



Office for Democratic Institutions and Human Rights

REPUBLIC OF SERBIA
FEDERAL REPUBLIC OF YUGOSLAVIA

EARLY MUNICIPAL ELECTIONS FOR MAYORS AND
COUNCILLORS IN BUJANOVAC, MEDVEDJA AND PRESEVO
28 JULY 2002

OSCE/ODIHR ELECTION OBSERVATION MISSION REPORT



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I. EXECUTIVE SUMMARY

The 28 July 2002 early elections for mayors and municipal assembly councillors in the three municipalities of Bujanovac, Presevo, and Medvedja generally were conducted in accordance with international commitments and standards for democratic elections. Although a new election law has made progress on previous legislation relating to municipal elections, problems and shortcomings remain. Further improvements are still needed.

These elections were considered to be a particularly significant step towards confidence building and reconciliation in the region, following exclusion, tension and conflict between the Serbian, Albanian and Roma communities living in the three municipalities. Previous municipal elections took place under electoral systems that systematically undermined the representation of national minorities on the municipal assemblies.

These elections were notable for the following positive features:

- The introduction of a proportional electoral system for municipal assembly councillors and direct elections for mayors in order to allow a more effective representation of local communities. The new system received the support of almost all political actors in the elections;
- The active participation of all ethnic and political actors in the pre-electoral process, including their representation on election commissions at all levels;
- Provision being made for election materials to be produced in Serbian and Albanian;
- The increased representation of women as candidates and as elected councillors following the introduction of a mechanism requiring a minimum of 30% of electoral list places and 25% of seats won to be held by women;
- Overall compliance by local media of agreed guidelines during the election campaign; and
- Broad access granted to domestic observer organisations to monitor the polling and counting, even though the law does not ensure this.

Although generally improved, the accuracy and transparency of voter registers remained contentious, especially in Bujanovac, where complaints were received from both Albanian

¹ This report is also available in Serbian. However, the only official version remains the original English text.

and Serbian political parties. The Election Observation Mission (EOM) addressed these complaints and found that, while further improvements in the registers were required, the complaints also required much more factual and legal precision.

On election day, the voting and counting processes were carried out largely in accordance with the legal and procedural requirements and in a calm atmosphere. In the majority of polling stations visited, observers rated positively the conduct of polling, though several recurring irregularities were also noted. While the integrity of the vote was properly safeguarded, group voting and voting in the open were widely observed. In an isolated number of polling stations, overcrowding and delays were a significant problem, at times creating tension. The voter turnout was relatively low.

Following complaints relating to election day procedures, repeat elections were held in a number of polling stations in Bujanovac and Presevo which delayed the final results.

While acknowledging the improvements that have been brought, the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) notes that the legislative framework has significant shortcomings, most of which have been raised previously, including:

- the allocation and the removal of councilors' mandates after the election remain in the control of political parties;
- the political plurality of and multi-ethnic representation in the permanent membership of election administration bodies are not guaranteed in law;
- the accreditation and presence of domestic observers in polling stations are not provided in law;
- the provisions for inclusion on voter lists do not include a residence deadline in a given municipality; and
- the timeframes allowed for the election administration are overly compressed.

The OSCE/ODIHR is prepared to assist the authorities and civil society of the Republic of Serbia to overcome these remaining challenges and to build upon the progress already accomplished in these elections.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

The OSCE/ODIHR established an Election Observation Mission in the Republic of Serbia/Federal Republic of Yugoslavia on 8 July 2002 to observe the early municipal election scheduled for 28 July in three municipalities in South Serbia. Nikolai Vulchanov was appointed Head of the OSCE/ODIHR EOM. The EOM opened offices in Bujanovac on 10 July.

This report consolidates the findings of four international experts based in Bujanovac and more than 110 short-term observers from 18 participating States, including four representatives from the Congress of Local and Regional Authorities of Europe (CLRAE).

On election day, observers visited 104 of the 113 polling stations across the three municipalities. On 29 July, the OSCE/ODIHR and the CLRAE issued a joint statement of

preliminary findings and conclusions. While the EOM offices in Bujanovac were closed on 2 August, the OSCE/ODIHR continued to assess the running of repeat elections in certain polling stations in two of the municipalities on 4 and 11 August.

During its observation of these elections, the EOM compared all stages of the electoral process with international commitments and standards for democratic elections formulated in the 1990 Copenhagen Document, United Nations and Council of Europe instruments, the case law of the European Court of Human Rights, and other documents. These criteria required that the vote was universal, secret, accountable, transparent, free, fair, and equal.

The OSCE/ODIHR wishes to express appreciation to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, the Coordination Body for the South Serbia, the Republic Election Commission (REC), the Republican Institute of Statistics and other republic and municipal administrative officials, political parties and members of civil society of the Republic of Serbia for their assistance and co-operation during the course of the observation. The OSCE/ODIHR also thanks the OSCE Mission to the Federal Republic of Yugoslavia (OMIFRY) for the support it provided to the EOM.

