



ODIHR ELECTION OBSERVATION MISSION Republic of North Macedonia – Local Elections, 17 October 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 17 October local elections were competitive and fundamental freedoms were widely respected, but numerous shortcomings in the legal framework underscore the need for a comprehensive reform. The leading parliamentary parties enjoy systemic advantages, particularly in the distribution of public resources for campaigning, including in the media. Candidates could campaign freely, but negative rhetoric, frequently targeting women, detracted from more issue-based debates. The election administration complied with most legal deadlines, but its ability to fulfill its mandate was strained by limited personnel and operational capacity. The late implementation of biometric voter identification created additional challenges in the administration of the elections. Election day, including the vote count, was assessed positively overall, despite frequent problems with the biometric devices, group voting, and some procedural errors during counting and tabulation. The publication of electoral information throughout the day, including preliminary results data for each polling station on election night, enhanced transparency.

The Constitution guarantees fundamental freedoms, and the Electoral Code serves as a technical basis for the conduct of all types of elections. Numerous gaps and inconsistencies in the law, including those caused by frequent and often unaligned changes, reduced legal certainty and negatively affected the smooth administration of elections. On 15 September, the parliament adopted a number of amendments to the Electoral Code applying to these elections, without a public debate or consultation with key stakeholders contrary to international good practice. These amendments partially addressed some prior ODIHR recommendations, such as on defining the term of the mandate of State Election Commission members and allowing citizens whose IDs expired after the announcement of elections to vote. However, other ODIHR recommendations, including those concerning a comprehensive revision of the electoral legal framework, remain unaddressed. Most interlocutors of the ODIHR Election Observation Mission (EOM) noted that the amendments had broad political support but underlined that more comprehensive and consultative reforms remain necessary.

The councils and mayors of 80 municipalities and the City of Skopje are elected for four-year terms. Councils are elected under a closed-list proportional system, while mayors are elected in majoritarian contests. If no mayoral candidate receives an absolute majority of votes cast in the first round, a second round takes place two weeks later, between the two candidates with the most votes. The requirement that one-third of registered voters must turn out in the first round even in repeat elections for mayoral elections to be valid may potentially lead to a cycle of repeat elections.

The election administration complied with most legal deadlines despite a tight timeframe to adapt to the latest amendments and other novelties. However, its operational capacity and ability to perform its mandate independently was strained by a lack of permanent personnel and vacancies in key positions. The SEC generally carried out its duties in a collegial manner and held regular open sessions which were live-streamed online, though not all decisions and instructions were published in a consistent and timely manner, reducing transparency. While most Municipal Election Commissions (MECs) and the Election Commission of the City of Skopje (ECCS) managed the technical and administrative preparations of the elections adequately, MECs and Election Boards (EBs) experienced considerable turnover among their members, which in some cases impeded their work. The composition of election management bodies

generally complied with the legal requirements for gender and ethnic representation, but only 2 of the 7 SEC members are women.

Most ODIHR EOM interlocutors expressed confidence in the accuracy and reliability of the voter register, although some recognized that a significant number of citizens residing abroad remain in the register as they maintain an official residence in-country. Citizens can be deprived of voting rights by a court decision on the basis of intellectual or psychosocial disability, which is inconsistent with international obligations and standards. Legal requirements for the SEC to maintain the voter register with direct data extraction from the central population register remain to be implemented in practice. Biometric voter identification was used for the first time in these elections without any pilot project or comprehensive testing. The short timeframe for implementation impeded the SEC's ability to adopt in a timely manner relevant by-laws, procedures, trainings, and voter education. Still, most ODIHR EOM interlocutors, including political parties, welcomed the introduction of biometric voter identification as an effective means to prevent fraud.

The candidate registration process was generally inclusive. MECs and the ECCS registered a total of 299 mayoral candidates and 571 council lists with 10,649 candidates. While women comprised some 45 per cent of all councilor candidates, in line with legal requirements for gender representation, and headed 111 lists, only 8 per cent of mayoral candidates were women. Candidates could be nominated by political parties and coalitions of parties, or could run independently, supported by groups of voters; however, the inability to run individually challenges OSCE commitments. The numbers of supporting signatures required for independent candidatures in most municipalities is not in line with international good practice.

The election campaign was active and generally peaceful throughout the country, but negative rhetoric detracted from more issue-based debates. Although the campaign was affected by safety measures relating to the COVID-19 pandemic, fundamental rights and freedoms were respected, and contestants could campaign freely. Issues relating to gender equality and women's rights were largely absent from contestants' platforms and speeches, and women were under-represented in parties' campaigns. Existing prohibitions on the use of administrative resources in the campaign were enhanced by the September 2021 amendments, but in the absence of systematic monitoring by relevant institutions, the effectiveness of these measures remained in question. The ODIHR EOM noted isolated cases of intimidation of candidates and received allegations of pressure on candidates to withdraw and some credible claims of pressure on voters and of vote-buying. While a few investigations of individual cases were initiated prior to election day, only limited actions were taken by political leaders to react to such allegations.

Election campaigns could be funded from political parties' own funds and bank loans, as well as from donations. The law sets maximum amounts for donations and campaign expenditures and foresees sanctions for violations of campaign finance rules. Contestants were required to submit two campaign finance reports before election day, but were not required to disclose all sources of income or any expenditures, contrary to good practice. Despite an overall comprehensive legal framework for campaign finance, some gaps and inconsistencies remain and recommendations of relevant institutions have not been introduced. Overall, limited public information on campaign income and insufficient oversight reduced transparency and undermined the detection of potential violations.

The ODIHR EOM media monitoring found that, overall, election-related coverage was neutral in tone. During the official campaign period, the two largest parties dominated in the news of the monitored national broadcasters. Despite prior ODIHR recommendations, the Electoral Code continues to prescribe the content of newscasts of public *MRT*. Paid advertising in broadcast, print and online media during the campaign is funded directly and exclusively from the state budget, which was criticized by some interlocutors as encouraging clientelism. The inadequate regulation for distribution of these funds among contestants provided a significant advantage to certain parliamentary parties, contrary to OSCE commitments and good practice.

The legislation for the resolution of electoral disputes contains numerous gaps and ambiguities which hamper the process, and new deadlines introduced by the most recent amendments to the Electoral Code created additional uncertainty. Previous ODIHR recommendations concerning the adjudication of election disputes remain unaddressed. The legal standing of voters to file complaints is limited to cases regarding voter lists and their individual voting rights, contrary to good practice. Despite the legal requirement for a public hearing, the Administrative Court handled most appeals without one, contrary to international obligations. While the Administrative Court published its decisions on complaints in a timely manner, SEC decisions were not published, reducing transparency.

Election day was generally peaceful, with a voter turnout of 49.0 per cent announced by the SEC. ODIHR EOM observers positively assessed the opening and voting processes in observed polling stations. However, observers noted frequent problems with the biometric identification devices, in particular widespread failure of the devices to successfully scan voters' fingerprints. Most EBs dealt with these problems professionally. Voting procedures were generally respected, as were COVID-19 protection measures. However, ODIHR EOM observers noted problems with voter secrecy, and widespread group voting, which negatively impacts women's participation. The vote count was assessed positively in a large majority of polling stations where it was observed, but ODIHR EOM observers reported that many EBs failed to follow established procedures and had problems completing the results protocols. Some cases of undue interference in the count were observed, all by candidate representatives. The tabulation process was assessed negatively in many reports submitted by ODIHR EOM observers, mainly due to inadequate conditions and poor organization.

