Preliminary Conclusions

The second round of the local elections was characterized by a competitive campaign in which fundamental freedoms were respected, but negative rhetoric and reports of intimidation of contestants and pressure on voters potentially detracted from the process. The election administration made some efforts to address procedural shortcomings noted during the first round, and the second-round election day proceeded smoothly, although certain issues persisted and numerous shortcomings in the handling of complaints undermined effective remedy.

Second rounds of mayoral elections were held in 43 municipalities and the city of Skopje. Only 6 of the 88 mayoral candidates contesting the second round were women. In two other municipalities, the turnout requirement for mayoral elections was not met in the first round, and the mayoral elections will be repeated at a later date.

The State Election Commission (SEC) and Municipal Election Commissions (MECs) carried out the technical preparations for the run-offs in an adequate manner and complied with legal deadlines. The SEC organized refresher trainings for election officials and modified the templates of the results protocols and certain procedures in an effort to address problems that occurred in the first round. In an inclusive manner, the SEC extended the observer accreditation period for all organizations wishing to observe the second round, and accreditations issued in the first round remained valid. After the first round, the SEC held five public sessions, however, some of these were not announced in advance and decisions were not consistently published, detracting from the overall transparency of the process.

The second round was competitive, and contestants were generally able to freely campaign and convey their messages. However, instances of negative rhetoric continued to affect the campaign environment. The major parties mobilized their national leaders in support of mayoral candidates and held events with voters across the country. As in the first round, ODIHR EOM observers received persistent reports, some of which were documented, of pressure on voters, including public employees, to vote for certain contestants, as well as pressure on candidates. The ODIHR EOM also received allegations of vote-buying. While a few investigations were initiated prior to election day and remain pending, political leaders generally did not react to these allegations or offer statements to deter such actions.

Contestants in the second round were required to submit financial reports on received donations one day before the second-round election day, but these were not published before election day, which together with a lack of consistent disclosure during the first round reduced transparency. Despite the failure by some contestants to submit interim campaign finance reports in the first round, no sanctions were applied.

With fewer candidates in the second round, the broadcasters monitored by the ODIHR EOM provided voters with ample information about contestants and the tone of news programmes was generally neutral. As in the first round, smaller parties and independent candidates received coverage in national media. No violations were reported by the Agency for Audio and Audio-visual Media Services between the two rounds. As in the first round, the vast majority of airtime and state funds for media advertising was allocated to the largest parties, in accordance with the law, which significantly disadvantaged candidates of smaller parties and independents, contrary to OSCE commitments and international good practice.

During the first round, a general lack of understanding among MECs of procedures for handling complaints filed by voters regarding their right to vote led to inconsistent application, and as a result, a
number of such complaints were not addressed, depriving those voters of the opportunity to vote and undermining effective remedy. After the first round, the SEC received 12 complaints from contestants, concerning election results, all of which were rejected or dismissed, often without due consideration to the substance. Multiple shortcomings in the handling of complaints at the SEC, including formalistic or inconsistent application of admissibility requirements, undermined the right to effective redress.

The ODIHR EOM did not observe the second-round election-day proceedings in a systematic or comprehensive manner, but mission members visited a limited number of polling stations. The voting process in visited polling stations was assessed as well-organized, transparent and calm, although isolated incidents were reported by authorities. While established procedures were largely followed, some issues noted in the first round persisted, including technical challenges with the biometric identification of voters. The few vote counts observed were mostly transparent, but respect for established procedures varied considerably. The SEC announced that voter turnout was 48.6 per cent and started posting preliminary results shortly after the close of polls, enhancing transparency.

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**PRELIMINARY FINDINGS**

**Background and Post-First Round Developments**

On 23 and 26 October, the State Election Commission (SEC) announced the final results of the first round of the 17 October local elections. Thirty-four mayors were elected in the first round. Of these, 22 were candidates of the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonia National Unity (VMRO-DPMNE), 9 of the Social Democratic Union of Macedonia (SDSM), and 3 of the Democratic Union for Integration (DUI). In the municipalities of Centar Zhupa and of Mavrovo and Rostusha, the legal requirement that one third of registered voters turn out for the mayoral election to be valid was not met; the mayoral elections in these two municipalities will be repeated at a later date.

