



Office for Democratic Institutions and Human Rights

# REPUBLIC OF NORTH MACEDONIA

**EARLY PARLIAMENTARY ELECTIONS**  
**15 July 2020**

**ODIHR Special Election Assessment Mission**  
**Final Report**



Warsaw  
2 October 2020

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**REPUBLIC OF NORTH MACEDONIA**  
**EARLY PARLIAMENTARY ELECTIONS**  
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**ODIHR Special Election Assessment Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of North Macedonia and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Special Election Assessment Mission (SEAM) for the 15 July early parliamentary elections. The SEAM resumed the election observation process commenced by the ODIHR Election Observation Mission (EOM) which was suspended on 17 March following the introduction of restrictions on cross-border travel throughout the OSCE region related to the outbreak of the 2019 coronavirus disease (COVID-19).<sup>2</sup> The ODIHR SEAM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation.

The Statement of Preliminary Findings and Conclusions issued on 16 July concluded that the early parliamentary elections “were generally administered effectively amid adjustments in response to the COVID-19 pandemic, but legal stability was undermined by substantial revisions to the Electoral Code and subsequent *ad hoc* regulations enacted during the state of emergency. The campaign, although negative in tone, was genuinely competitive and participants could deliver their messages despite limitations on traditional outreach. Media coverage of the elections lacked critical assessment of platforms, whereas provisions regarding paid political advertisement favoured the three largest parties. Election day proceeded smoothly, despite technical challenges in publishing results and concerns related to voter registration.”

Early parliamentary elections were initially scheduled for 12 April 2020, and the electoral process was subsequently suspended amid the COVID-19 pandemic. The state of emergency announced by the president on 18 March, initially for 30 days, was extended four times and lasted until 22 June. The election date of 15 July was determined by protracted negotiations between political parties, related to the need to reconstitute a permanent government and parliament as well as safety measures for conducting elections during the pandemic.

The elections were conducted under a legal framework that was substantially amended on the eve of the announcement of the elections, contrary to international good practice. The introduced amendments only partially addressed some ODIHR recommendations, while long-standing recommendations pertaining to revision of electoral district boundaries by an independent body, rights of persons with disabilities, the universality and equality of the vote in the electoral district abroad, and an effective campaign finance audit remain unaddressed. The persisting inconsistencies, gaps and ambiguous formulations underline the need for a comprehensive reform of the electoral legal framework well in advance of forthcoming elections.

The election administration, composed of the State Election Commission (SEC), Municipal Election Commissions (MECs), and Electoral Boards, operated in a largely professional manner despite complications caused by the suspension of the electoral process, the state of emergency and the adjustments necessitated by the COVID-19 pandemic. The SEC fulfilled its duties within legal

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in Macedonian and Albanian.

<sup>2</sup> See previous [ODIHR election reports in North Macedonia](#), including the EOM’s [30 April 2020 interim report](#).

deadlines and in a fairly transparent manner. Public confidence in the election administration was partially undermined by technical challenges in the publication of results.

The authorities undertook a number of measures to adjust the electoral process to the challenges of the COVID-19 pandemic. An additional early voting day was established to enfranchise COVID-19 positive voters and those in self-isolation. The SEC adopted instructions outlining health protocols for different stages of the electoral process and polling station premises were reviewed to accommodate distancing requirements. The SEC also conducted a comprehensive voter education campaign on health-related adjustments to election day procedures.

Longstanding structural issues related to the voter register, such as a lack of standardization of address data, harmonization and interoperability across institutions as well as of detailed instructions on voter registration procedures remain unaddressed. Although the amended Electoral Code introduced a Central Population Register as a new source for the voter register, it could not be used for these elections due to incomplete data. The SEC's limited IT capacity combined with a recent lack of comprehensive quality control further affected the quality of the register.

Candidate registration was completed prior to the suspension of the elections, in an inclusive process. Commendably, the SEC issued guidelines which provided a checklist for candidates and a detailed verification procedure, launched a new online application for submission of candidate lists and published all lists of candidates on its webpage with an interactive tool, which displayed candidates' party affiliation, gender, electoral district and municipality. A total of 12 political parties and 3 coalitions fielded 1,598 candidates on 78 lists. These included 675 women candidates (42 per cent), and women headed 19 of 78 lists. These candidates remained registered once the electoral process resumed following the state of emergency.

The visibility of female candidates remained low. Although women constituted 42 per cent of registered candidates, ODIHR SEAM monitoring indicates that coverage of women politicians by media varied between mere 4 and 14 per cent of candidate coverage. Women candidates met by the ODIHR SEAM described a lack of support for prospective women leaders in internal party structures.

The campaign was marked by negative rhetoric and personal attacks between party leaders, at the expense of substantive exchanges. Leaking of a series of clandestine recordings of political leaders further contributed to the negative tone. The COVID-19 pandemic significantly altered the style of campaign as series of government decrees outlined safety measures to be applied at public meetings. Parties replaced traditional rallies with small-scale meetings and limited door-to-door canvassing. Despite the circumstances, parties campaigned actively and were able to deliver their messages. The ODIHR SEAM noted isolated cases of ministers from different parties blurring their state functions and political activities. Political parties also reported to the ODIHR SEAM cases of pressure on public officials, especially in the west of the country, including attempts to instrumentalize the police.

The legal framework on campaign financing requires further harmonisation to eliminate gaps and inconsistencies. The agencies tasked with campaign finance oversight lack capacity due to insufficient budgeting and human resources, which undermined their control over the accountability and transparency of campaign financing. Most political parties assessed the interim reporting framework as superfluous and burdensome, and not all contestants submitted all interim reports, despite a legal requirement. As the SEC did not consistently publish contestants' reports, and the third-party reports were not published, transparency was lacking.

All ODIHR SEAM interlocutors noted that significant improvements in media freedoms in recent years were not reinforced by systematic reforms in the media sector, such as ensuring the political neutrality of the public broadcaster and the media regulator. The legal framework for the allocation

of funds for paid time, and the distribution of maximum limits for paid political advertisements, was modified by a government decree enacted on 22 June, the last day of the state of emergency. The provisions favoured three bigger parties, which were together legally granted the amounts and time allocations several times greater than the other twelve contestants combined. During the official campaign period all national terrestrial broadcasters largely focused their coverage on mutual accusations between leaders of major political parties, while in-depth analytical reporting or policy-based discussions were largely absent.

The majority of election-related complaints are within the jurisdiction of the SEC, except complaints related to campaign and political finance and misuse of administrative resources, which lay within the jurisdiction of the State Commission for Prevention of Corruption (SCPC). The SCPC established violations in two of six complaints alleging abuse of state resources, one of which was eventually overturned by the Administrative Court in appeal. The SEC rejected all complaints on early campaigning as well as complaints on electoral irregularities and elections results as unsubstantiated by evidence or inadmissible since the alleged violation occurred during the state of emergency which suspended the electoral process. The new competence exercised by MECs to examine complaints during early voting and on election day resulted in dual jurisdiction with the SEC for some complaints, and some election day complaints remained unexamined by the SEC. Restrictions on the right to challenge electoral irregularities and results, as well as a formalistic approach to the review of complaints, did not ensure the effective legal remedy.

The ODIHR SEAM did not undertake systematic or comprehensive observation of early voting and election-day proceedings, although on 15 July it did visit a limited number of polling stations. Early voting and election day itself generally proceeded in an orderly manner and without major incidents or tension. On election night, the SEC reported a cyber-attack, which caused the SEC's website to crash. The publication of election results was affected by technical challenges. The SEC conducted additional tabulation of results on the basis of hard copies of the final protocols, but the technical problems led to speculations about the transparency of the process and, eventually, to official investigations.

This report offers a number of recommendations to support efforts to bring elections in North Macedonia further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to reform of legal framework, harmonization of data for voter register, increased capacity of the campaign finance oversight institutions, unimpeded access to paid political advertisement, and cyber-security of electoral process. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and prior reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Ministry of Foreign Affairs (MFA) of the Republic of North Macedonia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), on 19 June deployed a Special Election Assessment Mission (SEAM) headed by Laima Andrikiienė.<sup>3</sup> The ODIHR SEAM consisted of a core team of nine international experts, who were based in Skopje and visited Aračinovo, Gostivar, Ilinden, Kumanovo, Lipkovo, Tetovo, and Vrapčište.

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<sup>3</sup> The SEAM resumed the election observation process commenced on 1 March by the ODIHR Election Observation Mission (EOM) led by Tana de Zulueta and suspended on 17 March following the introduction of restrictions on cross-border travel throughout the OSCE region related to the global outbreak of COVID-19.

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. The SEAM did not carry out systematic or comprehensive observation of the voting, counting and tabulation proceedings on election day, in line with ODIHR's methodology for election assessment missions. Mission members did, however, visit a limited number of polling stations on election day.

The ODIHR EAM wishes to thank the MFA and the State Election Commission (SEC) for their cooperation and assistance, as well as to express gratitude to representatives of other state institutions, election commissions, political parties, candidates, media, civil society, academia, the resident diplomatic community, and other interlocutors for sharing their views.

### III. BACKGROUND AND POLITICAL CONTEXT

Early parliamentary elections were initially scheduled for 12 April 2020. The decision to call early elections was precipitated by the European Council's decision in October 2019 not to open negotiations on the country's accession to the European Union (EU), which prompted the government to resign. On 3 January 2020, the prime minister resigned and, in line with the 2015 Przino Agreement, a caretaker government including opposition ministers took office for the 100 days preceding the scheduled elections.<sup>4</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.

Amid the global outbreak of COVID-19, on 18 March the president declared a 30-day state of emergency, and on 21 March the elections were suspended by a governmental decree, which provided that the electoral process would resume from the day the state of emergency was lifted.<sup>5</sup> The state of emergency, which granted the caretaker government extraordinary legislative powers, was extended four times, on the final occasion for only eight days for the purpose of re-scheduling the elections.<sup>6</sup> A number of challenges to the legitimacy of presidential decisions introducing a state of emergency without parliamentary approval and of the legislative powers vested in the government were brought to the Constitutional Court (see also *Complaints and Appeals*).<sup>7</sup> The election date of 15 July was determined following protracted negotiations between political parties, focused on the need to reconstitute a regular government and parliament and safety measures for conducting elections during the pandemic. These were the fifth consecutive early parliamentary elections since 2008, and many interlocutors described political and economic ramifications of this instability.

The previous parliamentary elections were held in December 2016, when six parties and coalitions gained representation in the parliament.<sup>8</sup> Although the coalition led by the Internal Macedonian

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<sup>4</sup> The [Przino Agreement](#) provided for the establishment of a caretaker government 100 days prior to the 2016 parliamentary elections. This requirement became permanent following amendments to the Law on Government.

<sup>5</sup> The last decision to extend the state of emergency, on 15 June, was taken two days after the previous decision had expired. Contrary to the government decree of 21 March, pre-election activities did not resume in the intervening period.

<sup>6</sup> The Constitution allows for the introduction of a state of emergency in case of a major natural disaster or epidemic. On 8 July, the Constitutional Court rejected to assess constitutionality of the presidential decision extending the state of emergency for electoral purposes, reasoning during the session that its late examination rendered the decision irrelevant, could impair electoral process and questioned legality of the binding governmental decrees adopted during the state of emergency; the written decision cited procedural obstacles for the rejection.

<sup>7</sup> The Constitutional Court stated that they did not maintain a comprehensive register of all submitted election-related petitions and could not provide their exact number.

<sup>8</sup> In the 2016 elections, the VMRO-DPMNE coalition won 51 seats, the SDSM coalition 49, the DUI 10, BESA 5, the Alliance for Albanians (AfA) 3, and the Democratic Party of Albanians (DPA) 2.

Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE) won more seats, a new government was formed in April 2017 by a coalition that was led by the Social Democratic Union of Macedonia (SDSM) and included the mainly ethnic-Albanian Democratic Union for Integration (DUI).