III. POLITICAL BACKGROUND

These elections took place in three municipalities situated in southern Serbia along the administrative boundary with Kosovo. They are given considerable strategic significance due to their geographical location, varied ethnic mix and recent history of tension and conflict.

Of the three, the population of Presevo is vast majority Albanian, that of Medvedja is mainly Serbian, while the population of Bujanovac is generally considered to have a small majority of Albanians. There is a Roma population in all three municipalities. The preliminary results of the 2002 Census do not yet provide information on the size of the municipalities' populations by nationality.

The last municipal elections took place on 24 September 2000. In Bujanovac and Medvedja, due mostly to the prolonged exclusion of the Albanian community from administrative structures, there was an organised boycott by Albanian parties.² The elections produced results that gave overwhelming majorities to the coalition of the Socialist Party of Serbia (SPS) and United Yugoslav Left (JUL), with no seats being won by the Democratic Opposition of Serbia (DOS) coalition. In Presevo, however, the election was contested by Albanian parties and resulted in an Albanian-controlled municipal assembly and mayor.

Violent incidents escalated in the region throughout 2000 and led to the emergence of the group 'The Liberation Army for Presevo, Medvedja and Bujanovac' (known as 'UCPMB'). Following the democratic transition in FRY in the winter of 2000, the Serbian and Federal Governments appointed a Joint Coordination Body for South Serbia in an attempt to resolve the conflict. In February 2002, a Government decree suspended the authority of the three municipal assemblies elected in 2000 and transferred all powers to Interim Municipal Councils (IMCs). The authority of the IMCs came into effect on 25 April.

² The Albanian parties also boycotted the 2000 parliamentary elections in Serbia.

On 24 June, the Speaker of Parliament called elections for 28 July in the three municipalities for new municipal assembly councillors and mayors. These elections were widely regarded as representing a further step towards the peaceful resolution of tensions in the region, allowing all communities to contest on an equal basis in seeking appropriate representation in the local government structures.

IV. LEGISLATIVE FRAMEWORK

The legislative framework for municipal elections in the Republic of Serbia consists of the Law on Local Elections (hereinafter the “election law”), adopted on 13 June 2002, the 2000 Law on the Election of Members of Parliament, the 2002 Law on Local Self-Governance, the 1990 Constitution of the Republic of Serbia, and other laws and administrative regulations. The number of councillors to be elected to a municipal assembly is determined by the statute of the relevant municipality and bears no relation to the relative size of its population or geography.

The provisions of the new election law have revised and improved the previous legal framework governing municipal elections in Serbia.³ In particular, the election law has established municipalities as single constituencies with councillors elected on a proportional basis. The previous election system of multiple single-member electoral units in a municipality, whereby the demarcation of units was often made in a widely disproportionate manner, was removed. For the municipalities of Bujanovac and Medvedja in particular, such a system had seen the establishment of election units that systematically favoured the local Serb communities.

Furthermore, the election law has enabled the increased representation of women in the electoral process by requiring electoral lists to consist of at least 30% women candidates and at least 25% of seats won by an electoral list to be allocated to its women candidates. The law has also introduced a prohibition on the coercion of employees, or the application of undue pressure on citizens, to vote in a certain way.

By providing for the direct election of mayors, the election law has given effect to the provisions of the new Law on Local Self-Government, which changed the previous system whereby mayors were appointed by a majority decision of a municipal assembly. The election law was amended by Parliament on 18 July, well after the elections were called, to clarify the requirement for a successful candidate for mayor to obtain an absolute majority (i.e. 50% plus 1 vote of the votes cast). The previous provision was unclear whether an absolute majority or a simple majority (i.e. the largest number of votes) was required. While accepted international practice in general does not permit the changing of election laws once an election is called, clarification of legislative provisions, as in this case, is considered to fall outside the prohibition. No candidate for mayor opposed the amendment.

Notwithstanding these innovations, the OSCE/ODIHR notes that there are remaining deficiencies with the electoral legislation of the Republic of Serbia that have previously been identified by EOMs to Serbia and Montenegro. In particular:

³ The Law on Local Self-Government 1999.