PRELIMINARY FINDINGS

Background and Political Context

On 6 August 2021, the speaker of parliament called local elections for 17 October. The previous local elections took place in 2017, when the electoral coalition led by the Social Democratic Union of Macedonia (SDSM), which had formed a coalition government following the December 2016 early parliamentary elections, gained control of the majority of municipalities.¹ The government, headed by SDSM president Zoran Zaev, is supported by a coalition of the SDSM, the Democratic Union for Integration (DUI) and several smaller political parties.²

Women are underrepresented in public office, holding only 45 of the 120 seats in the current parliament and 4 of the 15 ministerial posts in the government. In the 2017 local elections, women were elected to 6 of 81 mayoral positions and accounted for 455 of 1,388 elected councilors (33.7 per cent).

In the period leading up to the elections, issues of national and international policy dominated public debate and were ultimately reflected in the local election campaigns. These included the country's aspirations for European Union (EU) membership and ongoing delays in accession talks, disagreements over the management of the COVID-19 pandemic by the government, and the economic situation, particularly the high unemployment and emigration rates. A population census, the first since 2002, was

¹ Currently, out of 80 municipalities and the City of Skopje, SDSM holds 57 mayorships, the ethnic-Albanian Democratic Union for Integration (DUI) 10, the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO-DPMNE) 5, and the Alliance of Albanians (AA) 3, while 3 mayors are independents. The Democratic Party of Albanians (DPA), the ethnic-Albanian Movement BESA (BESA), and the Democratic Party of Turks in Macedonia (DPTM) each hold one mayoral position.

² The current government also includes one minister each from the Movement BESA (BESA) and the Liberal Democratic Party (LDP). The SDSM-led coalition that won the 2020 parliamentary elections included 20 smaller parties.

conducted between 5 and 30 September, amid calls to prolong the survey period and claims from opposition parties that the methodology was flawed.³

Legal Framework and Electoral System

Local elections are primarily regulated by the 1991 Constitution, the 2006 Electoral Code, and other relevant acts.⁴ North Macedonia has ratified key international human rights instruments pertaining to the holding of democratic elections.⁵

The Constitution guarantees fundamental freedoms, and the Electoral Code serves as a technical basis for the conduct of all types of elections. Numerous gaps and inconsistencies in the law, including those caused by frequent and often unaligned changes, reduced legal certainty and negatively affected the smooth administration of the elections. The State Election Commission (SEC) adopted regulations to supplement the laws, but many were only approved shortly before election day, exacerbating legal uncertainty.

The Electoral Code has been amended substantially since the last local elections, including twice in 2021.⁶ In a snap session on 15 September, contrary to international good practice, the parliament adopted a number of amendments applying to these local elections.⁷ These amendments *inter alia* defined the term of mandate of SEC members, allowed citizens whose IDs expired after the announcement of the elections to vote, provided for the withdrawal of candidates lists within 48 hours from registration, and stipulated responsibility of participants in the campaign for the content of campaign advertisements, addressing some prior ODIHR recommendations. The amendments also regulated some aspects of election procedures during a pandemic, as well as the use of public vehicles during the election period, and shortened the deadline for the submission of final campaign finance reports. Despite frequent changes to the Electoral Code, a number of ODIHR recommendations remain unaddressed, including those concerning a comprehensive revision of the electoral legal framework.⁸

The 15 September amendments were adopted under an expedited procedure without prior public debate. While acknowledging that the latest changes were adopted very close to election day, most ODIHR EOM interlocutors noted that the process had broad political support, even though key stakeholders such as the SEC claimed not to have been consulted on the draft amendments and raised concerns about the hasty adoption of important changes and the technical capacity to implement them in the limited time available

³ For example, the AA and Levica parties criticized the methodology and asked for the census to be extended, claiming that not all citizens were included.

⁴ Including the 2004 Law on Financing of Political Parties, the 2019 Law on Prevention of Corruption and Conflict of Interests, the 2013 Law on Media, and the 2013 Law on Audio and Audiovisual Media Services.

⁵ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 2003 UN Convention against Corruption (UNCAC), the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD), and the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). North Macedonia is a member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) and the Group of States against Corruption (GRECO).

⁶ On 2 April, amendments were passed to supplement provisions on biometric voter identification. Previously, changes to the Electoral Code were introduced in February 2020, affecting most electoral procedures and key responsibilities of the election administration. The Code was also amended in 2017, 2018, and 2019.

⁷ Section 5 of the Venice Commission's [2005 Interpretative Declaration on the Stability of the Electoral Law](#) provides that "any reform of electoral legislation to be applied during an election should occur early enough for it to be really applicable to the election".

⁸ While parliament announced that the September 2021 amendments stem from previous ODIHR recommendations, the ODIHR EOM was informed that a comprehensive electoral reform is scheduled for after the elections to implement, *inter alia*, ODIHR recommendations that remain unaddressed.

before election day.⁹ While an inter-agency working group composed of representatives from political parties, civil society organizations (CSOs), the expert community and international organizations was convened in January by the Ministry of Justice to propose amendments to the Electoral Code, the ODIHR EOM was informed that political parties were overall reluctant to contribute to its work and that many suggestions by the working group were left unattended by the parliament.¹⁰

Local elections are held every four years to elect the councils and mayors of 80 municipalities and the City of Skopje. Councils are elected under a closed-list proportional system without a threshold.¹¹ Mayors are elected in two-round majoritarian contests. If no candidate receives an absolute majority of the votes cast in the first round, a second round takes place two weeks later, between the two candidates with the most votes. One third of registered voters must turn out for mayoral elections to be valid in the first round; otherwise the election must be repeated.¹² Repeat elections are held subject to the same turnout requirement, potentially leading to a cycle of repeat elections. The turnout requirement does not apply to possible second rounds and to council elections.

Election Administration

The elections were administered by a three-tiered structure led by the SEC and comprising 80 Municipal Election Commissions (MECs) and the Election Commission of the City of Skopje (ECCS), 3,384 Election Boards (EBs), as well as 88 special Election Boards established to manage early voting for COVID-19 positive voters and those in self-isolation.¹³ Despite a tight timeframe to adapt to the latest amendments, election administration bodies complied with most legal deadlines. However, the operational capacity of the election administration and its ability to fulfill its mandate independently was strained by a longstanding lack of permanent personnel, most notably in the IT and legal sectors, despite previous ODIHR recommendations. The overall organizational capacity of the SEC and its administrative structures was further exacerbated by the long-term absence of a secretary general.¹⁴

The SEC is a permanent body composed of seven members who are elected by parliament.¹⁵ The SEC in its current composition was appointed in January 2021 for a two-year maximum term; however, the 15 September amendments defined and extended the term of office of the SEC to five years, addressing previous ODIHR recommendations. The latest amendments to the Electoral Code as well as the late delivery of the new biometric voter identification devices (BVIDs) delayed the technical and administrative preparations of the elections and necessitated last-minute adjustments of SEC instructions, training and educational programmes, as well as election-day materials and procedures. The SEC generally carried out its duties in a collegial manner and held regular sessions, which were open to the media, observers, and authorized candidate representatives and were live-streamed online, with recordings also made available on the SEC's YouTube channel. Sessions were announced only via an official mailing list,

⁹ The amendments were submitted by members of 6 parliamentary groups, representing both government and opposition, and adopted by a near-unanimous vote (78 votes for, 2 against, and 1 abstention).