In general, women are under-represented in public life.<sup>9</sup> Measures in the Electoral Code to promote female candidates in party lists boosted the representation of women in the outgoing parliament, with 47 women out of 120 MPs. However, women are less visible in the executive; only 5 of 24 ministers in the outgoing government were women, and only 6 of 81 mayors.

While the elections were on hold, key developments took place in the EU and NATO accession processes. On 24 March, the EU's General Affairs Council approved the opening of accession negotiations with North Macedonia, and on 27 March the country formally became a member of the NATO alliance.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The parliament is a unicameral body comprising 120 to 123 members that is directly elected for a four-year term under a proportional representation model using closed lists. Seats are allocated to candidate lists according to the *D'Hondt* method of highest average. 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. 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, which was previously criticized by ODIHR and the Venice Commission for failing to comply with the principle of universal suffrage.<sup>10</sup>

North Macedonia has ratified key international and regional human rights instruments pertaining to the holding of democratic elections.<sup>11</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

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<sup>9</sup> See 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>10</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 in-country in the 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. The registration procedure and its outcome were contested at the Administrative Court, the State Election Commission, and the Agency for Personal Data Protection. Paragraph 20 of the [2016 ODIHR and the Venice Commission Joint Opinion on the Electoral Code](#) recommends that “an alternative procedure be provided so that the right to vote of all eligible voters abroad, as provided by Electoral Code, is guaranteed in conformity with the principle of equality of the vote”.

<sup>11</sup> The country has ratified all key international and regional human rights instruments, 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) and the 2003 UN Convention against Corruption (UNCAC). 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).

February 2020), the 2004 Law on Political Parties, the 2004 Law on Financing Political Parties (amended in 2018), and regulations adopted by the SEC to supplement the law.<sup>12</sup>

The elections were conducted under a legal framework substantially amended on the eve of the announcement of the elections, contrary to international good practice.<sup>13</sup> Amendments introduced into the Electoral Code in February 2020 partially addressed some ODIHR recommendations on issues such as voter registration, transparency of election dispute resolution, deadlines for campaign finance reporting, and campaign oversight. Still, some ODIHR recommendations remain unaddressed, including those on the rights of persons with disabilities, recruitment and dismissal procedures of election administration members, campaign finance rules, an effective campaign finance audit and sanctioning.<sup>14</sup>

The majority of SEAM interlocutors, including the SEC, state agencies, and political parties, underlined the need for a comprehensive reform of electoral legislation. The persisting inconsistencies, gaps, expired and inapplicable provisions, and ambiguous formulations in the legal framework undermine legal certainty and require further substantive revision. Inconsistent regulations include the norms on maintenance and modification of the voter register, unaligned deadlines for voter and candidate registration, campaigning and related deadlines, determination of prices for political advertising and distribution of political advertising quotas among campaign participants, compensation for campaign expenditures, reporting on in-kind contributions for campaign purposes, scope of financial reporting, closure of campaign accounts, division of dispute-resolution competencies between election management bodies. The new provisions on fingerprinting during voter identification require revision to ensure that the procedures pursue a legitimate aim and include data protection requirements.<sup>15</sup> Provisions related to budgetary compensation of campaign expenditure are no longer valid, as these entitlements were repealed, and need to be abolished.

The February 2020 changes to the Electoral Code were adopted under an expedited procedure, without general debate, contrary to previous ODIHR recommendations and parliamentary Rules of Procedure.<sup>16</sup> The proposals of an inter-agency working group tasked with amending the Electoral

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<sup>12</sup> Other laws pertinent to the elections are the 2014 amended Law on Media, the 2020 amended Law on Audio and Audio-visual Media Services, the 2019 Law on Prevention of Corruption and Conflict of Interests, the 2020 Law on Personal Data Protection, and the 2019 Law on Administrative Procedure, and relevant provisions of the Criminal Code. For the 2020 elections, the 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 MECs.

<sup>13</sup> See paragraph II.2.b. of the Venice Commission's [2002 Code of Good Practice in Electoral Matters](#) and paragraph 5 of its [2005 Interpretative Declaration on the Stability of the Electoral Law](#).

<sup>14</sup> According to paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

<sup>15</sup> Under Article 108-a (8), voters deposit fingerprints after the identification is completed. The law does not specify the purpose of collecting the sensitive data of the voters and conditions under which the integrity of the data shall be safeguarded. The entry into force of Article 108-a was conditional upon the SEC's capacity to implement the new technologies, and it did not apply to these elections.

<sup>16</sup> Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) requires that legislation should be "adopted at the end of a public procedure". See also paragraphs 11-12 of the [2016 ODIHR and Venice Commission Joint Opinion on the Electoral Code](#). The [Rules of Procedure](#) of the parliament stipulate an expedited procedure only for legal drafts that are uncomplex or non-extensive; concern termination of validity of a law; particular provisions of a law; or, if it is an uncomplex or non-extensive harmonization of a law with EU legislation, while for legal proposals of broader public interest, a public debate procedure is stipulated.



Code were not incorporated.<sup>17</sup> The hasty adoption hampered the effective implementation of the amendments, as some previous regulatory deficiencies were not eliminated, and administrative capacity and infrastructure were not always ensured.

*The Electoral Code should be comprehensively reviewed in order to harmonize it internally and with other relevant laws, to bring it in line with OSCE commitments, international obligations and good practice. The revision should be done in a public procedure, after a broadly inclusive consultation process and sufficiently in advance of the next elections in order to guarantee legal certainty.*

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>18</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>19</sup> Despite deviation in excess of the legal limit in districts three and four, these district boundaries remained unchanged.

*To ensure equality of the vote, legislation should foresee periodic review of district boundaries by an independent body. When district boundaries are redefined, it should be done in a timely, transparent, impartial and inclusive manner under a clear and consistent methodology.*

Despite interpretation by the Constitutional Court that legislative powers of the government during a state of emergency shall be calibrated to the specific needs, the binding governmental decrees covered a vast area of public life, including electoral procedures within the competence of institutions under the Electoral Code, substituting the decisions of these institutions.<sup>20</sup> The decrees regulated the resumption and conduct of the electoral process, the validity of previously completed procedures, voter registration, campaigning in the media, and established standards and procedures for compliance with health protocols, including an additional voting day for COVID-19 positive voters and those in self-isolation. The governmental regulations on indoor and outdoor events was amended multiple times and lacked consistency and consolidation, undermining legal certainty and

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<sup>17</sup> The working group was established under the Przino Agreement and reinstated following a 20 July 2016 agreement between four main political parties. The working group continued its activities 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>18</sup> According to the SEC, in February 2020, the surplus in the electoral district 6 amounted to 8.60 per cent, and 5.74 per cent in electoral district 2. Shortfalls were reported in electoral district 4 (6.36 per cent) and in electoral district 3 (7.64 per cent). Electoral districts 1 and 5 were within the legal margin of deviation. Delineation of boundaries in electoral district 6 was lobbied by DUI, the largest ethnic-Albanian parliamentary party, and was widely seen as a political compromise. ODIHR SEAM interlocutors opined that the changes in electoral districts 3 and 4 were not enacted as they were of no strategic political interest.

<sup>19</sup> The Electoral Code requires delimitation in case the margin from the average number of voters exceeds five per cent, however no specific assessment of the discrepancy or description of applied methodology were provided for the 2020 borders delimitation by the Parliament. See paragraph 7.3 of the 1990 OSCE Copenhagen Document; I.2.2 vii. of the Code of Good Practice in Electoral Matters and paragraph 17 of the Explanatory Report; the [2017 Venice Commission Report on Constituency Delineation and Seat Allocation](#) (CDL-AD(2017)034). See also paragraph 3.3 of the 2003 [Existing Commitments for Democratic Elections in OSCE Participating States](#).

<sup>20</sup> The government redistributed the quotas for paid political advertising in broadcast media and changed budgetary compensation for paid political advertising, originally within the competences of the Agency of Audio and Audiovisual Services (AVMS) and the SEC respectively.

implementation.<sup>21</sup> Overall, the constant generation of amendments to the decrees diminished the general understanding of their substance and validity.<sup>22</sup>

## V. ELECTION ADMINISTRATION

The elections were administered by a three-tiered structure led by the SEC and supported by a secretariat and 34 regional offices, 80 Municipal Election Commissions (MECs), and 3,480 Electoral Boards (EBs).

The SEC is the highest electoral authority with regulatory, monitoring and oversight powers, responsible for organizing and supervising elections and referenda. It has seven members nominated by parliamentary political parties: four by the ruling parties, including the vice president, and three by the opposition, including the president. Three of the current SEC members are women, including the vice president. The Commission's mandate, initially envisioned for six months to administer the 2018 referendum, was extended twice; first in November 2018 for up to two years and consequently, on the basis of a government decree issued on 21 March 2020, until six months from the holding of the 2020 parliamentary elections.

*To ensure the stability and professionalism of the election administration, the tenure of the State Election Commissioners' mandate should be clearly stipulated by the Electoral Code. The Code should also provide for a clear and transparent procedure of nomination and appointment of electoral commissioners.*

The election administration carried out its duties within legal deadlines, despite complications caused by the suspension of the electoral process and concerns raised publicly by the SEC during the state of emergency in relation to the electoral calendar. ODIHR SEAM interlocutors generally expressed satisfaction with the effectiveness of the SEC, though some questioned the partisan structure of the commission. The SEC adopted decisions in a collegial manner, often featuring substantive debate, in sessions which were open to observers and were live-streamed on the website of the state-run Macedonian Information Agency (MIA) and on the SEC's Facebook page. The sessions were often preceded by the SEC's closed informal sittings, at which draft decisions were discussed. At some sessions, sign-language interpretation was provided, enhancing the availability of information to persons with hearing impairments. Most SEC sessions were announced with short notice, decisions and minutes were published on the SEC website, generally in a timely manner, but the minutes' publication ceased with the SEC session held on 9 July.<sup>23</sup>

The February 2020 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 (see the *Complaints and Appeals* and *Media* sections, respectively). The SEC informed ODIHR that it lacks the legal guidelines and

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<sup>21</sup> The protocols on indoor and outdoor gatherings were integrated into a governmental decision on COVID-19 prevention that was amended 28 times with measures valid for different stages of the pandemics. The latest election-related protocol on indoor and outdoor events was adopted six days after the campaign started and was changed twice during the campaign. The decisions on amendments and the texts of amendments were published separately, sometimes several days apart.

<sup>22</sup> Paragraph 58 of the [2017 Venice Commission Rule of Law Checklist](#) states that “[...]the law must, where possible, be proclaimed in advance of implementation and be foreseeable as to its effects: it must also be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it”.

<sup>23</sup> See the published [minutes of the SEC sessions](#).

institutional capacity to adequately perform these duties and opined that specialized professional bodies would be better equipped for handling them.

The SEC's Secretariat remains understaffed, contrary to prior ODIHR recommendations. For the electoral period, the SEC resorts to a practice of strengthening its human resources through secondments of additional temporary personnel from other state institutions. The solution continues to undermine the effectiveness of preparations and resilience to respond to unanticipated challenges when they arise. Moreover, the SEAM received reports that some secondments were politically affiliated.

*Essential personnel should be employed in the State Election Commission's secretariat on a permanent basis. The capacity of the secretariat's human resources should match the powers vested to the Commission pursuant to the Electoral Code.*

Appointed in 2016 for a five-year term, the MECs are responsible for administering elections in their respective municipalities. They are composed of five randomly selected civil servants and their deputies. MECs are responsible for overseeing the electoral process in each municipality, and their duties include registration of candidates, appointment and training of EBs, tabulation and announcement of municipal results, as well as other technical preparations under the guidance of the SEC. EB members were selected in 2017 for a term of four years. The ruling political parties and the parties in opposition that won the most votes in the last parliamentary elections each nominate for every election one temporary EB member and their deputies; the remaining three EB members are randomly selected from a database of state employees.

