INTERNATIONAL ELECTION OBSERVATION MISSION
Republic of North Macedonia – Presidential Election, Second Round, 5 May 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

In the well-administered run-off to the presidential election, continued respect for fundamental freedoms allowed voters to make an informed choice between candidates. Shortcomings in campaign rules were again evident in the second round, reflecting broader deficiencies in the electoral law. The transparency of campaign finance was diminished by incomplete reporting. Election day proceeded smoothly, with key procedures generally followed in a transparent manner.

As no candidate achieved the required votes of a majority of registered voters to be elected in the first round on 21 April, the State Election Commission (SEC) called a second round between Stevo Pendarovski and Gordana Siljanovska Davkova for 5 May. While met in this election, the 40 per cent turnout requirement for a second round creates the potential for cycles of repeat elections.

The legal framework is conducive to the conduct of democratic elections, but does not regulate all aspects for holding a second round, particularly in respect of campaigning, campaign finance and voter registration. The regulatory gaps evident in the first round remained unaddressed. This detracted from legal certainty and further highlighted the importance of legislative reform, as emphasised in the IEOM’s Statement of Preliminary Findings and Conclusions after the first round.

The election administration carried out preparations for the second round professionally and impartially, and generally enjoyed public confidence. The visibility of voter information materials remained limited. The voter register was not updated between the two rounds to reflect changes in civil registration data, disenfranchising otherwise eligible voters and at odds with international obligations.

The campaign took place in a calm and peaceful environment, with campaign activity more subdued than before the first round. Fundamental freedoms of assembly and expression continued to be respected, and the election participants campaigned freely and without hindrance. As in the first round, state officials appeared to maintain a distinction between their official duties and political activities, with few allegations of abuse of state resources in the campaign. Candidates and parties made efforts to reach out to ethnic-Albanians and Roma, among whom the turnout had been notably low in the first round.

Candidates and the relevant institutions had different understandings of the reporting requirements for campaign finance, and one candidate did not submit the second interim report. The lack of clarity and enforcement of reporting rules detracted from the transparency and oversight of campaign finance.

The ODIHR EOM media monitoring found that the media presented diverse information on the candidates and the supporting political parties through various programmes and televised candidate debates. The public broadcaster and most monitored media provided impartial coverage, which, altogether, provided voters the opportunity to make an informed choice.

The SEC handled complaints related to irregularities in the first round openly and effectively. Voting results from the first round were annulled in eight polling stations and their EB members were replaced. The State Commission for the Prevention of Corruption considered all six complaints within the legal deadlines and in public hearings, providing transparency.
Election day was calm and well-administered. The overall assessment of voting, counting and tabulation was positive, with key procedures followed. As in the first round, some eligible voters were not found on voter lists. In a few instances the IEOM noted indications of vote-buying. Candidate or citizen observers were present in most polling stations and MECs observed, and were able to follow all stages of the process. Preliminary results by polling station were timely posted on the SEC website on election night, enhancing transparency.

**PRELIMINARY FINDINGS**

**Background and Post-First Round Developments**

In the first round of North Macedonia’s presidential election on 21 April, none of the three candidates achieved the required votes of a majority of registered voters to be elected. The two candidates who received the highest number of votes were Stevo Pendarovski with 42.8 per cent of the vote and Gordana Siljanovska Davkova with 42.2 per cent. On 25 April, the SEC announced that these two candidates would proceed to the second round, to be held on 5 May. The third candidate, Blerim Reka, received 10.6 per cent of the vote. The first round turnout was 41.8 per cent. All candidates expressed overall confidence in the first round process.

While registered as non-partisan, both candidates were supported by political parties prior to registration and used party symbols for identification on the ballot in both rounds. Mr. Pendarovski was endorsed by the political bloc led by the ruling Social Democratic Union of Macedonia (SDSM), as well as by the mainly ethnic-Albanian parties Democratic Union for Integration (DUI), Democratic Party of Albanians, and AlternAtivA. Ms. Siljanovska Davkova was endorsed by the opposition bloc led by the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE).