¹⁰ The working group was established in 2015 and reinstated following a July 2016 agreement between four political parties; the group continued its activities until 2021 under the co-ordination of the Ministry of Justice.

¹¹ The number of candidates on a list must be equal to the number of seats contested in the respective municipality, which range from 9 to 33, depending on the population size. The Council of the City of Skopje has 45 seats. Seats are allocated using the *d'Hondt* formula.

¹² The law does not provide a timeline when mayoral elections should be repeated.

¹³ On 30 September, the SEC adopted a decision regarding 96 polling stations which have fewer than the minimum number of 10 registered voters required for establishing a polling station and therefore did not open on election day. Voters assigned to these polling stations could vote in the nearest polling station.

¹⁴ Throughout the country, the SEC is supported by 34 permanent regional offices whose main competencies pertain to the identification and inspections of premises for polling stations in their area of responsibility, the preparation of voter lists, and the administration of collection of supporting signatures for candidate nomination.

¹⁵ Following an open recruitment process, four members, including the vice-president, are proposed by the ruling parties, and three members, including the president, by the opposition parties, from a list of applicants. The September 2021 amendments stipulate that in case of a change of government, the composition of the SEC shall be adjusted.

often at very short notice. Not all decisions and instructions adopted by the SEC were published on its website in a consistent and timely manner, which reduced the overall transparency.

In most MECs observed by the ODIHR EOM and in the ECCS, technical and administrative preparations were managed adequately. Some MECs informed the ODIHR EOM of inadequate material and financial resources, due to a lack of budget allocation or a late transfer of funds from municipalities. The current MECs and the ECCS, as well as the non-party members of EBs, were appointed in June and July 2021, respectively, for five- and four-year terms.¹⁶ MECs supervised the administration of elections in the respective municipality, registered candidates, appointed and trained EBs, and managed other technical preparations. Since their initial appointment, the composition of the MECs and EBs was affected by a considerable turnover among selected members, which in some cases impeded the operability of MECs during the electoral preparations. A significant number of replacements occurred shortly before election day, during ongoing trainings or after their completion, which diminished the trainings' value and impact. The process of selecting substitutes was hampered by an outdated database of public-sector employees.

The composition of election management bodies complied with the legal requirements for gender and ethnic representation.¹⁷ While women were well-represented in lower-level election bodies, accounting for 49 per cent of MEC and ECCS members and presiding over 39 mid-level commissions, only 2 of the 7 SEC members, including the vice-president, are women, which falls short of the required quota. The SEC did not publish gender-disaggregated data on the composition of EBs.

The SEC developed a comprehensive training programme for lower-level election bodies and SEC-certified trainers. Initial training sessions observed by the ODIHR EOM were interactive, informative and well-organized. However, necessary changes in the training curricula, in order to include revised and newly introduced procedures and to reflect continued adjustments of the BVID software, negatively affected the comprehensiveness and clarity of the delivered trainings.¹⁸ Training manuals were available only shortly before election day. Some MECs and the ECCS told ODIHR EOM observers that they would have benefitted from additional training, given a lack of experience of some of their members, the introduction of new procedures, and the complexity of the candidate registration process.

The SEC's voter education campaign was launched two weeks before election day, primarily on the SEC website and social network platforms and later extended to broadcast and online media. The scope of the information campaign, however, remained limited, and lacked sufficient information on some critical aspects, such as new voter identification and registration procedures, and the processing of voters' personal data.¹⁹

ODIHR EOM interlocutors from organizations representing the interests of persons with disabilities pointed out the long-standing issue of lack of access to the electoral process for persons with various types of disabilities, despite several initiatives undertaken by the election administration in co-operation with

¹⁶ MECs and the ECCS are composed of five members and their deputies, randomly selected by the SEC from among employees of the state and municipal administrations. EBs comprise three members and their deputies, randomly selected by MECs from among public and civil servants, and two temporary members and their deputies nominated for each election by parliamentary parties. The special EBs comprised three healthcare workers and two political party representatives. The two ruling and two opposition parties which received the highest number of votes in the last parliamentary elections nominate one member and deputy each.

¹⁷ Each gender shall be represented by at least 30 per cent of members, and all ethnicities which comprise at least 20 per cent of the respective municipal population should be represented.

¹⁸ Additional trainings on how to operate the BVIDs were delivered from 12 to 15 October. The methodology of these trainings was generally assessed negatively by ODIHR EOM observers, with many EB members appearing to lack confidence in how to use the devices.

¹⁹ Voter education materials were available in the Macedonian and Albanian languages, supported by sign language and sometimes with subtitles in additional languages. The media campaign was supplemented by an informational tour via minivan around the country.

such organizations, due to barriers to physical access to most election administration premises as well as societal obstacles.

Voter Registration

All citizens who are at least 18 years old on election day have the right to vote, except those who are specifically deprived of voting rights by a court decision on the basis of intellectual or psychosocial disability. The September 2021 amendments removed a previous blanket restriction on voting rights on the basis of legal incapacity, but due to their late adoption had no effect on voting rights in these elections. This amendment does not address previous ODIHR recommendations that all restrictions on electoral rights on the basis of disability be removed and remains inconsistent with international obligations and standards.²⁰

There is no consolidated legal framework for voter registration, and gaps in the regulations of the Electoral Code are addressed by two 2016 rulebooks and several SEC instructions. To be included in the voter register, citizens must have a registered address in the country and a valid ID card or passport. Non-inclusion in the voter register due to lack of a valid ID remains an unnecessary burden for citizens who are otherwise eligible to vote. The September 2021 amendments allowed citizens whose ID card expired after the announcement of the elections and who have requested a new ID by election day to be included in the voter register, partially addressing a prior ODIHR recommendation. Eligible voters who were not included in the voter register and subsequent lists could be included on the voter list on election day based on a decision from the respective MEC or the Administrative Court.²¹ According to the SEC, this procedure will also allow voters who turn 18 after the first round to vote in a possible second round.²²

Although the SEC is legally responsible for maintaining and updating the voter register based on data extracted from the National Population Register, in practice, the State Statistical Office (SSO) ensures the technical and methodological processing of voter register data on the basis of updates provided by various state institutions.²³ According to the SEC's IT Action Plan, the software necessary to take over responsibilities from the SSO should be finalized in 2021. Citizens could verify their data in the voter register online and at SEC regional offices throughout the year, as well as during a public inspection period which lasted from 21 August to 9 September.²⁴ No measures were introduced to facilitate access to the voter register for persons with disabilities, either online or in-person. The possibility to check voters' data by searching their name or address of residence, as well as the lack of technical measures to prevent misuse of the electronic copy of the voter register and voter lists that were provided to contesting parties, are contrary to national legislation and international standards on data protection.²⁵

²⁰ See Article 29 of the 2006 CRPD. See also paragraph 9.4 of the [2013 CRPD Committee's Communication No. 4/2011](#), which states that "Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities. Therefore, 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, within the meaning of article 2 of the Convention".

²¹ ODIHR EOM observers noted that several MECs were not aware of or familiar with the procedure for election day registration, and the SEC did not issue relevant voter education on the procedure.