According to the Electoral Code, the composition of each election management body must respect legal requirements for ethnic and gender representation.<sup>24</sup> Members of each gender should comprise at least 30 per cent of all MECs and EBs. Women held 45 per cent of seats in MECs, and 32 per cent of MECs were chaired by women. The gender-disaggregated data on the EBs composition was not readily available. 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>25</sup>

The database of state employees maintained by the Ministry of Information Society and Administration (MISA) is outdated and slowed the process of replacing a significant number of EB members. The replacements were necessitated first by a government decision in March to retract some 3,200 medical staff in response to COVID-19 needs, and subsequently by the resignation of a comparable number of additional MEC and EB members who generally cited COVID-19 concerns or health status. While these complications did not appear to affect the election day, they unnecessarily increased the workload of the SEC staff during electoral preparations. Furthermore, some of the state institutions involved in the electoral process, such as the State Audit Office (SAO), informed the SEAM that their employees are included in the database and are obliged to serve in MECs and EBs, which could potentially impact institutional capacity.

*If retained as a tool for the selection of election commission members, the Ministry of Information Society and Administration should update its database of public employees, engaging the respective institutions. The authorities could consider revising the pool of state bodies from which public employees are called to serve on election commissions.*

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<sup>24</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>25</sup> This requirement was not adhered to in some commissions visited by the ODIHR observers.

The limited number of MECs visited by the ODIHR SEAM demonstrated an overall solid knowledge of their responsibilities as well as an understanding of and commitment to implementation of the COVID-19 prevention measures in the electoral process.<sup>26</sup> Some municipal commissioners met by the ODIHR SEAM asserted that MECs are not the correct bodies to examine complaints about voting rights violations during early voting and on election day, because of their intermittent functioning and the lack of mandate related to voters' list accuracy. The MECs met by the SEAM indicated that they shared notices of public sessions and posted related minutes at the entrance of their respective municipal buildings.

On 22 June, the Ministry of Health Commission for Infectious Diseases endorsed a health protocol for administration of the election day procedures. Development of the document was preceded by consultations with the SEC and civil society organizations, although according to several interlocutors these consultations were limited, and recommendations were not fully incorporated. On the basis of the protocol, the SEC also approved instructions on voting day procedures, as well as on registration and voting for COVID-19 positive voters in quarantine and those in self-isolation, and related protective instructions for election officials. However, a gap in the training schedule caused by the suspension of the elections created challenges in assuring systematic training on health-related procedures to all commission members; the SEC arranged some complimentary trainings.

The SEC reviewed polling station premises to accommodate distancing requirements envisaged by the protocols, though acknowledged that in many cases compliance was not possible due to lack of adequate available sites. The SEC also formed 67 special EBs, to conduct early voting on 13 July for COVID-19 positive voters and those in self-isolation. The SEC faced substantial challenges in forming the special EBs, composition of which included three healthcare workers and two political party representatives; of 300 health workers initially selected to work on the boards, over a third requested an exemption.

Positively, the SEC conducted a comprehensive voter education campaign that informed on health-related adjustments to election day procedures, and which was disseminated in several languages in both traditional and online media.<sup>27</sup> It also set up a telephone hotline for citizens to request information or to leave a comment on the conduct of elections, including a video hot line for citizens with hearing impairments.

## VI. VOTER REGISTRATION

According to the Constitution, citizens aged 18 years or older by election day have the right to vote, but those deprived of legal capacity by a court decision on the basis of intellectual or psychosocial disability are disenfranchised, contrary to international obligations and prior ODIHR recommendations.<sup>28</sup>

*The legal framework should be harmonized with international standards, by removing any restrictions on electoral rights on the basis of intellectual or psychosocial disability.*

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<sup>26</sup> The ODIHR SEAM visited MECs in Gostivar, Ilinden, Kumanovo, Skopje Centar, Tetovo, and Vrapciste, prior to the elections, visited the MEC in Aerodrom on 13 July to observe the handover of COVID-19 ballots, and returned to the MEC in Skopje Centar after the elections.

<sup>27</sup> Including in the Macedonian, Albanian, Romani, and Serbian languages.

<sup>28</sup> According to the SEC, this restriction affected some 880 citizens. Article 12 and 29 of [2006 CRPD](#) paragraph 9.4 of the [2013 CRPD Committee's Communication No. 4/2011](#) provides that "an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability".

Voter registration is regulated by the Constitution, the Electoral Code, and temporary provisions but no clarity exists for detailed and permanent regulations. Two rulebooks providing methodologies on voter list maintenance, update and access were approved in 2016. Currently one of the methodologies is no longer applied and the other, although applied, triggers contradictory opinions about its legal validity.<sup>29</sup> Although the February 2020 revisions to the Electoral Code introduced Central Population Register as a new source from which voter registration data is to be provided to the SEC, it could not be used for these elections for it still lacks complete pictures and addresses.

*In order to ensure a comprehensive regulatory framework, the Election Code should be revised to clarify and consolidate permanent detailed instructions on voter registration procedures. Requirements in the Code should correspond to the functionality of the central population register.*

The SEC was responsible for compiling the voter register on the basis of passive and regular updates provided by the Ministry of Interior (MoI), the Office for Management of Registers of Birth, Marriages and Death, and the courts. Organization of out-of-country voting is based on active registration requiring a threshold equal to the votes needed to win a seat in the last elections. The out-of-country registration process was completed on 17 March, prior to the suspension of the elections, and the threshold, established for these elections at 6,534 registered voters, was not met.

On 1 July, the voter list was closed, and included 1,814,263 citizens, of whom 83,054 were registered as temporarily residing abroad and recorded on a separate list that is provided to all EBs. In addition, the SEC registered 10,882 requests for early voting on 14 July at home, care institutions or penitentiaries, and 759 voters who were COVID-19 positive or in self-isolation for early voting on 13 July.<sup>30</sup>

In line with previous ODIHR recommendations, the MoI provided the SEC with a list of voters whose ID cards expired between the announcement of the elections and the election day, enhancing the inclusivity of the voter register.<sup>31</sup> On 16 June, the MoI provided SEC with the second list produced after the public inspection with voters that requested and collected their new ID; only the latter was considered by the Commission. Thus, citizens with expired IDs and who did not receive new ones before 16 June were disenfranchised. Pursuant to February 2020 amendments, in order to receive a ballot, all voters need to present a valid ID or a passport.<sup>32</sup>

*To facilitate the exercise of voting rights, additional measures could be considered to enfranchise first time voters without ID cards, citizens whose IDs expire shortly before the call for elections and citizens who do not collect a new ID before the voter list is updated by the SEC.*

Before the suspension of the electoral process the public inspection of the voter list was completed and copies were subsequently submitted to all political parties. While the new electoral calendar allowed for updates regarding deceased persons and citizens turning 18, no new special period of

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<sup>29</sup> The rulebooks outline, respectively, a methodology for keeping and updating the voter list based on inspections and statistical analyses, cross-checking of different databases and records, unlimited field inspections and other adequately recognized methods of inspection and a methodology for complete access, making changes and erasing data in the voters list, as well as procedure for implementation of field inspection for updating of the voter list.

<sup>30</sup> According to official statistics, 989 persons tested positive for coronavirus after 8 July, the deadline for accommodated early voting, and were thus not able to vote.

<sup>31</sup> However, the new provision did not consider citizens whose ID cards expired just before the call for elections.

<sup>32</sup> Expired passports were acceptable provided the validity ended over the period of the state of emergency. First time voters that have not collected their card yet are not allowed to vote despite inclusion in the voter list.

public inspection was introduced. The continuous update mechanism remained available via a web-based engine allowing queries by ID number, family name and address.

Citizens and political parties could request changes to the voters register (i.e. addition, removal or modification of any data) affecting other citizens, but SEC templates applicable for public inspection limit such changes to cases of death, loss of citizenship and deprivation of legal capacity, contrary to the Electoral Code provisions.<sup>33</sup> No individual notification is issued to citizens whose data have been modified.

Many ODIHR SEAM interlocutors raised concerns regarding the accuracy of the voter list, generally noting that the number of registered voters exceeds the number of citizens with permanent residence, thereby inflating abstention. Longstanding structural issues, as identified in prior ODIHR reports, remain unaddressed. Addresses are managed by municipalities together with a central register, but no standardization exists.<sup>34</sup> Data sent to the SEC by various institutions is presented in various formats, hampering interoperability. Inconsistencies also stem from the fact that hospitals do not provide systematic updates on deceased.

The voter register was further affected by SEC's limited IT capacity, and no comprehensive quality controls took place recently on a regular basis.<sup>35</sup> The Voter Information Management System, which would allow the SEC to assume tasks that right now are undertaken by the State Statistical Office (SSO) and to increase the SEC ownership on IT aspects, is still being developed.

*In line with previous ODIHR recommendations, more attention should be paid to harmonization of data supplied to the voter register, namely interoperability of received data and standardization of the address system. Quality audits of the register should be undertaken and made public on a regular basis.*

## 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.<sup>36</sup>

*Limitations on the right to stand as a candidate should be reviewed to ensure that disqualification based on a conviction is proportionate to the gravity of the offense.*

Candidates could be nominated by registered political parties and coalitions, as well as by groups of voters. Candidates nominated by voters must collect at least 1,000 supporting signatures of voters

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<sup>33</sup> Only one request was filed by a political party. According to the relevant SEC rule book, requests made by political parties may be limited to certain types of data corrections.

<sup>34</sup> A working group under the auspices of the Ministry of Transport and Communications developed a draft law allowing the Cadaster to manage the address system and a pilot project was conducted, but such project has not been approved yet.

<sup>35</sup> Due to insufficient technical capacity of the SEC, the State Statistical Office (SSO) is largely involved in voter registration data management.

<sup>36</sup> Paragraph 24 of the [1990 OSCE Copenhagen Document](#) provides in part that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of the law”.

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>37</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 a detailed verification procedure. For these elections, the SEC also launched a new online application for submission of candidate lists.

Candidate registration took place from 12 to 20 March, prior to the suspension of the electoral process.<sup>38</sup> By the end of the registration period, no group of voters successfully nominated a list, as none met the signature requirement.<sup>39</sup> The SEC registered 12 political parties and 3 coalitions fielding a total of 1,598 candidates on 78 lists.<sup>40</sup> Commendably, the SEC published all lists of candidates on its webpage with an interactive tool, which displayed candidates' party affiliation, gender, electoral district and municipality.

On each list at least one candidate of each gender must be placed in every third place on the list, with an additional candidate of the lesser represented gender in every ten. All submitted lists met the required 40 per cent quota; some exceeded the threshold. In total, 675 registered candidates (42 per cent) were women, and women headed 19 of 78 lists. The highest number of lists led by women – four out of six – was registered by “Voice for Macedonia”. The SDSM lists for each electoral district featured a woman and a man as the first two candidates, but woman was placed on the first position only in one case. VMRO-DPMNE's lists were led by women in two districts.

## VIII. ELECTION CAMPAIGN

The originally scheduled 12 April elections were suspended before the official campaign period had begun. Following the recommencement of the electoral process, the campaign opened on 24 June and ended at midnight on 12 July, prior to the first day of early voting.

The Electoral Code prohibits campaigning between the deadline for registering candidates (on 20 March) and the start of the official campaign. Political parties engaged in some campaign activities before the moratorium. The SDSM held a party congress on 9 March, while the VMRO-DPMNE organised events on 11 March to present their candidates and coalition partners. Preparations for the campaign were already substantially curtailed before the suspension of the elections on 21 March. On 10 March the government introduced a prohibition on public gatherings and events with more than 1,000 participants, both outdoors and indoors. Following a meeting of party leaders on 12 March, the parties agreed to refrain from holding campaign rallies.

Following the recommencement of the electoral process, allegations were raised with the ODIHR SEAM that senior political figures engaged in early campaign activity before 24 June.<sup>41</sup> In some cases, these allegations appeared to be justified, although the situation was ambiguous given that the electoral process was suspended during the state of emergency. The rules on early campaigning lead

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<sup>37</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 officials at the diplomatic or consular offices.

<sup>38</sup> All 78 lists submitted by political parties were accepted.

