highlighted the improved plurality of news coverage, but also noted a low level of professionalism and erratic labour conditions in the media field.<sup>39</sup> Many interlocutors described an increased use of online and social media for the deliberate dissemination of misleading or false information. To address this issue, several prominent professional media organizations including the Association of Journalists and the Council for Media Ethics created a register of professional online media outlets which are bound to adhere to professional standards.<sup>40</sup> While the creation of the register was largely welcomed by ODIHR EOM interlocutors, some noted the absence of online editions of prominent national broadcasters.

The Electoral Code provides detailed regulation of the conduct of the media, from the calling of the elections through the election campaign period. Once elections are announced, all broadcasters and websites covering the elections are obliged to do so in a fair, balanced and unbiased manner. The February 2020 amendments to the Electoral Code further compel the national broadcasters to supplement the electoral coverage with sign language.

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<sup>36</sup> The SEC's decision-making on the loss of reimbursements is not clearly regulated; though its decision is final, administrative proceedings may follow. Misdemeanors entail partial or complete loss of compensation of campaign expenses or suspension of payment. Violations of fundraising rules, exceeding campaign limits, failure to report or misreporting, abuse of public funding and abuse of state resources entail prison terms.

<sup>37</sup> A total of EUR 9,165,910 was allocated for the administration of the elections, including campaign funding.

<sup>38</sup> The reports contained enumeration of daily expenditures without cross-reference to the planned budget.

<sup>39</sup> The [2019 EU Progress Report](#) noted the improvement of the climate for media freedom and freedom of expression, continued open political debate and critical media reporting. However, it highlighted the need to improve the independence, financial suitability, professional standards and the quality of journalism, especially in the public media.

<sup>40</sup> In order to be listed in the [Register of Professional Online Media](#), the outlet should comply with professional standards and provide information on funding, ownership and editorial team. During the reporting period, 103 websites were listed in the register. The AJM also produced guidelines on ethical reporting in elections.

The newscasts of *MRT* during the campaign are subject to meticulous regulation: 30 per cent of the news must be devoted to general national and international events, 30 per cent to the ruling parties, 30 per cent to the parliamentary opposition, and 10 per cent to non-parliamentary parties and independent candidates. Some EOM interlocutors opined that such requirements are superfluous and undermine editorial independence. Free political advertisements are allotted only on the public broadcaster; however, the Electoral Code does not specify any clear provisions related to duration or other requirements.

Paid political advertisements in the private broadcast, print and online media during the campaign period are covered from the state budget. A total of EUR 2 per registered voter is to be allotted to the contestants: up to 45 per cent for the two largest ruling, and up to 45 percent for the two largest parliamentary opposition parties.<sup>41</sup> Other parliamentary and non-parliamentary parties and independent candidates may not receive more than a combined total of 10 per cent of the funds. The Electoral Code does not provide a detailed distribution formula for time and funds allocation within the above-mentioned categories (i.e. proportion of funds to be allotted between the first and second ruling or opposition parties).

All media interested in selling space for paid political advertisements are required to register with the SEC and submit their price lists within three days after the announcement of the elections. The SEC informed the ODIHR EOM that it lacks professional capacity and adequate legal guidelines for the verification of applications for the register. The registration process for these elections was thus based on notification rather than thorough verification. This resulted in the registration of several broadcasters without a license for operating in North Macedonia, which had to be removed after the media regulator had notified the SEC. Furthermore, in the absence of a clear definition of online media, some websites registered different language editions or different domains of the same webpage as separate media outlets, circumventing the Electoral Code limit on the amount for advertisement expenditures of one party in one print or online media outlet (EUR 15,000). For these elections, a total of 44 TV stations, 52 radio stations, 12 print media outlets and 230 websites registered with the SEC.

Furthermore, the recent amendments to the Electoral Code stipulated that the maximum amount that any media could charge for political advertisements cannot exceed the average advertising rate used during the previous five elections. The SEC is legally obliged to calculate such averages; however, the legal framework does not detail how such calculations are to be done. The SEC decided to calculate the maximum price limit for all media based on only those media which offered their space for advertisement in the last five consecutive elections.<sup>42</sup> Five national TV broadcasters unsuccessfully challenged the methods for such calculations with the Administrative Court, arguing that the SEC did not take into consideration the specifics of advertisements in the broadcast media, including the higher value of prime-time peaks (see *Complaints and Appeals* section).