1. The election law provides political parties and coalitions with control over the allocation and removal of councillors' mandates. Only the first third of seats won by a party or coalition must be allotted according to the order of the candidates on its electoral list. Thus, voters may not necessarily know which candidates they are electing. Moreover, the mandate of a councillor who loses party membership (whether voluntarily or by expulsion) is automatically removed and reassigned to another candidate from the same party.
2. The election law establishes an electoral administrative framework that precludes any role for the Republican Election Commission (REC). Such a "non-role" means that municipal elections in Serbia are now to be run without any central body responsible for providing advice or coordination. This creates the possibility that future municipal elections could be run in a non-uniform manner with no central supervision.
3. The highest appellate body under the election law for challenging appeals of decisions of a municipal election commission (MEC) is the Municipal Court. As above, this may allow for inconsistent interpretations of laws and procedures across municipalities. Furthermore, for these elections, the OSCE/ODIHR noted that the Presidents of the Municipal Courts of Bujanovac and Presevo also sat as permanent MEC members, leading to potential conflicts of interest.
4. In relation to the membership of electoral administration bodies, the election law:
 - (a) fails to guarantee any political plurality or balanced ethnic representation on the permanent membership of electoral administration bodies. However, for these elections, the OSCE/ODIHR noted that, in practice, the permanent membership of both MECs and polling boards (PBs) were genuinely multi-party and multi-ethnic.
 - (b) sets a high threshold requirement for enabling political parties and coalitions to be included in the extended membership. The requirement to have an electoral list of at least two-thirds of those assembly seats available is likely to exclude smaller parties, such as those representing national minorities.
 - (c) is silent on the right of representatives of candidates for mayor to be represented as extended members.
 - (d) makes no provision for a situation where an electoral administration body, consisting of an even number of members, is tied in voting on a decision.
5. The election law does not guarantee the right of domestic non-partisan or international observers to be accredited or to have access to all stages of the electoral process. However, for these elections, the OSCE/ODIHR noted that, in practice, all groups who applied did receive accreditation and were provided access to all stages of the electoral process.
6. The election law prevents those citizens who are unable to attend a polling station, for instance because of a disability, from voting and, as such, from expressing their political will.

7. The timeframes stipulated by the election law are compressed and place significant pressure on the municipal administrations and electoral administration bodies to implement adequately the law.

V. PRE-ELECTION PERIOD

A. ELECTION ADMINISTRATION

The election law has created a localised, two-tiered structure for the administration of municipal elections. MECs are appointed by municipal assemblies (or, in this case, the IMCs) and have been given sole responsibility for the implementation and co-ordination of the elections within a municipality.⁴ Each MEC reflected its appointing body in being multi-ethnic and multi-party, although this is not required by law. In the pre-election phase, this fact clearly contributed to a higher degree of transparency of the electoral process.

The permanent membership of an MEC is appointed for four-year terms by a municipal assembly (or, in these cases, an IMC). For the latter stages of the election period, the MEC membership is extended to include representatives of those political parties or coalitions that submitted an electoral list that meets the 2/3 threshold of candidates. The MEC appoints members of PBs, who are delegated to manage the vote and count in each polling station. The PB membership is also extended to include representatives of the parties with electoral lists that meet the threshold.

Despite the “non-role” of the REC under the election law, for these elections the EOM noted that it took many steps to offer assistance to MECs, including sending its members as advisors during the run up to election day.⁵ It also produced guideline manuals for PB members.

The EOM noted that the electoral administrative process was, at all times, followed closely by a number of other groups. In particular, the Secretariat of the Government of the Republic of Serbia, representatives of the Joint Coordination Body, members of the three Interim Municipal Councils and representatives of the local ethnic communities and the international community all participated in regular inter-community consultation on the electoral process. This process contributed to the transparent administration of these elections and enabled many concerns during the pre-election phase to be discussed and resolved.

B. REGISTRATION OF ELECTORAL LISTS AND POLITICAL PARTIES

For municipal assembly elections, the election law allows the participation of political parties registered with the Ministry of Justice of Serbia and citizens’ groups. Political parties can register either separately or together with other political parties in a coalition within that municipality. Nominations must be accompanied by the signatures of at least 30 voters per

⁴ An MEC plays no formal role in the administration of parliamentary or presidential elections in the Republic of Serbia. See OSCE/ODIHR EOM Final Report on the 2000 Parliamentary Elections in Serbia, 20 February 2001.

⁵ The EOM also noted that representatives of the REC were requested by government and municipal officials to assume a more significant role in administering the repeat elections in Bujanovac.

candidate or 200 voters per electoral list of more than seven candidates. The law allows for independent candidates to stand.

All electoral lists submitted to the three MECs were accepted. However, a number of the submitters were required to reduce the number of candidates because their list did not contain nominations for a sufficient number of women candidates. Four coalitions and eight political parties submitted electoral lists, including the Party for Roma Unity (PRJ) which was registered as a political party shortly before the elections. The Movement for Democratic Progress (LPD) was not able to register as a political party in advance of the election and so contested as a citizens' group. One other citizens' group and three independent candidates also stood.

Political parties, coalitions or citizens' groups can also nominate candidates for the mayoral elections. All candidates required the signatures of 3% of the municipality's registered voters. Eight candidates stood in the mayoral elections including one independent candidate in Medvedja.

C. SUFFRAGE AND VOTER REGISTERS

Under the election law, the right to vote is granted to citizens of Serbia who are 18 or older, who possess business capacity, and who are registered as "residing on the territory" of the municipality, without any time requirement for residence.

The lack of a time requirement for residence gave rise to allegations, which could not be substantiated in any way, that voters were moved into Bujanovac to change the demographic picture of the municipality.