<sup>39</sup> Six independent 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>40</sup> The coalitions include: 23-party coalition led by SDSM with BESA and a number of smaller parties, the coalition of 16 parties led by VMRO-DPMNE and the coalition of two ethnic-Albanian parties – the Alliance for Albanians (AfA) with AlternAtiva.

<sup>41</sup> The SEC rejected 42 complaints on early campaigning as unsubstantiated (see *Complaints and Appeals*).

to the anomalous situation in which would-be candidates and their parties carry out political activities until their formal registration, and are then obliged to cease campaigning until the start of the campaign period, while others not directly involved in the elections would be allowed to continue their activities throughout.

*Consideration should be given to aligning the official campaign period with the timeline for registration of contestants, to ensure campaign regulations apply consistently to all. Regular political activities before the official campaign period should not be prohibited and should be regulated.*

A series of government decrees and decisions during and after the state of emergency outlined safety measures to be applied at public meetings, including the use of hand sanitizer, social distancing and mask-wearing. The COVID-19 pandemic significantly altered the style of campaign as parties adopted additional measures, for the most part eschewing traditional rallies in favour of small-scale meetings as well as limited door-to-door canvassing and other activities to meet with voters. Despite the circumstances, parties campaigned actively and were able to deliver their messages. The campaign took place in a calm environment and, notwithstanding isolated cases of campaign posters being vandalised, the freedom of expression was respected. Contestants relied extensively on social media, posting videos of local meetings addressed by candidates and party leaders. Numerous campaign advertisements were aired in broadcast and social media and billboards were widely visible.

Key campaign issues included the economy, judicial reform, social welfare and healthcare. The SDSM stressed its record in advancing NATO and EU accession. Responding to claims by its opponents that it had “sold out” the national interest, the SDSM asserted that, in signing a friendship agreement with Bulgaria in 2017 and the Prespa agreement with Greece in 2018, the government had defended the national identity and language.<sup>42</sup> The campaign was marked by negative rhetoric, at the expense of substantive exchanges. The advertisements of VMRO-DPMNE included personal attacks on the leader of the SDSM. For its part, the SDSM warned of a return to the “regime” of the former VMRO-DPMNE prime minister, convicted and currently fugitive. A series of leaked clandestine recordings of political leaders in apparently compromising conversations further contributed to the negative tone.

In a development prior to the 2020 elections, the SDSM entered a pre-election coalition with BESA; the first time one of the two largest parties had made a pre-election pact with an ethnic-Albanian party. The proposal by the DUI of an ethnic-Albanian candidate for prime minister caused heated exchanges. The SDSM sharply criticised its former coalition partner, the DUI, linking that party with the former VMRO-DPMNE prime minister and claiming the party needed to go into opposition and reform its ranks. The heightened rhetoric was reflected in an increased incidence of ethnically-based hate speech in social media, including against Albanian and Roma minorities.

On 18 June, the SEC organized the signing by election contestants of a code for fair and democratic elections. On 29 June, the SEC president and the interior minister jointly called on electoral participants to comply with the law, warning of sanctions for pressuring, coercing or bribing voters. The president and prime minister made public statements along similar lines. The ODIHR SEAM noted isolated cases of ministers from different parties blurring their state functions and political activities, contrary to the OSCE commitments.

Claims were made by opposition parties of attempts to politically capitalize on social welfare programmes and aid distribution connected with the COVID-19 pandemic and consequent economic

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<sup>42</sup> Following the Prespa Agreement and a consultative referendum in September 2018, the parliament enacted constitutional amendments in January 2019 to change the country’s name. The agreement ended the longstanding dispute with Greece over the country’s name and opened up the path towards NATO and EU integration.



distress. These included a programme for distributing assistance to vulnerable people through credit cards for purchasing national products. There were further claims that aid distribution during the state of emergency was presented as being linked with political parties. No conclusive evidence of such misuse was presented to the ODIHR SEAM.

Political parties also reported to the ODIHR SEAM several cases of pressure on public officials, especially in the west of the country, including attempts to instrumentalize the police.<sup>43</sup> As in previous elections, the MISA established an online tool through which public employees could report instances of pressure. Only two reports were filed, despite a number of allegations of pressure picked up by the media.<sup>44</sup>

In the last days before the elections there were several allegations of vote-buying around the country, involving socially vulnerable people, often, but not exclusively, in Roma communities. The ODIHR SEAM was informed that prosecutors had opened investigations in several cases. In the days before the elections there was evidence of divisions within the MoI. These reflected the arrangement in the caretaker government by which the interior minister was appointed by the opposition VMRO-DPMNE and an additional deputy minister was appointed by the SDSM, in addition to the regular deputy minister from the DUI. In the days before the elections, the minister and additional deputy minister took opposing positions on vote buying allegations. Several parties informed the ODIHR SEAM that these divisions continued on election day, as parties sought to engage the police on their behalf through their respective minister or deputy ministers. Given the crucial role of police in ensuring a secure environment for elections, such politicisation of the police is particularly concerning.

*Further efforts should be taken by the authorities to promptly counter any form of pressure on public-sector employees, including on police. Public officials should be systematically informed about applicable mechanisms for reporting any instances of pressure for investigation and assured they will not face negative consequences; these mechanisms could be controlled by an independent body.*

A greater prominence of women politicians was apparent at campaign events and on billboard posters; nevertheless, women were underrepresented in media coverage of the campaign. Women constituted 42 per cent of registered candidates, yet ODIHR SEAM monitoring indicated that coverage of women politicians by media varied between only 4 and 14 per cent of candidate coverage. Women candidates met by the ODIHR SEAM described a lack of support for prospective women leaders in internal party structures.

North Macedonia is an ethnically diverse country.<sup>45</sup> Parties traditionally competed for votes mainly within their respective ethnic communities, while governing coalitions have been formed across the ethnic divide, including ethnic-Albanian parties. However, since the 2016 parliamentary elections, the SDSM has actively sought to draw support from ethnic-Albanian voters. In addition to parties mainly representing ethnic Albanians, several parties represent smaller ethnic communities, most of which are aligned with either the SDSM or VMRO-DPMNE coalitions. Representatives of these parties actively participated in the campaign, especially in places where their communities are concentrated. In the 2020 elections, candidates from Roma communities also stood on the lists of the SDSM and VMRO-DPMNE as members of those parties, rather than as members of minority parties.

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<sup>43</sup> For instance, the ODIHR SEAM spoke with a police officer who described the pressure he said he had been subjected to by his superiors to support the DUI. He said other police officers had experienced similar pressure.

<sup>44</sup> One case was considered not to be election-related. A second report was forwarded to the State Commission for Prevention of Corruption (SCPC).

<sup>45</sup> According to the last census of 2002, 64.2 per cent of the population declared themselves as ethnic-Macedonians; 25.2 per cent as ethnic Albanians; 3.8 per cent as ethnic Turks; 2.7 per cent as ethnic Roma; 1.8 per cent as ethnic Serbs; 0.8 per cent as ethnic Bosniacs; and 0.5 per cent as ethnic Vlachs.

One such candidate told the ODIHR SEAM she believed that she would thus have more influence within the coalition. The recently formed People's Roma Party stood independently.

Some efforts were made in the campaign to address the needs of persons with disabilities, but were limited to a charitable approach, rather than promoting concepts such as universal design and socioeconomic empowerment. When launching the SDSM campaign at a party convention on 9 March, the party leader promised that access to public buildings for persons with physical disabilities, via access ramps, would be mandatory by 2024, and that the financial allowance for persons with disabilities would be increased by 15 per cent. Positively, videos of campaign events on social media sometimes included sign-language interpretation. The SDSM programme was translated into sign language. Civil society organisations advocating the rights of persons with disabilities conducted training for political parties about how to address the needs of persons with disabilities, for example in making their websites more accessible. The ODIHR SEAM was informed that only one person with a disability was a candidate in these elections, at an unlikely eligible position on the party list.

## IX. CAMPAIGN FINANCE

Election campaigns can be financed from monetary and in-kind donations from individuals and legal entities amounting up to EUR 3,000 and EUR 30,000 respectively, donations to parties, membership fees, and bank loans earmarked for election campaign. Donations from foreign, municipal and anonymous sources, those from state-owned, religious, charitable organizations and the media are outlawed. Campaign expenditure is limited to some MKD 110 (approx. EUR 2) per registered voter in a district (minimum EUR 490,830 in district 3 and maximum 544,930 in district 1).<sup>46</sup> The paid political advertisements in the broadcast, print and online media are funded directly by the state through a separate fund, which is administered by the SEC (see *Media* section). Political parties that receive more than one per cent of votes are entitled to public funding.<sup>47</sup>

Campaign finance received limited attention in the campaign narratives of contestants.<sup>48</sup> The unusual conditions for a campaign in the time of a pandemic also had an impact on campaign financing. Electoral contestants informed the ODIHR SEAM that refraining from large-scale pre-election rallies brought a considerable saving, especially as it obviated the need to bus thousands of supporters to rally locations. Nevertheless, the production costs of media advertisements and the heavy use of billboard posters represented significant expenditure.

Campaign finance is regulated by the Electoral Code, the Law on Financing of Political Parties, the Law on Prevention of Corruption and Conflict of Interests (LPCCI), and the Law on Accounting of Non-profit Organizations. The legal framework on campaign financing requires further harmonization to eliminate gaps and inconsistencies and to provide legal certainty. In particular, harmonization of the Electoral Code with the Law on Financing of Political Parties is necessary to

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<sup>46</sup> One Euro is equal to approximately 61 *Denar* (MKD).

<sup>47</sup> At least one per cent of the votes won at the last parliamentary elections nation-wide or at the last local elections in a self-government unit. 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 two largest parliamentary parties proportionally to the number of MPs. However, in 2020, the government decreased budgetary payments to political parties as a COVID-19 related austerity measure.

<sup>48</sup> In 2019, North Macedonia [scored](#) 35 of 100 and was ranked 106th of 198 on the Transparency International Corruption Perceptions Index. As noted in the [2019 Fifth GRECO Evaluation Report on North Macedonia](#), “a non-compliance procedure was launched in June 2018 in response to poor performance: to date only 31% of recommendations have been fully implemented, 42% partly implemented and 26% remain not implemented”.

unify the allowed value of donations for campaign purposes on campaign and party accounts. The current amount of allowed donations to political parties exceeds the amount allowed for campaign purposes, which was utilized by some contestants to circumvent expenditure limits. Amendments to the Electoral Code obliged compliance of the campaign reports with the Law on Accounting of Non-profit Organizations, which does not provide for reporting on in-kind contributions, leading to a legal collision.<sup>49</sup> The Electoral Code maintains no longer applicable provisions on state compensation for campaign expenditures to contestants, which undermines legal certainty, especially in respect to the determination of sanctions for violating the rules on campaign finance reporting.<sup>50</sup>

The law is silent about the use of loans for campaign purposes, as well as the determination of market price of donated goods, services and discounts, and contestants reported the amounts determined by agreements with service providers.<sup>51</sup> Moreover, there are no measures to ensure all campaign-related invoices are submitted before the deadline for the closure of campaign accounts.

*The legal provisions regarding donations should be revised in order to harmonize donation limits, to provide transparency of and limits on loans received by political parties for election campaigning and to establish a mechanism to determine the market price of in-kind contributions.*

The recent Electoral Code amendments provided for an additional interim report to be submitted 19 days after the election day and shortened the deadline for submission of the final report from four to three months after the elections; the period remains in considerable excess of the period recommended by international good practice.<sup>52</sup> Two interim reports are due before election day: one mid-campaign, and another one day prior to the elections, allowing no time for scrutiny or publication prior to the elections, contrary to previous ODIHR recommendations. Only final reports are subject to obligatory audit. The law does not detail the content of the reports, transferring the responsibility to address the lack of clarity and ensure adequate quality of the reports to the Ministry of Finance, which developed reporting templates. The State Commission for Prevention of Corruption (SCPC) submits a report on campaign financing to the parliament three months after the elections, and hence cannot reflect the audit findings, which are to be delivered by the SAO within 60 days from the submission of the final report.