²² The Electoral Code does not provide for updates of the voter lists after the first round.

²³ Including the Ministry of Internal Affairs (MoIA), the Ministry of Justice, and basic courts. While the Electoral Code stipulates that voters' data be extracted from the National Population Register, it also requires various institutions to provide data directly to the SEC. Currently, the National Population Register does not include citizens' photos and fingerprints, and neither the MoIA nor the SEC are registered users.

²⁴ Citizens can request corrections at SEC regional offices, as well as online during the public inspection period.

²⁵ Paragraph 10 of [1988 General Comment No. 16 of the CCPR](#) states that "[...] Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it [...]" Article 9.1 of the [2020 Law on Personal Data Protection](#), states that personal data are to be "processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures [...]".

On 24 September, the SEC closed the voter register, which contained a total of 1,824,864 voters, including 82,461 voters registered as temporarily abroad, who can vote in-country but are included in separate lists.²⁶ The SEC published voter registration data disaggregated by municipality, but not by polling station or gender. Voter lists were printed by 2 October, in accordance with the law. Most ODIHR EOM interlocutors expressed confidence in the accuracy and reliability of the voter register, although some cited long-standing deficiencies in the maintenance of address data, and recognized that a significant number of citizens residing abroad remain in the register as they maintain an official residence in-country.²⁷

Biometric voter identification, introduced to the Electoral Code in February 2020 based on a political agreement aiming to safeguard and modernize the voter identification process, was implemented for the first time in these elections in all regular polling stations. Additional amendments in April 2021 clarified the identification procedures, which, together with the appointment of a new SEC and late funding and procurement processes, resulted in a compressed timeframe for implementation and impeded the SEC's ability to adopt in a timely manner relevant by-laws, procedures, trainings, and voter education. Despite the absence of a pilot project, no comprehensive testing or quality assessments were conducted prior to uploading the voter lists and deploying the devices to all polling stations.²⁸ Some ODIHR EOM interlocutors raised concerns about the procurement process.

The BVIDs, which were operated by the EB president or deputy president, verify voters' identity by matching scanned fingerprints against those contained in the electronic voter lists, and are not networked or connected to the Internet.²⁹ In case of technical issues with BVIDs on election day, the MECs co-ordinated IT support, including potential replacement of the device. As a contingency, voter identity could be established using printed voter lists. Most ODIHR EOM interlocutors, including political parties, welcomed the introduction of biometric voter identification as an effective means to prevent fraud, including multiple voting and voter impersonation. Some, however, expressed concerns about the negative impact that potential problems with the new devices could have on public trust in the integrity of the elections and in the election administration.

Candidate Registration

Citizens who are at least 18 years of age on election day and have the right to vote are eligible to stand for the office of mayor or councilor in the municipality of their registered residence. The legal framework prohibits those currently serving or awaiting to serve a delivered sentence of more than six months of imprisonment from standing in elections.

Candidates for mayor and for councilor could be nominated by registered political parties or coalitions, or they could run independently, supported by groups of voters. While mayoral candidates may stand individually, the Electoral Code requires that the number of candidates on submitted councilor lists equals the available seats in the respective municipal council, which precludes councilor candidates from running individually, challenging OSCE commitments.³⁰ To support independent mayoral candidacies and lists of

²⁶ A total of 2,250 voters in penitentiary and care institutions were registered to vote early on 16 October.

²⁷ Interlocutors noted a lack of co-operation of municipalities in addressing inconsistencies in citizens' addresses in the Central Address Register as a persistent challenge to the accuracy to the voters' data. The last random checks for accuracy of the voter register were conducted by the SEC in 2016.

²⁸ A total of 4,000 mobile BVIDs were procured in August 2021 and delivered to the SEC between 3 September and 9 October. Voter lists were uploaded on the devices by 10 October, and delivered to the MECs and EBs two days and one day prior to election day, respectively.

²⁹ If a voter's fingerprint could not be verified against the fingerprint in the electronic voter list, the voter identity could be checked by scanning the voter's ID or entering the personal unique identification number.

³⁰ 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".

independent councilors, groups of voters must collect between 100 and 1,000 supporting signatures of eligible voters residing in the respective municipality, depending on the municipality's total population.³¹ In practice, the required numbers of signatures varied between 0.4 and 5 per cent of voters registered in the respective municipalities, contrary to international good practice and the principle of equal opportunity to stand for election.³² Supporting signatures could be collected at designated notaries' offices, in addition to the SEC regional offices in the presence of SEC officials.

The candidate registration process was generally inclusive. ODIHR EOM observers noted some confusion over and inconsistent adherence to registration procedures in a few MECs, regarding corrections of deficiencies in submitted nomination documents and data entry into the SEC's online application for processing and publishing candidate lists. This resulted at times in conflicting or incomplete information on candidate registration available to the public.³³ By the deadline of 18 September, MECs and the ECCS registered a total of 10,649 candidates on 571 candidate lists for municipal councils, submitted by 28 political parties, 6 coalitions and 58 groups of voters. Women comprised some 45 per cent of all councilor candidates and headed 111 candidate lists (19 per cent). All registered candidate lists complied with the gender requirements.³⁴ Mayoral races were contested by a total of 299 candidates nominated by 22 political parties, 5 coalitions, and 25 groups of voters; only 25 (8 per cent) were women. The ODIHR EOM is aware of the rejection of 3 mayoral candidates and 9 candidate lists for municipal councilors by MECs, on grounds of late submission or deficiencies in nomination documents; all 12 rejections were appealed to and dismissed by the Administrative Court.

Campaign

The official campaign period began on 27 September and ended on 15 October at midnight. Some contestants started to engage voters in activities prior to the official start of the campaign. The campaign was active and generally peaceful throughout the country, despite isolated incidents.³⁵ The COVID-19 pandemic affected the campaign, with contestants required to follow government safety protocols for public meetings.³⁶ Still, fundamental rights and freedoms, such as those of assembly and of movement, were respected throughout the campaign, and contestants could campaign freely.³⁷ However, multiple instances of negative rhetoric were noted, frequently directed at women candidates. The use of such rhetoric, which was noted in the pre-campaign period, intensified during the campaign and detracted from more issue-based debates, despite pledges by contestants to adhere to a Code for Fair and Democratic Elections signed on 23 September.

³¹ For these elections, supporting signatures were collected between 16 and 30 August. Of 69 groups of voters which had announced their intention to nominate candidate lists for municipal councils, 67 obtained the required number of signatures. For the nomination of mayoral candidates, 30 of 38 prospective independent candidates collected the number of signatures required for registration.

³² Section I.1.3.ii of the Code of Good Practice states that "law should not require collection of the signatures of more than 1% of voters in the constituency concerned". In a total of 42 municipalities, the required number of signatures exceeded 1 per cent. In 6 of these municipalities, it exceeded 2 per cent, and in 9 it was above 3 per cent. In the municipalities of Vevchani and Lozovo, it reached 4.8 and 5 per cent, respectively. See also section I.2.3.ii of the Code of Good Practice: "Equality of opportunity must be guaranteed for parties and candidates alike".

³³ In addition, some MECs informed the ODIHR EOM that they were not always able to comply with all deadlines, due to the late submission of data regarding candidates' criminal records by courts.