In line with the law, the SEC scheduled a second round of mayoral elections for 31 October in the City of Skopje and 43 municipalities, including the cities of Bitola, Gostivar, Kumanovo, and Tetovo. Of the 88 mayoral candidates contesting the second round, 6 were independents. Of the 25 women candidates for mayor, none were elected in the first round, and only 6 advanced to the second round. In the municipality of Debar, the mayoral election was repeated on 31 October in one polling station where the first round was annulled (see Election Administration).

Following the first round, VMRO-DPMNE representatives called on Prime Minister Zoran Zaev to resign; some opposition parties called for early parliamentary elections. The prime minister cited a European Commission progress report released on 19 October and claimed his party had continued to maintain a determined pace in advancing EU reforms.

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1 The SEC announced most results on 23 October; results in four mayoral and seven council races were announced after the expiration of relevant adjudication deadlines.

2 In Shuto Orizari, the second round of the mayoral election took place on 31 October, and in one polling station where the first round of voting had been invalidated, voters also voted for the municipal council and the council of the City of Skopje. Among larger municipalities, only Prilep, Shtip, Veles, and the Skopje municipalities of Gazi Baba and Aerodrom elected their mayors in the first round.

3 Following the repeat voting in that polling station on 31 October, no candidate received the absolute majority required to be elected in the first round, and a second round will be held later in the entire municipality.
Election Administration

Second-round mayoral contests were administered by the SEC, 50 Municipal Election Commissions (MECs) and the Election Commission of the City of Skopje (ECCS), 2,394 Election Boards (EBs) and 42 Special Election Boards. The composition of lower-level election bodies remained largely unchanged, with the exception of a few resignations for health reasons. The SEC dismissed two EBs in their entirety, and some members of the Debar MEC, due to procedural shortcomings which led to the annulment of results of the respective polling stations.4

The SEC and MECs carried out the technical preparations for the run-offs in an adequate manner and complied with legal deadlines. After the first round, the collegiality of the commission’s work was at times undermined by a lack of internal co-ordination and information sharing. Contrary to requirements in the Electoral Code, requests submitted by a SEC member to review the entire election material of a polling station where voting had been annulled and to conduct a thorough comparison of collected voters’ fingerprints was not considered. The SEC held five public sessions dedicated to resolving complaints related to the first election day, arrangements for the second round, and the announcement of election results. Due to technical problems with live-streaming at the SEC, the recordings of two of these sessions were available only on the website of the public Media Information Agency. Some sessions, including the ones on the announcement of the final results of the first round and on modifications of some procedures, were not announced in advance. While brief information on most sessions was published on its website, the SEC did not publish adequate information on its decisions in sessions which took place since late September, detracting from the transparency of its work.5

In view of the high incidence of results protocols requiring correction in the first round, which was indicative of insufficient understanding of the procedures among election officials, the SEC modified the templates of the results protocols, removing an erroneous control formula and adding explanations for certain items. However, this adjustment did not fully address the issues encountered by MECs on election day. This was primarily because the SEC’s application for the electronic transmission of results was not adjusted to allow MECs to update the total number of registered voters if individuals were added to the voter list on election day on the basis of an admitted complaint. Referring to a decision of the Administrative Court on the annulment of the first-round voting in one polling station in Shuto Orizari, on 26 October the SEC decided to amend its instruction concerning ballot validity, announcing that ballots without an official stamp would be considered valid in the second round, thus removing an important procedural safeguard to ensure the integrity of the ballot. The decision was reversed the following day.

