Warsaw, 29 August 2025
Opinion-Nr.: ODIHR-557/2025

OPINION ON 2006 ELECTORAL CODE, AS AMENDED, AND DRAFT LAW ON AMENDING THE ELECTORAL CODE

NORTH MACEDONIA

This Opinion has benefited from contributions made by Ms. Marla Morry, International Lawyer and Electoral Expert.

Based on an unofficial English translation of the Electoral Code, as amended, and draft Law on Amending the Electoral Code commissioned by the OSCE Office for Democratic Institutions and Human Rights.

OSCE Office for Democratic Institutions and Human Rights

Ul. Miodowa 10, PL-00-251 Warsaw
Office: +48 22 520 06 00, Fax: +48 22 520 0605
www.legislationline.org

EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

On 3 June 2025, the Minister of Justice of the Republic of North Macedonia requested the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to review a set of draft amendments it had prepared for introducing changes to the 2006 Electoral Code ("Draft Law") which regulates parliamentary, presidential, and municipal elections. The proposed changes relate to provisions on the election administration, voter registration, candidate nomination, misuse of public resources, election campaign, campaign finance, media, election dispute resolution, election day procedures, and electoral crimes and misdemeanors. The request stated that the Draft Law is aimed at implementing ODIHR's recommendations from its observation of the 2024 parliamentary and presidential elections (although the official justification references only 2020 and 2021 ODIHR recommendations) and meeting the obligations to conduct efficient and continuous reforms based on European standards. The Ministry of Justice's Draft Law is intended to be considered only after the upcoming local elections in North Macedonia in October.

Since its adoption, the Electoral Code has undergone a series of piecemeal amendments, often under expedited procedure and without prior public debate and consultation of key stakeholders. The Draft Law being reviewed in this opinion also offers a limited set of amendments drafted without an inclusive consultation process, which runs contrary to ODIHR's long-standing, overarching recommendation for the authorities to undertake a comprehensive review of the Electoral Code to eliminate numerous existing gaps, inconsistencies, and ambiguities, and to bring it in line with OSCE commitments, international obligations, and good practice. ODIHR takes this opportunity to again encourage the authorities to undertake such comprehensive reform, well ahead of the next national elections, following an open and inclusive consultation process.

The Draft Law offers some positive measures, with a few of the proposed changes partially or fully addressing previous ODIHR recommendations. These include, for instance, introducing a gender quota for mayoral candidates, establishing additional safeguards and sanctions against the misuse of public resources in the campaign, providing equal conditions and transparency for the granting of permission to use public buildings for campaign rallies, obliging the Ministry of Finance to deliver training to electoral participants on the filing of campaign finance reports, increasing transparency for paid online campaign advertising, guaranteeing equitable access and news coverage of smaller parties and independent candidates, providing a more equitable distribution of public funding for paid campaign advertising, and introducing sanctions for breaches of media-related provisions. At the same time, ODIHR offers a set of recommendations to strengthen the proposed amendments, some noted in the list below. Of note, the Draft Law does not address many outstanding ODIHR recommendations, including those connected to issues covered in the proposed changes, for instance on campaign finance and electoral dispute resolution.

Although amendments introduced into the electoral legislation over the years have addressed some previous ODIHR recommendations, numerous other recommendations related to the Electoral Code remain outstanding on a broad range of issues, many that pertain to key international standards and OSCE commitments. Some have been left unaddressed for nearly twenty years and reiterated in many ODIHR observation reports and opinions. In this regard, ODIHR takes this opportunity to remind the authorities of North Macedonia of its OSCE commitment to follow up promptly the ODIHR's election assessment and recommendations.[1]

[1] Paragraph 25 of the 1999 OSCE Istanbul Document.

Unaddressed recommendations concern, among other matters, turnout requirements, boundary delimitation and equality of the vote, election administration (e.g. appointments and dismissals, financing, staffing, regulatory powers) voter eligibility (e.g. voting rights of persons with disabilities, eligibility to vote out-of-country), voter registration (e.g. procedures, scrutiny period, updating), candidate eligibility (e.g. residency requirements, blanket restrictions), candidate registration (e.g. independent candidates, voter signature collection, candidate withdrawal), campaign (e.g. restrictions, equality of opportunity), campaign finance (e.g. third-party financing, timing, substance, and publication of reports, auditing and enforcement), media (e.g. independence of public broadcaster, manner of funding paid campaign advertising), electoral dispute resolution (e.g. legal standing, admissibility, deadlines for submission and adjudication), rights of election observers, election day procedures (e.g. secrecy, spoiled ballots), counting and tabulation, annulment of results, and announcement of final results. Some recommendations concern the under-regulation or lack of regulation of certain areas, such as key aspects of presidential elections, or specific gaps, ambiguities and inconsistencies in the legal text.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further enhance the Draft Law:

A. to expand the list in the Electoral Code of eligible institutions whose employees can be appointed to election bodies and to introduce deadlines for changes to election body composition in order to enhance the effectiveness of appointing members and to stabilize the election bodies;

B. to clearly establish in the Electoral Code the permitted use of information from the voter lists provided to electoral participants, and to introduce prohibitive sanctions for misuse of information obtained from the voter register;

C. to consider strengthening the proposed gender quota for mayoral candidates by increasing it to 40 per cent, the same as that found in Article 64(5) of the Electoral Code for local councilor and parliamentary candidate lists;

D. to further strengthen the proposed provisions for the Electoral Code on misuse of public resources in the campaign, especially for limiting public spending before the start of the campaign and regulating on-the-ground campaign activities of public officials;

E. to introduce provisions for transparency of and limits on loans received for election campaigning, to establish a mechanism to determine the market price of in-kind contributions, and to prevent ways to circumvent campaign donations, such as introducing a limit on party membership fees;

F. to legally require all campaign finance reports to include itemized information on all types of campaign contributions and expenses, as well as a breakdown of expenditures by municipality in local elections, and to oblige the publication of all finance reports on the day of submission, accompanied by supporting documentation, with proportionate and dissuasive sanctions for late or non-submission;

G. to not amend Article 76(7) of the Electoral Code as proposed, in order to ensure that voters with disabilities are guaranteed sufficient access to voter information in line with international standards and good practice;

H. to revise the proposed amendments to Article 76-c(2) of the Electoral Code to ensure that the Agency for Audio and Audiovisual Media Services is obliged to publish on its website regularly-scheduled reports on its electoral media monitoring activities;

I. to establish in the Electoral Code a clear mechanism for dividing the state budget for paid campaign advertising among smaller parties and independent candidates;

These and additional Recommendations, are included throughout the text of this Opinion, highlighted in bold.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

TABLE OF CONTENTS

I. INTRODUCTION

1. On 3 June 2025, the Minister of Justice of the Republic of North Macedonia requested the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to review a set of draft amendments it had prepared for introducing changes to the 2006 Electoral Code ("Draft Law").[2] The Draft Law is intended to be considered only after the upcoming local elections in North Macedonia in October.

2. Since its adoption, the Electoral Code has undergone extensive amendments, with the latest changes introduced prior to the 2024 presidential and parliamentary elections. Given the extended period of time since ODIHR and Venice Commission's last Joint Opinion on North Macedonia's Electoral Code in 2016, and the subsequent introduction of substantive amendments to the Electoral Code, this broader review was conducted to identify any past ODIHR and Venice Commission recommendations that remain unaddressed, in addition to assessing the 2025 Draft Law.[3] In addition to the ODIHR and Venice Commission Joint Opinions on the Electoral Code, ODIHR has published number of final reports following its election observation missions during municipal, parliamentary, and presidential elections in North Macedonia, each report offering a set of recommendations for improving the electoral process, many focused on consolidating the Electoral Code on a broad range of matters.[4] While some previous ODIHR and Venice Commission recommendations were addressed by amendments to the Electoral Code, many still remain pending, some for almost twenty years.[5]

3. The request for review of the Draft Law noted that "in spite of efforts made to establish a working group that would ensure participation of all relevant representatives, the current political context and circumstances in the country did not meet the necessity to fulfil all necessary preconditions for having a functional working group that would be devoted to preparing the amendments to the Electoral Code."[6] In this respect, ODIHR takes note that it and the Venice Commission have previously and consistently critically assessed the process for introduction of past amendments to North Macedonia's Electoral Code as expedited and without prior public debate and genuine consultation of key stakeholders, including for the most recent amendments adopted in 2024. Over the years, ODIHR and the Venice Commission have steadfastly recommended to the authorities of North Macedonia that any reform of the Electoral Code should follow an open and inclusive public consultation process in which the proposals by all stakeholders are given meaningful consideration.[7]

4. The above-noted request further stated that the Draft Law is aimed at implementing ODIHR's recommendations from its observation of the 2024 elections, as well as meeting the obligations

---

2 The document is named the "Draft Law Amending the Electoral Code", Skopje, May 2025.

3 ODIHR and the Council of Europe's Venice Commission have issued Joint Opinions on North Macedonia's 2006 Electoral Code, or draft amendments thereto, in 2006, 2007, 2008, 2011, 2013, and 2016.

4 See ODIHR reports on elections in North Macedonia. The most recent reports were issued in 2024 (presidential and parliamentary elections), 2020 (local elections), 2021 (early parliamentary elections) and 2019 (presidential elections).

5 ODIHR and the Venice Commission issued their first Joint Opinion on the newly adopted Electoral Code in 2006, the same year that it was adopted, putting forward recommendations on a broad range of issues.

6 According to the Ministry of Justice, the Draft Law is based on working texts that it had prepared in the period 2018 – 2023 with the involvement and participation of relevant institutional, political, civil society, and media stakeholders.

7 See for example the ODIHR and Venice Commission 2016 Joint Opinion on the Electoral Code, para. 12.

to conduct efficient and continuous reforms based on European standards.[8] However, the official justification to enact each of the proposed amendments, which accompanied the Draft Law, makes specific references to recommendations put forward in ODIHR's 2020 and 2021 election observation reports, and not ODIHR's 2024 recommendations or outstanding recommendations from its earlier reports. In this regard, the broader review of the current version of the Electoral Code (as amended) provided in this Opinion will highlight recommendations put forward in previous ODIHR election observation reports and Joint Opinions with the Venice Commission that have not yet been implemented, specifically those applicable to the Electoral Code, and which are not addressed by the Draft Law, which will also be separately assessed.

5. It should be emphasized that ODIHR's previous reports on its observations of elections in North Macedonia have consistently recommended that the Electoral Code should be comprehensively reviewed in order to eliminate numerous existing gaps, inconsistencies, and ambiguities, and to bring it in line with OSCE commitments, international obligations, and good practice. In this regard, it is noted that the Draft Law and earlier sets of amendments to the Electoral Code are not, and have not been, the product of such a comprehensive legal review, while multiple efforts of national stakeholders toward realizing such reform have stalled over the years. Therefore, this long-standing, overarching recommendation remains unaddressed, and the authorities are again encouraged by ODIHR to undertake such a comprehensive review well ahead of the next national election, following an open and inclusive consultation process in which the proposals of all stakeholders are given meaningful consideration. Doing so will also contribute to the stability of the electoral law, as it should alleviate the frequent use of piecemeal amendments and contribute to public trust in the electoral process.

II. SCOPE OF THE OPINION

6. The scope of this Opinion covers the Draft Law submitted for review, as well as the 2006 Electoral Code on the extent of implementation of prior recommendations from ODIHR election observation reports. The Opinion does not constitute a full and comprehensive review of the entire legal and institutional framework regulating elections in North Macedonia.

7. The Opinion raises key issues and provides indications of areas of concern. In the interest of conciseness, it focuses more on those provisions that require amendments or improvements than on the positive aspects of the Draft Law. The ensuing legal analysis is based on international and regional human rights and rule of law standards, norms, and recommendations as well as relevant OSCE human dimension commitments.

8. Moreover, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women[9] (hereinafter "CEDAW") and the 2004 OSCE Action Plan for the Promotion of Gender Equality[10] and commitments to mainstream gender into OSCE

---

8 In its request, the Minister of Justice referred to the obligation under the Reform Agenda of the Republic of North Macedonia 2024 - 2028 to amend the Electoral Code in line with ODIHR observations of the elections in 2024, conclusively by June 2025. In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

9 *UN Convention on the Elimination of All Forms of Discrimination against Women* (hereinafter "CEDAW"), adopted by General Assembly resolution 34/180 on 18 December 1979. Ukraine deposited its instrument of ratification of this Convention on 12 March 1981.

10 See *OSCE Action Plan for the Promotion of Gender Equality,* adopted by Decision No. 14/04, MC.DEC/14/04 (2004), par 32.

activities, programmes and projects, the Opinion integrates, as appropriate, a gender and diversity perspective.

9. This Opinion is based on an unofficial English translation of the Draft Law, which is attached to this document as an Annex. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.

10. In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in North Macedonia in the future.

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. ANALYSIS OF THE DRAFT LAW AMENDING THE ELECTORAL CODE

1.1. Legislative Process

11. OSCE participating States have committed to ensure that legislation will be "adopted at the end of a public procedure, and [that] regulations will be published, that being the condition for their applicability".[11] Moreover, key commitments specify that "[l]egislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives".[12] The ODIHR Guidelines on Democratic Lawmaking for Better Laws (2024) further elaborate the key principles that should be complied with at each stage of the lawmaking process, with particular emphasis on public consultation and the fact that the public should have a meaningful opportunity to provide input.[13]

12. The ODIHR and the Venice Commission have consistently expressed the view that any successful changes to electoral legislation should be built on at least the following three essential elements: 1) clear and comprehensive legislation that meets international obligations and standards and addresses prior recommendations; 2) the adoption of legislation by broad consensus after extensive public consultations with all relevant stakeholders; and 3) the political commitment to fully implement such legislation in good faith, with adequate procedural and judicial safeguards and means by which to timely evaluate any alleged failure to do so.

1.2. Election administration

13. Article 4 of the Draft Law proposes to amend Article 18(2) of the Electoral Code by expanding the list of the types of civil service employees who cannot be members of the mid- and lower-level election bodies – that is, the municipal election commissions and electoral boards. Specifically, it is proposed to exclude employees of the Professional Service of the State Audit Office, as this office is legally responsible for conducting audits of the electoral process, employees of the National Bank, as it is a constitutionally-established body, and healthcare workers, based on the nature of their profession and professional obligations. These exclusions and rationale appear appropriate; in fact, ODIHR noted in its 2020 report that concerns were raised by some state institutions, including the State Audit Office, that including their employees in the database of potential election workers could potentially impact their

[11] See Paragraph 5.8 of the 1990 Copenhagen Document.
[12] See Paragraph 18.1 of the 1991 Moscow Document.
[13] See ODIHR, Guidelines on Democratic Lawmaking for Better Laws (2024); See also Venice Commission, Rule of Law Checklist, CDL-AD(2016)007, Part II.A.5.

institutional capacity. In addition, it noted many health care workers were recalled from their election duties during the pandemic to meet public health needs.

14. This proposed amendment, however, does not address ODIHR's previous recommendation to consider broadening the eligibility criteria to expand the pool of suitable appointees (that is, the list of institutions from which employees are called to serve on election bodies) and establish a reasonable deadline for changes in their composition prior to election day.[14] This recommendation stems, in part, from the fact that in recent elections observed by ODIHR many of these election commissions and boards faced operational challenges caused by significant turnover in their membership for various reasons, including new appointments being delayed, and challenges to replacing members partly due to a limited pool of candidates.[15] It is therefore reiterated that the pool of institutions from which employees are called to serve on election bodies be revised, to ensure that a sufficient number of persons are available. **To enhance the effectiveness of appointing these members and stabilizing the election bodies, the list of eligible institutions should be expanded, and deadlines for changes to election body composition should be clearly defined in law.**

1.3. Voter registration

15. Article 6 of the Draft Law proposes to amend Article 49-a of the Electoral Code which currently obliges the State Election Commission to submit the Voter Register to political parties upon request following completion of the public inspection period. The proposed amendment limits the scope of this provision by providing that political parties are to receive only that part of the Voter Register related to the municipality/electoral district in which they participate in the elections. This proposed limitation is a positive step toward safeguarding personal data, as it reduces the scope of disclosure without affecting transparency for stakeholders. It also harmonizes Article 49-a with existing Article 55(2), which regulates parties' and independent candidates' access to data from the signed or previously prepared voter lists for each polling station, which in 2024 was amended to limit the data to the respective electoral unit. **It is noted, though, that Article 49-a does not similarly refer also to independent candidates' access to the Voter Register, and recommends to add this.**

Moreover, the above-noted proposed amendment does not address a long-standing ODIHR and Venice Commission recommendation (2009, 2011, 2013, and 2016 Joint Opinions) on the protection of personal data from the voter lists provided to parties and candidates. In this regard, Article 55(1) states that personal data contained in the voter lists cannot be used for any purpose other than "exercising the citizen's right to vote". **The above-noted recommendation called for the legal framework to clearly state the permitted use of information obtained from the voter lists, and that specifically a concrete definition for the term "exercising the citizen's right to vote" should be introduced, as well as sanctions for misuse of information obtained from the voter register.**

1.4. Candidate nomination

16. Article 64 of the Electoral Code regulates the content of candidate lists for different types of elections. Article 7 of the Draft Law proposes to add a new paragraph to the article, to require that at least 30 per cent of the mayoral candidates on submitted lists belong to the

---

[14] See ODIHR's final reports for the 2020 early parliamentary elections, 2021 local elections, and 2024 presidential and parliamentary elections.