**Electoral System and Legal Framework**

The second round is held between the two candidates who received the highest number of votes. The candidate who receives more votes in the second round is elected, provided that there is a turnout of at least 40 per cent of registered voters. Otherwise, the entire election process is repeated, and the speaker of the parliament serves as an interim president. The law does not specify when repeat elections should be held. As there are no guarantees that a repeat election would enjoy higher voter turnout, this second round turnout requirement creates the potential for cycles of failed elections.

Overall, the legal framework is conducive to the conduct of democratic elections. However, the Electoral Code does not regulate all aspects for holding a second round and regulatory gaps evident in the first round remained. While most provisions of the Code apply to both rounds, the law is silent on such issues as the accreditation of observers and candidate representatives, and the allocation of billboard and poster space between the run-off candidates. The law also lacks clarity on second round reporting requirements for campaign finance. The SEC did not address these issues through regulations. As in the first round, regulatory gaps undermined legal certainty.

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1. The [2011 ODIHR and Venice Commission Joint Opinion on the Electoral Code](https://www.osce.org/odihr/53891) recommended that the threshold requirement in the second round be removed. See also [prior ODIHR observation reports in North Macedonia](https://www.osce.org/odihr/59943).
2. Minor changes to the Electoral Code were introduced by the parliament on 27 March to address gaps related to the allocation of billboard space and media advertising. Following the president’s refusal to sign these amendments, the parliament overruled his veto on 24 April; however, they did not enter into force before election day.
Election Administration

The SEC carried out all preparations for the run-off in a professional and timely manner and continued to perform all duties collegially. After the first round, the SEC held two public sessions, dedicated to resolving election day-related complaints and accreditation of observers. According to the SEC, technical failures in key information and communication systems, which posed a challenge in the first round, did not impact preparations for the second round.3 The overall election administration continued to enjoy public confidence in advance of the second round.

The composition of lower-level election bodies remained largely unchanged, with the exception of a few resignations, as well as dismissals from 13 of the 3,396 EBs by the SEC due to procedural shortcomings during the first round (see Complaints and Appeals). Women remained well-represented in the election administration (some two-thirds of members), though represented only one-third of MEC presidents.

The MECs welcomed the SEC training for EBs prior to the first round as helping to reduce procedural irregularities on election day. To avoid errors in the results and tabulation protocols in the second round, the SEC decided to pre-fill some fixed data. No standardized training for MECs or EBs took place between the two rounds, nor was training provided to all newly selected EB members. In some MECs, refresher training sessions for all EB members were available upon request.4

The voter education campaign remained relatively low-key prior to the second round, with some Macedonian and Albanian language videos aired by public TV channels and one private channel, as well as on the SEC’s social media platforms.5 The SEC attributed the significant number of invalid ballots in the first round to the intentional spoiling of ballots by citizens, reflecting their political stance, rather than a lack of understanding on how to mark the ballot.6 Notwithstanding, the law is ambiguous on the determination of invalid ballots.

Voter Registration

The voter register is not updated between the two rounds to reflect changes in civil registration data. Citizens who were excluded from the voter register due to expired identification documents were disenfranchised, at odds with international obligations, as were those who reached 18 years of age in the interim period.7 Voters who were registered for out-of-country or homebound voting for the first round were automatically included in these voter lists for the second round, with additional applications for homebound voting accepted until 27 April.

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3 The SEC informed the IEOM that an audit into ICT malfunctions will be conducted following the election.
4 For example, in the Strumica MEC, while the Shuto Orizari MEC organized a short meeting with all EBs to clarify the procedures on packing of the election material.
5 On the SEC’s social media platforms, educational videos from the first round continued to be available in the Macedonian and Albanian languages as well as with subtitles in Turkish, Romani, Serbian, and Vlach languages; all videos included Macedonian sign language interpretation.
6 In the first round, 4.3 per cent of ballots cast were deemed invalid. The highest rates were recorded in Chucher-Sandevo, Makedonska Kamenica, and Delchevo, where they reached respectively 7.7, 6.5, and 6.2 per cent.
7 According to the Ministry of Internal Affairs, 44,392 citizens renewed identification documents since the call of the election and 1,145 citizens turned 18 between 22 April and 5 May. Paragraph 7.3 of the 1990 OSCE Copenhagen Document commits participating States to “guarantee universal and equal suffrage to adult citizens”. Paragraph 11 of the 1996 UN Human Rights Committee General Comment 25 requires states to take “effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed”.