To address other procedural shortcomings noted in the first round, the SEC also updated applicable procedures for voter identification and for the packing of election materials and organized refresher training sessions for MECs and for EB presidents and their deputies. The trainings focused on voting procedures, operational instructions for the biometric voter identification devices (BVIDs), and the completion of results protocols. The training sessions observed by the ODIHR EOM were generally well-organized and informative, providing election officials with the opportunity to raise queries and clarify doubts on election procedures.

4 In polling station 0543 in Debar, where 172 voters (some 22 per cent of voters registered in the polling station) were not recognized by the biometric voter identification device, neither the EB members, except for the deputy president, nor the MEC members signed the protocol, thus rendering the results protocol invalid. In polling station 2957/1 in Shuto Orizari, a significant number of ballots were invalidated because they had not been stamped with the official EB stamp prior to being issued to voters.

5 This relates to seven sessions held since 24 September.
The Electoral Code does not provide for the update of voter lists between rounds, except in cases of voters demonstrating eligibility on election day on the basis of an admitted complaint. According to the SEC, during the first round election day, some 222 voters were registered based on decisions of MECs. Although the SEC had planned to conduct a nationwide verification of the collected voter fingerprints after the first round, no such verification was conducted, due to logistical constraints and inconsistencies in the collection and quality of fingerprint data. The electronic voter lists, without changes, were re-uploaded to BVIDs between 19 and 23 October, and the devices were deployed to MECs on 28 and 29 October. The second-round trainings allowed SEC trainers to effectively build on experiences with new voter identification procedures, improving the clarity of the trainings delivered.

In an inclusive manner, the SEC renewed the observer accreditation period for all organizations wishing to observe the second round, but without a set deadline. Accreditations issued in the first round for observers and foreign journalists, as well as for representatives of electoral contestants who contested the second round, remained valid for the run-offs. One citizen observer group, CIVIL – Center for Freedom, informed the ODIHR EOM that some of their observers had been hindered in their work during the first-round election day, pointing to a lack of understanding of procedures by EB members but also mentioning the fact that their SEC-issued observer badges did not contain the required personal identification data. In reaction to notifications by CIVIL and the Association of Journalists of Macedonia, whose representatives had also been denied access to some polling stations, the SEC issued an appeal to all election officials to abide by their legal obligation to facilitate access to all accredited persons to all stages of the election process and to enable the media to carry out their work inside polling stations.

Campaign and Campaign Finance

The second-round campaign began on 18 October and ended at midnight on 29 October. Contestants resumed their campaigns immediately after the first round. The second round was competitive, and contestants were generally able to freely campaign and convey their messages. However, instances of negative rhetoric continued to affect the general atmosphere, with the major parties engaging in mutual attacks.

On 27 October, the prime minister and leader of SDSM made unsubstantiated claims in a media interview that Danela Arsovska, the independent mayoral candidate for the city of Skopje supported by VMRO-DPMNE, held Bulgarian citizenship and called on her to withdraw.

Most parties indicated that they adapted their campaign strategies for the second round in favor of smaller-scale meetings and door-to-door activities rather than larger rallies. Contestants continued to conduct extensive outreach on social media platforms. The major parties mobilized their national leaders in support of mayoral candidates and held events with voters across the country, with key messages focusing on health, education, and infrastructure. Some contestants actively sought to draw support from smaller ethnic communities or from outside their traditional support base. For example, at a rally in Skopje on 23 October, an SDSM candidate addressed voters with messages in the Macedonian, Albanian and Romani languages, while the mayoral candidate for Tetovo and leader of the predominantly ethnic-Albanian party BESA published online campaign materials in Macedonian.

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6 The Electoral Code requires the Ministry of Internal Affairs (MoIA) to provide data to the SEC, prior to the first round, on persons whose IDs expired after the announcement of elections and on persons who attain 18 years of age between rounds. In line with the law, some 40,000 citizens whose IDs expired after the announcement of elections were included in the voter lists. However, as the Electoral Code prohibits administrative updates to the voter lists between rounds, persons who turned 18 between rounds needed to submit complaints to be added to lists.