³⁴ Each gender must account for at least 40 per cent of candidates on lists for municipal councils, with a requirement that a candidate of the less represented gender is included in each group of three consecutive places, with an additional place within every group of ten candidates reserved for a candidate of the less represented gender.

³⁵ For example, the Makedonska Era Treta mayoral candidate from Mogila received threats by SMS from a local VMRO-DPMNE leader, who later apologized, and police investigated a gunfire incident targeting the house of a SDSM mayoral candidate from the same municipality.

³⁶ ODIHR EOM observers reported that the interpretation of and compliance with COVID-related guidelines varied among political parties; for example, vaccination certificates were not always checked at indoor rallies.

³⁷ The ODIHR EOM observed a total of 54 rallies in 33 municipalities.

Traditional campaign methods included rallies, door-to-door campaigning, and billboards. Provisions in the Electoral Code regulating the distribution of public spaces for these purposes advantage certain parliamentary parties at the expense of smaller parties and independent candidates.³⁸ However, the allocation of these spaces did not prove contentious for these elections. Contestants also relied on subsidized advertising in broadcast and online news media and conducted extensive outreach on social networking platforms. The ODIHR EOM observed that many incumbents used institutional accounts for campaigning, taking advantage of their public position. In the absence of clear regulations on campaigning in social networks and effective moderation, many candidates, frequently women, were subjected to offensive language. Political advertising in non-media online tools, such as Google Ads and on social networks, are not subsidized or specifically regulated. Whereas political parties used social networks extensively in their campaigns, the lack of transparency of such tools renders any substantial audit impossible.

Women were under-represented in parties' campaigns and topics relating to gender equality and women's rights were largely absent from contestants' platforms and speeches, notwithstanding limited attempts by a few parties to present such policies to voters.³⁹

National party leaders and central government officials featured prominently at campaign events, introducing local candidates and delivering messages related to employment, health, local infrastructure, environment, and education. Although these activities are legal and generally took place largely outside of working hours, the Electoral Code does not clearly regulate the conduct of public officials in the campaign.⁴⁰

Positively, the Electoral Code contains provisions prohibiting the use of administrative resources in the campaign, including a moratorium, from the day elections are called, on announcing new publicly funded projects as well as a prohibition on the use of state offices, equipment or personnel for campaign purposes, and on pressure on public employees. From the announcement of elections, payments of salaries, pensions or welfare other than regular payments may not be made from budgetary funds. The September 2021 amendments included provisions that aim to enhance the transparency of the use of state-owned vehicles during the electoral campaign. However, in the absence of systematic monitoring by relevant institutions, the effectiveness of these measures remained in question.

Allegations of pressure on voters, including public employees, to vote for certain contestants were made by some ODIHR EOM interlocutors, as were claims about pressure on candidates to withdraw.⁴¹ In addition, the ODIHR EOM received credible claims of public service workers being told to provide lists of voters who would vote for a specific candidate. Allegations of the major parties buying votes were also made to the ODIHR EOM, without providing concrete evidence. Investigations into alleged vote-buying in Lozovo and Skopje resulted in criminal proceedings against several people (see *Complaints and Appeals*). The State Commission for the Prevention of Corruption and the Ombudsperson maintained websites for citizens to report irregularities in the election campaign, and the SCPC received 30 reports

³⁸ Section I.2.3 of the Code of Good Practice 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)”.

³⁹ Some 14 per cent of the speakers at rallies observed by the ODIHR EOM were women, and women constituted some 30 per cent, on average, of the audience at observed rallies.

⁴⁰ According to the [Code of Ethics for members of the government and executive management of institutions](#), outside working hours, managers of public institutions may participate in political party activities, but must not jeopardize their professionalism.

⁴¹ For example, a criminal investigation was launched related to an explosion at the residence of a member of the Union of Roma in Macedonia, a candidate for the Skopje city council on the list of the SDSM-led coalition, who claimed he was pressured to withdraw. The VMRO-DPMNE candidate for mayor of Rankovce was subject to multiple tax inspections during the pre-election period.

from citizens and political parties (see *Complaints and Appeals*). However, limited actions were taken by political leaders to react to such allegations.⁴²

Political parties representing smaller ethnic communities, including Roma, Serbs and Turks, generally aligned with national political forces in pre-election coalitions. However, some local political actors informed the ODIHR EOM that this does not always translate into effective representation of their communities' needs, and that the parliamentary parties do not meaningfully reach out to these sectors of the electorate. The Bosniak Democratic Union ran independently for the first time, including for the position of Skopje city mayor. Parties representing the Serbian and Turkish communities, notwithstanding their participation in larger coalitions, conducted separate campaign activities in their respective communities.

Campaign Finance

Campaign finance is primarily regulated by the Electoral Code, the Law on Financing of Political Parties, and the Law on Prevention of Corruption and Conflict of Interests. On 21 September, the Ministry of Finance published the rules, procedures and templates for contestants' reporting on donations and expenditures. Despite an overall comprehensive legal framework for campaign finance, some gaps and inconsistencies remain and recommendations of relevant institutions have not been introduced. Insufficient oversight and late publication of information on campaign income reduced transparency and undermined the detection of potential violations.

Election campaigns may be funded from political parties' own funds and bank loans, as well as from donations.⁴³ Political parties which obtained more than one per cent of the vote in the most recent parliamentary or local elections receive public funding for their regular activities.⁴⁴ Donations, whether monetary or in-kind, are limited to EUR 3,000 for individuals and EUR 30,000 for legal entities (equivalent to MKD 183,000 and MKD 1,830,000, respectively).⁴⁵ The law does not regulate if independent candidates can fund their own campaigns only within the donation limits for individuals. No provisions prevent donations after election day, and some interlocutors raised concerns about associated corruption risks.⁴⁶ The campaign spending limit is MKD 110 (approximately EUR 1.8) per voter registered in a municipality.⁴⁷ The law fails to align donation limits with spending limits, resulting in a possibility that in smaller municipalities a single individual can entirely fund a contestant's campaign. Third-party campaign financing is not regulated by law.⁴⁸

⁴² Two days prior to election day, the interior minister called on electoral stakeholders to allow voters to make their own choices and encouraged citizens to report electoral irregularities.

⁴³ The amount of bank loans remains unregulated, contrary to a prior ODIHR recommendation.

⁴⁴ Under the Law on Financing of Political Parties, 0.15 per cent of the total source of income of the state budget must be directed to political parties. Of this, 70 per cent must be allocated to parliamentary parties proportional to the number of seats obtained, and 30 per cent must be allocated equally to all parties that received at least one per cent of votes in the last parliamentary and local elections. In 2021, some 58 political parties received state funding; of these, SDSM received MKD 49,956,552 and VMRO-DPMNE MKD 44,039,448 (approximately EUR 818,000 and 722,000, respectively).

⁴⁵ EUR 1 equals approximately 61 Macedonian Denar (MKD). The law sets donation limits in Euro and expenditure limits in Denar. In-kind donations are to be valued at market price.

⁴⁶ The State Audit Office and SCPC informed the ODIHR EOM that they had noted such donations in previous elections.
⁴⁷ Depending on the municipal population, spending limits ranged from EUR 3,571 (approx. MKD 217,831) to EUR 169,174 (MKD 10,319,614) in municipalities, and EUR 841,271 (MKD 51,317,531) in Skopje. The same spending limits apply to potential second rounds.