The EOM noted that the voter registers in all three municipalities had improved in their standards of accuracy and transparency of voter registers from previous observations of elections in Serbia. However, the EOM was also aware that the quality of the registers remained a contentious issue, especially in Bujanovac where complaints, noted below, were made. The EOM was also aware of criticism of the Presevo voter register, although no complaint was made about it. For there to be further improvement in the general accuracy of the voter registers and civil registers of the three municipalities, the EOM considers that there must be active participation by both citizens and administrative officials so that changes of civil status are reported in a timely manner.

One further shortcoming noted in the voter registers was that they were compiled in order of the sequential date of registration, rather than in alphabetical, order. While alphabetical versions were produced in time for election day to enable speedier processing of voters, delays continued to be observed in locating voters on the voter register.

D. COMPLAINTS

In the pre-election phase, the EOM was made aware of only two written complaints, both in relation to the voter register of Bujanovac.

(a) Complaints by the PVD

In the pre-election phase, the EOM noted two joined complaints made by the PVD to the Bujanovac municipality alleging inaccuracies in the voter register of Bujanovac. The PVD complaint was submitted on 12 July, the last day for administrative amendments to the voter register, creating serious difficulties for the municipal authorities to remedy the problems.

The first complaint related to an unexplained increase in the total number of registered voters in the municipality since December 2000 by some 4,000 names. No list of names was provided. The second complaint alleged an omission of some 1,800 voters from the Albanian community, with a list of the allegedly omitted citizens.

The EOM undertook a thorough assessment of both complaints. In relation to the first, it found that the alleged 4,000 additions to the voter register included some 1,600 names marked as IDPs and thus were not to be allowed to vote in the municipal elections. The remaining 2,400 alleged additional names could not be investigated without the complainant providing a list of names.

In relation to the second complaint, the EOM found that the alleged 1,800 omissions included some 500 names that were already included in the voter register and another 300 names of persons not registered as permanently resident in Bujanovac. The remaining 1,000 omissions proved to be eligible voters and some 500 of them were eventually registered during the period after a court order. The efforts of the Bujanovac municipal administration and judiciary in addressing this issue were commendable.

(b) Complaint by the “Coalition for Bujanovac”

On 25 July, the EOM received a complaint from the “Coalition for Bujanovac” alleging that some 5,000 named voters from the Albanian community were “registered in Kosovo and voted there during the recent November elections” (i.e. the elections for the Kosovo Assembly in November 2001). The complaint was co-signed by a representative of the Joint Co-ordination Body for South Serbia.

The EOM accepted to assess the complaint, regardless of the fact that it was made so late in the electoral process. In doing so, it noted that the submitted list of names included the entire list of registered voters within areas next to the administrative boundary with Kosovo. It also noted that elections in Kosovo, administered under the authority of the United Nations Interim Administration (UNMIK), are conducted under different legislative and administrative frameworks to those elsewhere in FRY and Serbia, and with markedly different voter registration requirements. To this extent, and within the timeframe permitted by the late complaint, the EOM was unable to assess whether any of the 5,000 named persons had either voted in the Kosovo elections or was registered as a voter in Kosovo. Furthermore, the EOM considers that, under current legislative provisions, any citizen who is a permanent resident of Bujanovac was fully entitled under Serbian law to vote in these elections, regardless whether he/she was registered in Kosovo and voted there. The EOM would encourage further dialogue between the Serbian Government and UNMIK to identify whether steps to resolve this apparent loophole are needed.

E. MEDIA AND THE ELECTIONS

Observation of the media coverage of the elections in the three municipalities was limited by the fact of the very limited sources of public and private media operating in the region. There is one public multi-ethnic radio station for each municipality. Each station had undertaken to abide by a code of conduct including enabling all electoral lists to make election broadcasts. The concord was monitored by personnel of the OMIFRY Media Department who recorded few breaches. The most significant problem related to the dominant coverage given to one party and one mayoral candidate by Radio Presevo in the final election campaign period.

Television coverage of the election campaign was mainly included in the reports of Radio Television Vranje (RTV), part of the public Radio Television Serbia (RTS), but was outside of the media monitoring project by OMIFRY. Reports tended to be non-controversial but focused on Serbian participants. Similarly, there was generally non-controversial coverage in the national press, although one newspaper report stated without any source that there was a majority population of Serbs in Bujanovac.⁶ No assessment was possible of the coverage of the elections in the Kosovo electronic or press media.

F. ELECTION CAMPAIGN

These elections did not take place in a standard political environment and in each municipality there was a different atmosphere. In all three, however, parties were focused on their identified local constituencies. With a limited time for any campaigning, the atmosphere was generally quiet. The different parties did not appear to declare any unique political platform, and there was common agreement on the need to address the major economic concerns facing the region. A code of conduct signed by all political parties appeared to be honoured throughout the campaign.