[15] For instance, during the 2020 election which took place during the pandemic, a significant number of election board members who were health care workers had to withdraw and be replaced due to being recalled to their work duties by the government or due to voluntary withdrawals related to health concerns.

underrepresented gender. This proposed change is a positive measure that may serve to address a significant underrepresentation of women among mayoral candidates in North Macedonia.[16] It is also in line with a previous ODIHR recommendation in the context of the 2021 local elections, calling on political parties and relevant state and public institutions to take additional steps to enhance women's participation in the electoral process and political decision-making. Since mayoral races are single-member contests, it is recommended to reword the proposed amendment to state that at least 30 per cent of mayoral candidates nominated by a political party shall belong to the underrepresented gender **and to clarify that the quota applies to parties nominating candidates in three or more Mayoral races. Consideration can also be given to increasing the gender quota to 40 per cent, which the Electoral Code requires for local councillor and parliamentary elections.**

17. It is noted that Article 64(5) of the Electoral Code provides a 40 per cent gender quota for local councillor and parliamentary candidate lists and requires that at least one out of every three places shall be reserved for the underrepresented gender, with at least one additional place out of every ten places. This type of laddered quota significantly augments the possibility for a critical mass of the underrepresented gender to be elected. However, ODIHR and Venice Commission's 2006 Joint Opinion recommended that the laddered gender quota in Article 64(5)[17] be changed to: "There shall be at least one candidate of each gender among the first three on the list, two of each gender among the first six on the list, three of each gender among the first nine on the list etc."[18] This option, which strengthens the chances of women candidates being elected without increasing the number of women required to be on the list, was not introduced into the legislation, nor is it proposed in the Draft Law for these types of candidates lists. **It is thus recommended to consider strengthening the quota in Article 64(5) in line with the previous recommendation as a more effective mechanism for promoting women's participation in political and public life, in line with OSCE commitments and international standards.**[19]

1.5. Misuse of public resources

18. The Draft law proposes several changes aimed at further protecting the election campaign process from (the risk of) misuse of public resources for the undue advantage of the incumbent authorities. First, Article 1 of the Draft Law proposes new wording of the existing Article 8-a, which currently establishes an extensive set of bans on certain governmental activities during (part of) the election period, such as prohibitions on construction for new infrastructure projects, calls for granting new subsidies, making one-time payments of salaries, pensions, or social assistance, initiating procedures for alienation of state capital, and signing collective agreements. The justification of the rewording states that it is aimed at ensuring clear and unambiguous provisions given the extensive interpretations of this Article by government institutions. The re-wording would not substantively change the text, but is a positive measure

---

16 Only 8 per cent of mayoral candidates in the 2021 local elections were women, while a significantly higher percentage - 45 per cent - of all councillor candidates were women since the current Electoral Code requires that at least 40 per cent of candidates on lists for local councillors belong to the underrepresented gender.

17 The version of Article 64(5) that was assessed in the 2006 Joint Opinion required the list to have at least 30 per cent and at least one in every three spots of the underrepresented gender.

18 Paragraphs 101-103 of the 2006 Joint Opinion.

19 See OSCE Ministerial Council, Decision No. 7/09 in Women's Participation in Political and Public Life, para. 2; CDL-AD(2009)029, Report on the Impact of Electoral Systems on the Representation of Women in Politics, paras 84ff; Council of Europe, Parliamentary Report of 22 December 2009 on Increasing women's representation in politics through the electoral system. Further, Article 4 of the Convention on the Elimination of all Forms of Discrimination Against Women emphasises that "adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination".

as it serves to provide clearer language on prohibited institutional activities and related exclusions during the election period which can contribute to effective and consistent compliance**. When assessing Article 8-a when it was first introduced, ODIHR and Venice Commission's 2013 Joint Opinion (para. 14) recommended to further strengthen it in order to be more effective in avoiding the misuse of public resources for the campaign, especially for limiting public spending before the campaign. It also recommended to add a provision to regulate campaign activities of ministers during municipal elections and when they take up an active role in the campaign. These recommendations have not been implemented and are not addressed in the Draft Law.**

19. In a new Article 8-d, the Draft Law proposes to transfer, re-word, and expand an existing ban on all state and public institutions from initiating a procedure for employment or a procedure for termination of employment (and requiring suspension of such ongoing procedures) during an electoral period, except in cases of urgent and immediate matters, established in Article 8-a. Specifically, the proposed new provision clarifies the scope of this prohibition and expands the ban on termination of employment to all cases except at the request of the employee or upon fulfilment of the conditions for retirement. Further, the proposed provision requires any filed pardon requests to be suspended until after the announcement of election results. The proposed provision is a positive measure as it serves to provide clearer language on the prohibited institutional activities and related exclusions concerning public employment during the election period and introduces a new safeguard against the misuse of state resources, that is, a temporary ban on pardons.

20. Article 2 of the Draft Law supplements the existing Article 8-b of the Electoral Code, which currently establishes a ban on the use of state office premises, equipment, or vehicles for the purposes of the election campaign. The proposed amendments further prohibit, for the purposes of electoral media representation of election participants, the use of regular activities of state administration bodies, the bodies of municipalities and the City of Skopje, state institutions and organizations, as well as legal entities and other persons entrusted with performing public authorizations. Further, the proposed changes provide that during the election campaign, those listed above may not use either institutional or their official social media profiles to support, promote, or discredit election participants. These proposed amendments strengthen the provisions aimed at preventing the misuse of public resources and are in line with ODIHR commitments and international good practice to ensure a level playing field in the electoral campaign.[20] In addition, they partially address previous ODIHR recommendations, such as to provide clear rules for the participation of public officials in the campaign, including on social networks.[21] **It is recommended, however, to include additional provisions aimed at regulating in-person participation of public officials in the campaign.**

21. ODIHR would like to take this opportunity to emphasize that the above-noted provisions aimed at safeguarding the electoral campaign from misuse of public resources and unfair advantage, no matter how strict, clear and unambiguous, cannot be effective without the existence of the political will to refrain from such prohibited activities and proper enforcement in case of related breaches.[22] This point is important since the official justification for the proposed changes to Articles 8-a and 8-d refers to two recent ODIHR recommendations which call for increased efforts by the authorities to counter any form of pressure on public-sector employees, including thorough investigations and prosecutions.[23] These are essentially not legislative-related recommendations, and as such cannot be addressed through amendments to the Electoral Code,

---

20 See Venice Commision, Code of Good Practice in Electoral Matters, guideline I.2.3.a.

21 See ODIHR's final report on the 2021 local elections.

22 See also ODIHR and Venice Commission Joint Opinion, 2016, para. 25.

23 See ODIHR's final reports on the 2020 early parliamentary elections and 2021 local elections.

but rather are calling for strengthening on-the-ground efforts to prevent and deter such electoral malfeasance, including through law enforcement actions. Most importantly, ODIHR and the Venice Commission have, for more than fifteen years, consistently recommended that the authorities of North Macedonia consider taking vigorous steps to counter any forms of pressure on public employees or threats to citizen's employment, pension or social services as a result of supporting or not any political party or candidate and that such reported cases be thoroughly investigated and prosecuted.

1.6. Campaign

22. Article 8-c(1) of the current version of the Electoral Code requires the political parties that participate in the election to sign a Code on Fair and Democratic Elections. Paragraphs (2) and (3) of the Article provide that the Code will include a pledge of the signatories to refrain from exerting pressure on public employees or threatening the employment and social security of any employees or citizens as a result of their support or lack of support to any political party or candidate. Article 8 of the Draft Law proposes a change to Article 74(1) of the Electoral Code to allow for complaints to be filed with the State Commission for Prevention of Corruption for violation of Article 8-c(1), that is, for a political party's failure to sign the Code on Fair and Democratic Elections, with the possibility to appeal to the Administrative Court. **ODIHR reiterates the 2016 ODIHR and Venice Commission Joint Opinion (para. 24) which suggested that instead of referencing a Code on Fair and Democratic Elections in the Electoral Code, it is preferable to regulate the issue in more detail in the law itself (while the signing of the Code on Fair and Democratic Elections is encouraged, it can remain voluntary).**

23. With respect to Article 8-c itself, if maintained, the 2016 Joint Opinion further noted that it does not provide for any legal consequence if a political party fails to sign the Code on Fair and Democratic Elections. While the proposed change establishes a right to lodge a complaint against a party's failure to sign, it does not explicitly provide for the legal consequence of not signing. While strengthening the legislation itself is the preferable approach, the above-noted proposed change may contribute toward fulfilling ODIHR's previous recommendations, noted above, calling for vigorous efforts to be made by the authorities to counter any form of pressure on voters and on public and private-sector employees.[24] However, as noted above, to fully meet these recommendations, the authorities must harness the political will to counter any such pressures, including by thoroughly investigating and prosecuting reports of pressures, including vote buying, with protection for those who report such malfeasance. Further, public institutions should be proactive in informing public and state employees of independent mechanisms where they can report pressure in relation to elections, and senior state officials should issue clear public statements and written instructions that such actions will not be tolerated and that no citizen should fear any negative consequence as a result of supporting or not supporting any candidate or party. These recommendations, in one form or another, have been put forward in previous ODIHR observation reports over the years.

24. Article 16 of the Draft Law proposes to add four new paragraphs to Article 82 of the Electoral Code which currently regulates the holding of campaign rallies in public buildings and facilities which is prohibited except in schools, cultural centres, and facilities of state bodies and bodies of local self-government and the City of Skopje in cases where there is no other appropriate building or facility in the location for the rally to be held. As a positive measure, the proposed paragraphs provide for equal conditions and transparency regarding the granting of permission to use such public buildings and facilities on such an exceptional basis. Specifically, newly

[24] See ODIHR's final reports on the 2020 early parliamentary elections and 2021 local elections.

proposed paragraphs 7-10 provide that the conditions, timing and prices for their use, as established by the decisions that grant permission for their use, must be equal for all electoral participants. Proposed paragraph 8 provides that within five days, the authorized persons in charge of the above-noted institutions must publish on the respective institution's website the decision on the request to use the building or facility and to submit the decision to the State Commission for Prevention of Corruption and the State Audit Office. Under proposed paragraph 9, within 30 days of announcing the final election results, the authorized persons of schools and cultural centres where campaign rallies have been held on an exceptional basis are required to submit reports (on a prescribed template) to the State Commission for Prevention of Corruption and the State Audit Office on the time period, price for use, the election campaign organizers and generated revenues. **As a matter of consistency and transparency, it is recommended that the authorized persons of the facilities of state bodies and bodies of local self-government and the City of Skopje who permit campaign rallies on an exceptional basis also be obliged to submit such final reports.**

1.7. Campaign finance

25. Article 17 of the Draft Law proposes to amend Article 83(1) of the Electoral Code, which currently lists the prohibited sources of election campaign financing. Specifically, it proposes to additionally prohibit donations from the following: companies where foreign capital constitutes at least 50 per cent (currently it states "companies with dominant foreign capital"); donations from legal entities and their related legal or natural persons who have been awarded a contract for the establishment of a public-private partnership or a concession agreement for goods of public interest (awarded in the two years prior to an election, concluded or implemented in an election year, or whose implementation extends into the next calendar year); donations from individuals who do not have voting rights in North Macedonia; donations from individuals or legal entities that have been convicted of corruption or organized crime; and donations from legal or natural persons who are listed as the largest debtors of the Public Revenue Office. These prohibitions do not contradict any international standards or good practice on campaign financing, which allow for limitations on sources of campaign funding to prevent undue influence and to ensure a level playing field in the campaign. For instance, the Council of Europe's Venice Commission and the ODIHR have consistently recommended prohibiting or limiting donations from foreign sources, including foreign states and legal entities, to safeguard against undue influence in elections.[25] Further, prohibition of legal entities controlled by the state or public authorities to make donations to political parties aims to ensure a level playing field.[26]

26. However, with respect to the above-noted prohibition of donations from companies where foreign capital constitutes at least 50 per cent, in ODIHR and Venice Commission's 2009 and 2011 Joint Opinions on the Electoral Code (paras. 54 and 58, respectively), it was recommended to clarify whether the notion of foreign capital entails also capital invested into those joint ventures from legal entities registered in the country but which are owned by foreign natural persons or legal entities. ***This clarification is not proposed in the Draft Law.*** In addition, ODIHR and Venice Commission's 2016 Joint Opinion recommended considering further

---

[25] Venice Commission and ODIHR, CDL-AD(2020)032, Joint Guidelines of the Venice Commission and OSCE/ODIHR on Political Party Regulation, paras. 229 *et seq.* See also Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, Article 7: "States should specifically limit, prohibit or otherwise regulate donations from foreign donors."

[26] See Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, Article 5(c): "States should prohibit legal entities under the control of the state or of other public authorities from making donations to political parties."

limitations on donations by those legal entities that provide goods and services for any public administration, in order to avoid possible corruption.[27] ***This recommendation is only partially addressed by the proposed amendments.***

27. Article 17 of the Draft Law proposes to amend Article 83(2) of the Electoral Code, which currently lists the permitted sources and limits of election campaign financing and allows for donations by way of money, goods, and services (in-kind contributions). Specifically, it proposes to essentially increase the limits on donations from individuals and legal entities, the former up to EUR 6,000 in MKD equivalent and the latter up to 50,000 EUR applied whether the donation(s) is paid directly to the campaign account, transferred from the political party's regular account from donations paid by individuals/legal entities, or paid from the accounts of coalition members. In this respect, Article 83(2) retains the maximum donation limits for individuals and legal entities of 3,000 EUR in MKD equivalent for individual donors and 30,000 EUR for legal entities.[28] This proposed change appears to address a 2020 ODIHR recommendation that donation limits in the Electoral Code should be harmonized with the higher limits in the Law on Financing of Political Parties, as some contestants were utilizing this discrepancy to circumvent expenditure limits. **As a matter of clarity, though, it is recommended that the wording of the proposed provision ensure that such circumvention cannot occur.**

28. **However, the above-noted proposed changes do not address ODIHR's 2020 and 2021 report recommendations 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.** Regarding the valuation of in-kind contributions, Article 83-a allows the donors of goods and services to themselves set their market value, which does not ensure a reliable valuation. Regarding loans, the official justification to the Draft Law states that the existing paragraph 83(2) that allows for the use of loans taken by the political party for election campaign purposes is proposed to include the phrase "up to the maximum allowed campaign expenditure according to this Code." However, the Draft Law itself does not include such additional wording, which may be a technical oversight. **Further, the 2009 Joint Opinion and ODIHR's 2009 report recommended to further consider provisions on campaign funding sources with a view to abolishing ways to circumvent limits on campaign donations, which appear to undermine the intention of the law. This recommendation remains unaddressed.** For example, current Article 83(2) has not been amended, which allows campaigns to be funded "by the membership fee of the political party", but no limit is provided. In this regard, the 2009 Joint Opinion recommended to prohibit such membership fees from exceeding the established amounts allowed to individual or corporate contributors in that same paragraph.

29. A proposed new paragraph of Article 82 of the Electoral Code obliges donors to submit a notarized statement that the donation is not from an anonymous source or from a media outlet or their related persons as defined in the Law on Audio and Audio-Visual Media Services.[29] The official justification of the Draft Law explains that the latter statement is proposed due to the complexity of proving/confirming that donors are not "related persons". It is noted that such

---

[27] See Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns, Article 5(b): "States should take measures aimed at limiting, prohibiting or otherwise strictly regulating donations from legal entities which provide goods or services for any public administration."

[28] In 2024, the Electoral Code was amended to clarify that the established donation limits for natural persons and legal entities applies in the cumulative amount of donations from a single source.

[29] The reference to Article 75(6) with respect to the ban on campaign donations from media outlets in the proposed paragraph 8 of Article 82 should apparently be Article 75(7). It appears to be a technical error.

a notarized statement can serve as a safeguard against non-compliance with the campaign finance rules.

30. Article 18 of the Draft Law proposes to amend Article 85 of the Electoral Code which presently concerns the filing of final campaign finance reports according to an established template within 15 days from the closure of the campaign's bank account (which must be closed within 45 days of the announcement of the election results). The draft changes provide that the final reporting template - which is currently prepared by the Ministry of Finance - should be based on a proposal by the State Commission for Prevention of Corruption and the State Audit Office.[30] While the 2016 ODIHR and Venice Commission Joint Opinion noted some improvements in the requirements for campaign finance reports, specifically the requirement that the Ministry of Finance to adopt a campaign finance reporting template that includes information on expenditures, the lack of a sufficiently itemized template continues to be highlighted by ODIHR observation missions as limiting campaign finance transparency**.** Therefore while the proposed change may contribute to a more effective reporting template, **it still does not explicitly address long-standing ODIHR recommendations to require all campaign finance reports to include itemized information on all types of contributions and expenses incurred, as well as a breakdown of expenditures by municipality in local elections.**

31. Enhancing transparency, the proposed changes to Article 85 of the Electoral Code further require the election campaign participants to publish the final campaign finance report on their websites (in addition to the existing requirement for the State Election Commission, State Audit Office, and State Commission for the Prevention of Corruption to publish the reports).[31] **However, the same requirement could also be proposed for Article 84-b which regulates the filing of interim campaign finance reports.[32]** As a further positive measure, the Draft Law proposes that the Ministry of Finance deliver training for election campaign participants on material financial operations and the manner of filling out financial reports in accordance with the law. Such mandatory training should contribute to the electoral participants' timely, full and consistent compliance with campaign finance reporting requirements, which previous ODIHR reports have identified as lacking. **It is noted that the proposed amendments do not provide a deadline for the final reports to be published or require the publication of supporting documentation, contrary to ODIHR's 2017 and 2020 recommendation calling for the publication of all campaign finance reports on the day of submission, accompanied by supporting financial documentation. The recommendation further calls for sanctions for late or non-submission to be effective, proportionate and dissuasive as a measure to bolster compliance with campaign finance reporting requirements.[33]** Other previous ODIHR recommendations related to campaign finance regulations which are not addressed by the Draft Law are discussed below under the broader analysis of the Electoral Code.

---

30 Article 19 of the Draft Law similarly proposes to amend Article 85-a(4) - which concerns the submission of reports by media outlets on the advertising space that has been used by each election campaign participant and the amounts paid and due – to require the template prescribed by the Minister of Finance to be based on a proposal of the State Commission for Prevention of Corruption and the State Audit Office. It also proposes to repeal the requirement that such reports be submitted to the Ministry of Finance and State Election Commission, leaving submission to the State Audit Office and State Commission for Prevention of Corruption.