Unclear provisions on interim reporting triggered varying interpretations of their scope. Most campaign participants assessed the interim reporting framework as burdensome, as three interim reports must be submitted in short intervals to three institutions (the SEC, SCPC, and the SAO). The obligation for mid-term disclosure of donations was effectively respected by 9 of 15 contestants and the SEC did not consistently publish contestants' interim reports, reducing transparency. The second report on donations was submitted by 10 of 15 contestants, who reported primarily private donations and membership fees.<sup>53</sup> Most of the contestants intensified accumulation of funding in the second

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<sup>49</sup> Positively, this was resolved by the Ministry of Finance that included in-kind contributions into the report template.

<sup>50</sup> Although Article 86 on reimbursement of election campaign expenses based on the number of votes won was abrogated from the Electoral Code in 2018, Articles 87, 88 para 3, and respective penal provisions of the Electoral Code, prescribing that misdemeanors entail partial or complete loss of compensation of campaign expenses or suspension of payment, remain unchanged.

<sup>51</sup> See paragraphs 171 and 198 of the [ODIHR and Venice Commission Guidelines on Political Party Regulations](#) and Article 12 of the [2003 Recommendation](#) of the Council of Europe's Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns.

<sup>52</sup> Paragraph 200 of the ODIHR and Venice Commission Guidelines on Political Party Regulations recommends that "[r]eports on campaign financing should be turned into proper authorities within a period of no more than 30 days after the elections".

<sup>53</sup> The law establishes prison sentences up to five years for the failure to submit campaign finance reports, but these are not implemented. The [2003 Recommendation](#) of the Council of Europe's Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns requires

half of the campaign, and all of them relied on individual donations to party and campaign accounts.<sup>54</sup> Failure of some participants to use established reporting templates obscured the origin of funds transferred from political party accounts, undermining uniform disclosure. Despite legal obligations, only some contestants published their reports on their websites. The third interim reports were not published.

*The Electoral Code should require that campaign finance reports be submitted and published on the day of submission in a uniform format suitable for public scrutiny and accompanied with supporting financial documentation. Sanctions for late or non-submission should be effective, proportionate and dissuasive. The deadline for submission of final reports should be readjusted to reflect international good practice.*

In 2020, the Electoral Code was aligned with the LPCCI, 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. The SAO exercises *ex-post* control of campaign finance based on auditing of the final report.

Pursuant to the Electoral Code amendments, banks are obliged to grant access to the transactions on campaign accounts to the SCPC and the SAO until the closure of the accounts. However, the right to insight is not extended to regular party accounts, although their funds can be used for electoral campaign, and the provision of financial data after the closure of accounts is not foreseen, which would benefit from reconsideration to facilitate audit. All stakeholders are obliged to provide financial documentations upon the request of the SAO, contributing to comprehensive evidence-based audit. Although these amendments bring the campaign finance oversight closer in line with ODIHR and GRECO recommendations, further efforts should be made to improve transparency and accountability in political and campaign financing.

The agencies tasked with campaign oversight lack capacity due to insufficient financial and human resources, which undermined control over the accountability and transparency of campaign financing.<sup>55</sup> For these elections, the SCPC maintained communications with civil society for information on alleged violations. Furthermore, the Commission strengthened its campaign oversight with the addition of 17 field monitors, provided with international assistance in the absence of

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“...infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions”.

<sup>54</sup> For example, for the half of the campaign, the SDSM-led coalition reported 1 donation from an individual of some EUR 580 and an in-kind contribution of some EUR 1,000, the DUI reported donation to the party as good and services of some EUR 530, the DPA – monetary donations from individuals of some EUR 12,600, Levica reported donations of EUR 42,145, but did not indicated donators, the Alliance of Albanians - AlternAtivA coalition reported donations of EUR 96,330 transferred from the party account. The second report indicated mostly individual donations to campaign and party accounts received by the SDSM coalition of EUR 226,620, the DUI - EUR 72,577, the DPA - some EUR 4,000, and Levica - EUR 170. The VMRO-DPMNE led coalition with some EUR 396,883 donations, primarily transferred from party to campaign accounts, and EUR 134,347 for the second half of the campaign.

<sup>55</sup> Paragraph 220 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#) states that “Generally, legislation should grant regulatory agencies the ability to investigate and pursue potential violations. Without such investigative powers, agencies are unlikely to have the ability to effectively implement their mandate. Adequate financing to ensure the proper functioning and operation of the regulatory body are also necessary”. The [2019 Fifth GRECO Evaluation Report on North Macedonia](#) concluded that “[t]he overall strength of the anti-corruption framework is questionable [due to selective implementation], and frequent legislative changes have created an overall unpredictable environment [...]”.

adequate state funds, who collected evidence on campaign activities. However, the findings of the monitors were not made public, missing an opportunity to increase transparency.

*The State Commission for the Prevention of Corruption and the State Audit Office should be provided with adequate human and financial resources to effectively carry out their mandate during the electoral period.*

The Electoral Code contains detailed provisions that provide for the equitable use of public spaces and prohibit the abuse of state resources. 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 prohibited. A recent amendment provides clarification as to what would constitute such urgent cases. However, all these rules were suspended by government decree for the duration of the state of emergency.

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

A large number of media outlets, including 11 national and 36 regional private televisions, compete in a small advertisement market and lack financial, regulatory and professional sustainability, contributing to polarization of the media environment. Government advertisements, which had served as the major source of income for many media outlets, are prohibited since 2017. Ongoing stagnation in the advertising market caused by the COVID-19 pandemic has further increased the dependence of media on owners and state subsidies.<sup>56</sup>

All ODIHR SEAM interlocutors assessed that significant improvements in media freedoms in recent years were not reinforced by systematic reforms in the media sector, such as ensuring the political neutrality of the public Macedonian Radio and Television (*MRT*) and the media regulator (the Agency for Audio and Audiovisual Media Services – AVMS). The interlocutors highlighted the improved plurality of news coverage, but also noted a low level of professionalism, editorial focus on quantity of the content rather than its quality.<sup>57</sup> Furthermore, many interlocutors raised concerns that the COVID-19 pandemic contributed to the deterioration of already challenging employment conditions for journalists.

Television remains the main source of information, followed by online media. In April 2020, *MRT* increased the number of television channels from two to five, re-establishing *MRT-2* as a 24-hour service in the Albanian language, as well as creating one channel that broadcasts in minority languages including Bosniac, Romani, Serbian, Turkish and Vlach. Despite the introduction in 2018 of state subsidies for printing and distribution of national and regional newspapers, print media circulation has declined steadily.

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<sup>56</sup> The caretaker government introduced several initiatives aimed to support the media during the pandemic, *inter alia* covering the digitalization expenses for five national and six regional televisions and subsidizing the social contributions of media workers to the state budget. In March 2020, the media regulator AVMS waived the yearly license fee for all broadcasters for two years.

<sup>57</sup> The [2019 European Commission Report on North Macedonia](#) noted improvements in the public sphere related to 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.

The *MRT* is financed almost exclusively from the state budget since 2017, which, according to ODIHR SEAM interlocutors, undermines its editorial independence.<sup>58</sup> The Programmatic Council oversees *MRT*'s content and appoints the Supervisory Board that is responsible for its financial oversight. Both institutions are traditionally perceived as politically influenced, whereas their authority is limited as the mandates of their members expired.<sup>59</sup>

*In order to guarantee political independence, the public broadcaster should undergo a series of reforms, including changing the procedure for selection and appointment of the members of the Programmatic Council, and reducing its dependence on the state budget. Further reforms of the public broadcaster should aim at improving the quality of content produced in-house, including investigatory and analytical journalism.*

A number of ODIHR SEAM interlocutors raised their concern regarding dissemination of misleading or false information in online and social media. To address this issue, several prominent professional media organizations created a register of professional online media outlets, which pledge to adhere to professional standards; the initiative enjoyed a limited traction.<sup>60</sup>

## **B. LEGAL FRAMEWORK**

The Electoral Code provides detailed regulation on the conduct of media from the announcement of elections through the campaign. All broadcasters and websites covering the elections are required to do so in a fair, balanced and unbiased manner. The proportional balance is to be based on the number of electoral districts the contestants is competing in, as well as the intensity of their campaign activities. A February 2020 amendment to the Electoral Code required national broadcasters to supplement election coverage with sign language interpretation; all broadcasters monitored by the ODIHR SEAM failed to comply, which AVMS attributed to limited time to implement the provision.<sup>61</sup>

The newscasts of the *MRT* during the campaign are subject to meticulous regulation on the amount of coverage dedicated to the ruling parties, the parliamentary opposition, and to lesser extent non-parliamentary parties and independent candidates. As the law requires that an equal amount of time is dedicated to ruling and to opposition parties as groups rather than as individual parties, the combined coverage of the SDSM, the DUI and the DPA was to be identical to the combined news coverage of the opposition coalitions – the VMRO-DPMNE and the coalition of Alliance for Albanians (AfA) with *AlternAtiva*. The public broadcaster complied with the obligations, although

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<sup>58</sup> In the 2019 some 96 per cent of *MRT*'s [budget](#) was financed by the state budget.

<sup>59</sup> The mandate of Programmatic Council expired in December 2019 and new members were not appointed by the parliament due to the political stalemate. The mandate of the Supervisory Board members has also expired in March 2020. For recommendations on the Supervision of the Public Broadcaster see Paragraphs 13-49 of [the Council of Europe's Committee of Ministers \(CECM\) Recommendation CM/Rec\(2012\)1](#).

<sup>60</sup> In order to be listed in the Register of Professional Online Media, the outlet should pledge to comply with professional standards and provide information on funding, ownership and editorial team. As of 15 July 2020, 134 websites were listed in the register.

<sup>61</sup> The Paragraph 7.4.2 of the PACE [Resolution 2155 \(2017\)](#) calls the participating states to "Ensure the provision of information about electoral processes, voting procedures and political programmes in accessible formats, including in easy-to-read and easy-to-understand versions, with sign interpretation when required, subtitles for videos and Braille versions".

the MRT and other ODIHR SEAM interlocutors criticized the regulations as superfluous and undermining editorial independence.<sup>62</sup>

*Provisions regulating the public broadcaster's newscasts during the campaign should be revised, with a view to provide for editorial freedom, pluralism of views and equal opportunities for contestants.*

The Electoral Code mandates the *MRT* to allocate free time to the contestants between 16:00 and 23:00 hours. Six parties decided to appear on *MRT-1* and two parties on *MRT-2*. On both channels, contestants' free time was limited to speeches pre-recorded at the MRT premises, as self-produced footage was not allowed.

During the campaign period paid political advertisements in the private broadcast, print and online media are covered exclusively from the state budget. The Electoral Code regulates the allocation of funds for paid political advertisements and establishes the time limits for such advertisements within each hour of broadcast.<sup>63</sup> However, this distribution formula for time and funds allocation was not envisaged by the regulatory framework.<sup>64</sup>

On 22 June, the last day of the state of emergency, the Government amended the provisions on the allocation and distribution of funds and time limits for paid political advertising, including increasing the allowed amount of paid political advertisements per real hour. Three contestants, the coalitions led by SDSM-BESA and the VMRO-DPMNE as well as the DUI, were at significant advantage, by being entitled to spend solely for the purposes of paid political advertisements some EUR 800,000 each, while the other twelve contestants were entitled to some EUR 30,000 each. The existing overregulation together with the repeated changes of the legal framework created legal uncertainty, while disproportionate allocation of time and funds significantly limited the direct campaigning opportunities of twelve contestants, as they could not use any other funds to purchase paid political advertisements except those provided by the state.<sup>65</sup>

*Regulations on paid political advertisement in the media should be reconsidered, in order to allow unimpeded access to the media on a non-discriminatory basis.*

All media outlets interested in selling space for paid political advertisements were required to register with the SEC.<sup>66</sup> In the absence of formal requirements and guidelines for registration of the media no verification of submitted information was performed. Consequently, several broadcasters not licensed in North Macedonia received the registrations, which were subsequently revoked upon a notification

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<sup>62</sup> Paragraph 16 of the [General Comment No. 34](#) to the ICCPR requires states to guarantee the independence and editorial freedom of public media. Furthermore, the Paragraph I.3 of the CECM Recommendation [CM/Rec\(2007\)15](#) reads, "Regulatory frameworks on media coverage of elections should respect the editorial independence of the media".