In Bujanovac, political dividing lines exist primarily along ethnic rather than ideological lines. The Serbian political parties combined into the "Coalition for Bujanovac". This generally resembled the DOS coalition of December 2000, but was joined by the SPS.⁷ The Serbian Radical Party (SRS) and Serbian Renewal Movement (SPO) combined to establish the "Coalition for Survival". Both coalitions joined together to support the one Serb Candidate for mayor. While the three Albanian electoral lists contested the Bujanovac municipal elections separately, they offered joint support to the candidate for mayor from the Party for Democratic Action (PVD).⁸

In Presevo, in reflection of the Albanian majority, the Albanian parties contested against each other in both the assembly and mayoral elections. The Serb "Coalition for Presevo" consisting again of DOS parties and SPS, also included SPO.⁹ There was no Serb candidate for mayor.

⁶ *Danas*, 13 June 2002

⁷ The Coalition for Bujanovac consisted of the following parties from DOS: Democratic Party (DS), Democratic Party of Serbia (DSS), Democratic Alternative (DA), Christian Democratic Party of Serbia (DHSS), New Democracy (ND) and New Serbia (NS).

⁸ These were: Party for Democratic Action (PVD), the Party for the Democratic Union of Albanians (PBDSH) and the Movement for Democratic Progress (LPD).

⁹ The Coalition for Presevo consisted of the following parties from DOS: DS, DSS, DA and NS.

Conversely, in Medvedja, in reflection of the Serb majority, the political atmosphere resembled more the Republic-wide political scene. The Coalition for Medvedja consisted of just two DOS Parties, DS and DA. In this municipality, DSS stood alone, while SPS, SRS, SPO and Social Democracy (SD) also remained outside of any coalition. There were three Serb candidates for mayor.

In Bujanovac and Presevo, representatives of the local Roma community submitted two electoral lists, from the PRJ and the citizens' group "Roma".

G. PARTICIPATION OF WOMEN IN THE ELECTORAL PROCESS

The election law requirement to have at least 30% of candidates 'of the sex lesser represented on an electoral list' had a profound effect on the representation of women in the campaign. Except for the three independent candidates, all parties and citizens groups generally met the requirement, sometimes at the expense of having to reduce their total number of candidates. However, the EOM noted that there was some flexibility allowed by the three MECs, and a number of lists had 28-29% women. Moreover, no party had over 31% women candidates. Nevertheless, this is an important achievement in increasing the role of women in local administration.

The election law also requires the distribution of seats to successful candidates to be made on a basis where at least one seat in four is distributed to a female candidate from the electoral list.

There were no female candidates for mayor. 20% of polling board members were observed to be women.

VI. ELECTION DAY

A. GENERAL ASSESSMENT

On election day, voting and counting generally took place in accordance with the legal and procedural requirements. In the majority of polling stations, there was a calm atmosphere. No incidents of violence were reported, although there was one report of intimidation of a Serb PB member by Albanian PB members.

A number of problems and shortcomings in voting procedures were identified. In Bujanovac, polling stations with over 1,000 registered voters experienced problems with overcrowding and delays.¹⁰

A related problem concerned voters present at a polling station at the close of voting but who had not yet voted. The PBs in question chose to extend their hours of voting in order to allow any person who was present within a defined area outside of the polling station at 8.00pm to vote. The OSCE/ODIHR considers that such decisions were correct in the concrete circumstances and ensured that voters were not prevented from expressing their political will.

¹⁰ The election law allows for a polling station to cater for up to 2,500 voters. In the Republic of Montenegro, a polling station can only have a maximum of 1,000 registered voters.

Observations on election day identified that, in all three municipalities, there were shortcomings in ensuring the secrecy of voting. In particular, there was a very high degree of group (or “family”) voting, whereby more than one person was allowed into the polling booth at the same time. Failings were also observed in the degree of privacy allowed by varying styles of polling booths.

While in general the integrity of the vote and prevention of multiple voting was ensured by the use of ink and the checking of valid photographic identification documents, there was a high incidence of voters not being required to sign the voter register.

In most polling stations visited, voters whose names were not on voter registers or who could not produce proper IDs were not allowed to vote. However, there were isolated observations where persons without IDs voted, mainly in rural areas where observers were told the person was known to the PB. In Medvedja, a high number of IDPs from the municipality attended polling stations in the mistaken assumption that by participating in the April 2002 census they had also re-registered as permanent residents in the municipality and thus acquired the right to vote. As they were not on the voter register, they were not allowed to vote.

While the general observation of the counting of votes in polling stations was positive, indicating overall confidence in the accuracy of the results, a number of observers identified the need for greater training of PB members in counting procedures. Several polling stations were observed to be without electricity during the count.

B. TURNOUT

On 28 July, the turnout was low in all three municipalities: in Bujanovac, 57.8%; in Medvedja, 50.4%; and lowest in Presevo, with 44.7%. The run-off elections for the Mayor of Presevo on 11 August saw a turnout of only 38.3% of the total number of voters. In pre-election meetings, a number of interlocutors forecast that there would be a low turnout caused by the election being held in mid-summer.

