



ELECTION OBSERVATION MISSION The former Yugoslav Republic of Macedonia Municipal Elections, Second Round, 7 April 2013

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Skopje, 8 April 2013 – Following an invitation from the Ministry of Foreign Affairs, and based on the recommendation of a Needs Assessment Mission conducted from 28 to 31 January, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) for the 2013 municipal elections. The OSCE/ODIHR EOM remained in the country in a reduced capacity to observe the second round of elections on 7 April. This reduced OSCE/ODIHR EOM did not conduct comprehensive and systematic observations of election day proceedings, but visited a number of polling stations around the country.

The second round of the municipal elections is assessed for its compliance with OSCE commitments and international standards for democratic elections, as well as with national legislation. This statement should be considered in conjunction with the Statement of Preliminary Findings and Conclusions issued on 25 March, after the first round of voting, by the OSCE/ODIHR EOM and the Congress of Local and Regional Authorities of the Council of Europe.¹ The overall assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation and announcement of results and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR EOM will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

PRELIMINARY CONCLUSIONS

As in the first round of voting, the second round of municipal elections were efficiently administered and highly competitive. However, continued partisan media coverage and blurring of state and party activities reaffirmed the lack of a level playing field for candidates. Further efforts are required to address gaps and ambiguities in the Electoral Code and improve confidence in the voter lists. Overall, election day was calm and orderly.

Between the two rounds, the State Election Commission (SEC) continued to meet regularly and met electoral deadlines. While the SEC conducted its activities in a transparent and largely efficient manner, collegiality deteriorated rapidly during the review of complaints, with decisions based primarily on party affiliation rather than their legal merit.

The legal framework for the second round of municipal elections lacked detail on key issues concerning voter registration, campaigning, campaign finance, and media coverage. While the authorities took some steps to remedy procedural shortcomings noted during the first round of voting, there remains a need for continued electoral reform.

Longstanding concerns among many OSCE/ODIHR EOM interlocutors regarding the accuracy of voter lists increased on the first round election day after a number of voters were not found on voter lists despite possessing valid biometric identification documents. The SEC decided not to allow citizens with biometric passports that listed the Republic of Albania as their address to vote in the

¹ See Statement of Preliminary Findings and Conclusions on the first round of 24 March, 2013 municipal elections, available at: <http://www.osce.org/odihr/elections/100311>.

second round even though they were included in the voter lists and had been allowed to vote in the first round.

The campaign environment was competitive and candidates were generally able to campaign freely. The campaign remained active and calm, although the tone became more negative, with some candidates alleging fraudulent activities by their opponents in the first round. Allegations of voter intimidation and misuse of state resources persisted. This raised concerns about voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document. The blurring of state and party activities is at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document.

The public and private broadcast media monitored by the OSCE/ODIHR EOM continued to display bias in favour of the governing parties. The public broadcaster decided not to allocate any free time to contestants or hold debates, limiting the scope of information for voters to make an informed choice. Broadcast media largely failed to distinguish between state activities and party campaigning during news coverage.

The SEC and State Commission for Prevention of Corruption did not decide on over 500 complaints on early campaigning and misuse of state resources submitted before the first round, thus denying complainants a timely and effective remedy as provided for by paragraph 5.10 of the 1990 OSCE Copenhagen Document. Complaints and appeals on the first round election day were largely dismissed on procedural grounds, although repeat voting was ordered in four polling stations.

As in the first round, voting in the majority of polling stations visited by the OSCE/ODIHR EOM was calm and orderly overall and procedures were largely followed. Instances of group voting persisted and parties continued to raise concerns about large numbers of diaspora citizens returning to the country for the purpose of voting on election day.