7 The appeal was published by a number of media outlets. On the second-round election day, the SEC president repeated the appeal at a press conference, in response to a report that journalists had been obstructed from entering a polling station.

8 In a public statement after the closing of the polls on 17 October, party president and Prime Minister Zoran Zaev implied that VMRO-DPMNE represents “evil”; VMRO-DPMNE President Hristijan Mickoski, for his part, during a campaign meeting in Skopje on 20 October stated that “the government has not understood anything but continues with blackmails, threats, abuse of the police in the elections [and] vote buying”. 
As in the first round, the ODIHR EOM received persistent reports of pressure on voters, including on police and other public employees, to vote for or support certain contestants. In addition, the ODIHR EOM received persistent claims of intimidation and pressure on some candidates, including by police officials. The Macedonian Police Union issued a statement on 27 October calling on political parties to refrain from pressuring police officers and on members of police units not to serve the interests of political parties. The ODIHR EOM also received allegations of vote-buying. While a few investigations were initiated prior to election day, political leaders generally did not react to these allegations or offer statements to deter such actions.

Following the first round, the State Commission for the Prevention of Corruption (SCPC) rejected one complaint from VMRO-DPMNE on alleged abuse of state resources by the government. The SCPC’s decision was upheld by the Administrative Court. The SCPC informed the ODIHR EOM of nine reports concerning alleged misuse of public resources during the second round campaign, most regarding the recruitment of personnel at public institutions or the initiation of public construction projects during the electoral period. As these reports were not submitted by contestants, they were not treated as complaints which are required to be addressed in an expedited manner, and no action was taken before the second round, undermining effective remedy.

Contestants in the second round were required to submit a financial report on received donations one day before the second-round election day. Although most contestants complied with the reporting requirement, these reports were not published before election day, and thus no information was publicly available regarding the sources of contestants’ funding during the runoff, reducing transparency. The second interim reports from the first round which were due on 16 October, with further information on the contestants’ donations from individuals and legal entities, were published by the State Audit Office (SAO) on 19 October, two days after the first election day. Despite the failure by some contestants to submit interim campaign finance reports for the first round, no sanctions had been applied. The SCPC reported that it did not identify any violations of campaign finance regulations during the campaigns for the first or the second round.

Media

As in the first round the media were obliged to cover the elections in a balanced and unbiased manner. State funds for advertising in the media and for the allocation of airtime were distributed among contestants according to the same formula applied to the first round; the two largest ruling and two largest opposition parliamentary parties receive 90 per cent of allocated funds, with 7 per cent going to smaller...
parliamentary parties and 3 per cent to non-parliamentary parties and independent candidates.\(^\text{17}\) This distribution, in the context of mayoral run-offs, significantly distorted the playing field in contests with independent candidates or candidates representing smaller or non-parliamentary parties, contrary to OSCE commitments and international good practice. As in the first round, no official decision on budget allocation was published.

On 18 October, the Agency for Audio and Audio-visual Media Services (AVMS) resumed its media monitoring and daily reporting to the SEC. No violations were reported by the AVMS between the two rounds. On the first-round election day and in the days after, a few journalists were targeted by politicians and public officials for their coverage of the first round.\(^\text{18}\)

The tone of coverage in the news programmes of all monitored broadcasters was generally neutral. The news programmes in all monitored channels were dominated by coverage of SDSM and VMRO-DPMNE, and these two parties were the most prominent in paid political advertising.\(^\text{19}\) Alsat-M featured extensive paid advertising from DUI and the coalition of Alliance for Albanians and Alternativa. In most monitored channels, smaller parties and independent candidates received some coverage, including outside of news programmes, in current affairs programmes and organized debates.\(^\text{20}\) With fewer candidates in the second round, the monitored broadcasters provided voters with ample information about the contestants.