In particular, the EOM noted that there was an extremely low turnout – estimated at less than 20% – of voters from the Roma community in Bujanovac. Community representatives attribute the problem to the temporary absence of voters because of their harvest work elsewhere in Serbia. Such a turnout meant that neither of the Roma electoral lists met the threshold for the allocation of assembly seats.¹¹

C. VOTING

OSCE/ODIHR observers visited 104 out of the 133 polling stations (78.2%) in all three municipalities. The large majority of observers (73.1%) characterized the voting process as “good” or “excellent”, but there were a small number of polling stations which the observers termed as “poor”.

Observers noted a number of irregularities, in particular with failing to sign the voter register (76.3%), group voting (50%), no secrecy of the vote (17%), delays in voting (10%), failure to

¹¹ The 2000 municipal elections in Bujanovac had resulted in there being two ethnic Roma councillors, both of whom had also been appointed to the IMC.

inspect for ink (7.2%) and failure to apply ink (7.2%). Observers also noted unusual tensions or disturbances in 10% of the polling stations visited, caused by dissatisfied voters. Unauthorised persons were observed in 12 (11%) polling stations, but were considered to be interfering in the work of the PB in just one polling station.

Voters were turned away without voting in 79% of the polling stations visited, with the majority of these cases involving individuals who either were not on the voter register (56.7%) or failed to present valid identification (31.7%).

D. VOTE COUNT

OSCE/ODIHR observers attended the vote count in 48 polling stations and characterized the counting process as “good” or “excellent” at 38, or 79%, of the polling stations. Only two polling stations were assessed as “poor”. Voters waiting to vote at 8.00pm were observed at 78% of polling stations, with no polling station turning such voters away. On six occasions, the PB was observed failing to count the number of persons who had voted according to marks on the voter register. The number of ballots found in the ballot box were observed to exceed the recorded number of voters who voted on nine occasions, mainly by one or two votes. Although each of these violations is ground for the dissolution of polling boards and repeat voting, each PB referred the matter to the MEC for determination.

E. DOMESTIC OBSERVERS

Observers from the Center for Free Elections and Democracy (CeSID) were accredited as non-partisan domestic observers and were observed as being present in 73.9% of the polling stations visited by OSCE/ODIHR. Small groups of observers from the student movement Otpor and the Kosovo Action for Civil Initiatives (KACI) in Pristina also participated. The activities of all three organisations provided an excellent level of scrutiny of the electoral process.

F. TABULATION AND PUBLICATION OF THE PRELIMINARY RESULTS

OSCE/ODIHR observers monitored the aggregation of polling station results at all three MECs in the hours following the closing of polling. The observer teams also visited the MECs in the days following the elections in order to obtain the preliminary results of the elections and inquire about any complaints filed.

With the exception of the Bujanovac MEC, where the observers reported an environment not conducive to the transparent processing of the various results from polling boards, the tabulation process occurred in an orderly manner. The press published partial preliminary results on 29 and 30 July on the basis of the unconfirmed reports from political parties and CeSID. Notwithstanding any repeat elections, the preliminary results were published by the MECs on 31 July.

VII. POST-ELECTION PERIOD

A. POST-ELECTION COMPLAINTS AND APPEALS

(a) Medvedja

The MEC in Medvedja received no formal complaints following election day.

(b) Presevo

In Presevo, the MEC decided on 29 July to annul the results of three polling stations. In two stations, the number of votes in the ballot boxes exceeded the number of voters. In another station, a fight had occurred between a voter and a member of the PB. Repeat elections were held on Sunday 4 August. An OMIFRY assessment of the repeat elections considered them to have progressed in a calm manner, but with continued problems relating to group voting.

As a result of the repeat elections, the final results showed that none of the three candidates for mayor had received the required absolute majority, requiring a run-off between the two candidates with the largest number of votes. A run-off election between the two candidates with the largest number of votes was also held on 11 August.

(c) Bujanovac

The post-election atmosphere in Bujanovac was highly charged, with 16 complaints filed with the MEC, mainly by the "Coalition for Bujanovac" relating to alleged incidents in polling stations where the majority of registered voters were Albanian. While most of the complaints stemmed from the overcrowding and extended opening hours of these polling stations, two complaints referred to situations where the number of ballot papers found in the ballot boxes exceeded the number of persons recorded as having voted. Five complaints alleged that PB members were attempting to influence voters or assist voters in voting, while two more claimed that Serbian PB members were not allowed to participate in the voting process. A further complaint alleged that the signatures of Serb PB members on the polling record were forged. Three complaints alleged that voters were allowed to vote without identification and three more where the name on the ID document did not match the voter register. There was only one complaint of group voting, while there were two that mobile phones were used inside polling stations.