PRELIMINARY FINDINGS

Background

On 24 March, elections were held for mayors and councils in all 80 municipalities, as well as in the city of Skopje. Mayors were elected in two-round majoritarian contests, while councillors were elected under a single-round proportional system. Forty-nine mayors were elected in the first round with the required majority of votes, with second round elections between the top two candidates called for 7 April in 29 municipalities and the City of Skopje.²

Of the 49 mayors elected in the first round, 38 represent the governing Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE), 7 represent the Democratic Union for Integration (DUI), and 1 each represent the Social Democratic Union of Macedonia (SDSM), Union of Roma of Macedonia (URM), and Democratic Party of Turks in Macedonia (DPTM); 1 candidate stood independently. Two women were elected mayors in the first round and two additional women competed in the second round. The SEC announced that voter turnout for the first round was 67 per cent.

Provisions in the Electoral Code related to the second round leave important aspects unaddressed. This includes the start of the campaign, voter registration of citizens who turn 18 between the two rounds, campaign finance provisions, media coverage, and homebound voting.

² In two municipalities, Dolneni and Strumica, voting was repeated for the first round in some polling stations on 7 April. A second round of voting will be held in Dolneni on 21 April.

Election Administration

The SEC announced full preliminary results of the first round of voting on 26 March, with a breakdown of the vote by municipality and polling station. In a transparent process, the results were posted on the SEC website once received from the MECs, although 41 MECs did not meet the deadline specified in the Electoral Code.³ On 2 April, after the complaints process was completed, the SEC announced the final results for the first round within the legal deadline.

Between the two rounds, the SEC continued to meet regularly and met electoral deadlines. While the SEC conducted its activities in a transparent and largely efficient manner, collegiality deteriorated rapidly during the review of complaints with decisions based primarily on party affiliation rather than legal merit.

In line with the law, the composition of Municipal Election Committees (MECs) and Electoral Boards (EBs) remained the same for the second round of voting. However, the MEC and 13 EBs in Čair were replaced after the SEC dismissed them on the basis of alleged falsification of election results in the first round. The case is being investigated by the Prosecutor's Office.

Additional EB training sessions were conducted by several MECs that addressed some of the procedural irregularities observed by the OSCE/ODIHR EOM on the first round election day, including the completion of results protocols. The SEC provided voter information through television spots and posters, including in minority languages.

Voter Registration

Longstanding concerns among many OSCE/ODIHR EOM interlocutors regarding the accuracy of voter lists increased after a number of voters were not found on voter lists in the first round, despite possessing the required biometric identification documents. The SEC did not take a decision on 39 complaints from citizens who stated that they were not on voter lists. On 2 April, the SEC, in a long and contentious session, decided not to allow citizens with biometric passports that listed the Republic of Albania as their address to vote in the second round even though they were included on the voter lists and had been allowed to vote in the first round.

The Campaign and Campaign Finance

The campaign period ended officially at midnight on 5 April, in line with the legislation. Some new materials appeared in municipalities during the week preceding the second round election day alongside posters, banners, and billboards left in place from the first round. While a majority of the candidates preferred to reach out to the electorate through door-to-door campaigning and regular press conferences, many also held meetings with voters. In contests between two candidates of the same ethnicity, candidates often sought the support of voters outside of their own ethnic group. Overall, the ruling VMRO-DPMNE campaign was significantly more visible.

As in the first round, the campaign was competitive and candidates were generally able to campaign freely, although instances of defaced campaign posters continued. While the atmosphere remained calm, the tone of the campaign became more negative in some municipalities, and anonymous campaign materials appeared that were critical of candidates. Several candidates alleged fraudulent activities by their opponents in the first round. Allegations of intimidation of voters persisted, most

³ According to the Electoral Code, MECs have 7 hours from the closure of polling stations to announce preliminary results in their municipality and the election commission of the City of Skopje has 10 hours.

often of public sector employees, raising concerns about voters' ability to cast their vote "free of fear of retribution," as required by paragraph 7.7 of the 1990 OSCE Copenhagen Document.