Complaints and Appeals

On the first-round election day, over 300 complaints were filed by voters regarding their right to vote.\(^\text{21}\) While in some cases MECs acted promptly on such complaints, many were handled past the deadline, largely due to delays in communication with the SEC.\(^\text{22}\) The SEC’s electronic submission system for complaints was not consistently updated, which resulted in limited public information. In addition, a lack of understanding among MECs of procedures for handling complaints led to their inconsistent application; while MECs were generally involved in processing complaints, many refrained from reviewing them and forwarded the complaints to the SEC for a decision. As a result, a number of complaints could not be addressed in a timely manner.

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\(^\text{17}\) The budget for campaigning in the media may not exceed EUR 1 per voter in municipalities where a second round is held. In second round contests where independent candidates were running against candidates from the largest parliamentary parties, the former received 3 per cent of available funds, while the latter received up to 45 per cent. The remaining funds are to be returned to the state budget.

\(^\text{18}\) For example, an independent mayoral candidate for Kichevo municipality told a TV21 reporter who was present at his campaign headquarters: “You are the worst thing that happened to the citizens, you are bloodthirsty. It is your fault that Kichevo has reached this situation where it is. You are with the government and you work in a biased manner”. A TV Klan journalist during the election period faced accusations of alleged blackmailing from the Alliance for Albanians (AA) mayoral candidate for Tetovo. The Association of Journalists of Macedonia (AJM) reported an attempt to discredit another TV Klan reporter by the Minister of Foreign Affairs at a press conference, as well as several cases when online media were obstructed from reporting on the first-round election day by supporters of political parties. On 21 October, a Joint Declaration denouncing public statements from politicians and public officials that are “threatening or encouraging attacks on journalists, human rights defenders, and putting minorities at risk” was issued by the OSCE Representative on Freedom of the Media, the UN Special Rapporteur on the Protection and Promotion of Freedom of Opinion and Expression, the Organization of American States Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples’ Rights Special Rapporteur on Freedom of Expression and Access to Information.

\(^\text{19}\) SDSM received from 17 to 31 of airtime in the news programmes of monitored private channels; VMRO-DPMNE received from 13 to 21 per cent.

\(^\text{20}\) Danela Arsovksa (Skopje) and Maksim Dimitrievski (Kumanovo) received almost all national coverage of independent candidates in the news programmes of monitored channels.

\(^\text{21}\) According to the SEC, some 222 of these complaints were upheld. These complaints could be filed in-person to MECs or electronically. As of 30 October, the SEC was unable to confirm the total number of complaints for the first round due to a number of apparent duplicate complaints filed both in-person and electronically.

\(^\text{22}\) MECs do not have access to the voter register and are required to verify voters’ data with the SEC. The high number of such requests on election day led to a significant backlog, further exacerbated by technical problems. Some MECs informed the ODIHR EOM that they received the necessary information only shortly before the end of voting.
complaints concerning the right to vote were not addressed, depriving those voters of the opportunity to vote and undermining effective remedy. The ODIHR EOM observed that where MECs undertook to consider complaints, these were often not reviewed in public sessions nor in a collegial manner. In advance of the second round, the SEC reviewed 122 additional complaints from voters regarding their right to vote and home-bound voting.23

Following the first round, the SEC reviewed 14 complaints, 2 concerning violation of the campaign silence and 12 concerning the results, all filed by contestants.24 All of these were rejected or dismissed, often without due consideration given to the substance of the complaint and the evidence provided concerning the alleged violation.25 Three complaints were dismissed for being lodged by an unauthorized representative of the contestants, without the possibility given to contestant to re-submit the complaints by their legally-authorized representative;26 four were dismissed for being submitted after the deadline.27 While all complaints were reviewed in public sessions, the parties to the case were not invited to attend, and some sessions were not streamed online. Overall, multiple shortcomings in the handling of complaints at the SEC undermined the right to effective redress.