⁴⁸ Paragraph 256 of the [2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation \(2nd edition\)](#) 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".

The law requires contestants to file four campaign finance reports, the first two of which were due on 7 and 16 October, respectively.⁴⁹ Contestants' interim reports must include information on donations, but not on other sources of income or on expenditures, contrary to good practice.⁵⁰ As a result, many interim reports, including those of the major parliamentary parties with visible campaign spending, contain scarce or no information on the sources of campaign funds. Most stakeholders questioned the necessity of multiple reports and raised concerns about the complexity of the reporting documentation, especially for smaller parties and independent candidates. While the law requires the SEC, SCPC and State Audit Office (SAO) to publish the reports on their websites, it fails to provide a deadline. The first interim reports were only published on 14 October, limiting the time for public scrutiny before election day.⁵¹ The SCPC confirmed that some contestants, mostly independent candidates, failed to submit interim reports.

By law, the SCPC oversees compliance with campaign finance regulations throughout the electoral process. The SCPC fielded 16 *ad hoc* monitors to follow the campaign, in addition to four experts responsible for analyzing their reports and for reviewing contestants' bank accounts.⁵² As of 14 October, the SCPC informed the ODIHR EOM that it had not detected any major violations of campaign financing regulations. Overall, the ODIHR EOM observed that the SCPC lacked a methodology to track potential campaign finance irregularities prior to the submission of final financial reports, raising doubts about the effectiveness of oversight. The SAO is authorized to audit contestants' final campaign finance reports but does not conduct ongoing oversight during the campaign. The Electoral Code provides for fines of up to EUR 9,000 for violations of campaign-finance regulations, but no such sanctions were applied during the campaign period.⁵³

Media

A large number of media outlets, divided along political lines, operate in a small advertisement market. Television and online media are the main sources of political information. ODIHR EOM interlocutors highlighted an improved plurality of news coverage, but stressed the need for further systemic reforms in the media sector. Ongoing stagnation in the advertising market caused by the COVID-19 pandemic has further increased the dependence of media, particularly local media outlets, on state subsidies. The public broadcaster, Macedonian Radio and Television (*MRT*), is financed from the state budget; however, the broadcaster has never been allocated the full amount prescribed by law.⁵⁴ The field of online media, with a high number of outlets, is largely unregulated. ODIHR EOM interlocutors raised concerns about self-censorship and poor labour conditions in the traditional media, a low level of professionalism, and cyber-harassment, especially against women journalists.

The Electoral Code provides detailed regulations on the conduct of the media, from the announcement of elections through the campaign. All media outlets, including online media, are required to cover the

⁴⁹ The other two reports are due within 19 days from election day and 75 days from the announcement of final results.

⁵⁰ 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.

⁵¹ Article 7.3 of the [2003 UN Convention Against Corruption](#) recommends states take measures "to enhance transparency in the funding of candidatures for elected public office". Paragraph 247 of the ODIHR and Venice Commission Joint Guidelines on Political Party Regulation (2nd edition) states that "[v]oters must have relevant information as to the financial support given to political parties, as this influences decision making and is a means of holding parties accountable". See also Paragraph 261.

⁵² The ODIHR EOM observed that the SCPC monitors lacked comprehensive training to track campaign financing.

⁵³ Criminal sanctions for violations of campaign finance regulations include fines and imprisonment.

⁵⁴ Article 105 of the Law on Audio and Audio-Visual Services stipulates that the funds for financing the broadcasting activity, operations, and development of MRT and the Agency for Audio and Audio-visual Media Services shall be provided from the state budget, in the amount of 0.8 to 1 per cent of the overall state budget. According to MRT, the actual allocation of the budget decreased from 0.66 to 0.59 per cent from 2018 to 2021.

elections in a fair, balanced and unbiased manner.⁵⁵ Despite prior ODIHR recommendations, newscasts of public *MRT* during the campaign remain subject to stringent regulations, which undermines the broadcaster's editorial independence.⁵⁶ The choice of candidates for numerous debates and talk-shows in private media remained under editorial discretion. In the national media, several smaller parties and a few independent candidates had opportunities to present their political platforms. Several local media informed the ODIHR EOM that they attempted to organize debates, but as few candidates expressed interest the campaign coverage was limited.

Media compliance with legal requirements relating to electoral coverage from the day of the announcement of the elections until its completion was overseen by the Agency for Audio and Audio-visual Media Services (AVMS), which published two reports on media coverage of the period between the announcement of elections and the official launch of the campaign, and daily reports during the official campaign period. The AVMS did not report any violations, but noted that private broadcasters *Alsat-M*, *Sitel*, *Kanal 5*, *Telma* and *Alfa* did not fulfill their legal obligations to make their electoral coverage accessible, including through use of sign language. The AVMS also issued a statement concerning the use of minors in political advertising, which was noted in several cases.

Paid advertising in broadcast, print and online media during the campaign period is funded directly and exclusively from the state budget, which was criticized by some ODIHR EOM interlocutors as encouraging clientelism.⁵⁷ The law fails to provide objective and reasonable criteria for distribution of public funds for paid advertisement, giving a significant advantage to certain parliamentary parties while effectively denying opportunities for smaller parties and independent candidates to campaign in the media, contrary to OSCE commitments and international good practice.⁵⁸ The AVMS issued guidance indicating that contestants could further divide or share their state-subsidized airtime with independent candidates, beyond the allocations envisaged by law.⁵⁹ These unclear procedures for sharing funds and the lack of official information on the budget for paid advertising narrowed the campaign opportunities in the media for smaller parties and independent candidates.

⁵⁵ While the law stipulates that balanced coverage depends on the intensity of the campaign activities, the Agency for Audio and Audio-visual Media Services (AVMS) as the media oversight body will base its conclusions on the comparison of the campaign coverage of different broadcasters after the end of the official campaign period.

⁵⁶ During the official campaign period, *MRT* is obliged to dedicate 30 per cent of its newscasts to general events, 30 per cent to the ruling parties, 30 per cent to the parliamentary opposition, and 10 per cent to non-parliamentary parties and independent candidates. *MRT* provided political contestants with free airtime during primetime and made its own studio available free of charge for the recording of the free spots.

⁵⁷ The average price for paid advertising in TV, as calculated by the SEC in line with the law, shall not exceed EUR 1.97 per second. To provide paid airtime to contestants, media must register with the SEC. The SEC registered 41 television stations, 47 radio stations, 10 print media outlets, and 193 online news sites. The applications of at least 27 media outlets were denied, mostly on grounds of missed deadlines and not submitting all required documents.

⁵⁸ The SDSM-led coalition "The Best for My Municipality," DUI, the VMRO-DPMNE-led coalition "Renewal of Macedonia" and the Alliance of Albanians and AlternAtivA received 90 per cent of allocated funds, while smaller parliamentary parties shared 7 per cent and all non-parliamentary parties and independent candidates were supposed to share the remaining 3 per cent of funds. Paragraph 233 of the 2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation (2nd edition) provides that public funds should be "allocated in a non-partisan way, based on fair and reasonable criteria". Paragraph 7.8 of the [1990 Copenhagen Document](#) commits participating States to guarantee that "no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in the electoral process". Section I.2.3 of the Venice Commission's Code of Good Practice in Electoral Matters provides that equality of opportunity must be guaranteed for parties and candidates alike, *inter alia* with respect to media air-time and public funds, and that depending on the subject matter, equality may be strict or proportional. Paragraph 233 of the 2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation (2nd edition) provides that public funds should be "allocated in a non-partisan way, based on fair and reasonable criteria" and paragraph 235 provides that "a system for determining the proportional (or equitable) distribution of financial or in-kind state support must be objective, fair and reasonable".