The prime minister and other government ministers campaigned vigorously on behalf of their parties' candidates, often during official working hours. Some ministers promoted projects in municipalities where second rounds were held and promised continued support from the central government should the governing party candidate be elected. On 30 March, the government announced a major plan to reconstruct and build new schools around the country, including several municipalities where governing party candidates were facing run-off elections. Allegations of misuse of state resources continued throughout the second round, including the posting of campaign materials by governing party candidates on state property. The blurring of the line between party and state raises concerns about the level playing field for candidates and is at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document.⁴

All electoral contestants are obliged to report on campaign finance. According to the information provided on the SEC webpage, 61 out of 121 contestants failed to submit the second pre-election financial report that was due on 23 March. There is no penalty for non-submission of pre-election reports. According to reports submitted so far, VMRO-DPMNE enjoyed a significant advantage countrywide, spending some five times more than its closest competitor. Final campaign finance reports are due 30 days after the end of the campaign, but the law is not clear whether this is after the first or second round of voting. The Electoral Code also lacks clarity on whether the total amount of allowed campaign expenditures applies to both rounds. Moreover, as campaign finance reports are not broken down by municipality, it is not possible to determine if the limitation on expenditures is respected.

Media

While Broadcasting Council (BC) regulations require the media to provide balanced coverage of the campaign, the legal framework provides limited regulation for media coverage of the second round of elections.⁵ The public broadcaster Macedonian Radio and Television (MRT) decided not to allocate any free time to electoral contestants or to hold debates, thereby limiting the scope of information for voters to make an informed choice.

As in the first round of elections, the OSCE/ODIHR EOM media monitoring of the second round indicated a significant bias in favour of the governing parties both in terms of quantity and tone of coverage.⁶ All monitored broadcast media, except *Telma*, provided extensive coverage of government activities in the municipalities where second round elections took place but did not distinguish between state activities and party campaigning.

Contrary to their legal obligations, the public broadcaster MRT did not provide balanced coverage. *MRT-1* devoted 21 per cent of its news coverage to the government and 37 per cent to VMRO-DPMNE, mostly positive or neutral in tone, with SDSM receiving 29 per cent of mainly negative or neutral coverage. *MRT-2*, which provides programmes in minority languages, provided mostly neutral coverage, with 33 per cent of coverage to DUI and 16 per cent to DPA.

⁴ Paragraph 5.4 of the 1990 OSCE Copenhagen Document provides for "a clear separation between the State and political parties; in particular, political parties will not be merged with the State."

⁵ For example, the start of the second round campaign is not defined. While major broadcast media started to air political advertisements from 26 March, the BC did not begin monitoring the media until 27 March.

⁶ For the second round, the OSCE/ODIHR monitored the prime time news coverage of six television channels: *MRT-1*, *MRT-2*, *Alsat-M*, *Kanal 5*, *Sitel*, and *Telma*.

Private channels *Sitel* and to lesser extent *Kanal 5* provided favourable news coverage to the government and VMRO-DPMNE and were strongly critical of SDSM, while *Telma* and *Alsat-M* provided more balanced coverage. *Sitel* allotted 42 per cent of news coverage to VMRO-DPMNE, 32 per cent to SDSM, and 15 per cent to the government. *Kanal 5* devoted 34 per cent to VMRO-DPMNE, 23 per cent to SDSM, and 21 per cent to the government. *Telma* allotted 28 per cent to VMRO-DPMNE and 35 per cent to SDSM. *Alsat-M* placed more focus on the ethnic Albanian parties and devoted 27 per cent to DUI, 15 per cent each to both DPA and SDSM, and 14 per cent to VMRO-DPMNE.

The media monitoring conducted by the BC identified a lack of balance in the newscasts of most broadcasters in favour of the ruling parties; however the BC decided to react to these violations only after the second round.

Complaints and Appeals

The SEC did not decide on the 431 complaints submitted prior to the first round election day concerning allegations of early campaigning. In addition, 73 complaints filed by SDSM with the State Commission for Prevention of Corruption (SCPC), alleging the misuse of state resources during the VMRO-DPMNE election campaign, are still pending. The lack of clear procedures for handling pre-election complaints does not guarantee effective redress, as provided for by paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁷

Following the first round voting, 8 political parties and coalitions filed 402 complaints with the SEC that challenged the results in 476 polling stations, of which 6 were accepted.⁸ Contradictory decisions were made on complaints alleging the same irregularities. The majority of complaints were dismissed on procedural grounds because either no evidence was submitted or the complaint was not noted in the protocol of the EB or the MEC. Others were dismissed because two complaints were not filed in the same polling station, as required by the Electoral Code. The OSCE/ODIHR has previously recommended that this provision be removed as it undermines effective remedy.