Two SEC decisions on the first-round results were appealed to the Administrative Court; both were reversed, and the results in two polling stations in Debar and in Shuto Orizari were annulled.

According to the State Public Prosecutor’s Office, following the first round election day the police and prosecutors received several reports on potential election-related criminal conduct, most of these alleging pressure on voters and vote-buying; as of 29 October, all these remained under investigation.

Election Day

In line with ODIHR methodology in the absence of short-term observers for the second round, the ODIHR EOM did not observe election-day proceedings in a systematic or comprehensive manner, but mission members visited a limited number of polling stations in the city of Skopje and 17 municipalities. In the limited number of polling stations visited, the voting process was generally assessed as well-organized, transparent and calm. Established procedures were largely followed but in a few cases the secrecy of the vote was not fully respected. Some issues observed in the first round persisted, including the biometric identification devices often failing to successfully scan voters’ fingerprints in the polling stations visited. Several cases of violation of the campaign silence were noted. Mitigating measures against COVID-19 were in place, but social distancing was not always respected, and personal protective equipment was not consistently used. The few vote counts observed were mostly transparent, but respect for established procedures varied considerably between the visited polling stations, and some EBs had problems completing the results protocol.

23 Of these, 82 were upheld.
24 Fifteen complaints concerning the results were withdrawn, including complaints submitted by AA, DUI, SDSM, and VMRO-DPMNE. Some contestants informed the ODIHR EOM that their complaints were withdrawn in anticipation of being rejected for lack of evidence owing to stringent legal criteria for admissibility of evidence as well as a lack of confidence in the system for election-dispute resolution.
25 In several cases, the SEC refused to consider provided evidence due to the absence of a related remark in results protocols or rejected the complaints for lack of evidence without attempting to properly examine those provided by the applicant, despite a prior ODIHR recommendation.
26 Section II.3.3b of the Code of Good Practice recommends that “the procedure must be simple and devoid from formalism, in particular concerning the admissibility of appeals”.
27 While two dismissed complaints challenged issues during tabulation and hence under the law could be lodged within 48 hours from the announcement of results, the SEC noted in respective decisions that these complaints must have been submitted within 48 hours from the closing of voting.
The SEC announced that voter turnout was 48.6 per cent. As in the first round, the SEC shared updates about the voting process throughout election day and began posting preliminary results by polling station on its website shortly after the close of polls, which enhanced transparency.

The SEC and the Ministry of Internal Affairs reported isolated incidents. The State Public Prosecutor’s Office announced that it had received some reports on potential criminal conduct during election day, most concerning alleged vote-buying and pressure on voters, as well as threats addressed to citizen observers on social media, with a criminal investigation ordered in all cases. The SEC and the Ombudsperson’s Office operated dedicated hotlines where voters could report possible violations and obstructions of their voting rights. As of closing of voting, the SEC reported 739 complaints from voters regarding their right to vote; 642 of these were upheld. A number of MECs informed the ODIHR EOM that they had forwarded such complaints to the SEC.

Following the announcement of preliminary results on election night, Zoran Zaev at a press conference announced his resignation as prime minister and president of SDSM.

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28 On election day, the MoIA announced that it had increased police presence following some reports of obstruction of the election process.
Skopje, 1 November 2021 – The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. This assessment should be read in conjunction with the Statement of Preliminary Findings and Conclusions published on 18 October following the first-round election day.

ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the process, including the tabulation and announcement of results and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

Tana de Zulueta is the Head of the ODIHR EOM, deployed from 7 September. The ODIHR EOM observation of the second round included 13 experts in the capital and 10 long-term observers. ODIHR observers for the second round came from 13 countries. Fifteen ODIHR observers were women.

The ODIHR EOM wishes to thank the authorities for their invitation to observe the elections, and the State Election Commission and the Ministry of Foreign Affairs for their assistance. The ODIHR EOM wishes to also express their appreciation to other state institutions, political parties, candidates, media, civil society organizations, and international community representatives for their co-operation.

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