In its observation of the MEC up to 4 August, the EOM noted that while four complaints were upheld and six rejected unanimously, the remaining six were tied because of an equal split, on ethnic lines, between the 12 members of the MEC. Unable to reach any decision within the 48-hour deadline set by the election law, the remaining complaints were automatically upheld. The tense atmosphere within MEC meetings during this period was worsened by daily demonstrations by groups outside the Bujanovac municipality building, and by the resignation of the MEC President on the grounds of ill-health. The EOM considered the behaviour of the MEC during this period to have been political in nature, which undermined its credibility as an independent and objective body.

Albanian political parties lodged appeals with the Municipal Court against the decision to hold 10 repeat elections, all of which were dismissed. The Coalition for Bujanovac appealed against the seven rejected complaints. One appeal was allowed.

The EOM again noted that the President of the Bujanovac Municipal Court also held the position of Vice-President of the Bujanovac MEC (and, following the resignation of the appointed MEC President, the *de facto* President). Thus, the judges of the Municipal Court were being asked to rule on appeals from decisions of the MEC that had been taken by their President, which raised concerns regarding possible conflict of interest.

Repeat elections in 11 polling stations held on 11 August in Bujanovac marked an improvement in the technical conduct of polling. Long lines and late closure of polling stations were avoided. Following some irregularities, elections were again repeated in two polling stations on 18 August.

B. FINAL RESULTS

The Final Results of the elections for councillors and mayors in the three municipalities are contained in the tables found at Annex A of this report. In Bujanovac, the Municipal Assembly has a majority of seats held by Albanian parties and, in Medvedja, Serb parties won 29 of the 35 seats. However, there is no absolute majority by any one party in either municipality. In Presevo, the PVD won exactly half the number of council seats available.

In Bujanovac, the Albanian candidate for Mayor won 53.1% of the total votes cast on 28 July. In Medvedja, the candidate from the Coalition for Medvedja won 76.7% of all votes. In the run-off elections in Presevo, the PVD candidate obtained over half of the votes cast, although his opponent increased his share of the vote from 28.3% to 40.3%.

VIII. RECOMMENDATIONS

The following recommendations, many of which reiterate recommendations of past EOMs to the Republic of Serbia, should be considered:

A. LEGAL FRAMEWORK AND ELECTION ADMINISTRATION

1. The election law should be changed to reflect the ownership of electoral mandates by the individual councillors. Mandates should be distributed in the order by which candidates appeared on the electoral list and should not be able to be removed if the candidate chooses, or is forced, to leave a political party, or if a political party leaves a coalition.
2. The election law should be changed to establish a formal role for the Republican Election Commission in municipal elections. In particular, it should be able to play a supervisory, advisory and co-ordinative role. It may also be appropriate that it plays an appellate role from MEC decisions.
3. The election law should be changed to establish an alternative appellate structure from the decision of a Municipal Election Commission, in particular to establish a higher appellate body than a municipal court.

4. There must be a guarantee of political plurality in the membership of the permanent composition of MECs and PBs, including representatives of those parties or coalitions that are in opposition in the appointing municipal assembly. Similarly, there should be a guaranteed representation for national minorities in areas where they are present on all electoral administration bodies.
5. The election law should also be changed to allow representatives of mayoral candidates onto the extended membership of the MEC if there is no representative of the candidate's party already included. The "two-thirds of seats" threshold for extended membership should also be reduced or, alternatively, those parties that submit electoral lists that do not meet the threshold should be allowed to nominate joint representatives.
6. The election law should be changed to address the circumstances where, in the case of an even number of MEC members, there is a tied vote.
7. There should be clarification in law of the rights and responsibilities of domestic and international observers during the electoral process, in particular guaranteeing the right to be accredited and to be present in polling stations and MEC premises.
8. The prevention of voters from voting outside a polling station should be revised to allow those citizens not able to attend polling stations, particularly because of disability, to vote.
9. The timeframes and deadlines contained in the election law should be reviewed in practice to assess whether they are realistic and appropriate.

B. SUFFRAGE AND THE VOTER REGISTER

10. There should be a minimum time requirement of permanent residency in a municipality before a citizen acquires the right to vote in municipal elections in that municipality.
11. There should be joint steps taken by state and municipal authorities, political parties and citizens to work together to improve the transparency, quality and accuracy of voter registers in Serbia.
12. Further dialogue is encouraged between the Government of the Republic of Serbia and the United Nations Interim Administration in Kosovo on the issue of voter registers.

C. ELECTION DAY PROCEDURES

13. Polling stations should be provided with a version of the voter register extract that is in alphabetical form.
14. The maximum size of voters per polling station should be reduced significantly from the current limit of 2,500 voters.
15. Guidelines should be produced for PBs on the steps to be taken at the closing of polling stations where there are excess crowds of voters waiting to vote.

16. Steps should be taken to ensure the secrecy of voting by introducing (i) guidelines on the standardisation of polling booths and (ii) training for PB members on the prevention of group voting. Voter education projects in South Serbia are also recommended.
17. MECs must ensure that PBs require voters sign the voter registers upon the receipt of ballot papers.