The compliance of the broadcast and internet media with the Electoral Code is overseen by the key media regulator, the Agency for Audio and Audio-visual Media Services (AVMS). The body is legally required to monitor broadcasters from the day of the announcement of elections until the day of voting. The AVMS publishes weekly reports before and daily reports during the campaign and

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<sup>41</sup> The SEC raised concerns with ODIHR EOM regarding lack of clarity in the amendments related to identification and subsequent allocation of funds to BESA, as the party while formally being in the parliamentary opposition, has formed a pre-election coalition with the ruling SDSM.

<sup>42</sup> The SEC decided to use one average price based on prior pricelists of six main national televisions, three national radios and three daily newspapers as the basis for the calculations. On 16 February, the SEC determined the maximum price for a paid political advertisement on TV as EUR 1.83 per second, radio as EUR 0.66 per second, print media as EUR 405 for a grayscale page and EUR 530 for a colored page.

submits them to the SEC.<sup>43</sup> In case of identified violations in the broadcast media, the AVMS is to initiate a misdemeanor procedure within 48 hours.<sup>44</sup> On February 17, the AVMS commenced the media monitoring of ten national broadcasters, and submitted four weekly reports to the SEC before suspending monitoring on 16 March. The last report of the AVMS, published on 26 March, indicated that this media monitoring did not identify any violations of the law.<sup>45</sup> The report noted that *TV Alfa* displayed a critical stance towards the government's activities and the SDSM, whilst covering the VMRO-DPMNE in a positive or neutral manner.

## XI. PARTICIPATION OF NATIONAL MINORITIES

North Macedonia is an ethnically diverse country. The national legal framework refers to ethnic communities and the Constitution guarantees their protection. The term 'smaller communities' is used with reference to those who comprise less than 20 per cent of the total population.<sup>46</sup> The last census was conducted in 2002. The legal framework does not guarantee seats in the parliament for any ethnic community. Some 19 per cent of MPs in the outgoing parliament identified as ethnic Albanians.

Parties traditionally competed for votes mainly within their respective ethnic communities, while governing coalitions were formed across the ethnic divide, including ethnic-Albanian parties. However, since the 2016 parliamentary elections, the SDSM has made efforts to draw support from ethnic-Albanian voters. In the 2017 municipal elections, the SDSM and the DUI supported each other's candidates in several mayoral races. In a departure in the 2019 presidential election, Stevo Pendarovski was elected with the endorsement of both the mainly ethnic-Macedonian (SDSM) and ethnic-Albanian parties (DUI, the Democratic Party of Albanians and AlternativA). In yet another significant milestone, in February 2020 the SDSM formed a pre-election alliance with BESA, the first time that two parties, predominantly associated with ethnic-Macedonians and ethnic-Albanians, formed such an alliance in advance of parliamentary elections. Parties representing national minorities stood in the SDSM and VMRO-led coalitions. Both lists included candidates from both ethnic communities.

## XII. COMPLAINTS AND APPEALS

The majority of election-related complaints are within the jurisdiction of the SEC. In the recent Electoral Code amendments and subsequent SEC regulations, the MECs' jurisdiction was clarified to encompass election day complaints on voter registration. Basic courts review allegations regarding electoral offences and complaints by contestants on interference with their campaign activities, while the SEC examines allegations of other campaign violations.<sup>47</sup> The SCPC deals with complaints related to campaign and political finance and misuse of administrative resources. The Administrative Court is the final instance of appeal for the majority of complaints, and in 2020 its jurisdiction was extended.<sup>48</sup>

Voters have limited standing in electoral disputes and are entitled to complain about violations of their individual voting rights. Electoral irregularities and election results can be contested by submitters of

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<sup>43</sup> The AVMS is also to conduct monitoring of political advertisements in the broadcast media during the campaign period and to verify their presence in accordance with the signed contracts. This monitoring should serve as a basis for the payments to the broadcasters by the SEC.

<sup>44</sup> This could result in a fine between EUR 800 and EUR 4,000.

<sup>45</sup> See the [AVMS Report](#) (in Macedonian language).

<sup>46</sup> According to the 2002 census, ethnic-Macedonians account for 64.1 per cent and ethnic-Albanians for 25.1 per cent of the population. The category 'smaller communities' includes Turks (3.85 per cent), Roma (2.66 per cent), Serbs (1.78 per cent), Bosniaks (0.84 per cent), Vlachs (0.48 per cent) and others (1.04 per cent).

<sup>47</sup> Including violations of rules on organizing rallies, public addresses of candidates, campaigning in the media, etc.