<sup>63</sup> In total, EUR 2 per registered voter were to be allotted to each contestant and distributed in the following proportions: up to 45 per cent and up to four minutes per hour of broadcast was to be allotted to the two largest ruling, and up to 45 percent and up to four minutes per hour of broadcast to the two largest parliamentary opposition parties. Other parliamentary and non-parliamentary parties and independent candidates were not to receive more than a combined total of 10 per cent of the funds and up to one minute per hour of broadcast.

<sup>64</sup> The SEC raised concerns to the ODIHR SEAM 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, formed a pre-election coalition with the ruling SDSM.

<sup>65</sup> The Paragraph II.5 of the CECM Recommendation [CM/Rec\(2007\)15](#) recommends that "[r]egulatory frameworks should ensure that all contending parties have the possibility of buying advertising space on and according to equal conditions and rates of payment".

<sup>66</sup> For these elections, the SEC registered 44 TV stations, 52 radio stations, 12 print media outlets and 230 websites.

by the media regulator. 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 legal limit on the amount for advertisement expenditures for one contestant in one print or online media (EUR 15,000). Moreover, ODIHR SEAM interlocutors noted a high number of unknown new media outlets registering.<sup>67</sup>

*To ensure the transparency of media ownership and of campaign expenditures, online media interested in selling space for paid political advertisements should abide by some basic transparency requirements, including verifiable information on ownership and funding.*

The February 2020 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 previous five elections. The maximum prices for all media were calculated by the SEC, the body responsible for disbursement of the state subsidies to the media outlets, on the basis of advertisement prices given by those media which offered their space the last five elections.<sup>68</sup> The provisions are disadvantageous to the broadcasters with highest audience, obliged to abide to the rates influenced by the average prices of smaller regional broadcasters and do not allow any adjustments due to the economic devaluations. Five national televisions unsuccessfully challenged the SEC's formula at the Administrative Court (see *Complaints and Appeals*).

Political advertisements in international online advertisement platforms like Google AdSense and in social media are not specifically regulated. Whereas political parties used these campaign methods extensively, the lack of transparency of such tools renders any substantial audit impossible.<sup>69</sup>

The compliance of broadcasters with the Electoral Code was overseen by the AVMS. In the monitoring of the campaign coverage, the AVMS concluded that all private broadcasters had largely focused on the parliamentary parties, contrary to the requirements of the Electoral Code. AVMS council sanctioned only TV *Alsat-M* and TV *Shenja* for failing to provide any coverage of non-parliamentary parties and systematic negative coverage of one of the participants, however it chose not to sanction TV *Alfa* that was also covering one of the contestants negatively.<sup>70</sup> The AVMS also initiated three misdemeanour procedures for the violation of the silence period; two resulted in fines and one was acquitted by the Administrative Court. During the silence period, a number of political parties continued to advertise in online and social media, which were not actively monitored by any public institution.

The Agency also verified the presence of paid political advertisements in the broadcast media, subject to payment by the SEC. The AVMS data for the monitoring of political advertisements indicated that

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<sup>67</sup> The CECM, in [Guidelines on media pluralism and transparency of media ownership](#) (Recommendation CM/Rec(2018)1 requires the participating states to promote transparency of media ownership (Paragraph 4.4 – 4.7) including the disclosure of the names and contacts of the direct owners, beneficial shareholders, and persons with actual editorial responsibility and disclosure by media outlets of contractual relations with other media or advertising companies and political parties that may have an influence on editorial independence.

<sup>68</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 television 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.

<sup>69</sup> Although on 6 March 2020 Facebook [announced](#) an extension of their advertisement transparency rules to 32 additional countries including North Macedonia, due to the COVID-19 pandemic the implementation was [postponed](#) until 5 August 2020.

<sup>70</sup> The AVMS informed the ODIHR SEAM that, due to economic conditions caused by the COVID-19 crisis, it initiated such misdemeanour procedures only against the two media outlets that had entirely ignored the campaigns of all non-parliamentary contestants.



several contestants spent over the legal limits.<sup>71</sup> At the end of September, the SEC informed the ODIHR SEAM that it had reimbursed the majority of media outlets, while the remaining few would need to rectify technical errors in their documentation in order to receive payments. The Electoral Code does not provide any sanctions for electoral contestants which while signing contracts with the media, exceed the legal limits. No verification or monitoring of online media was conducted. In a number of cases the AVMS identified paid political advertisements featuring minors, contrary to the Electoral Code. Although the responsibility for the advertisements' content by law rests solely with the media outlets, the AVMS chose not to pursue sanctions but twice formally reminded broadcasters of the prohibition. The media outlets raised concerns to ODIHR SEAM that within the current framework contestants have no direct motivation to avoid such violations.

*Political parties, as producers of political advertisements, should be legally responsible for their content.*

[Click Here to Read Media Monitoring Result](#)



### C. MEDIA MONITORING RESULTS

The ODIHR SEAM media monitoring of the official campaign period concluded that the newscasts of all national terrestrial broadcasters provided superficial coverage of the campaign activities, which was overshadowed by mutual accusations as well as by implications of the published recordings of political leaders.<sup>72</sup> In-depth analytical reporting or policy-based discussions were largely absent from the coverage of the campaign, limiting the opportunity for voters to make an informed choice between distinct policy alternatives.

Despite legal limitations that established exact quotas for coverage, both *MRT-1* and *MRT-2* displayed a visible effort to cover the activities of non-parliamentary political parties above the established 10 per cent quota. However, the meticulousness of the legal requirements resulted in *MRT-1* devoting to the VMRO-DPMNE-led coalition slightly more coverage, some 18 per cent, compared to the SDSM, which had received 17 per cent of such coverage. Other parliamentary parties, the DUI and the *AfA-AlternAtivA* coalition received 15 and 13 per cent of the coverage accordingly. The tone was largely neutral for all contestants. The *MRT-2* has also devoted some 19 per cent of the coverage to the VMRO-DPMNE, 18 per cent to the *AfA-AlternAtivA* coalition, 17 per cent to the SDSM and 15 per cent to the DUI.

Private media largely focused on the main political parties, and, to lesser extent, on smaller parliamentary parties, while visibility of the non-parliamentary parties was very low. In their prime-time newscasts two national private broadcasters, *Sitel* and *Telma* provided equal proportions, some 31 and 21 per cent, of mainly neutral coverage to the VMRO-DPMNE and the SDSM-led coalitions respectively. A similar approach was noted during the first two weeks of the campaign on *Kanal 5*, however, in the final week of the campaign, its coverage of the SDSM-led coalition increased in comparison to that allotted to VMRO-DPMNE, though the tone remained mainly neutral for all contestants.

By contrast, *Alfa* strongly criticized the government and the ruling SDSM by allotting to them 28 and 40 per cent, respectively, of mainly negative and neutral coverage, while VMRO-DPMNE received 19 per cent of coverage, which was mainly neutral and positive in tone. A similar trend was also observed on *Alsat-M*, which provided some 32 per cent of predominantly negative coverage to the DUI and some 15 per cent of mainly neutral and negative coverage to the VMRO-DPMNE led

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<sup>71</sup> According to the AVMS, in the broadcast media the Social Democratic Union - Skopje (SDU) spent at least 53.5 per cent more, *Integra* spent at least 11 per cent more, and the *AfA-AlternAtivA* coalition at least 1.6 per cent more, than they were entitled to spend for paid political advertisements in all media outlets.

<sup>72</sup> Between 24 June and 12 July ODIHR SEAM monitored the prime-time (from 18:00 to 00:00) of seven national broadcasters: *MRT-1*, *MRT-2*, *Alfa*, *Alsat-M*, *Kanal 5*, *Sitel* and *Telma*.

coalition, while the SDSM-led coalition received some 14 per cent of mainly neutral and positive coverage.

Numerous talk-shows and debates, including two debates between leaders of two largest political parties, the SDSM and the VMRO-DPMNE, were mainly used by the contestants as platforms for mutual personal criticism. Nonetheless, while both public and private broadcaster displayed an effort to engage contestants in a debate, in a number of cases contestants chose not to participate due to the disagreement regarding selected debating partners, low ratings or perceived bias of the inviting broadcaster.<sup>73</sup>

## XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Electoral Code provides for citizen, partisan and international observation. On 19 February, the SEC adopted a Code of Conduct for Observers, binding for all accredited groups, amended on 2 July to increase transparency and freedom of movement for observers. The SEC accredited 2,551 citizen and 102 international observers by the deadline. Representatives of multiple civil society and citizen observer organizations, including civil society organization “MOST”, CIVIL Center for Freedom, and *Inkluziva*, observed key stages of the electoral process and its accessibility for persons with disabilities, contributing to the transparency of the process. MOST also conducted a parallel vote tabulation (PVT), the results of which aligned closely with the turnout and results figures announced by the SEC.

## XII. COMPLAINTS AND APPEALS

Regulations on mechanisms for election dispute resolution are in place, but some prior ODIHR recommendations, including those related to limited standing and restrictive deadlines, remain unaddressed. The majority of election-related complaints are within the jurisdiction of the SEC. In the recent amendments to the Electoral Code, the MECs’ jurisdiction was clarified to encompass early voting and election day complaints by voters, restrictively interpreted by the SEC as only on voter registration. Basic courts review allegations regarding electoral offences and complaints by contestants on interference with their campaign activities, while 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 dealt with by the SEC and the SCPC, save for inadmissibility decisions, which cannot be challenged. Positively, in 2020, its jurisdiction was extended to SEC decisions on campaign irregularities.

Voters have limited standing in electoral disputes, as they are entitled to complain about violations of their individual voting rights, which limits the possibility of legal redress, at odds with international commitments.<sup>74</sup> Electoral irregularities and election results can be contested by submitters of candidate lists. Observers do not have the right to file complaints related to their observation, but, along with party representatives, can make entries in the logbooks maintained by EBs on observed

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<sup>73</sup> TV *Alfa* informed the ODIHR SEAM that the SDSM did not reply to their requests to participate in political debates, while *Kanal 5* noted that in the last week of campaign the VMRO-DPMNE rejected invitations to at least four debates.

<sup>74</sup> Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that “everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. See also Article 2.3(a) of the [1966 ICCPR](#). Paragraph II.3.3.3.f of the Code of Good Practice states that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”. See also paragraph 18.2 of the [1991 OSCE Moscow Document](#), and the [Recommendation Rec\(2004\)20](#) of the Council of Europe’s Committee of Ministers on judicial review of administrative acts.

irregularities, which can be contested at a later stage by list submitters. Such entries are required for complaints to be recognized substantiated. The SEC is newly required to investigate alleged irregularities and violations before adopting a decision for complaints related to the protection of rights of list submitters.

*The legal framework should be reviewed to eliminate undue restrictions on the right to lodge electoral complaints and appeals in order to provide for effective legal remedies.*

The deadlines for electoral complaints are short.<sup>75</sup> As a rule, applicants have 24 to 48 hours to submit complaints, hampering due preparation. Election day complaints are reviewed within four hours. Positively, the 2020 amendments to the Electoral Code extended the complaints revision deadline by the SEC to 72 hours and readjusted those for filing complaints on violations during voting, counting and tabulation.<sup>76</sup> The courts decide on appeals in 48 or 60 hours. Basic court has 24 hours to decide on electoral misdemeanour cases, which proved burdensome for the defendants and the judiciary, despite the limited number of cases.<sup>77</sup> There is no expedited procedure for investigation of electoral crimes, hampering effective prosecution and sanctioning of perpetrators.<sup>78</sup>

*Deadlines for the submission and resolution of complaints could be extended to allow adequate preparation and a reflected decision. Consideration should be given to extending deadlines for examination of election-related misdemeanour cases, to comply with good practice. Expedited procedures for investigation of electoral offenses should be provided.*

Prior to the suspension of electoral process, the SEC reported having received few complaints, primarily related to the registration of voters residing abroad and the media.<sup>79</sup> In 6 of 15 complaints to the Administrative Court, media outlets unsuccessfully contested the SEC decision and guidelines on political advertising prices in broadcast media and on rejected registration applications of some media outlets into the Register that entitles the outlets to receive public funding (*See Media Section*).<sup>80</sup> Publications on the SEC website were unsuccessfully challenged at the Personal Data Protection Agency (PDPA), alleging disclosure of personal data.