31 The proposed changes to Article 85 also include several new paragraphs concerning where the election campaign participants are to transfer excess campaign funds, as well as the responsibility for, and settling of unpaid liabilities for election campaign finance.

32 Currently, under Article 84-b(7), the State Election Commission, State Audit Office and the State Commission for Preventing Corruption are required to also publish the interim campaign finance reports; the election participants are not required to do so.

33 This recommendation also applies to the provisions on filing of interim campaign finance reports under Article 83-b and 84-b which is not covered by the Draft Law.

1.8. Media

32. Article 9 of the Draft Law proposes to amend Article 75(1) of the Electoral Code which currently obliges public and private broadcasters and electronic media that provide electoral coverage to do that in a fair, balanced and unbiased manner in all of their content. The proposal removes the requirement that the public broadcaster and national broadcasters do this using an accessible and available format and language, including sign language. However, it appears that this is proposed to be removed as it has been covered in a new paragraph 75(4) that was added in the 2024 amendments which obliges the public broadcaster and national broadcasters that will broadcast paid political advertising to provide such accessibility, further elaborating that this includes sign language, subtitles, audio description or other tools to ensure accessibility for at least one issue of news and paid advertising each day.[34] The 2024 amendment is in line with a 2021 ODIHR recommendation that national broadcasters should endeavour to make their programs accessible for persons with sensory impairments and that consideration be given to amend the Electoral Code in order to provide clearer and more specific guidance on transmitting accessible information to the electorate.[35] **However, it is noted that Article 76-a(4) which obliges the public broadcaster to provide regular information and education on the election process "using an accessible and available language and format as well as in sign language" does not similarly elaborate on accessibility as in the above-noted Article 75(4) on accessibility to election news and political advertising. It is thus recommended to harmonize the language on accessibility in Article 76-a(4) with Article 75(4).**

33. Article 12 of the Draft Law proposes to amend Article 76(7) of the Electoral Code which currently provides that the voter information and education campaigns of the State Election Commission are not considered paid political advertising and that broadcasters, print media and electronic media who received public funds to cover paid political advertising are obliged to broadcast without compensation the voter information and education campaigns of the State Election Commission by using an accessible and available format and language, including sign language, with the duration of 30 seconds every three hours.[36] The proposal is to repeal the requirement that voter information and education campaigns of the State Election Commission be broadcast using an accessible and available format and language, including sign language. As noted above, Article 76-a(4) obliges the public broadcaster to provide such information and education in an accessible format, but there does not appear to be an equivalent provision that obliges private broadcasters who receive public funds for broadcasting political advertising to provide voter information and education in an accessible format. This may be a technical oversight in the Draft Law. **It is recommended not to amend Article 76(7) as proposed, to ensure that voters with disabilities are guaranteed sufficient access to voter information in line with international standards and good practice.**

---

[34] The provision also obliges these broadcasters to notify the Agency for Visual and Audiovisual Media Services before the start of the official campaign period about which edition of news and which other contents they will broadcast in a format accessible to persons with disabilities. The Agency must publish on its website the data on accessible media content for persons with disabilities.

[35] The limitation of the previous obligation on all national broadcasters to provide such accessible election coverage to only those national broadcasters that broadcast paid political advertising remains in compliance with the Recommendation of the Committee of Ministers to member states on the participation of persons with disabilities in political and public life, CM/Rec(2011)14, paragraph 2.3, which states: "Member states should require political parties, associations, broadcasting corporations and other bodies in receipt of state subsidies or funding to be accountable for the active measures adopted to ensure that persons with disabilities have access to information on political debates, campaigns and events which fall within their field of action."

[36] The current Articles 75(e)(5) and 76(7) of the Electoral Code essentially duplicate each other; in this regard, Article 10 of the Draft Law proposes to repeal the former Article.

34. In addition, the above-noted proposed amendment intends to repeal the requirement in Article 76(7) that voter information and education campaigns be broadcast with a duration of 30 seconds every three hours. **Repealing the time obligation for broadcasting of such information and campaigns leaves the timing to the full discretion of the media outlets, which may limit voters' access to sufficient information about the electoral process. In light of the above, it is recommended to reconsider the removal of this provision as proposed in the Draft Law.**

35. Article 11 of the Draft Law proposes to extensively reword (replace) Article 75-f of the Electoral Code, which regulates paid political advertising, with the official justification to the Draft Law noting that the existing provision does not provide equal opportunities to access the media for election participants. In this respect, the justification asserts that the proposed amendments aim to enable unhindered access to the media and equal conditions for paid political advertising for election participants on a non-discriminatory basis, on the one hand, while respecting the autonomy and independence of the media, on the other hand. The proposed changes are varied as discussed below. ODIHR has in its previous election observation reports noted that aspects of the media legal framework in elections negatively impact fairness of the process and issued recommendations to enhance fair media access for electoral participants under the Electoral Code. Specifically, ODIHR has called for regulations on paid political advertising in the media to be reconsidered, in order to allow unimpeded access to the media based on reasonable and objective criteria; that a clear mechanism for dividing the budget among smaller parties and independent candidates should be established; and that the official decision on budget allocation for campaign advertisement in the media should be published in a timely manner.[37]

36. First, current Article 75-(f)(1) provides a dedicated 9.5 minutes of paid political advertising time on real-time broadcast programs allocated by assigning up to 4 minutes total (divided by agreement) for the two largest political parties that won the most votes in the parliamentary elections, up to 4 minutes total (divided by agreement) for the two largest opposition parties that won the most votes, one minute for non-parliamentary parties (divided by agreement), and 30 seconds for independent candidates (divided by agreement). The proposed replacement paragraph 75-f(1) provides ten minutes per hour of broadcast time for paid political advertising, with each electoral participant entitled to purchase up to two minutes or a maximum of four minutes of paid advertising within that ten-minute allocation per hour, if there is still unpurchased advertising time available in that real-time hour. Similarly, proposed new paragraph 75(f)(3) essentially replaces paragraph 75-f(12), providing that electronic and print media may allocate up to half of their advertising space for paid political advertising, with each electoral participant entitled to up to 20 per cent of the space (maximum 40 per cent provided there is no interest from other electoral participants), versus the existing 45 per cent for the two largest political parties, 45 per cent for the two largest opposition parties, 7 per cent for parliamentary parties without a parliamentary group, and 3 per cent for non-parliamentary parties and independents.

37. Positively, these proposed changes avert the guaranteed advantage to the largest parliamentary parties for paid political advertising which ODIHR has previously critically assessed, including in its 2024 report, and provide for the possibility of equal access to all electoral participants. However, the changes do not explicitly guarantee equal access since the basis for the method in which election participants can purchase such time slots and spaces for political advertising is left to be regulated by an act issued by the Agency for Audio and Audiovisual Services according to proposed Article 75(f). Notably, two existing paragraphs – 75-f(13) and (14) that provide this guarantee have not been replicated in the proposed new article; those provisions

[37] See ODIHR's final reports on the 2020 early parliamentary elections and 2021 local elections.

state that all media are required to provide equal access to paid political advertising to all electoral participants and that the participant's purchasing paid political advertising are required to submit a media plan for such, which can serve as the basis for equal allocation of the advertising time and space amongst participants wishing to purchase it. **While the above-noted proposed provisions are a positive step toward ensuring fair media access, the guarantee of equal access and the requirement that participants (timely) submit their media advertising plans should not be repealed.**[38]

38. Under the current Electoral Code, media outlets that wish to broadcast or print paid political advertising during the election campaign must officially register as such. A proposed new paragraph 75-f(6) prohibits electronic media from registering as a paid political advertiser unless they have been actively operating for at least one year before the election is announced, their domain is .mk, and their impressum information, ownership structure, and financing method are publicly disclosed. In addition, under proposed new paragraph 75-f(9), electronic media who are entered in the register of paid political advertisers must submit proof of the above-noted criteria, and also submit the previous year's financial statement and a notarized declaration that they have been in operation for at least one year. Further, under proposed new paragraph 75-f(7), a legal entity providing media services may register only one internet portal, with one domain, and on one platform in the Registry. The above-noted provisions are positive measures which contribute to the accountability and transparency of media ownership and online election campaign spending and address 2020 and 2024 ODIHR recommendations to establish clear and objective criteria for the eligibility of online news portals for state reimbursement of paid political advertisements and to oblige transparency on the ownership and funding of such outlets. It is also a move toward addressing an ODIHR 2024 recommendation for the legislature to consider, in consultation with the media regulator and other stakeholders, steps to regulate campaign activities and political advertising in online media and social network portals, and their financing.

39. The current Electoral Code provides that the price lists for paid political advertising in broadcast, print and electronic media must be registered and disclosed within five days of the announcement of the election and cannot be changed during the election period. A new proposed paragraph 75-f(13) provides that these prices must not exceed the prices for commercial advertising. This provision replaces current paragraph 75-f(9), which stipulates that the maximum amount that any media can charge for political advertisements cannot exceed the average advertising rate used during the previous five elections. As pointed out in ODIHR's 2020 report, the current provision is disadvantageous to the broadcasters with the highest audience, obliged to abide by the rates influenced by the average prices of smaller regional broadcasters, and does not allow any adjustments due to economic devaluations. As such, the proposed amendment is an improvement, while continuing to guarantee the same advertising rate for all electoral participants as a matter of equal access. However, the proposed change does not establish how the commercial rates are to be determined and approved by the State Election Commission to whom the rates are to be submitted under this Article. While the current paragraph 75-f(11) obliges the State Election Commission to confirm the veracity of the submitted price lists in line with the pricing rules and if it identifies any irregularity requests the media to make a correction, a similar provision does not exist in the proposed changes. **It**

---

[38] Further, current Article 75-a(3) of the Electoral Code provides that paid political advertising shall be exempted from the principle of proportionality which appears to contradict the above-noted proposed changes to Article 75-f that guarantee fair media access for political advertising. It may be that 75-a(3) need only be clarified to ensure that the two provisions do not conflict.

is therefore recommended that the proposed provision regulate how the commercial rates are to be determined and approved by the State Election Commission.

40. Article 76-a of the Electoral Code, in part, establishes the obligations of the Public Broadcasting Service during an election period. Article 13 of the Draft Law proposes to repeal paragraph 2 of Article 76-a which currently stipulates that the public broadcaster shall provide equitable access to newscasts by allocating 30 per cent of the time to broadcast information on national and international news, 30 per cent of the time on the campaign activities of the ruling political parties, 30 per cent of the time on the campaign activities of the opposition parties and 10 per cent of the time on the campaign activities of non-parliamentary parties and independent candidates. With regard to this provision, ODIHR previously recommended (in 2016, 2017, 2020 and 2021) that provisions regulating the public broadcaster's newscasts during the campaign period should be revised, with a view to allowing for editorial freedom, pluralism of views, and equitable access and news coverage of smaller parties and independent candidates. The 2016 and 2017 reports specifically recommended that the legal requirement for the public broadcaster to provide an exact amount of time in every newscast devoted to the coverage of parties' campaign activities should be replaced with a more general requirement to allow equitable access and news coverage of smaller parties and independent candidates, as well as preserving balance between the principle of equal opportunities among contestants, pluralism of views and journalistic freedom.

41. In this regard, the proposed repeal of Article 76-a(2) addresses the above-noted recommendations, allowing the public broadcaster in its newscasts to use its editorial freedom to ensure equitable access and news coverage, including for smaller parties and independents in accordance with the broader Article 76-a(3) (new version) which requires the public broadcaster to provide information on the activities of election campaign participants in its daily news programs and special informational programs, in accordance with the principles of balanced election coverage established in Article 75-a (which generally defines "balanced coverage" for each of presidential, parliamentary, and local elections). However, the further proposed repeal of Article 76-a(3), which provides that the time-slots for informing about political parties' campaign activities shall be distributed in line with the principles of balanced coverage is problematic as the timing of news coverage is a relevant factor in ensuring balanced coverage**. It is therefore recommended not to repeal the current wording of Article 76(a)(3) pertaining to the timing of broadcasts. Further, the term "balanced coverage" in Articles 75-a and 76-a should be replaced with "equitable coverage", as the latter better reflects the aim of these provisions.**

42. Article 13 of the Draft Law also proposes to revise Article 76-a(8), which regulates the presentation of the election campaign on the programme service aimed at broadcasting the Parliament's activities. The current version of the Article obliges three free hours of campaign presentation for the parliamentary political parties and one hour for non-parliamentary parties and candidates. The proposed re-wording obliges the airing of free political representation of election campaign participants in accordance with the principles of balanced election coverage established in Article 75-a which, as noted above, generally defines "balanced coverage" for each of presidential, parliamentary, and local elections. Similar to the above-noted proposed change for campaign coverage by the public broadcaster, this proposal allows the public broadcaster to use its editorial freedom to ensure equitable access and news coverage on the parliament's broadcasting programme, including for smaller parties and independent candidates. Thus, this amendment is also in line with ODIHR's previous recommendation related to ensuring editorial freedom and equitable access, as noted above.

43. Article 14 of the Draft Law proposes to amend Article 76-c(2) which currently provides that from the day of announcement of the elections, the Agency for Audio and Audiovisual Media Services shall submit weekly reports to the State Election Commission (about its activities related to the monitoring of election media coverage) and during the election campaign, it shall

submit daily reports and publish them on the Agency's website. The proposed re-wording obliges the Agency to inform the State Election Commission about its electoral monitoring activities on an "as needed" basis and to publish its reports on its website.[39] In ODIHR's 2021 observation report, it found that daily reports by the Agency to the State Election Commission during the official campaign period were not publicly reviewed by the latter and did not contribute to efficiency or transparency of media oversight. In light of this, it is recommended that the obligation for daily reporting by the media regulator to the election administration could be replaced by ad hoc reports addressing specific election-related concerns. While the proposed re-wording to some extent addresses this recommendation by repealing the obligation to submit daily reports to the State Election Commission, it also repeals the obligation of the Agency to publish regularly scheduled reports on its monitoring activities, leaving it to the full discretion of the Agency. This limits transparency of the Agency's monitoring activities. **It is therefore recommended that the proposed re-wording be revised to ensure that the Agency is still obliged to publish on its website regularly-scheduled (e.g. weekly) reports on its electoral media monitoring activities.**

44. Article 14 of the Draft Law further proposes substantive re-wording of Article 76-c(10) which currently has flawed and repetitive wording. The proposal obliges the Agency for Audio and Audiovisual Media Services to publish on its website data on aired political advertising by broadcasters and to submit such data to the State Audit Office and the State Commission for the Prevention of Corruption. This proposal increases transparency of the financing of election campaigns. **However, to further enhance transparency, it is recommended to include in the proposal the specific timing and deadlines of such public reporting (e.g., daily, weekly, final) and not to leave it to the discretion of the Agency.**

45. Article 15 of the Draft Law proposes to amend Article 76-e(5) which currently establishes the breakdown of the funds from the State Budget earmarked for paid political advertising on broadcast, print and electronic media by the electoral participants. While these funds are to be distributed among the defined groups of electoral participants by prior written agreement, the revised provision changes the percentages of the funds to be allocated to each of these groups as follows: 40 per cent to the two largest political parties that won the most votes in the last parliamentary elections; 40 per cent to the two largest opposition parties that won the most votes; 12 per cent for the parliamentary parties without a parliamentary group; and 8 per cent for non-parliamentary parties or independent candidates.[40] While this proposed redistribution moves some of the funds currently available for the two largest ruling parties and two largest opposition parties to smaller parties and independent candidates, contributing to more equitable access to paid political advertising, **the change does not address a 2021 ODIHR recommendation that a clear mechanism for dividing the budget among smaller parties and independent candidates should be established. This recommendation is reiterated.**

1.9. Election dispute resolution

46. Article 5 of the Draft Law proposes to amend Article 31(34-g) of the Electoral Code which concerns the filing and adjudication of appeals to the Administrative Court against draft-decisions of the State Election Commission which refer to the interests of a non-majority community and which have not been adopted due to the lack of a required consensus. The current provision does not provide deadlines for the filing and adjudication of these types of

[39] Article 14 of the Draft Law also proposes to repeal paragraphs 8 and 9 of Article 76-c of the Electoral Code and to essentially transfer their substantive content to the proposed new Article 75(f)(15) for better organization.

[40] The current distribution is 45 per cent to the two largest ruling parties, 45 per cent to the two largest opposition parties, 7 per cent for the parliamentary parties without a parliamentary group, and 3 per cent for non-parliamentary parties and independent candidates.

appeals. The Draft Law proposes that the appeal can be lodged before the Administrative Court within 12 hours and that on further appeal to the Higher Administrative Court, the court must decide on the matter within 12 hours. **This proposed amendment leaves a gap regarding the deadline for the first-instance Administrative Court to decide on the appeal, which should be addressed.**

47. Further, international good practice calls for time limits long enough to make an appeal possible, to guarantee the exercise of rights of defence and a reflected decision. In this respect, a time limit of three to five days at first instance, both for lodging appeals and making rulings, seems reasonable.[41] Indeed, previous ODIHR recommendations related to the Electoral Code have called for deadlines for the submission and resolution of complaints to be extended to allow for adequate preparation and a reflected decision, assessing deadlines of 24 to 48 hours as unduly short.[42] Such short deadlines continue to appear in the Electoral Code with respect to the filing and resolution of various types of complaints and appeals (see below analysis of election dispute resolution deadlines in the Electoral Code). Further, ODIHR and Venice Commission's 2016 Joint Opinion (para. 32) noted that having no definition of the interests of a non-majority community in the provision could lead to stalemates or complicated legal disputes. **As yet, no such definition has been introduced into the provision, and the recommendation stands.**

1.10. Election day procedures

48. Article 20 of the Draft Law proposes to amend Article 109 of the Electoral Code which regulates the manner of voting. Specifically, in paragraph 2 it proposes to repeal the requirement that after the ballot is removed from the stub of the booklet and before it is given to the voter, it is to be stamped on the front side (by the poll worker). The official justification to this proposed change states that this requirement is not a necessary safeguard as the polling station number is already included on the stamp which is affixed on the ballot paper itself when it is printed out (Articles 95-98 of the Electoral Code), making it impossible for the ballot to be used at a different polling station. ODIHR notes, however, that stamping ballots on election day can be a safeguard against manipulation such as ballot stuffing, since the ballots are shown to be unstamped at the start of the day and only stamped ones should be found in the ballot box. On the other hand, the justification aptly points out that the stamping requirement also creates a possibility for intentional manipulation by the Electoral Board by denying someone's right to vote if the stamp is not affixed on the ballot (although Article 115(3) of the law does not explicitly specify that a ballot is invalid if a stamp is missing.)