<sup>48</sup> The amendments introduced the possibility to appeal against SEC decisions on campaign irregularities. No effective legal remedy is stipulated for voter registration at care facilities and penitentiary institutions.

candidate lists. Observers and party representatives can make entries in the logbooks maintained by EBs on observed irregularities, which can be contested at a later stage by list submitters. The SEC is newly required to investigate alleged irregularities and violations before adopting a decision.<sup>49</sup>

The deadlines for deciding on complaints are generally short; election day complaints are reviewed within four hours. Complaints can be submitted indirectly, however, there is no deadline for their transfer to higher jurisdictions.<sup>50</sup> At the time of reporting, the online complaint submission system was not functional.<sup>51</sup>

The SEC reported having received few complaints as of 21 March. These primarily related to the registration of voters residing abroad and the media.<sup>52</sup> Of 15 election-related complaints received by the Administrative Court, 6 were filed by media outlets unsuccessfully contesting the SEC decisions and guidelines on political advertising prices in broadcast media and on rejected registration applications of some media outlets into the Register of Broadcasters, Print and Electronic Media that entitles the outlets to receive public funding for political ads during the campaign.<sup>53</sup> A number of complaints challenged publications on the SEC website, alleging disclosure of personal data.<sup>54</sup>

The 2020 amendments to the Electoral Code strengthened transparency measures for election dispute resolution by introducing an obligatory public hearing. The Administrative Court informed the ODIHR EOM that due to the small and limited premises currently allocated to the Court, conducting public hearings for all cases expected during the electoral process poses challenges. The adoption of public health measures and other restrictions related to COVID-19 further impacted the implementation of this amendment. On 17 March, the Judicial Council requested all courts to limit their activities to urgent proceedings and cases requiring expedited review. Accordingly, the Administrative Court decided to postpone hearings and restricted entrance to the Court premises.<sup>55</sup> A

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<sup>49</sup> The SEC negatively assessed this new requirement, because of the limited human resources at its disposal and short deadlines potentially leading to complaints backlog.

<sup>50</sup> MECs transfer complaints against their decisions to the SEC, while appeals on SEC decisions can be filed to the Administrative Court via the SEC.

<sup>51</sup> ODIHR EOM interlocutors from the judiciary expressed scepticism about the efficiency of the online complaint submission application as there is no functioning comprehensive system able to synchronize administrative decisions and judgments on the same cases adopted by different institutions around the country.

<sup>52</sup> All complaints were rejected. The SEC also rejected a request from the Alliance of Albanians to assign to the party the opposition quota for EB membership, as, in their view, they remained the only parliamentary opposition party after the formation of the 2020 BESA-SDSM pre-election coalition agreement. The Administrative Court rejected the appeal as inadmissible.

<sup>53</sup> The complaints by a number of national TV stations about the [Guidelines no 10-475/1](#) and the [Decision no 10-476/1](#) of 16 February 2020, related to the procedures for calculations and adoption of the maximum paid political advertisements prices, were rejected as inadmissible and ill-founded. The Administrative Court upheld four SEC rejections to register local TV *Kobra* and three online portals in the Register due to application deficiencies. In three cases the Court agreed with the SEC interpretation that registration is conditional upon provision of certificates under Article 75-f and upheld a SEC rejection based on failure of the TV *Kobra* to align its pricelist with the SEC guidelines. An additional six appeals of SEC decisions related to voter registration were upheld by the Court. Two appeals by the caretaker government's Deputy Minister of Finance which contested the SEC rejection to review decisions adopted by the Minister of Finance for alleged violation of appointment rules in public sector institution during elections were dismissed by the Court as ill-founded. These decisions were not published on the webpage of the Court.

<sup>54</sup> The CSO United Macedonian Diaspora [alleged](#) large-scale violations of voters' rights during registration for out-of-country voting, including [disclosure of personal data](#), and 12 complaints from voters were filed to the Agency on Personal Data Protection. At the time of writing, the Agency rejected all complaints by individuals and recognized the online publication of the voter register as lawful. The Agency also received a request from the CSO Macedonian Concept Movement to investigate unlawful disclosure by the SEC of candidates' personal data after the publication of candidate lists on the SEC website; a related complaint was filed to the Public Prosecutor's Office by a list submitter.

<sup>55</sup> See the [decision](#) of the Administrative Court (in Macedonian language).

government decree on 30 March suspended all investigatory and adjudicatory procedural deadlines for all categories of disputes.