⁵⁹ For example, VMRO-DPMNE supported independent mayoral candidate Danela Arsovska in Skopje; as such a possibility is not regulated by the law, it was challenged by Levica to the SCPC.

According to ODIHR EOM media monitoring, the election-related coverage in broadcast media was overall neutral in tone.⁶⁰ During the official campaign period, the two largest parliamentary parties dominated in the news of the monitored national broadcasters.⁶¹ Monitored media reflected the division of political parties and media along ethnic lines, both with regards to the media outlets chosen by political parties to place advertisements and to broadcasters' choice of invitees to debates and current-affairs programmes.⁶² Televised debates were organized by private channels exclusively for mayoral candidates. Only a few candidates expressed interest in using free airtime on both monitored public TV channels. Most non-parliamentary parties and independent candidates received limited editorial coverage, partially due to their low-key campaign activities, and also placed few paid political advertisements due to their limit budget, especially in the last days of the campaign.⁶³

Complaints and Appeals

The legislation for the resolution of electoral disputes contains numerous gaps and ambiguities which hamper the process, including with regard to deadlines, the requirement for a public hearing, and review of complaints in lower-level commissions. The ambiguous formulation of new deadlines introduced by the September 2021 amendments to the Electoral Code created additional uncertainty.⁶⁴ Despite frequent revisions to the law, previous ODIHR recommendations concerning the adjudication of election disputes remain unaddressed. The legal standing of voters to file complaints remains limited to cases regarding voter lists and their individual voting rights, contrary to good practice.⁶⁵ Citizen observers are not eligible to file complaints.⁶⁶ The deadlines for complaints remain short.⁶⁷

Under the Electoral Code, complaints at first instance can be filed with MECs, the SEC, and the basic courts. Basic courts and the SEC review complaints against campaign violations, but their jurisdiction on these matters is not clearly delineated. Complaints concerning campaign finance and misuse of administrative resources can be lodged with the SCP. The Administrative Court is the final instance of appeals for the majority of complaints. In contrast to SEC decisions on violations of individual rights, SEC

⁶⁰ On 22 September, the ODIHR EOM commenced its quantitative and qualitative monitoring of the prime time between 18:00 and 00:00 hrs. of public *MRT 1* and *MRT 2*, private broadcasters *Alsat-M*, *Kanal 5*, *Telma*, and *Sitel*, and the election-related coverage of the websites kurir.mk, plusinfo.mk, tetovasot.com, and lajmpress.org.

⁶¹ In their newscasts, *MRT1* and *MRT2* dedicated 20 and 16 per cent to SDSM and 19 and 13 per cent to VMRO-DPMNE, respectively, in line with legal requirements. Respectively, the stations allocated 6 and 9 per cent to DUI, and 6 and 11 per cent to the Alliance of Albanians and their coalition partner Alternativa. In private channels' newscasts, SDSM received between 18 and 31 per cent of coverage, VMRO-DPMNE between 13 and 28, DUI between 1 and 7, and Alliance of Albanians and Alternativa up to 2 per cent in Macedonian-language channels and 11 per cent in *Alsat-M*. Smaller parliamentary parties were given a combined 4 to 7 per cent of coverage, non-parliamentary parties combined received up to 2 per cent, and independent candidates combined received up to 6 per cent.

⁶² In Macedonian-language channels, the Albanian parties received up to 3 per cent of coverage in current affairs programmes and debates, while the Albanian-language channels covered these parties almost exclusively. While the Albanian parties' paid advertising was almost absent from Macedonian-language channels, some 86 per cent of paid advertising in *Alsat-M* during the monitoring period was placed by the Albanian parties.

⁶³ Except for Danela Arsovska, who received 7 per cent of VMRO-DPMNE's paid advertising share during the monitored period and was visible throughout the campaign period.

⁶⁴ This prompted the Administrative Court to request official clarification from the Ministry of Justice. The Court notified the ODIHR EOM that as of 15 October they had not received a response, and decided to apply the longest deadline provided by the Electoral Code (3 days) to all appeals concerning election day irregularities.

⁶⁵ Section II.3.3.f of the Code of Good Practice 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".

⁶⁶ Observers can only have their remarks on alleged irregularities entered in EB logbooks.

⁶⁷ As a rule, applicants have up to 2 days to file a complaint, with 1–3 days provided for review of most complaints. Following the latest changes, election-day complaints by voters must be lodged within 12 hours (previously 24 hours) and must be reviewed within 2 hours. Section h II.3.3(95) of the Explanatory Report of the Code of Good Practice states that "time limits must [...] be long enough to make an appeal possible, to guarantee the exercise of rights of defense and a reflected decision. A time limit of three to five days at first instance (both for lodging appeals and making rulings) seems reasonable".

regulations can only be challenged before the Constitutional Court, limiting the possibility of timely redress.⁶⁸

As of 15 October, the SEC received and reviewed in public sessions 23 complaints, of which 17 were upheld.⁶⁹ In most cases, the SEC did not abide by the deadlines for reviewing complaints, and the decisions were not published, undermining transparency and the right to effective remedy. The SEC instructions for handling complaints were adopted late in the process and contained discrepancies regarding deadlines, affecting the proper understanding of required procedures, especially at the MEC level.⁷⁰ In line with the law, the SEC maintained an electronic system for filing and tracking complaints, but did not launch it until 6 October and did not consistently update it. Neither the law nor SEC instructions require election commissions to notify the parties to a case about the hearing; the SEC confirmed that only registered contestants were invited to attend the hearings, contrary to good practice.⁷¹

The SCPC reviewed two complaints in a public session, in observance of the procedural rights of the parties to the case. However, some 30 reports filed to the SCPC since the announcement of elections, most alleging misuse of state resources, were not treated as complaints and hence were not reviewed in an expedited manner, undermining effective remedy.

The Administrative Court received and adjudicated 14 complaints prior to election day, 12 concerning candidate registration and 2 concerning media; all were rejected or dismissed. As required by law, the Administrative Court published its decisions on complaints in a timely manner. Despite the constitutional requirement for a public hearing, the Administrative Court handled most complaints without a hearing, contrary to international obligations.⁷²

As of 16 October, the ODIHR EOM was informed by the State Public Prosecutor's Office of several election-related criminal investigations initiated, including for alleged vote-buying and for violent incidents during a campaign event and at a candidate's residence.⁷³

Citizen and International Observers

The Electoral Code provides for citizen and international observation and also entitles registered contestants to appoint their authorized representatives to follow the entire election process. Citizen associations and foreign organizations which have been registered at least one year before election day and whose charter incorporates the principle of protection of human rights may apply for accreditation to deploy observers with the SEC until 10 days before election day.⁷⁴ Candidate representatives to lower-level election bodies can be registered with MECs until two days before election day.

Despite an invitation by the SEC addressed to all organizations entitled to observe elections, capacity and interest among CSOs was limited in these elections. The SEC extended the period for submission of accreditation applications to allow the CSOs which missed the official deadline of 6 October. By the extended deadline, the SEC accredited 5 citizen observer organizations with a total of 815 observers, as

⁶⁸ Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity."