1.11. Crimes and misdemeanours

49. The Draft Law proposes to amend several articles of the Electoral Code which concern election-related crimes and misdemeanours. Article 21 of the Draft Law proposes to expand the scope of Article 179(1) which currently establishes a fine of EUR 1,000-2,000 in MKD equivalent for a violation of Article 8-a, which includes a number of bans related to new spending and commitments of public monies for government works during an election period by a member of the Government, deputy minister and public office holder who is the head of an authority. The proposed amendment adds into Article 179(1) violations of Article 8-b which relate to the misuse of public resources in the campaign, including office premises, office equipment and official vehicles of the state bodies; pressure and intimidation of voters or members of their

---

41 See Section II.3.3(95) of the Explanatory Report of the Venice Commission's Code of Good Practice in Electoral Matters.

42 For instance, see ODIHR's 2020 and 2021 final reports.

families or close persons; the use of regular government activities for electoral media representation of election participants; and the use of institutional or official social media profiles to support, promote, or discredit election participants. The proposed amendment also adds into this article violations of Article 8-c, which relate to political parties' obligation to sign a Code on Fair and Democratic Elections that pledges them not to pressure public employees or to threaten any employee or citizen with respect to their employment and social security as a result of their (lack of) support to any party or candidate.[43] These proposed additions strengthen the provisions aimed at prohibiting the misuse of public resources and position for the purposes of the campaign by imposing sanctions for a broader range of such violations. **As there is no proposed corresponding sanction for violations of Article 8-d, consideration can be given to also listing in Article 179(1) the newly-proposed Article 8-d which obliges the suspension and halting of employment in the public sectors and pardon procedures in an election period.**

50. Article 22 of the Draft Law proposes to amend Article 180(1) of the Electoral Code which currently imposes a fine of EUR 8,000 in MKD equivalent (reduced to 2,400 in case of a misdemeanour) on political parties, coalitions or independent candidates for committing breaches of Article 72 related to the legality of the election campaign, including rules on the content of campaign advertisements, announcements, and other recorded material commissioned by them, which are broadcast or published during paid or free political presentation. The proposed amendment introduces into Article 180 also breaches of Article 75-f which includes fifteen paragraphs essentially related to media outlets' obligations for providing fair media access for paid political advertising in the election campaign. However, the current wording of Article 180 refers to fining of political parties, coalitions and candidates, not broadcasters or other media platforms, so it is unclear who will be fined in case of breaches of Article 75-f which imposes obligations on the media, not electoral participants. **It is recommended to make clear which paragraphs of Article 75-f are subject to sanctions under Article 180 and on whom such sanctions can be imposed.**

51. Article 23 of the Draft Law proposes to amend Article 181(1) of the Electoral Code which currently establishes a fine of EUR 2,250 EUR equivalent to be imposed on broadcasters for any breaches of a range of stipulated provisions. The Draft Law proposes to repeal the sanction on broadcasters for breaches of the rules in Article 75(e)(3) on the content of broadcasted advertisements and announcements related to collecting signatures for supporting a candidature of a group of voters. This repeal seems necessary as it appears to be in conflict with current Article 72(3), introduced in 2021, which provides that election participants are responsible for the content of the announcements and advertisements commissioned by them, which are broadcast or published during paid or free political presentations.[44] In addition, the proposed changes to Article 181(1) broadens the scope of violations under Article 76-a subject to sanction on the public broadcaster - currently only for breach of rules on equitable access to election coverage – to also include breaches of rules such as a requirement to ensure voter information and education spots are broadcast in an accessible format and language. This broadening of the scope of violations subject to sanction is a positive measure that strengthens such guarantees.

52. Article 24 of the Draft Law proposes to amend Article 184-a(2) of the Electoral Code which currently establishes a fine of EUR 1,000 – 3,000 in MKD equivalent to be imposed on local

---

43 Article 21 of the Draft Law refers to Articles 8-a, 8-b, and 8-c, paragraphs (1), (7), and (8) of the Electoral Code but the reference to the latter paragraphs appear to be intended for Article 8-b, not 8-c which only has three paragraphs.

44 In its 2020 report, ODIHR recommended that the Electoral Code should provide that political parties, as producers of campaign advertisements, should be legally responsible for their content. A 2021 amendment to the Electoral Code addressed this recommendation in Article 72(3).

mayors if they fail to fulfil their obligations under Article 78-a(4) and (5) related to providing political parties with the opportunity to purchase political advertising on advertising panels and billboards in a transparent and non-discriminatory manner in accordance with specified allocation criteria and to amend Article 184-a(3) which currently establishes a fine of EUR 10,000 in MKD equivalent to be imposed on legal entities which manage the advertising panels and billboards for failure to submit a report on the locations distributed to each election campaign participant, the funds claimed from each of them and the funds that have been paid, within the prescribed deadlines under Article 78-a(8). The proposed amendments expand the scope of violations subject to such sanctions to cover breaches of any paragraph under Article 78-a, which regulates the provision of advertising panels and billboards to campaign participants. This would allow, for instance, the imposition of fines on legal entities which manage the advertising panels and billboards if they interfere in any way with the transparent and non-discriminatory allocation of the locations as prescribed by Article 78-a. The proposed changes are a positive measure that serve to strengthen the guarantees for transparent and equitable distribution of panels and billboards for campaign advertising.

53. Article 26 of the Draft Law proposes to amend Article 189-a(1) of the Electoral Code which currently imposes a fine of EUR 4,000 in MKD equivalent on broadcasting and print media for failing to submit a report on the advertising space used by each election campaign participant and the money paid or claimed on that basis, not later than 15 days after the end of the election campaign (Article 85-a). The proposed amendment extends the scope of this provision to electronic media and internet portals, which harmonizes Article 189-a(1) with Article 85-a, the latter of which already refers to electronic media and internet portals. In addition, Article 27 of the Draft Law proposes to amend the wording of Article 190(1) – which currently imposes a fine on the State Auditor General for actions contrary to Article 74-a(1) and (2), which actually imposes obligations on the State Commission for Prevention of Corruption, not the State Auditor General (this inconsistency resulted from previous amendments to Article 74-a which transferred the powers under the Article from the State Audit Office to the State Commission for Prevention of Corruption). These types of technical deficiencies in the Electoral Code are indicative of other existing discrepancies in the legislation resulting from a lack of harmonization of provisions when adopting amendments.

2. Analysis of Electoral Code Based on Previous ODIHR Recommendations

54. Many of the recommendations put forward in ODIHR's election observation reports over the years, covering parliamentary, presidential, and municipal elections, directly relate to the legal framework for elections, aimed at strengthening its clarity, coherence, and comprehensiveness, and to bring it further in line with international standards and good practice as a sound basis for conducting democratic elections. As there have not been any amendments to the Electoral Code since the issuance of ODIHR's 2024 report and as these recommendations are largely left unaddressed by the Draft Law, they remain outstanding to date. Moreover, there are also some ODIHR recommendations from earlier observation reports that have not been implemented by previous sets of amendments to the Electoral Code, despite that it has undergone frequent revisions. In fact, as assessed by ODIHR's 2021 report, some of the numerous gaps, inconsistencies, and ambiguities in the Electoral Code have been caused by frequent and often unaligned changes that have undermined the legal certainty of the legislation. In addition, some recommendations put forward in ODIHR and Venice Commission's Joint Opinions on the Electoral Code, dating back to 2006 when the Code was adopted, have not been addressed.

55. The following is a review of outstanding recommendations from ODIHR's previous election observation reports and Venice Commission's joint opinions – in addition to those highlighted under the above-noted analysis of the Draft Law- as well as some specific findings in connection with those recommendations. The analysis takes into account the amendments made to the

Electoral Code since its 2006 adoption up until the most recent amendments adopted in 2024, just prior to the presidential and parliamentary elections of the same year. While quite comprehensive, this review does not present each and every legislative-related recommendation from the past twenty years that remains to be addressed. As such, this Opinion should be read in conjunction with previous ODIHR reports and Venice Commission's joint opinions to identify other outstanding recommendations aimed at strengthening the Electoral Code, as well as those related to improving sub-legal acts adopted by the election administration or governmental agencies. Although many previous ODIHR or joint ODIHR/Venice Commission recommendations have been fully or partially addressed by legislative amendments, these are not the main subject of this review, which, as a matter of conciseness, focuses on remaining unaddressed recommendations.

56. ODIHR's final report on the 2024 national elections, which includes its most recent review of the electoral legal framework in North Macedonia, found that the Electoral Code has a broad range of shortcomings that challenge its sound basis and legal certainty in line with OSCE commitments and international standards. As a general assessment, it identified that certain rules related to voter and candidate registration and election dispute resolution fall short of international standards. In addition, aspects of the electoral process, such as turnout requirements, boundary delimitation, election administration, voter and candidate registration, campaign and campaign finance, media, election dispute resolution, and election day procedures, have certain deficiencies or remain underregulated contrary to international good practice. Further, several key aspects of presidential elections remain unregulated or underregulated. Various ODIHR reports have also identified inconsistent provisions within the Electoral Code resulting from a lack of harmonization of its provisions with amended or repealed provisions, as well as inconsistencies with other laws, which undermines legal certainty.[45]

57. ODIHR's 2024 observation report analyzed the 2024 amendments to the Electoral Code, noting the following key amendments: change to the formula for determining the number of signatures required to register independent candidate lists, revision of certain campaign finance regulations, specification of deadlines for resolving election disputes, and elimination of the requirement for citizens to possess a valid identification document to retain their inclusion in the voter register. These changes addressed some previous ODIHR recommendations, but left many substantive recommendations pending implementation, such as ensuring equal access to campaign resources, increasing the accountability and integrity of campaign financing, enhancing regulations on the misuse of administrative resources, extending deadlines for resolution of election disputes, to a name a few, as well as those related to eliminating numerous gaps, inconsistencies and ambiguities in the legislation. It is noted that ODIHR and Venice Commission's 2016 Joint Opinion on the Electoral Code offers the most recent comprehensive set of recommendations on the electoral legislation.

2.1. Electoral systems

58. ODIHR's 2024 report noted that the 40 per cent turnout requirement for the second round of presidential elections is contrary to a long-standing ODIHR and Venice Commission recommendation and could lead to cycles of repeated elections, with the risk increased by the

[45] For instance, ODIHR's 2020 report points out that the Electoral Code maintains no longer applicable provisions on state compensation for campaign expenditures to electoral contestants, even though the law had been amended in 2018 to repeal Article 86 on reimbursement of election campaign expenses based on the number of voters won. Specifically, Articles 87, 88(3), and respective penal provisions of the Electoral Code, such as Article 177-a, which prescribe that certain misdemeanours are subject to partial or complete loss of compensation of campaign expenses or suspension of payment, remain unchanged to date.

high number of citizens living abroad and who remain registered on in-country voter lists.[46] A turnout quota also creates an incentive to fraudulently inflate the recorded turnout. Recommending to repeal the voter turnout requirement, previous ODIHR reports and Joint Opinions dating back to 2006 suggested that if a turnout threshold is considered beneficial to the credibility of the electoral process, it is recommended for the first round only.[47] In addition, a long-standing ODIHR and Venice Commission recommendation proposed to consider amending the threshold for the winner in presidential elections - from the candidate who receives the votes of the majority of all registered voters, which is unusually high, to the more common rule of the majority of the number of (valid) votes cast. Further, as pointed out in ODIHR and Venice Commission's 2006 Joint Opinion, relating an election outcome to the number of listed voters often creates unnecessary problems and discussions, since ideally accurate voter lists are difficult to compile. Necessitating an amendment to Article 81 of the Constitution, **the above-noted recommendations have not been addressed**.[48]

59. Under Article 4 of the Electoral Code, the six election districts elect twenty members of parliament. However, the Code does not establish a process for delimitation of boundaries for electoral districts, in case there are deviations in the average number of voters exceeding the prescribed five per cent maximum. Changes to district boundaries have to be made only through amendments to the legislation.[49] Leaving the boundary delimitation in the hands of the parliament does not sufficiently safeguard the process from political influence, contrary to international good practice.[50] In this respect, ODIHR's reports (2006, 2011, 2016, 2020 and 2024), as well as ODIHR and Venice Commission's 2016 Joint Opinion (para. 17), recommended that the Electoral Code prescribe a clear and consistent methodology and rules for a periodic reallocation of seats or review of constituency boundaries to account for population changes, conducted by an independent body in a timely, transparent, impartial, and

---

46 Following ODIHR's recommendation on the same issue after the 2021 local elections, a similar turnout requirement was removed by 2024 amendments to the Electoral Code (new Article 132-a) as regards the conduct of repeat mayoral elections, which previously were to take place if a candidate was not elected in the first round due to the lack of the requisite turnout requirement.

47 ODIHR's 2009 and 2014 reports recommended to repeal the second-round turnout requirement for presidential elections, while the former report also suggested that a turnout requirement could be used only for the first round if considered beneficial to the credibility of the electoral process.

48 Also see ODIHR and Venice Commission's 2011 Joint Opinion (paras. 88 and 90) that state that if the turnout requirement and participation quorum are maintained for presidential elections, the Electoral Code should clearly stipulate that the invalid votes should be counted in determining those thresholds, even if it is implied. In addition, the reference to "majority of the votes" in Articles 121 of the Electoral Code should be clear that a relative majority is sufficient, even if implied.

49 Chapter XIII of the Electoral Code delineates the six parliamentary election districts by municipality (or part thereof) and polling station numbers. In addition, Article 4(7) incorporates a standard for the delineation of election districts – namely, that the number of voters in each may not vary more than five per cent above or below the average number of registered voters in the districts. Past parliamentary elections have revealed significant deviations in the number of voters per constituency.

50 On the repartition of seats between constituencies and redistricting, see Venice Commission's Code of Good Practice in Electoral Matters, I.2.2.iv-vii. The explanatory report states (section 2.2) that, "in order to avoid passive electoral geometry, seats should be redistributed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation". Point 3.3 of the Existing Commitments for Democratic Elections in OSCE Participating States, ODIHR, Warsaw, October 2003, states that: "When necessary, redrawing of election districts shall occur according to a predictable timetable and through a method prescribed by law and should reflect reliable census or voter registration figures. Redistricting should also be performed well in advance of elections, be based on transparent proposals, and allow for public information and participation." See paragraph 20 of the 2017 Venice Commission Report on Constituency Delineation and Seat Allocation, which states that "national legal frameworks for boundary delimitation are expected to provide that the persons or institutions responsible for drawing the electoral boundaries are independent and impartial."

inclusive manner, well before the next election.[51] The 2009 Joint Opinion (para. 37) noted that, as the process of redistricting has considerable political ramifications, other possible approaches might also be considered, such as fixing electoral districts and distributing mandates proportionally to the number of voters (with the general rule for distribution of mandates to districts included in the Electoral Code).[52] **Neither of these long-standing options for addressing the above-noted concerns has been addressed.**

60. For parliamentary elections, up to three members of parliament (MP) can be elected from a single out-of-country electoral district. The number of seats representing voters abroad depends on a threshold calculated based on the previous election results, with no correlation to voter turnout, which is not in line with the principle of equality of the vote.[53] A candidate is elected if the list receives at least the same number of votes won by the MP with the lowest tally in an in-country seat for the most recent previous elections. However, if no candidate receives the required number of votes to obtain a seat, out-of-country voters will not be represented, thus seeing as the law foresees out of country voting this violates the principle of equal suffrage, and more precisely the principle of equal voting power. This issue has been raised by ODIHR and Venice Commission as far back as their 2009, 2011 and 2016 Joint Opinions on the Electoral Code (paras. 19, 20 and 25 respectively), as well as in ODIHR reports (e.g. 2014, 2016) with related recommendations. In this respect, their 2016 Joint Opinion (para. 20) recommended that "an alternative procedure be provided so that the right to vote of all eligible voters abroad, as provided by the Electoral Code, is guaranteed in conformity with the principle of equality of the vote."[54] **This long-standing recommendation has not been addressed.**[55]

2.2. Election administration

61. ODIHR's 2020 observation report recommended that the Electoral Code should provide for a clear and transparent procedure for nomination and appointment of the members of the State Election Commission, and to clearly stipulate the tenure of the members. While 2021 amendments to the Code stipulated a tenure of five years, **the legislation still lacks clear and transparent procedures for their nomination and appointment**.[56] Further, ODIHR and Venice Commission's 2006, 2009 and 2016 Joint Opinions noted that the two-thirds majority

---

51 The 2006 Joint Opinion commented (paras. 134-136) that the delineation of the six election districts is inappropriate for incorporation into the Electoral Code as a regular article, but instead could be included as an annex or schedule to the Code or enacted through separate legislation. In this way, it would be clear that the delineation is subordinate to the general statutory principles regarding the formation of parliamentary districts. When the districts are realigned, the new districts would be adopted in this manner.

52 See Venice Commission Code of Good Practice on Electoral Matters, section I.2.2, 17.

53 Paragraph 7.3 of the 1990 OSCE Copenhagen Document requires the States to "guarantee universal and equal suffrage to adult citizens."

54 The 2009 Joint Opinion (para. 20) recommended as follows: "While the creation of a virtual district is a viable option for voting abroad, assuming that a large enough number of voters would participate to allow for equal suffrage, mandates should be allocated in such a way as to allow for a proportional system to be effective (in this case by having more than a single mandate.) In the absence of such, it is recommended that votes cast from abroad are counted in the domestic districts of the voters' last residence."