Based on the accepted complaints, the SEC annulled results in three polling stations in Strumica due to irregularities based on complaints from VMRO-DPMNE, as well as in one polling station in Dolneni based on a complaint from DPA. In Čair municipality, the SEC voted to inspect the election materials in 13 polling stations based on a complaint from DPA alleging that the results on the MEC protocol did not match those on EB protocols. The SEC upheld the complaint and amended the results of the 13 polling stations, resulting in a second round election in Čair.

The Administrative Court heard 142 appeals, of which 141 were rejected as unfounded. An appeal from VMRO-DPMNE was accepted concerning one polling station in Kičevo, however, no repeat voting of the first round was held as the final result would not have changed. The public hearings observed by the OSCE/ODIHR EOM were formalistic and evidence was not presented by the complainants.

On 3 April, the SCPC announced the initiation of an *ex officio* misdemeanor procedure against Andrej Žernovski, opposition candidate in Centar municipality, for alleged irregularities in financial

⁷ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”

⁸ SDSM submitted 371 complaints; Democratic Renewal of Macedonia filed 35 complaints; VMRO-DPMNE filed 5 complaints; DPA filed 3 complaints; DPTM filed 2 complaints; DUI filed 1 complaint; People’s Movement for Macedonia filed 1 complaint; National Democratic Revival filed 1 complaint.

reports during his time as a member of parliament between 2002 and 2011. Mr. Žernovski claimed the timing of the announcement was politically motivated.

Election Day

As in the first round, voting in the majority of polling stations visited by the OSCE/ODIHR EOM was calm and orderly overall, and procedures were largely followed. The voting process was calm and EB members at the polling stations visited followed procedures and managed the process efficiently. A number of instances of group voting were observed. While a few polling stations suspended voting for a short time to handle technical concerns or complaints, this did not negatively impact the voting process. As in the first round, several parties raised concerns about large numbers of diaspora citizens returning to the country for the purpose of voting on election day.

In polling stations visited, the vote count was carried out in a professional and transparent manner with only a few procedural problems observed. The tabulation process appeared to be well administered in the few MECs visited. The SEC started announcing election results on election night and posted them on its website by municipality and polling station.

Early voting took place on 6 April for homebound voters, prisoners, and internally displaced persons. As in the first round, the secrecy of the vote for homebound voters was not always respected and instances of prisoners not being included on voter lists were observed.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Skopje, 8 April, 2013 – The OSCE/ODIHR Election Observation Mission (EOM) opened in Skopje on 25 February with 11 experts in the capital and 16 long-term observers deployed throughout the country. On the first round election day, 215 short-term observers were deployed, including a 15-member delegation from the Congress of Local and Regional Authorities of the Council of Europe. The OSCE/ODIHR EOM remained in the country in a reduced capacity to observe the second round on 7 April. In total, mission members were drawn from 30 OSCE participating States.

The OSCE/ODIHR EOM wishes to thank the Ministry of Foreign Affairs for the invitation to observe the elections, the State Election Commission for its co-operation and for providing accreditation documents, and other authorities for their assistance and co-operation. The OSCE/ODIHR EOM also wishes to express appreciation to the OSCE Mission to Skopje and other international institutions for their co-operation and support.

For further information, please contact:

- Ambassador Geert-Hinrich Ahrens, Head of the OSCE/ODIHR EOM, in Skopje (+389 (0)2 3255 200);
- Mr. Thomas Rymer, OSCE/ODIHR Spokesperson +48 609 522 266); or Ms. Tamara Otiashvili, OSCE/ODIHR Election Adviser, in Warsaw (+48 22 5200 680).

OSCE/ODIHR EOM Address:

76 Ilinden Blvd, 1000 Skopje

Tel: +389 (0)2 3255 200, Fax: +389 (0)2 3255 201, Email: office@odihr.org.mk