Following the resumption of the process, the SEC rejected 42 complaints on early campaigning as unsubstantiated by evidence, without undertaking to examine them on merits. The decisions were formalistic, identical in all cases, and lacked substantive reasoning, with formal decisions issued past

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<sup>75</sup> Paragraph II.3.3(95) of the Code of Good Practice Explanatory Report states that “time limits must [...] be long enough to make an appeal possible, to guarantee the exercise of rights of defense and a reflected decision. A time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable”.

<sup>76</sup> According to Article 148 of the Electoral Code, such complaints should be submitted within 48 hours from the end of voting and from the announcement of preliminary results respectively.

<sup>77</sup> The Agency for Audio and Audio-Visual Media Services filed three cases to the Basic Court-1 in Skopje against the Alsat-M and Telma TVs alleging violation of campaign rules under Article 76-b (3) of the Electoral Code for broadcasting during early voting a COVID-19 related address by the minister of health, and against the Radio Station 1 for reports of ministers of interior on prevention of election related crimes. No violations were found.

<sup>78</sup> Paragraph II.3.3 of the Code of Good Practice in Electoral Matters requires that “States should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority”.

<sup>79</sup> All complaints were rejected. The SEC and the Administrative Court also rejected a request from the Alliance of Albanians to assign it the quota for EB membership applicable for opposition parties. The party challenged the SEC’s decision again prior to the 15 July elections, but to no avail.

<sup>80</sup> The complaints by a number of national TV stations about the [Guidelines no. 10-475/1](#) and the [Decision no. 10-476/1](#) were rejected as inadmissible or ill-founded. The Administrative Court upheld four SEC rejections. See Complaints and Appeals section of the 2020 [Interim Report](#).

the deadlines, which impeded effective legal remedy.<sup>81</sup> The SEC rejected 2,142 complaints by contestants, mostly as parties' representatives did not invoke irregularities in PBs protocols, required as evidence.<sup>82</sup> The applicants alleged irregularities during voting and counting, discrepancies between the preliminary results announced by the SEC and the results in counting and tabulation protocols of election commissions, instances of voting on behalf of others, inclusion of deceased people in the voters list, and the validity of ballots.

*Rules on the admissibility of complaints should establish reasonable requirements and the scope of admissible evidence should not be excessively limited. Decisions and actions of the election administration should be reasoned, ensuring due guarantees for effective examination of the merits of complaints.*

The transparency and efficiency of complaints resolution by the SEC were hampered as the online complaint submission system required by the Electoral Code was launched late in the process, despite prior ODIHR recommendations to address this issue. The online complaint submission webpage included some 400 complaints, but the transparency of the process was affected as the webpage ceased functioning on election day.

*To ensure efficient filing and handling of complaints, the online complaint submission system should be evaluated and redesigned.*

For the first time, MECs had the legally defined competence to examine complaints about voting rights violations during early voting and on election day, and their decisions could be directly appealed to the Administrative Court. Due to dual jurisdiction in the law, the SEC examined 21 cases previously decided by MECs, and in some instances reached an opposing decision.<sup>83</sup> The existence of parallel avenues for complaints resolution undermines legal certainty and contradicts international good practice.<sup>84</sup> The mechanism to protect voting rights on the election day does not allow for effective remedy due to the lack of training of the MECs, and primarily as MECs are not involved in voter registration and are unable to provide any genuine solution to the applicants.

*The possibility of granting jurisdiction to an entity directly in charge of voter registration on the local level could be considered to avoid burdening the State Election Commission and to ensure the high volume of voter registration complaints on election day are effectively handled.*

The SCPC established violations in two of six complaints alleging abuse of state resources, one of which was eventually overturned by the Administrative Court.<sup>85</sup> Prior to the elections, the Administrative Court rejected an appeal against a voter registration decision of a SEC regional office

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<sup>81</sup> Paragraph II.3.3.b of the Code of Good Practice in Electoral Matters states that “The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals.” See also paragraph 96 of its Explanatory Report.

<sup>82</sup> The SEC recognized inadmissible 1,478 out of 1,982 complaints by *Levica*, as they were not signed or stamped, and did not examine contestants' complaints filed online. The remaining complaints submitted by other electoral contestants were rejected as unsubstantiated with evidence.

<sup>83</sup> Some 30 complaints against MEC decisions on voting rights of voters eligible to vote at home or those in self-isolation were challenged to the SEC; the SEC found violations in 9 cases.

<sup>84</sup> Paragraphs II.3.3.c of the Code of Good Practice in Electoral Matters and II.3.3.97 of the Explanatory Report.

<sup>85</sup> One case concerned usage of a state vehicle for campaigning by a minister, the other concerned unlawful distribution of public funds during the campaign based on a binding governmental decree, for which the SCPC initiated criminal proceedings. The SCPC rejected three complaints that alleged abuse of state resources, as the contested actions and decisions were outside the scope of campaign period restrictions. In a case initiated ex officio, the SCPC found indications of Electoral Code violation in appointment procedures of the rector at the Cyril and Methodius University, but terminated the case due to time restrictions.

as unsubstantiated and recognized as unfounded an appeal against the SCPC decision on abuse of administrative resources. The Administrative Court rejected all appeals against the SEC's decisions on irregularities during counting and tabulation of results, recognizing the absence of protocol entries on irregularities valid also for rejecting challenges of discrepancies between the SEC-aggregated preliminary results with MECs and PBs protocols.<sup>86</sup> The COVID-19 pandemic affected the ability of the Administrative Court to hold public hearings and to form in a timely manner the judicial collegiums for election-related dispute resolution.

### **XIII. ELECTION DAY**

#### **A. EARLY VOTING**

On 13 July, 67 special EBs conducted voting in 57 municipalities by visiting COVID-19 voters and those in self-isolation at their locations. The special EBs comprised three healthcare workers and two political party representatives. Members of special EBs were trained to follow specific protocols for protection against the infection and spread of COVID-19, which included the wearing of personal protective equipment (PPE), social distancing, and disinfection at multiple stages in the process.<sup>87</sup>

On 14 July, the SEC administered voting for all voters registered as ill or incapacitated, internally displaced persons (IDPs) and those in care facilities, prisons, and detention centres. Regular EBs conducted mobile voting to service these voters at their locations, applying COVID-19 protection measures.<sup>88</sup>

The early voting period generally proceeded in an orderly manner and without major incidents or tension. The ballots cast on both days of early voting were added to the ballot boxes of the polling stations of the voters' registered precincts and were counted at the end of general voting on 15 July.

#### **B. ELECTION DAY VOTING**

On 15 July, members of the ODIHR SEAM visited a limited number of polling stations to observe the voting and counting procedures.<sup>89</sup> The voting was generally well administered, with EBs displaying sound knowledge of voting procedures. Some cases were noted of voters with new IDs not being included in voter lists. Minor operational issues were reported by the election administration.<sup>90</sup>

Both the election administration and voters largely respected the health protocols, but some visited premises were not sufficiently spacious to allow for the recommended distance between persons. As the number of voters allowed into a polling station equalled the number of booths, the queues that ensued resulted in crowds in common spaces, particularly where several polling stations were located in the same premises.

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<sup>86</sup> Some 185 decisions of the SEC on irregularities during voting and counting were appealed, including 101 by the political party *Levica*, 75 by the Alliance for Albanians and AlternAtivA, two by each the VMRO-DPMNE-led coalition and by the party Democrats, one each by the SDU, the United Macedonia and the coalition "Never North – Only Macedonia", and by the MORO-Workers Party.

<sup>87</sup> Of 823 persons who requested to vote on 13 July, 759 were registered, and 723 of those voted.

<sup>88</sup> According to the SEC, of 8,852 registered to vote as ill or incapacitated, 8,325 voted (94 per cent); of 1,657 voters registered in 13 penitentiary institutions, 1,272 voted (77 per cent); of 357 registered to vote in 17 care facilities, 234 voted (81 per cent), and of 6 registered at the Center for Internally Displaced Persons, no one voted.

<sup>89</sup> In Aračinovo, Gostivar, Kumanovo, Lipkovo, Skopje, Tetovo and areas around these municipalities.

<sup>90</sup> For example, a misprint of ballots in a polling station in Lipkovo municipality resulted in an interruption of voting.

The majority of visited polling stations could not be independently accessed by persons with physical disabilities. The Braille covers for ballots were available for visually impaired voters, but an NGO working on the issues related to people with disabilities – *Inkluziva* – informed the ODIHR SEAM that only some two per cent of visually impaired are Braille literate.

*In line with international obligations, practical measures should further strive to ensure full access of persons with disabilities to the voting process.*

The ODIHR SEAM received allegations of vote-buying in different regions of the country, both in the days before and on election day, especially among the Roma community. The SEAM also received reports of tension, instances of pressure on voters around polling stations, and alleged ballot stuffing, notably in locations in the Kichevo and Saraj municipalities, as well as a reported violent incident in Zajas. On 23 July, the MoI filed before the Prosecutor's Office for Organized Crime and Corruption a criminal charge against an adviser to caretaker Minister of Interior, for alleged threatening and offending of Tetovo Internal Affairs Sector Chief on election day. Media reported police arrests for alleged ballot stuffing in the Saraj municipality.

### C. COUNTING, TABULATION AND ANNOUNCEMENT OF PRELIMINARY RESULTS

The SEC introduced the web-based application “uVote” in these elections for the electronic transmission of interval turnout data as well as of preliminary results. The application offered the possibility for voters to view the entered data on partial turnout and preliminary results.

On 25 February, after the initial announcement of the elections, the SEC launched a public tender for procuring new software and upgrading existing software related to the transmission of election results, which provided specifications of the required service. The State Appeals Commission for Public Procurement (SACPP), following a competitor's appeal, found that elements of the specification jeopardized a genuine competition.<sup>91</sup> The SEC subsequently lowered the required criteria.<sup>92</sup> Following a new procurement procedure, on 29 June the local IT company DUNA was awarded the contract for development of the web-based application for transmission of turnout and final results – uVote.<sup>93</sup>

In the process of developing uVote, no large-scale simulations of the application were conducted, and the SEC's supervision over DUNA's application was limited. The SEC informed the ODIHR SEAM that an operability test was conducted two days ahead of elections, but that no report on its results was presented to the SEC prior to election day. The election administration received no training on the use of the application beyond written instructions.

The reporting of turnout data throughout the day was affected by temporary technical problems, and the MECs at times resorted to collecting this data via phone calls and text messages. Shortly after the closing of polling stations and the first entries of preliminary results, the web application stopped displaying these preliminary data; this disruption was highly publicized in the media on election night. The SEC president reported a cyber-attack, which, according to the SEC, affected the

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<sup>91</sup> The SACPP informed the ODIHR SEAM it had taken the decision solely on the basis of economic competition, without commissioning any expert review of the decision's impact on IT functionality, due to a lack of time and financial resources. See [the Decision 08-495/7 of the State Appeals Commission for Public Procurement](#), 20 May 2020 (in Macedonian).

<sup>92</sup> Some SEAM interlocutors found too low the criteria outlined in the new terms of reference. As the time for a new full public tender procedure was going beyond the electoral calendar, the SEC resorted to a direct negotiation procedure.