55 The 2011 Joint Opinion (para. 27) also raised concerns with possible disenfranchisement of those citizens who are abroad on election day but have not met the minimum three-month requirement established in Article 2(17) of the Electoral Code. The 2016 Joint Opinion (para. 21) noted that the Electoral Code is vague on the registration procedures for voters abroad, particularly on who is eligible to vote and that unclear guidelines may result in an inconsistent approach and can lead to disenfranchisement of eligible voters. In this regard, it recommended that more detailed legal provisions be put in place for the registration of voters abroad.

56 Also, ODIHR and Venice Commission's 2006 Joint Opinion recommended that new appointments to the State Election Commission (and municipal election commissions) should if possible be staggered so that there is not a complete loss of expertise each time the membership turns over.

(of all parliamentarians) required by Article 27(6) to elect the (vice-) president and members of the State Election Commission, even if seeking a broad consensus, might be difficult to obtain and a situation might emerge where the members would not be elected early enough before elections.[57] Although there are no international standards in this regard, the 2016 Joint Opinion suggested that an alternative appointment mechanism could be envisaged in the law for those occasions when a two-thirds majority cannot be obtained with sufficient time ahead of the elections.[58] **Such an anti-deadlock mechanism has not been introduced into the Electoral Code**. The 2016 Joint Opinion (para. 30) also suggested to consider repealing the retirement age as ending the term of office of commission members, which to date remains in the Electoral Code.[59]

62. ODIHR's 2021 report recommended that to ensure the operational independence and efficiency of the State Election Commission, the authorities should guarantee that it receives an adequate and timely budget allocation. **The Electoral Code's provisions on the financing of the State Election Commission were not amended in this respect,** still simply providing that the funds for the operation of the State Election Commission shall be provided from the Budget of the Republic of Macedonia. This recommendation flows from ODIHR's finding that the operational capacity of the election administration and its ability to fulfil its mandate independently has been strained by a longstanding lack of permanent personnel, especially in its IT and legal sections. According to the State Election Commission, administrative and budgetary constraints hinder its ability to ensure adequate staffing levels, including in its regional offices. In addition, while Article 30 of the Electoral Code regulates the professional service of the State Election Commission, **it has not been amended to address previous ODIHR and Venice Commission recommendations** (e.g. 2016, 2024) to mandate that essential staff be employed on a permanent basis. ODIHR and Venice Commission's 2016 Joint Opinion on the Electoral Code (para. 31) specifically recommended that professionals in the legal department be recruited on a permanent (and non-partisan) basis. These issues have been raised as far as back as ODIHR and Venice Commission's 2006 Joint Opinion.[60]

63. The compositions of election management bodies (at all three levels) include so-called deputies to each member who act as alternates or substitutes when the respective member is unable to fulfil his or her duties. The 2006 Joint Opinion of ODIHR and Venice Commission (para. 25) noted that the appointment of such deputies to election management bodies could be viewed as inappropriate, as the office of a member of an election commission should be considered personal, and it should not be possible to delegate its functions to another. It also noted that provisions in the Electoral Code use confusing terminology regarding the role of the deputies, in some places referring to their alternative role, but then in Article 2 of the Code defining a "member of an election management body" as including the deputies themselves. The 2006 Joint Opinion further stated that while there could be a roster of possible substitutes, in case a member of the electoral body falls sick or is unable for some other compelling reason to participate, appointing deputies as such is not appropriate. At the same time, the Opinion

---

57 The 2009 Joint Opinion also noted that it is not provided whether the vote in Parliament will be on every member of the State Election Commission separately or all members and the President of the Commission together, and suggested that the provision would benefit from clarification.

58 See discussions on Election Administration appointment mechanisms in previous ODIHR and Venice Commission Joint Opinions on Montenegro and Georgia.

59 See the United Nations Principles for Older Persons, adopted by the General Assembly Resolution 46/91, 16 December 1991.

60 The 2006 Joint Opinion recommended that "in order for the permanent electoral administration of the State Election Commission to be effective, [it] should receive sufficient funds on an annual basis from the State Budget; and [it] should be enabled to recruit and retain a professional staff that is well-qualified in electoral matters and has a career path that fosters institutional loyalty and an autonomous and professional service."

recognized that the institution of deputies is well-established in the official practice in North Macedonia. In this context, **the recommendation has not been addressed.**

64. Article 18(1) of the Electoral Code lists the conditions that prevent a person from being nominated as a member of an election body (at any level). It precludes, among others, persons who "due to irregularities identified in their work as a member of an election management body, the voting was annulled". In other words, a person who violates the law in connection with an election is prevented from being proposed to serve on an election body in a later election if the violation that took place while conducting their election administration duties resulted in annulment of results. ODIHR and Venice Commission's 2006 Joint Opinion (para. 45) pointed out that this prohibition does not appear broad enough since not all significant irregularities would not (or should not) lead to annulment. The Joint Opinion implied **that this provision should be amended** to ensure that persons who were found responsible for committing significant malfeasance as part of an election body should be precluded from being a member in future elections, regardless of whether the malfeasance led to annulment or not. In this respect, the body which formally finds such malfeasance should include (or not) in its decision the sanction of not being a member of future electoral bodies.

65. Article 21(3) of the Electoral Code provides that each gender shall have at least 30 per cent representation in the election management bodies. As pointed out in the 2006 Joint Opinion, the language of the provision is vague in the sense that it is no clear whether the 30 per cent rule would apply to each election body, or to all such bodies taken together. **This concern has not been addressed by any clarification to the provision, which remains the same.**

66. ODIHR and Venice Commission's 2016 Joint Opinion (para. 34) highlighted that the Electoral Code does not contain detailed provisions on the dismissal of members of the election administration. It reiterated its earlier recommendation from the 2006, 2009, 2011 and 2013 Joint Opinions that in order to enhance the ability of election commission members to perform their duties independently, impartially, and professionally, and as a matter of transparency, the Electoral Code should protect election commission members from arbitrary removal by setting out clear and justifiable grounds for such removal and detailed dismissal procedure, in line with civil and criminal laws, as well as international standards. Such safeguards protect members from both external political pressure and internal commission dynamics that may otherwise lead to arbitrary or retaliatory dismissals. The 2011 Opinion (para. 41) noted that Article 31(19) of the Electoral Code requiring the State Election Commission to adopt a Rulebook to determine the criteria for the manner and procedure of dismissal of members of election management bodies is not as transparent or stable as putting such criteria in the legislation itself. **This long-standing issue has not been addressed in the Electoral Code.**

67. The Electoral Code does not enable the State Election Commission to adopt legally-binding regulations. In this respect, Article 31(2.2) only provides that the Commission is responsible to "give instructions, clarification and recommendation on the application of the provisions of the Electoral Code and other laws pertinent to election-related issues." ODIHR and Venice Commission's 2006 Joint Opinion (paras. 68-70) points out that the absence of this regulatory authority for the Commission is particularly noticeable in the area of the election campaign, broadly viewed, where significant aspects of the campaign are controlled by other bodies (e.g. campaign violations, media rules, broadcasting regulations, campaign finance reporting).[61] This distribution of regulatory and oversight powers may have hindered the development of clear and specific rules and enforcement mechanisms in these areas, where various deficiencies have been noted by election observers, and diluted overall accountability and coherence in

---

[61] I.e., Parliament, Basic Courts, Agency for Audio and Audiovisual Media Services, State Audit Office, and State Commission for Prevention of Corruption.

implementation. The 2006 Joint Opinion noted that a recommendation in its previous Opinion (on the draft Electoral Code) that consideration should be given in connection with the enactment of the Code to enable the State Election Commission to adopt, implement and enforce regulations in this area was not followed. It reiterated this recommendation, proposing that the State Election Commission be granted regulatory authority over all aspects of the electoral process, not only the electoral administration proper, including areas related to the election campaign which are subject to regulation by other bodies. **To date, this recommendation has not been addressed**, although ODIHR has noted that regulations and enforcement measures in the above-noted area have been enhanced over the years.

As a positive measure that will contribute to improving the work of the election management bodies and the electoral process in general, in 2024 it was introduced into the Electoral Code the establishment of a Center for Continuous Election Education, under the responsibility of the State Election Commission. Its mandate is to provide "continuous training for the election administration, voters, stakeholders of the electoral process, the authorized representatives of the list submitters, the media, the election observers, and all stakeholders who have a role in the elections." It is important that sufficient financing be included in the State Election Commission's budget and provided on a timely basis by the public authorities for the establishment and effective operations of this training centre. Such timely and effective training could address various shortcomings in the administration of the elections, as identified in ODIHR's previous observation reports.[62] In this regard, ODIHR has long recommended that in order to improve the capacity of municipal election commissions and electoral boards and to ensure consistent conduct of elections, the State Election Commission should provide timely, uniform, and comprehensive trainings, with a focus on election day procedures, especially counting and completion of results protocols by electoral boards, and tabulation and handling of election day complaints by municipal election commissions, among other matters.[63] In 2024, a new paragraph was also added to Article 40 of the Electoral Code obliging members of electoral boards to participate in the training conducted by the newly-established Center for Continuous Election Education; however, mandatory training of members of municipal election commissions is not provided for in the legislation. **It is thus recommended that the Electoral Code oblige such training of municipal commission members.**

68. ODIHR and Venice Commission's 2009 Joint Opinion on the Electoral Code put forward a number of recommendations related to provisions that regulate the work of the election management bodies. **Some of these recommendations remain unaddressed.**

69. Article 23(1) sets out the quorum for election bodies as well as the number of members required to render a valid decision. The wording is unclear as to whether, for a valid decision to be taken, a majority of "members" (only) is required, or whether that majority may be achieved by counting also deputies, in cases when a member is absent. Article 23(2) regarding the participation of deputies would suggest that this is the case, but could be further clarified with the addition of, "with the same rights to work and vote as the member s/he is replacing."

70. Article 31(2): It was noted in the Joint Opinion that the number of duties of the State Election Commission appeared excessive and it was suggested that some duties could be vested in the municipal election commissions; for example, during the election period duties of supervision should be left to lower-level bodies (duties on election day being particularly time-consuming). It noted that the Electoral Code contains an apparent overlap of duties in controlling electoral

---

62 See ODIHR's 2006, 2008, 2009, 2013, 2016 and 2017 final observation reports.

63 ODIHR's 2008 report specifically recommended that specialized trainers employed to develop and deliver training would help ensure the effectiveness of electoral bodies.

boards and recommended to make clear whether the municipal election commissions or the State Election Commission is the responsible body to control their work.[64]

71. Although Articles 31(3) and 37(2) impose duties on the State Election Commission and municipal election commissions to dismiss members of lower election bodies in case of unlawful activities, the provisions do not specify the procedure to do so despite a 2009 joint recommendation to outline a clear procedure.[65] Related to this, the 2006 Joint Opinion specifically recommended that electoral commissions, particularly the State Election Commission, should be granted the power to impose administrative sanctions against subordinate election officials who are demonstrated to have been involved in electoral irregularities or illegalities; such sanctions should include, in addition to disqualifications from future service on electoral bodies, termination and return of salaries and expenses, and fines and other administrative penalties.[66]

72. Article 35(2) provides that the State Election Commission "determines with an act the procedures for appointing the Municipal Election Commission President, deputy, members and their deputies" and in Article 39(3) the same applies for Electoral Boards. Both articles leave undefined whether the appointments are a standard or ad hoc act. The procedures for these appointments would benefit from further elaboration, particularly as a recommendation from ODIHR's 2008 report suggested that the presidents and deputies of such bodies be selected – from among the randomly selected members – by either the body itself (by internal vote) or by the immediately higher election body.

73. The current Electoral Code requires a request from the majority of the members of the State Election Commission to hold a meeting (Art. 26(10)). Noting that it is more common that a large minority may demand a meeting to be held, ODIHR and Venice Commission's Joint Opinions on the Electoral Code (2016, 2013, 2011) recommended that a request from one-third of members would be sufficient.

2.3. Voter eligibility and registration

74. The Constitution retains a blanket restriction on voting rights for all persons deprived of legal capacity – reiterated in Article 6(1)) of the Electoral Code - which contradicts international standards and **leaves unaddressed a long-standing ODIHR and Venice Commission**

---

64 Article 31(3) provides that the State Election Commission is responsible to "dismiss any member of an election management body in case of unlawful activities and paragraph (4) makes it responsible to "control the legality of the work of the election management bodies and take measures in case of violations related to the preparations, procedure for nomination, administration of the elections and establishing of the election results, as well as in case of violation of its instructions and recommendations." At the same time, Article 37(2) provides that municipal election commissions are responsible to "dismiss the members of the election board for any unlawful action prior to and on election day" and paragraph (7) makes them responsible to "control the legality of the work of the election boards and intervene in cases when a violation has been established regarding the preparations, candidacy, and administration of the elections, the establishing of the election results and violation of the instructions and recommendations provided by the commission."

65 Article 35(3) provides that "the manner and the procedure to determine responsibility in case of unlawful activities of the president, their deputy, the members or the deputies of the members of the Municipal Election Commissions or the Election Commission of the City of Skopje shall be determined with the Law." In 2024, a reference to the Law on Civil Servants at the end of this provision was repealed, but not replaced with a reference to any other law or an explicitly-defined procedure. The Electoral Code itself is silent on the manner and procedures for dismissals of electoral board members.

66 Under the current Electoral Code, the only possibility to sanction dismissed members of municipal election commissions or electoral boards is under Article 177-b(1) which authorizes the State Election Commission to initiate a misdemeanour procedure in front of the competent court against members who allegedly failed to conduct the voting in the legally prescribed manner which led to annulled voting in a specific polling station, which is subject to the highest fine in accordance with the Law on Misdemeanours.

recommendation to repeal all restrictions on electoral rights on the basis of intellectual or psychosocial disability in line with the objectives of the Convention on the Rights of Persons with Disabilities.[67] In 2021, two provisions were added to the Electoral Code to limit the application of this constitutional blanket restriction - Articles 41(7) and 43(2) - providing that persons whose legal capacity has been revoked by a court or who are declared to have the inability to "express legally relevant will in elections" are not to be added to the voters list and that the courts must notify the State Election Commission about such persons. These changes were in line with a 2011 ODIHR and Venice Commission joint recommendation based on an evolving interpretation of disability rights in the context of voting, to require a court decision to attest a lack of capacity, depriving a citizen of their political rights. However, the provision is no longer consistent with advanced international standards and the most recent ODIHR recommendations that now call for full repeal of all such restrictions, not conditional exclusion.

75. Articles 6 and 7 of the Electoral Code do not allow foreigners to vote (or stand for elections) for municipal councils and mayor. In this regard, ODIHR and Venice Commission's 2009 and 2011 Joint Opinions (paras. 7 and 14, respectively) noted that the Venice Commission's Code of Good Practice in Electoral Matters (section I.1.1b.ii) recommended that it would be suitable for the right to vote and stand for local elections to be provided to long-standing foreign residents after a certain period of residence, also in line with the Council of Europe Convention on the Participation of Foreigners in Public Life (Article 6).[68] In accordance with international good practice, it recommended that the right to vote in local elections be granted after a certain period of residence, typically five years. **This recommendation, reiterated in the 2013 Joint Opinion, has not been addressed.**

76. ODIHR's 2020 and 2021 reports recommended that the regulatory framework for voter registration procedures in the Electoral Code should be clarified, consolidated and harmonized to eliminate inconsistencies. These recommendations are based on findings that there is no consolidated legal framework for voter registration, which necessitates substantive gaps in the Electoral Code to be addressed by administrative rules and instructions during the electoral processes. ***To date, this recommendation has not been addressed.*** Similarly, OIDHR's 2013 and 2014 reports recommended that consideration should be given to conducting a review of the procedures for compiling and maintaining voter lists and that clear, co-ordinated, and transparent procedures for all institutions involved in updating the voter lists would enhance accuracy and could contribute to public confidence.

77. In addition, recommendations on the updating of the voter register between the two rounds of the presidential election from the 2017, 2019 and 2024 ODIHR observation reports and a similar 2021 recommendation to clarify procedures for inclusion in voter lists of persons who turn 18 between rounds in local elections, ***remain unaddressed***. This gap has been noted in ODIHR reports as creating confusion and disenfranchisement. Positively, a 2021 amendment to the Electoral Code that allows voters to vote with an ID that expired in the period from the announcement of the election until election day addressed a 2020 ODIHR recommendation. Further, March 2024 amendments to the Electoral Code, adopted just prior to the 2024 elections, repealed the requirement that voters possess a valid identification document in order to be placed or maintained in the voter register, in line with 2019, 2020 and 2021 ODIHR

---

67 For instance, ODIHR observation reports from 2017, 2019, 2020 and 2021. See Article 29 of the 2006 UN Convention on the Rights of Persons with Disabilities requires States to "guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others" and paragraph 9.4 of the 2013 CRPD's Committee's Communication No. 4/2011 states 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".

68 To date, North Macedonia has neither signed nor ratified this convention.

recommendations that eligible voters should not be excluded from the voter register due to expired documents in the context of countrywide efforts to change identity documents.