ANNEX A: TABLE OF FINAL RESULTS

Figures for population are from the preliminary results of the April 2002 Census of the Republic of Serbia. Figures of registered voters are as of 25 July 2002 and were published by each MEC on 26 July. The Final Results were obtained from each MEC after the conclusion of all repeat elections.

Bujanovac

Population: 43,494

Registered Voters: 37,058

Elections for 41 Municipal Assembly Councillors

28 July (including 11 repeat elections on 11 August and two repeat elections on 25 August)

Voters who voted: 21,431 (57.8% turnout)

Name of Party or Coalition	Ind. 1	Ind. 2	KO	Ind .3	PVD	KZB	PR J	PBD Sh	LPD	Ind .4
Number of Candidates	1	1	33	8	41	41	8	16	19	1
<i>Number of Women Candidates</i>	<i>0</i>	<i>0</i>	<i>10</i>	<i>2</i>	<i>12</i>	<i>13</i>	<i>2</i>	<i>5</i>	<i>6</i>	<i>0</i>
Number of Valid Votes Won	370	657	2,183	213	6,288	5,676	378	737	3,642	181
Number of Council Seats Won	0	1	5	0	13	12	0	2	8	0

Elections for Mayor

28 July (including 10 repeat elections on 4 August and two repeat elections on 24 August)

Voters who voted: 21,434 (57.84% turnout)

Name of Candidate (Party Acronym)	Arifi (PVD)	Manojlovic (KZB)
Number of Valid Votes Won	11,399	9,720
% of Total Votes Cast	53.18%	45.35%

Medvedja

Population: 10,847
 Registered Voters: 9,961

Elections for 35 Municipal Assembly Councillors 28 July

Voters who voted: 5,016 (50.36% turnout)

Name of Party or Coalition	SRS	SPO	DSS	Ind.5	SD	PVD	SPS	KZM
Number of Candidates	16	35	34	1	5	24	28	35
<i>Number of Women Candidates</i>	<i>5</i>	<i>11</i>	<i>11</i>	<i>0</i>	<i>1</i>	<i>8</i>	<i>9</i>	<i>11</i>
Number of Valid Votes Won	285	353	777	69	122	758	905	1,456
Number of Council Seats Won	2	3	6	0	0	6	7	11

Elections for Mayor 28 July

Voters who voted: 5,018 (50.38% turnout)

Name of Candidate (Party Acronym)	Doderovic (SPO)	Draskovic (KZM)	Marinkovic (Ind)
Number of Valid Votes Won	358	3,851	413
% of Total Votes Cast	7.13%	76.74%	8.23%

Presevo

Population: 35,118
 Registered Voters: 28,046

Elections for 38 Municipal Assembly Councillors

28 July (including two repeat elections on 4 August)

Voters who voted: 12,495 (44.625% turnout)

Name of Party or Coalition	PVD	PRJ	PBDSh	LPD	KZP
Number of Candidates	38	2	38	23	26
<i>Number of Women Candidates</i>	<i>11</i>	<i>0</i>	<i>11</i>	<i>7</i>	<i>9</i>
Number of Valid Votes Won	5,531	234	3,402	1,537	833
Number of Council Seats Won	19	0	11	5	3

Elections for Mayor (1st Round)

28 July (including three repeat elections on 4 August)

Voters who voted: 12,518 (44.70% turnout)

Name of Candidate (Party Acronym)	Halimi (PVD)	Selimi (LPD)	Zylfiu (PBDSh)
Number of Valid Votes Won	5,707	2,022	3,547
% of Total Votes Cast	45.59%	16.15%	28.33%

Elections for Mayor (2nd Round)

11 August

Voters who voted: 10,785 (38.36% turnout)

Name of Candidate (Party Acronym)	Halimi (PVD)	Zylfiu (PBDSh)
Number of Valid Votes Won	6,183	4,346
% of Total Votes Cast	57.33%	40.30%

ANNEX B: GLOSSARY OF ELECTORAL LIST ACRONYMS

<i>Acronym (in original language)</i>	<i>Name of Political Party, Coalition of Citizens' Group (CG) (in English)</i>
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1. Electoral Lists from Albanian community

PVD	Party for Democratic Action
PBDSh	Party for Democratic Union of Albanians
LPD	Movement for Democratic Progress (CG)
Ind. 5	Sainovic Osman – 'Union' (CG)

2. ELECTORAL LISTS FROM THE ROMA COMMUNITY

PRJ	Party for Roma Unity
Ind. 3	'Roma' (CG)

3. ELECTORAL LISTS FROM THE SERBIAN COMMUNITY

KZP	Coalition for Presevo
KZB	Coalition for Bujanovac
KZM	Coalition for Medvedja
KO	Coalition for Survival
SRS	Serbian Radical Party
SPO	Serbian Renewal Movement
DSS	Democratic Party of Serbia
SD	Social Democracy
SPS	Socialist Party of Serbia
Ind. 1	Aleksander Tasic (CG)
Ind. 2	Trajko Trajkovic (CG)
Ind. 4	Zoran Mitic (CG)