### **XIII. CITIZEN AND INTERNATIONAL OBSERVERS**

The Electoral Code provides for citizen, partisan and international observation. The accreditation process is centralized and the accredited organizations are listed on the SEC website, while the responsibility for registration of candidate representatives lies with the MECs. On 19 February, the SEC adopted a Code of Conduct for Observers binding for all accredited bodies. Two prominent civil society organizations intended to observe these elections: MOST and CIVIL.

### **XIV. SUSPENSION OF THE ELECTORAL PROCESS**

On 13 March, the president called a session of the National Security Council to discuss COVID-19 measures including alternatives to declaring a nationwide state of emergency. The same day, a crisis state was declared in two municipalities, Centar Zupa and Debar, with entry and exit limited to essential supplies and medical emergencies.

In a session held on 15 March, the SEC suggested that, due to the exceptional circumstances, consideration should be given to postponing the elections in the interest of public health.<sup>56</sup> At the same time, the SEC reassured the public that, pending such a decision, the electoral preparations would continue uninterrupted. On 16 March, the National Security Council unanimously decided against pronouncing a state of emergency on the entire territory of the country. Party leaders met on 17 March and unanimously recommended the postponement of the electoral process. The president convened a group of constitutional lawyers to consult on the appropriate legal modalities for rescheduling the elections.<sup>57</sup>

On 18 March, the caretaker government requested the parliament to reconvene to decide on a declaration of state of emergency.<sup>58</sup> The speaker of the outgoing parliament forwarded the proposal to the president, who adopted a decree declaring a 30-day state of emergency and extending the caretaker government.<sup>59</sup> On 21 March, 22 days before election day, the government adopted a decree with the force of law for the termination of all ongoing election-related activities.<sup>60</sup> According to the decree, the electoral process is to resume from the day the state of emergency is lifted. The decree

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<sup>56</sup> The SEC further mentioned a possibility of low voter turnout and the heightened risk of exposure of EB members on election day. The minutes of this session were not published but the remarks were widely published in the media.

<sup>57</sup> The speaker of the outgoing parliament was present at all meetings in his official capacity despite the previous dissolution of the parliament.

<sup>58</sup> The SEC stated that the mandate of the current convocation of the parliament remained valid until the formation of a new parliament, and therefore the parliament could reconvene to reschedule the elections. The Constitutional Court rejected an application to examine the legality and constitutionality of the decision for dissolution of the Assembly. In 2016, the Constitutional Court found that the mandate of the parliament terminates upon dissolution, with no possibility to reconvene.

<sup>59</sup> The Constitution provides that in case of epidemics a state of emergency can be determined by a two-third majority of the parliament, on a proposal by the president, the government, or by at least 30 MPs, and can last a maximum of 30 days. In case the parliament cannot convoke, the decision on the state of emergency is adopted by the president and is subject to parliamentary approval immediately upon its convocation. The state of emergency is terminated by the parliament. The Constitution also provides that during the state of emergency the mandate of the prime minister shall not be terminated.

<sup>60</sup> In accordance with the Constitution, the government is empowered during a state of emergency to issue decrees with the force of law. The Law on the Government provides that, in cases where the parliament cannot convene during a state of emergency, the government may issue decrees with the force of law on matters that are typically within the scope of parliamentary competence, as well as urgent measures necessary in case of emergency, provided the decree is supported by the majority of the members of the government attending the session.



tasked the SEC to maintain all electoral documentation and establish a new election calendar, extended the mandate of the SEC to six months from the day of holding of the new parliamentary elections, and terminated the application of rules restricting the use of state resources, investments, payments and employment imposed for the duration of the electoral process. Consequently, on 22 March, the SEC adopted a decision suspending all electoral activities. Each of the above developments were supported by all political parties, including the opposition. On 16 April, the President declared a new state of emergency for another 30-day term.<sup>61</sup>

## **XV. ODIHR EOM ACTIVITIES**

The ODIHR EOM commenced its work on 2 March. The Head of the ODIHR EOM met with the President, Minister of Foreign Affairs, President of the State Election Commission, President of the Administrative Court, candidates and party leaders, and representatives of OSCE participating States. The ODIHR EOM also established contacts with civil society, representatives of the media, and other electoral stakeholders.

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

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<sup>61</sup> As the Constitution does not foresee a possibility to extend a state of emergency, the entire process was repeated. Following repeated refusals by the speaker of the parliament to reconvene the parliament, the president acted upon the request of the government, following consultations with the National Security Council.