78. ODIHR's 2017 and 2019 reports recommended to consider extending the period of scrutiny of the voter lists and to bring the deadline for changes (finalization of voter lists) closer to election day; the latter was also recommended in ODIHR's 2013 report. In this regard, the Electoral Code currently provides for a 20-day period of public scrutiny of the voter lists (the same as in 2019) and the voter list is to be closed not more than 15 days after the scrutiny period ends. As the public display of the voter lists is to start within 15 days of the announcement of the election and the announcement must take place not less than 70 days and not more than 90 days before the election day, it means that the voter register may be closed up to two months before the day of voting, which could leave voters with insufficient opportunity to inform the State Election Commission of recent changes in their data. Further, ODIHR and Venice Commission's 2007 Joint Opinion (para. 15) recommended that the law (Article 49(2)) should require the out-of-country voter list extracts be published for scrutiny in the local offices of the regular registration authorities, together with the regular voter lists for the municipalities, not only displayed at the respective diplomatic offices.[69] **The above-noted recommendations have not been addressed.**

79. Article 2(17) of the Electoral Code provides that out-of-country voting is available for citizens who either have registered their last residence in North Macedonia and who, on the election day, have been temporarily residing abroad for more than three months, or who have been temporarily employed or residing abroad for more than one year pursuant to the records of the relevant authority. ODIHR's 2011 report specifically recommended that the right to vote of electoral board members abroad and those citizens who have been registered for less than three months abroad should be ensured. Further, the 2016 Joint Opinion (para. 21) noted that the Electoral Code is vague on the registration procedures for voters abroad, particularly on who is eligible to vote, and that unclear guidelines may result in an inconsistent approach and can lead to disenfranchisement of eligible voters. It recommended that more detailed legal provisions be put in place for the registration of voters abroad. **The above-noted recommendations have not been addressed.**

2.4. Candidate eligibility and registration

80. Under the Electoral Code, presidential candidates must have been resident in the country for at least 10 of the last 15 years. ODIHR's 2014, 2019 and 2024 reports noted that this residency requirement is overly restrictive, at odds with the 1990 OSCE Copenhagen Document and other international standards.[70] In addition, the Electoral Code retains a blanket restriction on candidacy rights in the parliamentary and local elections for persons sentenced to imprisonment, irrespective of the gravity of the offence, and without an individualized

---

69 The 2007 Joint Opinion (para. 16) also offered the alternative to compile voter lists for out-of-country polling stations on an *ad hoc* basis on election day, feasible at least for parliamentary elections which do not have a turnout threshold. In this case, each citizen who comes to the polling station and presents a valid passport of North Macedonia would be allowed to vote and be recorded in the voter list. Afterwards, using the unique citizen numbers, the relevant authority would check that double-voting had not occurred by comparing the out-of-country and in-country voter lists. The Joint Opinion pointed out that this approach would also serve to broaden the number of eligible voters to all citizens outside of the country.

70 Paragraph 7.5 of the 1990 OSCE Copenhagen Document states that the participating States should "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." See also paragraph 15 of the 1996 UN CCPR General Comment no. 25: "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". See also sections I.1.1.c.iii-v of the 2002 Venice Commission Code of Good Practice in Electoral Matters.

assessment of the case, which does not fully meet the principle of proportionality enshrined in international standards and OSCE Commitments.[71] Further, contrary to international obligations, persons whose legal capacity has been revoked on the basis of intellectual or psychosocial disability are denied the right to stand as parliamentary or local candidates. Recommendations in ODIHR's 2024, 2021, 2020, 2019 observation reports and earlier ODIHR and Venice Commission's recommendations dating as far back as 2008 on the above-noted candidacy restrictions – to bring the respective provisions in line with international standards and commitments - **have not been addressed**.

81. Further, independent parliamentary candidates are *de facto* prohibited by the Electoral Code, contrary to OSCE Commitments, which prompted ODIHR's 2024 recommendation to amend the Code to provide for the possibility of individual candidates.[72] In this respect, although groups of voters can submit a parliamentary candidate list, such lists are required to have an equal number of candidates to the number of seats in the district, effectively preventing individual candidates from running. This same issue applies to candidate lists submitted by groups of voters for local elections, which was the subject of a 2021 ODIHR recommendation to provide for possibilities for independent councillor candidates to contest an election individually. **These recommendations have not been addressed.** In addition, ODIHR's 2024 recommendation - dating back to the 2009 Joint Opinion on the Electoral Code - to repeal the part of Article 64(2) that requires that parliamentary candidates disclose their ethnic identity in order to register, at odds with international good practice, **remains unaddressed**.[73]

82. Prior to 2024, the Electoral Code had required that groups of voters who wish to nominate a parliamentary candidate list must collect at least 1,000 voter signatures and for a local election candidate list, the number of signatures varied from 100 to 1,000 depending on the population size of the specific locality. For the 2021 local elections, in practice, the required number of supporting signatures varied between 0.4 and 5 per cent of voters registered in the respective municipality, contrary to international good practice and the principle of equal opportunity to stand for election.[74] In its 2017 and 2021 reports on the local elections, ODIHR recommended that to ensure equal opportunities in the right to stand for all candidates, the required number of signatures for candidates on such lists should be proportional to the actual number of registered voters per constituency. It recommended that consideration be given to standardizing them at up to one per cent of registered voters, in accordance with international good practice.

83. In line with the above-noted recommendation, a 2024 amendment to the Electoral Code revised the above-noted fixed numbers of supporting voter signatures required for both parliamentary

---

71 Article 7(3) of the Electoral Code excludes candidates who have been issued a final court decision for unconditional imprisonment of more than six months and have still not started serving the sentence and excludes those who are serving a sentence of imprisonment for committing a criminal offence. Paragraph 24 of the 1990 OSCE Copenhagen Document provides 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." See also Article 14 of the UN Convention on Civil and Political Rights General Comment no. 25.

72 Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

73 Section I.2.4.c of the 2002 Venice Commission's Code of Good Practice in Electoral Matters states that such declarations should not be compulsory. See also the 2013 and 2016 ODIHR and Venice Commission Joint Opinions on the Electoral Code.

74 Section I.1.3.ii of the Venice Commission's Code of Good Practice in Electoral Matters states that "law should not require collection of the signatures of more than 1% of voters in the constituency concerned". In 2021, in a total of 42 municipalities, the required number of signatures exceeded 1 per cent, with many over 2 per cent. See also section I.2.3.ii of the Venice Commission Code of Good Practice.

and local elections, to one per cent of registered voters in the respective district or locality. This was in line with the highest percentage recommended under international good practice. However, on 21 May 2025, the Constitutional Court of the Republic of North Macedonia deemed this amendment contrary to constitutional values and political pluralism, essentially ruling it too high a percentage, but did not automatically restore the previous provision that had established the above-noted fixed numbers of signatures. **It is thus recommended that the authorities fill in this legislative gap in time for the October 2025 elections, and that once again a standardized percentage (lower than one per cent as per the court's decision) rather than fixed number(s) be established, in line with international good practice**.

84. Further, the 2009 and 2011 Joint Opinions (paras. 21 and 28, respectively) raised a concern with the provision (Article 61(2)) that sets out a fixed number of voter signatures required for a group of voters to submit a list of candidates in parliamentary elections for the three out-of-country electoral districts. At the time of the 2011 Joint Opinion, the Code provided for 200 – 1,000 voter signatures, depending on the district, which is now 1,000 signatures for each of the three districts. The Joint Opinions noted that the fixed numbers did not address the issue that the number of signatures required for electoral districts abroad is not linked to the number of citizens or registered voters residing abroad in each district. The 2011 Opinion also pointed out that the logistics for collecting signatures in the much larger geographical districts (for example, in the 'Australia and Asia' District) is much more challenging than in the in-country districts. As such, the Opinions advised to relate the number of signatures required to the percentage of voters abroad in each of the three out-of-country districts. **This recommendation has not been addressed.**

85. Article 63(3) of the Electoral Code currently stipulates a 15-day period for voter signature collection for candidates lists in all types of elections to be submitted by a group of voters, including the collection of 10,000 signatures for presidential candidate lists under Article 59. ODIHR's 2019 report noted that given the considerable number of signatures required to be collected for presidential lists, this time limit is relatively short and has the potential to constrain the inclusiveness of the candidate nomination process, due to logistical and administrative difficulties, especially for independent candidates with less resources. In this respect, it is recommended that consideration should be given to extending this collection period. **This recommendation has not been addressed.** In addition, ODIHR and Venice Commission's 2011 and 2016 Joint Opinions, as well as ODIHR's 2009, 2014, 2016 and 2017 reports noted that the requirement in Article 63 for signatures in support of candidates to be collected in front of a regional representative of the State Election Commission (previously at a local or regional office of the Ministry of Justice) opens the possibility for voter intimidation and recommended that alternative methods for signature collection should be considered in order to reduce the potential for intimidation, including allowing candidates and parties to organize the signature collection themselves, or to instead allow for financial deposits.[75] **This longstanding recommendation has not been addressed.**

86. An earlier version of the Electoral Code was silent concerning the withdrawal of candidates and candidate lists after they have been confirmed by the election administration. ODIHR and Venice Commission's 2013 and 2016 Joint Opinions, as well as ODIHR's 2009, 2013 and 2017 reports, expressed that this issue could benefit from further regulation in order to ensure legal certainty and that, in particular, safeguards should be established to ensure that conditions for such withdrawal are not used as a means of pressure on candidates to withdraw. In 2021, a new paragraph was added to Article 67 allowing for withdrawal of a whole candidate list within 48

[75] ODIHR's 2009 recommendation also stated that if candidates and parties are allowed to organize the signature collection themselves, the State Election Commission should be tasked with verifying the signatures, possibly including a random sample.

hours of final registration.[76] However, ODIHR's 2024 report noted that **candidate withdrawal after registration remains an underregulated area.** Related to this, the 2013 Joint Opinion pointed out (para. 15) that Article 65(5) which provides that for each nomination, the candidate needs to make a written, irrevocable consent does not consider that there might be situations (e.g. unexpected health problems) which should at least for some period before the elections be a reasonable basis for revocation of the consent. **This concern has not been addressed.**

87. Further, the ODIHR and Venice Commission's 2009 Joint Opinion (para. 11) recommended that the Electoral Code should provide for the circumstances of a candidate's withdrawal from an election between the two rounds of voting, both for mayorships and the presidency. The Joint Opinion noted that, presumably, at least for presidential elections, in line with Article 81 of the Constitution, the second-round election with a remaining one candidate would continue and the sole candidate would still be required to receive the requisite majority. It proposed that the Electoral Code should be clarified on this point, including for mayoral elections. ODIHR's 2009 report on the municipal elections put forward the same recommendation, which **has not been addressed in the Electoral Code**.

88. ODIHR's 2017 observation report recommended that the Electoral Code could be revised to prohibit political party coalitions and candidate lists submitted by a group of voters from using the same name/or logo as a registered political party. This recommendation followed from a legal challenge during the 2017 municipal elections that was made by a party against a coalition that ran with the same name and logo as the party; the complaint was rejected as it is not prohibited for a coalition or a list submitted by a group of voters to use the same name and/or logo as a registered party. This lack of prohibition can be misused by electoral participants and confuse voters during the electoral process, particularly in campaign messaging and at the ballot box. **This recommendation has not been addressed.**

2.5. Campaign

89. ODIHR's recommendation (2024, 2020, 2019 and earlier reports) to repeal the prohibition on regular political activities before the official campaign period and instead to regulate them has not been fully addressed. As stated in the 2011 and 2013 Joint Opinions (paras. 45-49 and 24, respectively), the broad definition of an election campaign, combined with the provision that the election campaign commences 20 days prior to the election day (Article 69-a) could be considered as limiting regular political activities held prior to the start of the official campaign period, an undue restriction on freedom of speech. It noted that the Electoral Code should specify what political activity is not permissible before the start of the official campaign period and stressed that early campaigning rules should only apply to special media regulations, such as free airtime during the campaign and regulations of equitable access, or the allocation of designated free space for posting of campaign material, as well as special regulations of campaign funding and spending.[77] It is also noted that Article 179-b(1) of the Code imposes a substantial fine of EUR 8,000 in MKD equivalent for those "not respecting the timeframe for commencement and completion of the election campaign", which includes an "early" start to campaign activities. In this regard, the 2007 Joint Opinion (para. 27), commented that as regular

---

[76] This amendment appears contrary to a recommendation put forward in ODIHR's 2013 report that proposed to establish the possibility that a candidate list may be partly accepted (for example, only candidates on the list that meet the eligibility criteria remain on the list, while the others are rejected).

[77] This was also recommended in the 2006, 2007 and 2009 Joint Opinions and ODIHR's 2006 observation report. The 2006 Joint Opinion (para. 96) generally recommended that "it should be made clearer the significance of the campaign period for the purpose of applying various provisions of the law." ODIHR's 2006 report recommended that early campaigning rules should only apply to special media regulations, such as free airtime and the allocation of clearly designated free space for posting campaign material.

political activities seem to fall under the broad definition of 'campaign', it seems unreasonable to be subject to a fine if a party makes "public presentations" of their candidates prior to the official start of the campaign. **The above-noted recommendations have not been addressed.**

90. It was recommended in ODIHR's 2019 and 2020 observation reports that 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. Instead, in the 2024 amendments to the Electoral Code, a provision was added that allows election participants to hold one public event for the promotion of their candidate lists and election programs after the list is confirmed and before the start of the official campaign and a provision added that from the moment of confirmation of the candidate lists until the start of the official election campaign, the election participants cannot spend any funds from the transaction account intended for the election campaign.[78] **These provisions do not address the above-noted recommendation.** In fact, ODIHR and Venice Commission's 2011 Joint Opinion (para. 49) specifically stated that political activities should not be forbidden at any time, "not even promoting candidates which are not formally nominated but which may be at a time closer to elections." The 2024 amendment allowing one public event to promote the registered candidate lists before the official campaign period begins directly contradicts this recommendation.

91. Further, the 2024 amendment to the Electoral Code that strictly prohibits spending until the official start of the campaign runs counter to the 2009 Joint Opinion (para. 55) which points outs that not allowing campaign expenditure before the submission of the candidate list could make it difficult to organize the formation of a candidate list, collect the signatures or plan the style of strategy for the campaign. In this respect, it recommended to consider allowing for expenditure during a reasonable period prior to the date of submission of the candidate list (for example one or two weeks), or perhaps to exclude certain "preparatory" expenditures from the control provided by the Electoral Code. **This recommendation has not been addressed.**

92. ODIHR's 2021 observation report recommended, in line with the principle of equality of opportunity, that campaign rules should be revised to provide for more equitable access to allocations of spaces for posters and billboards for small parties and independent candidates. According to the Electoral Code, the two largest ruling and two largest opposition parliamentary parties "who won the most votes in the last parliamentary elections" are entitled to 40 per cent, respectively, of available billboard space, while the remaining parliamentary parties are entitled to share 10 per cent and independent candidates may share 10 per cent. This is contrary to section I.2.3 of the Venice Commission's Code of Good Practice which provides that the equality of opportunity of electoral contestants must be guaranteed and "must apply to the use of public facilities for electioneering purposes (for example bill posting)". **This recommendation remains unaddressed.**

93. ODIHR and Venice Commission's 2016 Joint Opinion also noted that the 50 per cent limit on the number of billboards and advertising panels that can be used for campaign advertising on the territory of a particular municipality (Article 78-a(2)) may lead to an overly restrictive situation if the number of panels and billboards is very small, noting that any restrictions on campaigning must be proportionate, as they restrict freedom of speech, which is a pre-condition to democratic elections.[79] **This concern has not been addressed in the Electoral Code.** In addition, regarding printed campaign materials (e.g. posters, leaflets), ODIHR's 2008 observation report recommended that political parties and candidates should be obliged to include verifiable information about who has ordered and produced the campaign materials. **The Electoral Code does not include such obligation.**

---

78 Article 69-a(3) and (4) of the Electoral Code.

79 See Venice Commission's Code of Good Practice in Electoral Matters, II.1.

94. ODIHR's 2019 and 2024 reports noted that campaigning in presidential elections is not fully regulated. For instance, rules on the allocation of media advertising and commercial billboard space refer only to political parties of the ruling or opposing parliamentary alliances and do not mention presidential candidates, and do not regulate the allocation of billboard and poster space between the run-off presidential candidates.[80] ODIHR's report on the 2019 presidential elections pointed out that in the absence of explicit regulations, pertinent campaign issues were determined by cross-party political agreements, which extrapolated the Electoral Code's rules for political parties in parliamentary elections to independent candidates in presidential elections but did not provide equal opportunities to all contestants. In this regard, ODIHR has recommended establishing comprehensive rules for campaigning in presidential elections in order to ensure equitable opportunities for presidential candidates and to clarify campaign-related rules for second rounds. **This recommendation has not been addressed.**

2.6. Campaign finance

95. ODIHR's observation reports have noted that despite an overall comprehensive legal framework for campaign finance, which, over the years, has brought campaign finance oversight closer in line with GRECO, ODIHR, and Venice Commission recommendations, some further changes are needed to improve transparency and accountability in campaign financing. In its 2024 report, ODIHR noted that while some of the March 2024 amendments to the campaign finance provisions in the Electoral Code improved technical aspects of the campaign finance framework, they left a number of previous ODIHR and Venice Commission recommendations unaddressed, and did not rectify systemic deficiencies identified by the State Audit Office and the State Commission for the Prevention of Corruption. These recommendations include regulation of third-party financing of campaigns, reporting on in-kind contributions and loans, harmonizing timeframes and deadlines for the receipt and publication of reports, as well as providing adequate authority, resources, and sanctioning power to the oversight bodies.[81] **Although the Draft Law addresses some issues related to campaign finance, it does not address these earlier recommendations.**

96. Further, ODIHR's 2019 and 2024 observation reports noted that while parties may take loans to finance their campaigns, the limits, eligibility criteria, and other important details related to loans are not specified in the law, and third-party campaigning is not regulated, contrary to international good practice and previous ODIHR recommendations.[82] **ODIHR recommendations to address these issues have not been addressed**.[83] The 2024 report also recommended that to prevent avenues of quid pro transactions, legal provisions regarding donations to electoral campaigns should be revised to harmonize donation timelines with the campaign period to remove the possibility of donating to campaign accounts after the elections. **This recommendation has not been addressed.** A 2021 ODIHR recommendation to revise the Electoral Code to align donation and expenditure limits for local elections so that a contestant's campaign fund is not sourced from a single donation, in order to prevent undue influence by private donors and potential political corruption, **has not been addressed**, with the donation and expenditure limits remaining alike for all types of elections.

---

80 It is also noted that for presidential elections held due to termination of the mandate, the respective provision on the campaign period (Article 143) does not refer to a second-round campaign.