⁶⁹ Most complaints concerned the right to vote, including for homebound voting.

⁷⁰ An instruction concerning review of complaints by MECs was adopted on 30 September and published on 3 October, and an instruction for review by the SEC was adopted on 8 October and published on 11 October.

⁷¹ Section II.3.3.h of the Code of Good Practice provides that "the applicant's right to a hearing involving both parties must be protected".

⁷² Article 16 of the ICCPR provide for a fundamental right to a fair and public hearing by a competent court.

⁷³ A Commission was established within the State Public Prosecutor's Office to co-ordinate the investigation of election-related irregularities.

⁷⁴ While the Electoral Code and the SEC calendar set ten days before election day as the latest date for submission of applications for accreditation, the SEC Code of Conduct indicates five days before election day.

well as 2 international organizations and 17 diplomatic and foreign delegations.⁷⁵ From among citizen observer organizations, CIVIL – Center for Freedom conducted long-term observation activities across the country since mid-August and deployed 277 short-term observers in the field on election day. The organization presented findings from its pre-election media and campaign monitoring at several press conferences and on their website before the elections and reported on its observations throughout election day, contributing to the transparency of the process.

Election Day

Election day was generally peaceful, with a voter turnout of 49.0 per cent announced by the SEC. The SEC shared updates about the voting process throughout election day and began posting on its website detailed preliminary election results by polling station on election night, which enhanced transparency. The presidents of 55 per cent of EBs observed by ODIHR EOM observers were women, and overall, 47 per cent of EB members in polling station observed were women.

The opening of polls was assessed positively in 58 of the 64 polling stations where it was observed by ODIHR EOM observers. However, in 8 polling stations where opening was observed, the BVID was not operational, and in 31 the EB had difficulties operating the device. Opening procedures were generally followed, although 10 EBs did not demonstrate to all present that the ballot boxes were empty or seal them properly, and 5 did not enter the serial number of seals in the EB logbook. Twenty-seven of the polling stations observed experienced mostly minor delays in opening for voting.

ODIHR EOM observers assessed voting positively in 97 per cent of the 625 polling stations where it was observed, characterizing the process as transparent, calm and well-organized. COVID-19 protection measures were generally followed, although social distancing was not always maintained. Many ODIHR EOM observers reported problems with the BVIDs, and in 14 per cent of polling stations observed the voting process was not smooth due to these problems. In 4 per cent of polling stations where voting was observed, the BVIDs were not functional, while in many other polling stations, the devices had various technical problems. A recurring and widespread problem was the failure of BVIDs to match voters' fingerprints to the voter list; in 75 per cent of polling stations observed, not every voter on the voter list could be positively identified by fingerprint scanning. This appeared to particularly affect elderly voters and voters in rural areas. Most EBs in observed polling stations dealt with these problems professionally. The SEC announced that it had authorized seven EBs to continue voting without using a BVID and warned that where EBs had switched to the previous system without SEC authorization, voting would be cancelled. The SEC also extended voting by 30 minutes and announced that voters who were inside the polling station compound at closing time would be allowed to vote.

Problems with the BVIDs notwithstanding, voter identification procedures were generally adhered to in the observed polling stations. In 14 per cent of observed polling station, one or more voters were denied the opportunity to vote, most because they were unable to produce a valid ID or could not be found on the voter list of that polling station. Voting procedures were generally respected, although ODIHR EOM observers noted that not all voters marked their ballots in secrecy (6 per cent of observed polling stations). ODIHR EOM observers reported widespread instances of group voting (8 per cent), which negatively impacts women's participation. In 3 per cent of observed polling stations, the ballot boxes were not properly sealed.

Campaign materials and campaign activities were noted in the vicinity of 4 per cent of polling station observed by ODIHR EOM observers. ODIHR EOM observers also reported a few isolated indications of intimidation of voters in and around polling stations. In 6 per cent of observed polling stations, persons

⁷⁵ The largest citizen observer group was deployed by AKSIOS 2017 Skopje, with 512 accredited observers.

other than EB members were keeping track of who voted, although this appeared to be done mainly in order to count voter turnout.

ODIHR EOM observers reported that 5 per cent of polling stations observed were overcrowded. Some 53 per cent of polling stations were not independently accessible for persons with physical disabilities, and in 26 per cent, the layout was not suitable for such voters. Nine per cent of polling stations observed did not have a Braille ballot frame for use by voters with visual impairments.

Authorized candidate representatives were present in 89 per cent of observed polling stations; in 4 per cent, persons other than EB members, mostly candidate representatives, interfered in or directed the voting process. Citizen observers were only present in 10 per cent and at times appeared to be *de facto* party observers.

The vote count was assessed positively in 49 of the 61 polling stations where it was observed, but ODIHR EOM observers reported that many EBs failed to follow established procedures. Authorized candidate representatives were present at 48 observed vote-counts, and citizen observers at only 5. ODIHR EOM observers reported ten cases of undue interference in the count, all by candidate representatives. ODIHR EOM observers reported frequent cases in which EBs failed to follow basic reconciliation procedures before opening the ballot boxes, or where the number of voters' signatures on the voter list, BVID data on turnout, and the number of unused ballots did not match. ODIHR EOM observers reported from 8 counts that figures had not been entered accurately in the results protocols. The determination of ballot validity was generally reasonable and consistent. Persons other than EB members participated in 14 counts, and in 9 polling stations, EB members had pre-signed the results protocol. Thirty-one EBs observed had problems completing the results protocols, mostly due to lack of understanding of procedures. In 25 polling stations, the EB did not post copies of the protocols for public display.

The tabulation process was assessed negatively in 13 of the 57 reports submitted by ODIHR EOM observers from a total of 53 MECs. In around one half of MECs observed, conditions were not adequate for the handover of election materials and tabulation (32 reports). The process in many MECs was negatively affected by poor organization (16 reports), insufficient space (22 reports), and overcrowding (26 reports). Respect for COVID-19 prevention measures was significantly lower than during voting. Tabulation procedures were mostly followed, although procedural omissions or violations were reported from nine MECs. In more than three-quarters of observations of tabulation, polling station results protocols were found to contain discrepancies. ODIHR EOM observers reported one case of interference in the tabulation process, while there were seven reports of tension or unrest in or around a MEC.

On election day, MECs and the SEC received 286 complaints from voters regarding their right to vote, of which the SEC reported upholding 217. Despite the two-hour deadline for resolving such complaints, many MECs forwarded them to the SEC to resolve. As of the closing of voting, no official information was available about the number of complaints reviewed and about the status thereof. The State Public Prosecutor's Office reported a number of investigations into potential criminal conduct on election day, including several cases of alleged vote-buying.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Skopje, 18 October 2021 – The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

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

Tana de Zulueta is the Head of the ODIHR EOM, deployed from 7 September. The ODIHR EOM includes 16 experts in the capital and 20 long-term observers deployed throughout the country. On election day, 165 observers from 29 countries were deployed by the ODIHR EOM. Women constituted 48 per cent of ODIHR observers. Opening was observed in 64 polling stations, and voting was observed in 625 polling stations across the country. Counting was observed in 61 polling stations, and the tabulation in 53 MECs.

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

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