<sup>93</sup> A competitor also challenged the direct negotiation procedure but the appeal was rejected by the SACPP on 8 July.

publication of results, without affecting the process of results count and tabulation.<sup>94</sup> The SEC adjusted by live-streaming the information from its turnout and results database on YouTube.

DUNA stated that their responsibility covered the performance of the application, but not the security of the server that was attacked, the maintenance of which relies upon the SEC. The SEC IT informed the ODIHR SEAM that an attack to its main website was successfully addressed and the problems in delivering the results should be sought in the application itself. According to several SEAM interlocutors who were involved, such technical challenges may have been caused by a combination of external attack(s) and insufficient IT capability in the SEC.

The technical breakdowns raised doubts, including among political parties and other stakeholders, regarding the announced results. The SEC undertook a cross check of the hardcopies of the EB final protocols from all polling stations against the results electronically uploaded into the database. The ODIHR SEAM observed the verification being done in an organized and professional manner. Ultimately, the SEC officially announced the preliminary results with some 20-hour delay, at 19:30 hours on 16 July. On 18 July, the SEC issued a correction of the results due to earlier technical errors; although the correction was minor, it added to the public speculation about the integrity of the results.<sup>95</sup>

*To ensure the integrity of the electoral process, a comprehensive cyber-strategy should be developed and implemented by the State Election Commission. The strategy should include vulnerability assessments and mitigation tactics, including related to institutional capacity, adequate software and hardware, security measures, and a fully trained and permanent IT staff within the election administration.*

On 22 July, a group calling itself “AnonOpsMKD” claimed responsibility for the cyber-attack, denying the SEC was its target.<sup>96</sup> On 28 July, the Prosecutor’s Office for Organized Crime entered the SEC to investigate possible crime in the procurement procedure of software solutions. The PDPA initiated *ex officio* extraordinary supervision in the SEC, and determined breaches of the personal data protection regulations.<sup>97</sup>

On 25 July the SEC announced the final results and handed over the certificates to the elected MPs. Women constituted 36 per cent of the elected deputies (43 of 120 MPs, 4 less compared to the previous legislature).

The SEC reported 3.34 per cent of cast ballots being invalid. The SEC attributes this relatively high figure to the intentional spoiling of ballots by voters in protest, rather than a lack of understanding on how to mark a ballot. The Electoral Code requires a voter to mark its choice by circling the number of the list submitter, but also recognizes the vote as valid if the choice can be determined in a reliable and unambiguous manner. The SEC issued instructions that exemplified the interpretation of the law on the validity of ballot.<sup>98</sup>

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<sup>94</sup> Other websites, including the news aggregator Time.mk, suffered similar problems.

<sup>95</sup> According to [a 18 July 2020 SEC statement](#), a total of 943,750 voters exercised their right to vote, which is 1,416 more than the initially announced number of voters, whereas the total number of invalid ballots was revised up by 98 to 31,564.

<sup>96</sup> [Interview with the hacker behind the Time.mk attack](#), IT.mk, 22 July 2020.

<sup>97</sup> Findings from the supervision of the SEC are available at [PDPA webpage](#) (in Macedonian).

<sup>98</sup> [SEC Instruction number 10-689/1](#) from 3 March 2020.

The SEC told the ODIHR SEAM that it attempted to collect gender-disaggregated data of those who voted but that the information received from MECs and EBs was incomplete.<sup>99</sup>

#### **XIV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in the Republic of North Macedonia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations that remain to be addressed.<sup>100</sup> ODIHR stands ready to assist the authorities of North Macedonia to further improve electoral processes and to address the recommendations contained in this and previous reports.

##### **A. PRIORITY RECOMMENDATIONS**

1. The Electoral Code should be comprehensively reviewed in order to harmonize it internally and with other relevant laws, to bring it in line with OSCE commitments, international obligations and good practice. The revision should be done in a public procedure, after a broadly inclusive consultation process and sufficiently in advance of the next elections in order to guarantee legal certainty.
2. To ensure the stability and professionalism of the election administration, the tenure of the State Election Commissioners' mandate should be clearly stipulated by the Electoral Code. The Code should also provide for a clear and transparent procedure of nomination and appointment of electoral commissioners.
3. In order to ensure a comprehensive regulatory framework, the Election Code should be revised to clarify and consolidate permanent detailed instructions on voter registration procedures. Requirements in the Code should correspond to the functionality of the central population register.
4. The State Commission for the Prevention of Corruption and the State Audit Office should be provided with adequate human and financial resources to effectively carry out their mandate during the electoral period.
5. Regulations on paid political advertisement in the media should be reconsidered, in order to allow unimpeded access to the media on a non-discriminatory basis.

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<sup>99</sup> Paragraph 48d of the [1997 UN Committee on the Elimination of Discrimination Against Women General Recommendation No. 23](#) requires state parties to provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights”. The 1991 [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#), paragraph 40.13 commits the States to “ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women”.

<sup>100</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of recommendations from the [ODIHR final report on the 2019 presidential elections](#) is assessed by ODIHR as follows: recommendation 22 is fully implemented, whereas recommendations 1, 4-8, 10, 12, 14, 15, 18, 19, 21, 23, 24 are partially implemented. The follow-up of recommendations from the [ODIHR final report on the 11 December 2016 early parliamentary elections](#) is assessed by ODIHR as follows: recommendation 11 and 22 are fully implemented, recommendations 2, 8, 15, 18, 19 are mostly implemented and recommendations 1, 3-6, 13, 16, 20, 21, 25-27 and 29 are partially implemented. See also the ODIHR [electoral recommendations database](#).



6. In order to guarantee political independence, the public broadcaster should undergo a series of reforms, including changing the procedure for selection and appointment of the members of the Programmatic Council, and reducing its dependence on the state budget. Further reforms of the public broadcaster should aim at improving the quality of content produced in-house, including investigatory and analytical journalism.
7. The legal framework should be reviewed to eliminate undue restrictions on the right to lodge electoral complaints and appeals in order to provide for effective legal remedies.

## **B. OTHER RECOMMENDATIONS**

### **Electoral system and legal framework**

8. To ensure equality of the vote, legislation should foresee periodic review of district boundaries by an independent body. When district boundaries are redefined, it should be done in a timely, transparent, impartial and inclusive manner under a clear and consistent methodology.

### **Election administration**

9. Essential personnel should be employed in the State Election Commission's secretariat on a permanent basis. The capacity of the secretariat's human resources should match the powers vested to the Commission pursuant to the Electoral Code.
10. If retained as a tool for the selection of election commission members, the Ministry of Information Society and Administration should update its database of public employees, engaging the respective institutions. The authorities could consider revising the pool of state bodies from which public employees are called to serve on election commissions.
11. In order to ensure the integrity of the electoral process, a comprehensive cyber-strategy should be developed and implemented by the SEC. It should include institutional capacity, adequate software and hardware, security measures, and a fully trained and permanent IT staff within the election administration.

### **Voter registration**

12. The legal framework should be harmonized with international standards related to the right to vote of persons with intellectual and psycho-social disabilities.
13. In line with previous ODIHR recommendations, more attention should be paid to the harmonization of data supplied to the voter register, namely the interoperability of received data and standardization of the address system. Quality audits of the register should be undertaken and made public on a regular basis.
14. To facilitate the exercise of voting rights, additional measures could be considered to enfranchise first time voters without ID cards, citizens whose IDs expire shortly before the call for elections and citizens who do not collect a new ID before the voter list is updated by the State Election Commission.

### **Candidate registration**

15. Limitations on the right to stand as a candidate should be reviewed to ensure that disqualification based on a conviction is proportionate to the gravity of the offence.

## **Election Campaign**

16. Consideration should be given to aligning the official campaign period with the timeline for registration of contestants, to ensure campaign regulations apply consistently to all. Regular political activities before the official campaign period should not be prohibited and should be regulated.
17. Further efforts should be taken by the authorities to counter any form of pressure on public-sector employees, including on police. Public officials should be systematically informed about applicable mechanisms for reporting any instances of pressure and assured they will not face negative consequences; the cases should be thoroughly investigated and prosecuted.

## **Campaign finance**

18. Legal provisions regarding donations should be revised in order to harmonize donation limits, to provide transparency of and limits on loans received by political parties for election campaigning, and to establish a mechanism to determine the market price of in-kind contributions.
19. The Electoral Code should require campaign finance reports be submitted and published on the day of submission in a uniform format suitable for public scrutiny and accompanied with supporting financial documentation. Sanctions for late or non-submission should be effective, proportionate and dissuasive. The deadline for the submission of final reports should be readjusted to reflect international good practice.
20. The regulation on closing the campaign account should ensure completion of financial operations. The deadline for the submission of final reports should be readjusted to reflect international good practice.

## **Media**

21. Provisions regulating the public broadcaster's newscasts during the campaign should be revised, with a view to provide for editorial freedom, pluralism of views and equal opportunities for contestants.
22. To ensure the transparency of media ownership and of campaign expenditures, online media interested in selling space for paid political advertisements should abide by some basic transparency requirements, including verifiable information on ownership and funding.
23. Political parties, as producers of political advertisements, should be legally responsible for their content.

## **Complaints and appeals**

24. Deadlines for the submission and resolution of complaints could be extended to allow adequate preparation and a reflected decision. Consideration should be given to extending deadlines for the examination of election-related misdemeanour cases, to comply with good practice. Expedited procedures for the investigation of electoral offenses should be provided.
25. Rules on the admissibility of complaints should establish reasonable requirements and the scope of admissible evidence should not be excessively limited. Decisions and actions of the election

administration should be reasoned, ensuring due guarantees for effective examination of the merits of complaints.

26. To ensure efficient filing and handling of complaints, the online complaint submission system should be evaluated and redesigned.
27. The possibility of granting jurisdiction to an entity directly in charge of voter registration on the local level could be considered to avoid burdening the State Election Commission and to ensure the high volume of voter registration complaints on election day are effectively handled.

#### **Election day**

28. In line with international obligations, practical measures should further strive to ensure full access of persons with disabilities to the voting process.

**ANNEX: FINAL RESULTS**

	<b>Number<sup>101</sup></b>		
<b>Registered voters</b>	<b>1,814,263</b>		
<b>Voters who voted</b>	<b>943,750</b>		
<b>Valid votes</b>	<b>912,186</b>		
<b>Invalid votes</b>	<b>31,564</b>		
<b>Results</b>			
<b>Parties/Coalitions</b>	<b>Votes</b>	<b>Per cent</b>	<b>Seats</b>
Coalition led by the Social Democratic Union of Macedonia (SDSM) with BESA	<b>327,408</b>	<b>35.89%</b>	46
Coalition led by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE)	<b>315,344</b>	<b>34.57%</b>	44
Democratic Union for Integration (DUI)	<b>104,699</b>	<b>11.48%</b>	15
Coalition of the Alliance for Albanians (AfA) with AlternAtivA	<b>81,620</b>	<b>8.95%</b>	12
The Left (Levica)	<b>37,426</b>	<b>4.1%</b>	2
Democratic Party of Albanians (DPA)	<b>13,930</b>	<b>1.53%</b>	1
INTEGRA – Macedonian Conservative Party	<b>12,291</b>	<b>1.35%</b>	0
Civic Democratic Union (GDU)	<b>3,555</b>	<b>0.39%</b>	0
MORO - Worker's Party	<b>3,245</b>	<b>0.36%</b>	0
Voice for Macedonia	<b>2,802</b>	<b>0.31%</b>	0
United Macedonia	<b>2,604</b>	<b>0.29%</b>	0
Social Democratic Union - Skopje (SDU)	<b>2,585</b>	<b>0.28%</b>	0
Your Party	<b>1,894</b>	<b>0.21%</b>	0
Democrats	<b>1,558</b>	<b>0.17%</b>	0
People's Roma Party	<b>1,225</b>	<b>0.13%</b>	0
<b>Total number of votes</b>	<b>912,186</b>		120

<sup>101</sup> See [the SEC official announcement of the final results](#).

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of election observation. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's democratization activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect human rights and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of tolerance and non-discrimination, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on Roma and Sinti. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).