81 For example, see ODIHR 2020 and 2021 reports.

82 Paragraph 256 of the 2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation states: "Third parties should be subjected to similar rules on donations and spending as political parties to avoid situations where third parties can be used to circumvent campaign finance regulations".

83 ODIHR's 2014 also included a recommendation that election campaigning by third-parties could be subject to campaign finance legislation.

97. Under Article 76-e, paid political advertising in broadcast, print, and online media during the campaign is funded directly and exclusively from the state budget. As ODIHR's 2024 report points out, for parliamentary elections, the reimbursement formula favours the largest ruling and opposition coalitions in the parliament, disadvantaging small and non-parliamentary parties. Also, the law does not regulate how such funding should be applied to presidential elections, resulting in the State Election Commission applying the same formula to presidential candidates who entered in contractual arrangements with eligible parties, mirroring the unequal funding in parliamentary elections. The report finds that the legislation's reimbursement formula is inconsistent with OSCE commitments and the principle of equal opportunity to campaign.[84] ODIHR recommended to consider revising the system of funding election campaigns, based on objective, clear and reasonable criteria and that for presidential candidates, public funds could be allocated equally, while for parliamentary campaigns, allocation could be proportionally based on parties' election results, and that for non-parliamentary and newly established parties, the allocation of public funding should be considered, potentially based on minimum thresholds of support. **Although the Draft Law includes some changes related to equitable campaign opportunities, it does not cover the above-noted recommendations.**

98. Under the current Electoral Code, electoral participants are required to compile two interim campaign finance reports and a final report, the latter due within 60 days after the announcements of the final election results (the report is due within 15 days of the closure of the participants' campaign transaction account, and the account must be closed within 45 days of the announcement of the election results).[85] **A 2017 ODIHR recommendation that the Electoral Code should require all campaign finance reports be submitted electronically has not been addressed.** An audit of the final financial reports is to be completed by the State Audit Office within 60 days of receipt. The above-noted 15-day deadline from closure of the campaign account had been shortened from 30 days in 2021, prior to the municipal elections, which was a line with a 2020 ODIHR recommendation to further shorten this deadline (it had been previously shortened). However, ODIHR's 2021 and 2024 reports assessed that the deadline for submission of the final campaign finance report remains too long to allow timely audits, contrary to international good practice and previous ODIHR and Venice Commission recommendations.[86] The 2024 report reiterated the previous recommendation that deadlines for the submission and audit of the final reports should be (further) shortened to align with international good practice. **This recommendation has not been addressed.** Further, ODIHR's observation reports have long recommended, in some form or another, that the Electoral Code should establish the scope of audits to ensure comprehensive review against any possible infringement, and the State Audit Office should be granted the necessary investigatory powers.[87] **These recommendations have been left largely unaddressed, with the Electoral**

---

84 Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits participating States to provide "political parties and organizations with the necessary legal guarantees to enable them to compete with each other on the basis of equal treatment before the law." See also appendix, articles 1 and 8 of the Council of Europe's Recommendation Rec(2003)4 of the Committee of Ministers to Member States on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns. See also the 2009 Venice Commission Code of good practice in the field of political parties, paragraph 163.

85 See Part 7 of the Electoral Code on financing of the elections.

86 Paragraph 200 of the ODIHR and Venice Commission Joint Guidelines on Political Party Regulation recommends that "[r]eports on campaign financing should be turned into the proper authorities within a period of no more than 30 days after the elections." ODIHR's 2017 and 2019 reports specifically recommended that the deadline for submission of the final campaign finance reports should not exceed 30 days after the election.

87 See ODIHR's 2006, 2009, 2011, 2014, 2016 and 2017 reports. ODIHR's 2006 report specifically recommended that the responsible body should be mandated "to inspect, by sampling, whether all campaign expenditures are disclosed in the submitted reports, tracking excess expenditures through monitoring of the evidence of money spent for television spots, posters, postal campaigns, brochures, and payments to agents."

Code currently silent on the scope of the audit and granting limited investigatory powers.[88]

99. The Electoral Code does not require reporting of expenditures in interim reports, which are to include campaign donations only (and not other sources of income), limiting transparency of campaign finance contrary to international good practice.[89] Further, expenses incurred by political parties in support of presidential candidates are not subject to financial reporting, neither by the presidential candidates nor by the political parties in their annual financial reports. To enhance transparency and oversight of campaign finance, ODIHR has long recommended in some form or another, that the Electoral Code should require all campaign finance reports (interim and final reports) to include itemized information on all types of contributions and expenses incurred, including those by political parties supporting presidential candidates, as well as a breakdown of expenditures by municipality in local elections, and that the law should oblige the publication of all financial reports immediately upon submission.[90] As noted in the above analysis of the Draft Law, **these recommendations have not been adequately addressed.** Further, ODIHR's 2021 and earlier reports recommended that the deadline for the last interim finance report should be several days before election day to allow for greater transparency (it is currently due on the day before the election day). **This recommendation remains to be addressed.**

100. Further, the Electoral Code does not mandate the auditing of interim campaign finance reports submitted before election day. ODIHR's 2019 and earlier reports (e.g. 2017, 2011, 2008) recommended that the State Audit Office, to whom the interim reports are submitted, should be mandated to audit these reports and to promptly publish its findings. This recommendation was also made in ODIHR and Venice Commission's 2011 Joint Opinion and reiterated in their 2013 Joint Opinion (para. 29) which noted that a requirement for disclosure of audited interim campaign finance reports before election day would increase transparency and inform voters of the financing of campaigns prior to casting their votes. The 2017 ODIHR report further recommended that the Electoral Code should require the State Audit Office to refer possible violations to appropriate authorities prior to election day, based on the findings of its interim audit (currently the State Audit Office must only do so in the case of irregularities identified in final reports). **The above-noted recommendations have not been addressed.**

101. The State Commission for Prevention of Corruption, under current Article 74-a of the Electoral Code, is responsible to examine and decide on complaints related to violations of the provisions on election campaign financing (previously it was the responsibility of the State Audit Office). The provision does not provide for public sessions in the adjudication of such complaints, although the Electoral Code provides for public sessions when other types of complaints are examined, including when the State Commission for Prevention of Corruption examines complaints under Article 74 on violations related to misuse of administrative resources in the campaign. ODIHR and Venice Commission's 2016 Joint Opinion (para. 48) recommended that, for greater transparency, campaign finance-related complaints could also be required to be adjudicated in open sessions. **This recommendation has not been addressed.**

---

88 In an earlier amendment to Article 85-b of the Electoral Code, the State Audit Office was given the right to request from electoral participants additional information and data on the election campaign financing.

89 Paragraph 261 of the Joint Guidelines on Political Party Regulation states that it is good practice to require reports providing oversight bodies and the public with preliminary information on campaign incomes and expenses of parties and candidates several days before election day.

90 See ODIHR reports from 2006, 2009, 2011, 2013, 2014, 2017, 2019, 2020, and 2024, as well as ODIHR and Venice Commission 2011 Joint Opinion (para. 56). See Paragraph 200 of the 2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party regulations, which provide that "in an effort to support transparency, it is good practice for such financial reports to be made available on the internet in a timely manner."

102. ODIHR's 2024 observation report noted that campaign finance rules are not fully regulated for presidential elections and recommended to establish such comprehensive rules. **This recommendation has not been addressed.**

2.7. Media

103. ODIHR's 2024 observation report recommended to reconsider the practice of state funding being paid directly to media outlets for election campaign advertising, in light of the public perception that this measure entrenches media dependence on state funds. It also noted that the provisions in the Electoral Code that require all media outlets to cover the elections in a fair, balanced and unbiased manner, and enumerate requirements and timeframes for airing campaign material as well as sanctions for failure to comply, only address coverage by political parties and recommended that comprehensive rules on media access for candidates in presidential elections should be established. **These recommendations have not been addressed.**

104. ODIHR's 2020 observation report recommended that in order to guarantee political independence of the public broadcaster, a series of reforms were needed, including changing the legislative procedure for selection and appointment of the members of the Programmatic Council and reducing its dependence on the state budget. In this respect, ODIHR's 2024 report noted that the public broadcaster still operates under an expired management since 2019 due to a lack of consensus in parliament on the appointment of programme council members and that despite legal amendments introduced in July 2023 aimed at improving its funding, remains primarily financed from the state budget. **These recommendations on medial legal reform remain outstanding.**

2.8. Election dispute resolution

105. ODIHR's 2024 and earlier observation reports have highlighted that the regulations for election dispute resolution in the Electoral Code have ambiguities and gaps that limit their application, including with respect to conflicting deadlines and parallel avenues for submission of complaints and appeals. Parallel submissions are stipulated to the State Election Commission's regional offices, Municipal Election Commissions, and the State Election Commission. Further, Articles 49-a, 50-a, 148, and 149 prescribe different deadlines for resolving identical issues. Procedures in Article 151 for annulment of voting are not comprehensively specified, and the scope partially overlaps with those under Article 148 on the protection of the electoral rights of list submitters, with similar ambiguities in regard to Article 69-a (campaign-related complaints) in conjunction with Articles 73 (complaints on misuse of administrative resources) and 179-b(1) (misdemeanour for campaigning outside official campaign period). **These drafting irregularities are contrary to international good practice with respect to providing a legal framework for effective electoral dispute resolution.**[91]

106. ODIHR's 2024 observation report points out that long-standing ODIHR recommendations related to legal standing and restrictive deadlines in the electoral dispute resolution process, remain unaddressed. Voters only have legal standing with respect to individual voting rights, and the right to appeal election results is limited to the representatives of those who nominated the candidates, both of which limit the possibility of legal redress and are at odds with OSCE

[91] Paragraph II.3.3. of the 2002 Venice Commission Code of Good Practice in Electoral Matters.

commitments and good practice.[92] Observers do not have the right to file complaints related to their observation, but can only enter their remarks on alleged election-day irregularities in polling logbooks. ODIHR's 2013, 2014, 2017, 2019, 2020, 2021 and 2024 reports generally or specifically recommended that to ensure access to effective legal remedies, the Electoral Code should be reviewed to eliminate undue restrictions on the right of voters to lodge electoral complaints and appeals, while some of the reports additionally recommended to extend legal standing to file complaints to citizen observers. **These recommendations have not been addressed.**

107. ODIHR's 2014 and 2017 observation reports noted that while the legal framework provides for judicial appeals against certain types of decisions of the election management bodies under various provisions of the Electoral Code - such as on decisions on candidate list registration, election complaint resolution, and the election results -, most decisions of the election administration are not subject to judicial review. Noting that leaving significant aspects of the electoral process under the final authority of the election administration is contrary to the constitutional guarantee and OSCE commitments, it recommended that all decisions and (in)actions of the State Election Commission and municipal election commissions should be subject to timely and effective judicial redress.[93] **This recommendation has not been addressed.**

108. ODIHR and Venice Commission's 2013 Joint Opinion (para. 41) noted that Article 73 of the Electoral Code limits the filing of campaign-related complaints by candidates to situations where the rights of the candidate are violated "by preventing and hindering the opponent's campaign". It reiterated its remarks from the 2011 Joint Opinion (para. 74) that this is overly restrictive and that the qualifying phrase should be removed so that it is clear that candidates have the right to complain about all violations of their rights. ODIHR's 2011 observation report also raised this issue, recommending that consideration be given to removing the restriction in Article 73 which limits the rights of electoral contestants to only complain about the actions undertaken by other contestants. Further, ODIHR's 2006 and 2008 reports, referenced in the 2009 Joint Opinion (para. 42), suggested that Article 73 be elaborated to specify the subject of the complaint, potential defendants, form(s) of action (civil, misdemeanour and/or criminal), and possible remedies. **The above-noted recommendations have not been addressed.[94]**

109. Further, contrary to international good practice, various deadlines established in the Electoral Code for filing and reviewing complaints and appeals remain too short for complainants to prepare meaningful applications and for the courts and electoral bodies to issue substantiated decisions. ODIHR's 2024 report and earlier observation reports dating back many years, as well as ODIHR and Venice Commission's Joint Opinions on the Electoral Code, have repeatedly recommended that consideration should be given to extending the various deadlines in the

---

92 Paragraph II.3.3(f) of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "[all] candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections." 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 integrity."

93 Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity" See also paragraph 18.2 of the 1991 OSCE Moscow Document, as well as Rec(2004)20 of the Council of Europe's Committee of Ministers on judicial review of administrative acts. The Venice Commission Code of Good Practice states "The appeal body in election matters should be either an electoral commission or a court. In any case, final appeal to a court must be possible".

94 Apparently, the additional wording referencing the prevention and hindrance of the opponent's campaign was subsequently added to the original Article 73 which, as noted above, is too limited and left the recommendation overall unimplemented.

Electoral Code for applications and decisions on electoral complaints and appeals, and for the adjudication of misdemeanour cases, to align with international good practice.[95] **This recommendation has not been addressed, with many timelines for submission and adjudication remaining too short.**

110. For instance, complaints to the State Election Commission on the procedure for tabulation and determining the results must be submitted within 48 hours after the preliminary results are announced. The State Election Commission is obliged to resolve complaints related to election campaigns and challenges to election results within 72 hours.[96] Appeals against decisions of the State Election Commission on complaints about the elections results must be lodged to the court within 24 hours (lowered in 2024 from 48 hours), hampering due preparation.[97] The Administrative Court must make decisions on appeals mostly within 24-48 hours, which the 2009 Joint Opinion (para. 71) pointed out is the shortest deadlines provided by procedures in the Council of Europe member States.[98] For instance, appeals against decisions of the State Commission for Prevention of Corruption on complaints related to the misuse of public resources in the campaign must be lodged to the court within 24 hours and the court has 48 to adjudicate.[99] The Basic Courts have 48 hours to adjudicate all types of election-related misdemeanour cases.[100] In addition, the 2009 Joint Opinion (para. 71) recommended that, in addition to extending the deadlines for adjudication of cases, the competent court should be equipped with the right to collect evidence itself, in order to guarantee the effectiveness of the complaint procedure. **This recommendation has also not been addressed.**

111. Article 147-a(3) of the Electoral Code provides that a complaint lodged with the State Election Commission is to be dismissed if it is untimely, inadmissible, not orderly submitted, or submitted by an unauthorized user. Based on ODIHR findings (e.g. 2020, 2021) that the State Election Commission dismissed many complaints on technical grounds, **it recommended that admissibility rules should establish reasonable requirements.** In this regard, under

---

95 The Explanatory Report to the 2002 Venice Commission Code of Good Practice in Electoral Matters (para. 95) states that "time limits must […] be long enough to make an appeal possible, to guarantee the exercise of rights of defence and a reflected decision. A time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable."

96 Under a previous version of the Electoral Code, the State Election Commission had 48 hours to decide on complaints related to the election results which was revised in 2020 to 72 hours (Article 148). This was a positive revision but the 72 hours remains rather short to consider complaints related to the election results.

97 Amendments in 2021 slightly extended some deadlines; the deadline in Article 49-a for voters to lodge complaints to the State Election Commission about violations of individual voting rights during the electoral process and the deadline for lodging an appeal to the court against the commission's decision were both extended from 24 to 48 hours.

98 ODIHR's 2021 observation report also recommended that the law should provide for timely judicial review by the Constitutional Court of appeals challenging procedural acts adopted by the State Election Commission, as no time limit is provided for by law.

99 Other examples of unduly short deadlines include: a 48-hour deadline to submit an appeal to the Administrative Court against the decision of a municipal election commission that rejects the registration of a municipal election candidate list and the court has 24 hours to issue a decision; a 24-hour deadline to submit an appeal to the Administrative Court against the decision of the State Election Commission that rejects the registration of a parliamentary or presidential election candidate list and the court has 24 hours to issue a decision; a 24-hour deadline to appeal to the Administrative Court against a decision to annul the voting at a polling station and the court has 48 hours to issue a decision.

100 ODIHR and Venice Commission's 2013 Joint Opinion (para. 36) noted that the shortened deadlines for courts to resolve misdemeanour cases against media outlets for breaches of the Electoral Code, in Article 76-c - that is 48 hours for submission and 48 hours to adjudicate - is shorter than suggested in the Venice Commission's Code of Good Practice in Electoral Matters, which refers to minimum three days. ODIHR's 2020 observation report recommended that expedited procedures for investigation of electoral offenses should be provided for in the Electoral Code.

international good practice, the consideration of complaints should not be carried out in an overly formalistic manner.[101] Whether admissibility rules are clarified in the legislation or an administrative regulation, it is important that they do not establish undue restrictions. In addition, to ensure that complaints are considered on the merits**, the Electoral Code could require the State Election Commission to examine ex officio any complaint that may be deemed not admissible –** for instance, if filed beyond the legal deadline – **if it raises significant prima facie allegations that could be supported by reasonably accessible evidence. The law could also grant complainants an expedited opportunity to correct any technical deficiencies in their complaints.** Further, ODIHR reports (e.g., 2017, 2006) highlighted that the Electoral Code does not sufficiently establish what types of evidence will be considered as probative of the issues to be decided in the adjudication of complaints, but a recommendation to establish clear and reasonable evidentiary rules **has not been addressed**.

112. Further, ODIHR and Venice Commission's 2011 Joint Opinion (para. 64) noted in regard to Article 147 of the Electoral Code that complaints should not be required to be submitted by email (implied by paragraph (3) which requires the complaint to include an email address for receiving correspondence) and that any means of communication should be possible to ensure that all voters have to the same rights to access the complaints process. Further, if a complaint is filed by email, the law should require that receipt is acknowledged, as evidence of timeliness. With reference to Article 14(4.8), the Joint Opinion (para. 70) notes that decisions of the State Election Commission must be emailed to the complainant and that such decision would be deemed to have been received by the complainant within five hours from being emailed. The Joint Opinion remarks that while this will allow faster notification of complainants of a decision, a confirmation that complainants are duly notified, even if the complainant has no direct access to email, should be ensured by alternative means. Failure to do so could undermine the right to file an appeal to the Administrative Court. **These recommendations have not been addressed.**

2.9. Election Observation

113. ODIHR and Venice Commission's 2011 Joint Opinion on the Electoral Code put forward a number of recommendations related to provisions on election observation, some of which **have not been addressed**, as follows:

114. Article 118(4) stipulates that the election materials are to be submitted to the respective municipal election commission accompanied by interested electoral board members or representatives of the list submitters and representatives of the police. The Joint Opinion (para. 91) pointed out that this provision omits to mention accredited observers, which by all means should be allowed to accompany the vehicle transporting the election material, should they decide to do so and that excluding observers from this right could undermine the transparency of the process.[102]

115. Given the role played by the representatives of the list of submitters who, under Article 22(5), may point to irregularities in the work during sessions of the election management bodies and, if this is not accepted, may ask for the remarks to be entered in the protocol, and to avoid possible misunderstanding on when the authorized representatives can begin their work of observation, the Joint Opinion (para. 97) suggested that Article 22(4) also specify from when it

---

[101] See section II.3.3.b of the Venice Commission Code of Good Practice in Electoral Matters which states, in regard to establishing an effective appeal system: "The procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals." The explanatory report further states: "It is necessary to eliminate formalism, and so avoid decisions of inadmissibility, especially in politically sensitive cases."

[102] Article 92(6) only provides that accredited observers shall have the right to be present at the handover of election material, which implies at the premises of the respective municipal election commission.

is possible to start submitting the list of representatives to the election commissions, and not only until when (i.e. the provision only states that the list of representatives may be submitted "not later than two days before election day.")

116. Article 161 lists the entities authorized to observe the election process. Authorized representatives are not among them. For clarity, the Joint Opinion (para. 92) advised that they be inserted in the list.[103] It also noted that, seemingly, the Electoral Code never refers to the right of media to observe the election process. Additionally, Article 92(6) which stipulates that accredited observers can be present at the handover of election materials by the municipal election commissions to the electoral boards, does not also include a reference to authorized representatives. Given that both registered observers and representatives are generally entitled to observe the whole electoral process, this provision **should also include a reference to representatives**.

117. Article 162a stipulates that only accredited observers can report on the course of the electoral process and the related observation activities. The Joint Opinion (para. 93) surmised that the intention is probably to avoid that somebody pretends to be an observation group without being accredited. However, it noted that the way the provision reads could prevent the public from discussing the electoral process and recommended that this restriction on freedom of speech **should be removed**.[104]

118. Article 105(4) allows accredited observers, who have any objection about the work of the electoral board, to enter them in the record book of the polling station. Authorised representatives enjoy the same right, and they are furthermore allowed to submit their claims to the municipal election commissions within five hours after the signing of the protocols, should the right to enter such objection be disregarded (Article 105(3)). The Joint Opinion (para. 94) **recommends to consider to extend the same option to accredited observers** as this might prevent abuse of power from electoral boards, especially in the possible absence of authorised representatives at a polling station.

119. The Joint Opinion (para. 98) points out that Article 22(6) is unclear on whether the election commission can reject to authorize some of the representatives of the list of submitters, and if so, on which basis and does the list submitter have any right to appeal the decision (administratively/legally) of the election commission.

120. Other ODIHR recommendations related to the legal provisions on election observation that **have not been addressed** are as follows:

121. The 2007 and 2009 Joint Opinions (paras. 21 and 22, respectively) noted that the presence of observers and accredited representatives of political parties and candidates are key elements for the transparency of the vote and, in this respect, should also be present during the voting abroad. Although no text in the Electoral Code suggests that they are not allowed, it was **recommended to make explicit that they are authorized to be present during the entire process of setting up and conducting voting abroad.** It was further recommended that procedures for accreditation of observers and representatives from abroad should be established, particularly important given the particularities of a Diplomatic Consular Office being used for polling.

122. ODIHR's 2017 observation report noted that the provisions in the Electoral Code related to applications for observer accreditation do not make clear whether the accreditation is granted

---

103 Doing so will also address the gap noted above since Article 162(2) provides that the applications for registration of the listed entities to observe, i.e. domestic and foreign election observers, can be submitted "from the day of announcement of the elections, but not later than 10 days prior to election day."

104 See the Guidelines on an internationally recognized status of election observers of the Venice Commission (CDL-AD(2009)059), III.1.7.

for both first and second rounds, or if accreditation must be applied for again in case of any second round. In this respect, Article 162 provides that accredited observers may observe "the entire electoral process" but it is unclear whether this is in reference to observing the different aspects of the electoral process, rather than a reference to the observation of second rounds.[105]

123. The 2006 Joint Opinion (para. 132) points out that in Article 2(15), the definition of "observers" has a technical defect pertaining to international observers in that it refers to "representatives of domestic and or foreign registered associations of citizens…" On its face, this would include foreign non-governmental organizations (NGOs), but not international or intergovernmental organizations, which in fact are the main international observers.

2.10. Election day procedures

124. ODIHR's 2024 observation report recommended that, to ensure the secrecy of the vote, legal criteria for establishing polling stations should be reviewed; in particular, to provide that polling stations with fewer than ten voters should be merged with nearby polling stations and their ballots cast together. Further, ODIHR and Venice Commission's 2013 Joint Opinion (para. 22) remarked on Article 113(6) - which specifies that a separate ballot box will be provided for persons who are under pre-trial house arrest – that it might be problematic, since it can lead to ballot boxes with only one ballot paper inside, potentially undermining the secrecy of the vote. The Joint Opinion recommended that it would be more suitable to use the same ballot box used for homebound voting or to ensure that all marked ballots are mixed with the ballots from the regular ballot box before counting. Further, the 2006 Joint Opinion recommended the voters residing in special care facilities should be able to vote there at a fixed polling place, rather than by mobile voting on request (Article 111). **These issues have not been addressed in the Electoral Code.**

125. The Electoral Code is silent on spoiled and replacement ballots. ODIHR's 2009, 2019 and 2021 observation reports recommended to consider amending the law to allow for the replacement of accidentally spoiled ballots in light of findings that significant numbers of invalid ballots were noted throughout the country. In this regard, Article 89 of the Electoral Code indicates that electoral boards receive the same number of ballot papers as there are voters on the excerpt. Should there be 100 per cent voter turnout there would not be enough ballots to allow for voters to have a replacement ballot. As recommended in ODIHR's 2006 and 2008 reports and ODIHR and Venice Commission's 2009 Joint Opinion (para. 59), a small percentage of additional ballots to each electoral board could be provided for in the law in order to allow for voters to have a replacement ballot. **The above-noted recommendations have not been addressed.**

126. Article 101(3) of the Electoral Code permits electoral boards to close the voting early, "in case all the voters registered on the voters' list have cast their votes", but that counting shall not start before 19:00. ODIHR and Venice Commission's 2006 Joint Opinion (para. 109) recommended that it should be specified (in legislation or administrative regulations) that an electoral body may close early only after contacting the respective municipal election commission and receiving permission to do so. In making that determination, the municipal election commission should discuss the matter not only with the electoral board president but also the other members of the electoral board and any other authorized persons (party representatives and observers) who may be present. This recommendation is prefaced on the fact on that, first of all, most voters' list extracts probably contain names of voters residing abroad, and it is not realistic to expect all voters registered there to turn up at a polling station and secondly, the electoral boards

[105] It is noted, however, that Article 2(21) provides a definition of "election process" as: "the time between the adoption of the act for calling the elections and the announcement of the final results of the elections held at the level of a municipality, the City of Skopje or the electoral district where elections are held."

– especially in areas with a fairly uniform political orientation, or where representatives of other parties are not present – could be motivated to check off additional names on the extract and add ballots to the box. **This recommendation has not been addressed in the Electoral Code and it is not known whether an administrative regulation covers this issue.**

127. Article 102(1) of the Electoral Code provides that police security should be provided continuously from 6:00 until 19:00 but, as pointed out in the 2006 Joint Opinion (para. 112), the closing time does not take account to the possible extension of voting in the event voters remain in queue or suspension of voting occurred. Further, Article 102(2) provides that police are to secure the building where the polling station is located upon closure and during the counting of the votes, and to remove all unauthorized persons from the building. The 2011 Joint Opinion (para. 79) recommended that, in order to avoid police abuses, it should be specified in the provision that their intervention in a polling station is subject to a request from the electoral board chairperson or the designated polling official, and that the provision should be harmonized with Article 103(4).[106] Related to this, the Electoral Code does not include any provision specifically preventing unauthorized persons from entering or remaining in the polling station. In this respect, the 2006 Joint Opinion recommended that an unambiguous provision should be added to the Electoral Code specifying which persons are authorized to enter or remain in polling stations, and requiring the exclusion of all other persons. **The above-noted recommendations have not been addressed.**

2.11. Counting and tabulation of results

128. Article 114 of the Electoral Code determines the manner of counting the ballots at the polling station. ODIHR and Venice Commission's 2009 Joint Opinion (para. 62) noted that earlier Joint Opinions (2006) have recommended that the process be changed so that the total number of ballots, the number of unused ballots, and the number of voters having voted according to signatures and fingerprints on the voters' lists are entered into the protocols before opening the ballot box, as a means to reduce the possibility for manipulation at later stages of the counting process. For instance, failure to reconcile the number of ballots before counting the votes offers opportunities for fraudulent entry of ballots into the count. Lacking reconciliation, polling officials might also be tempted to "force" the number of voters recorded to have received ballots to match the number of ballots resulting from the count. At worst, failure to reconcile the number of ballots issued and votes makes it difficult to detect ballot-box stuffing. **This recommendation has not been addressed.**[107] Further, ODIHR's 2009 report recommended that the number of homebound voters casting ballots should be included in the results protocols at polling station and municipal level, possibly also at national level, in order to increase transparency and provide additional safeguards against possible electoral malpractice. **This has also not been addressed.**

129. As pointed out in the 2006 and 2011 Joint Opinions (paras. 119 and 83, respectively), the Electoral Code does not provide a requirement for the electoral boards to reconcile the numbers listed in the protocols and, for example, conduct a recount if the number of ballots in the box

---

106 Article 103(4) provide that the electoral board may ask for police assistance in order to restore order at the polling station.

107 Further, the 2011 Joint Opinion (para. 80) notes that the provision does not make reference to spoiled ballots, and it is unclear if those are counted among the invalid, which could lead to discrepancies in tabulation. This issue is connected to the earlier-noted point that the Electoral Code does not explicitly reference spoiled ballots or their replacement. Further, the 2006 Joint Opinion (para. 123) noted that Article 115(3) deems blank ballots as invalid and that in many countries blank votes are recorded in the protocols separately from other invalid ballots to enable parties to analyze voter behaviour and the reliability of the process more efficiently.

does not match the number of voters who voted according to the voter lists. The inclusion of such a requirement had been explicitly recommended in the 2009 Joint Opinion (para. 63) which also pointed out that in many countries there are particular rules in cases where the number of ballots in the box exceeds the number of persons who voted, according to the voter lists (an indication of potential ballot stuffing), or if the number is lower than the number who have voted according to the lists (an indication of potential ballot stealing or carousel voting). The 2006 Joint Opinion recommended that at all levels there should be a rule for what actions should be taken in each of those circumstances, especially if the deviation is significant (say more than 2 per cent). Actions could include a recount, a clear statement in the protocol at the polling station level, and a requirement to review at higher levels. In this respect, Article 151(1) provides that in those cases where the ballots exceed the number of voters who cast ballots or if the number of fingerprints of voters who have voted does not match the number of ballots in the ballot box, the polling station results are to be annulled, without consideration of the severity of the difference or the impact on the results. **The above-noted recommendation has not been addressed.**

130. Further, the 2006 Joint Opinion (para. 125) points out that Articles 119 and 125 of the Electoral Code requires the protocol of the municipal election commissions for the presidential election and parliamentary elections, respectively, to include "the total number of voters who have voted" without specifying if that is according to the signatures on the voters' lists or according to the number of ballots in the ballot boxes. The Joint Opinion recommends that both these numbers should be recorded in the protocol, as well as at the highest level of count (Articles 128 and 131 of the Electoral Code). **This recommendation has not been addressed.**

131. The 2009 and 2011 Joint Opinions (paras. 66 and 84, respectively) highlight that the Electoral Code does not include an obligation on the State Election Commission to review the results from the lower-level commissions and boards in order to investigate anomalies in protocols and rectify mistakes. Only reported mistakes are to be investigated under complaint procedures. The Joint Opinions noted that, even if the State Election Commission cannot verify all aspects of the work of lower bodies, often there are clear mistakes or suspicious results, obvious even if not reported, which should provoke a review before results are finalized. The Joint Opinions recommended that the Electoral Code should be clear that the State Election Commission is authorized to also investigate such cases; the same applies to municipal election commissions and their obligations in local elections. **This recommendation has not been addressed.**

2.12. Annulment of election results

132. ODIHR's 2013, 2017 and 2024 reports recommended that the rules in the Electoral Code for invalidating election results (Article 151(1)) should be reviewed to ensure they are proportionate to the violations found and that annulment should be considered only for serious violations that might affect the overall results, and could be conditional on a defined threshold. This recommendation was also made in the 2006 and 2011 Joint Opinions (paras. 120 and 68, respectively). The 2011 Joint Opinion remarked that Article 151 provides that the State Election Commission "shall" annul the results in a polling station if one of the listed irregularities has occurred (for instance, "if the number of ballots in the ballot box is higher than the number of voters who cast their vote"), but instead should provide that results will be automatically annulled only if the irregularities affected the outcome of the election. The possibility of annulment should also be provided where the discrepancies indicate a significant irregularity. All voters in a polling station should not be disenfranchised because of irregularities that did not affect the outcome of the election or indicate serious malfeasance. Further, the 2006 Joint Opinion stated that if the voting is only to be repeated if the "total number of voters registered at those polling stations … has an impact on the result" (Article 151(3)) this may mean that a small discrepancy between number of ballots in the box and the number voted may lead to a new election even if the discrepancy could not change the result; it would be better to make the

repeat voting dependent on the fact that irregularities may have affected the outcome.[108] It further noted (para. 121) that if the irregularity could not change the results, other sanctions may be adequate in cases of deliberate or serious mistakes, such as fines and not appointing that particular polling station staff again. **The above-noted recommendations have not been addressed.[109]**

133. Further, the 2006 and 2009 Joint Opinions (paras. 82 and 69, respectively) pointed out that the list of grounds in Article 151(1) for annulling polling station results does not take into account that situations justifying annulment may arise which are unforeseeable in the Electoral Code. In this regard, these Joint Opinions recommended that the State Election Commission should have at least some discretion to annul results in other types of situations related to violations or irregularities in the broader electoral process (e.g. electoral campaign or errors in voters' lists).[110] The 2009 Joint Opinion (para. 74) also reiterated a recommendation from ODIHR's 2009 observation report that the Electoral Code should include a deadline for the State Election Commission to propose officially the annulment of an election. At the same time, the 2006 Joint Opinion recommended that the State Election Commission should be authorized to tailor more flexible remedies in response to complaints against electoral administration irregularities than those specified in the provision related to annulment of results and conduct of repeat voting (Article 151(1)), such as nullifying only certain ballots. **The above-noted recommendations have not been addressed.**

134. Further, ODIHR's 2009 observation report specifically recommended that the Electoral Code should provide that in cases where the serial number of a ballot box security seal before the vote count does not match the serial number recorded when the ballot box was sealed, the voting at such polling station should be annulled automatically (and the election repeated if the total number of voters registered at that polling station has an impact on the result). It further suggested that consideration be given to obliging the State Election Commission to investigate such cases ex officio. **These recommendations have not been addressed.**

2.13. Announcement of results

135. The Electoral Code does not require that a breakdown of results by polling station be published by the State Election Commission or municipal election commissions. In order to enhance transparency and increase the trust of citizens in the electoral process, this matter has been the subject of long-standing recommendations of ODIHR and Venice Commission, dating back to the 2006 Joint Opinion on the newly-adopted Electoral Code (para. 126) and ODIHR's 2006 observation report. Although this requirement has never been introduced into the Electoral Code, starting in the 2021 local elections, the State Election Commission began posting on its website detailed preliminary election results by polling station on election night, which enhanced transparency. **Nevertheless, in order to ensure legal certainty and stability of such**

---

108 See Venice Commission Code of Good Practice in Electoral Matters, section II.3.3.e.

109 In 2021, a new ground for annulling a polling station result was added to Article 151(1): "the electoral board does not conduct the voting in a manner determined by this Code, and the irregularities affected the voting procedure for summarizing and determining the results." However, this addition does not address the above-noted recommendation.

110 In its recent Urgent Report on the cancellation of election results by Constitutional Courts, CDL-AD(2025)003, the Venice Commission draws a distinction between exhaustive or exemplary lists of irregularities which may lead to an invalidation of an election. The Venice Commission notes that "[e]xhaustive lists carry the risk of excluding the possibility of reacting to new forms of intrusion in the electoral process, unless the listed grounds for cancellation are rather generally worded; exemplary lists, on the other hand, provide some guidance, but do not necessarily make the process of control more foreseeable than open clauses" (para. 46). See also Venice Commission, CDL-AD(2009)054, Report on the cancellation of election results, e.g., para. 79 ; Venice Commission, CDL-AD(2020)025, Report on election dispute resolution, e.g., paras 52 and 130.

an important guarantee of transparency in the electoral process, it is recommended that this obligation be introduced into the Electoral Code.

136. Article 135(2) of the Electoral Code obliges the State Election Commission to announce the final results immediately, or not later than 24 hours from the day they become final. ODIHR and Venice Commission's 2009 Joint Opinion (para. 67) pointed out that it is difficult to conceive of a reason why the final results should not be published immediately, in reference to an earlier version of the provision that had only provided that the final results are to be announced within 24 hours. The provision was subsequently amended to provide for "immediately or not later than 24 hours", which provides an option but without any criteria for applying one or the other timeline. **In order to adequately address the above-noted recommendation, the reference to 24 hours should be removed from the provision or the acceptable reasons for such a delay listed in it.**

[END OF TEXT]