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Campaign

Campaigning for the second round recommenced on the day following the first round, but was slow to pick up in most regions of the country. As in the first round, the campaign took place in a calm and peaceful environment, in which election participants campaigned freely and without hindrance, with fundamental freedoms of assembly and expression respected. The short campaign period coincided with the Orthodox Easter and Labour Day holidays and was more subdued than in the first round. Both candidates avoided large campaign rallies in favour of smaller-scale events. Campaigning took place primarily in the media, including paid advertisements and candidate debates. Positively, a campaign event was organized by the Roma community which featured both presidential candidates and promoted the participation of Roma voters.

The candidates and their supporting parties targeted activities and messages at specific groups in order to increase their tally of votes from the first round. Issues related to the Prespa Agreement, NATO and EU integration, and rule of law continued to feature in the campaign discourse. Both sides employed increasingly negative campaign messages. For example, Mr. Pendarovski’s campaign warned that electing his opponent would risk returning the country to what it portrayed as “the dark years” of the previous VMRO-DPMNE-led government, while Ms. Siljanovska Davkova’s campaign pointed to alleged corruption and nepotism in the current SDSM-led government. Despite the negative tone of the campaign, the IEOM did not observe instances of inflammatory rhetoric in the campaign discourse.

Both candidates appealed to ethnic-Albanian voters, among whom the turnout had been notably low in the first round. Mr. Pendarovski continued to stress the importance of inter-ethnic cohesion. Unlike in the first round, Ms. Siljanovska Davkova’s campaign produced advertisements in the Albanian language. The campaign environment among ethnic-Albanians was affected by legal moves to remove the head of the Islamic Religious Community, which were criticised by prominent ethnic-Albanian figures as unwarranted interference. The DUI’s campaign activity only picked up in the final days of the campaign. Mr. Reka encouraged supporters to vote “in order to save the Euro-Atlantic process”, as did leaders of the Islamic Religious Community. The Alliance for Albanians and BESA parties, which had endorsed Mr. Reka in the first round, did not endorse either remaining candidate.

For the most part, state officials appeared to maintain a clear distinction between their official duties and political activities and to refrain from the abuse of state resources for campaigning. The IEOM received several allegations of pressure on public sector employees, notably in the south-west of the country, as well as allegations of vote-buying involving the provision of free firewood. These allegations could not be substantiated by the IEOM. An online tool created by the Ministry of Information Society and Administration to allow public sector employees to anonymously report instances of pressure remained available but, as in the first round, no reports were filed.

Campaign Finance

The Electoral Code establishes a campaign expenditure limit but does not clearly state whether it applies to one or both rounds. The SEC and the State Audit Office (SAO) informed the IEOM that the expenditure limit of MKD 110 per registered voter (amounting to some MKD 198 million or some

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8 On 17 April, a basic court in Skopje confirmed the resignation and replacement of the Reis ul Ulema, Sulejman Rexhepi. Mr. Rexhepi denied that he had resigned, and claimed the procedure had been falsified.
9 Most IEOM interlocutors interpreted this statement as an indirect endorsement of Mr. Pendarovski.
10 The IEOM received one report of a state official participating in a campaign event during working hours in Skopje.
EUR 3.2 million) applied for both rounds cumulatively. The largest spending in this election was on media advertising, which will be reimbursed from the state budget.

Candidates and the relevant institutions had different understandings of the reporting requirements for campaign financing. While two candidates submitted two interim reports prior to the first round election day as required by law, Ms. Siljanovska Davkova submitted only one. Further, the candidates used different reporting templates. The lack of clarity and enforcement of reporting requirements detracted from the transparency of campaign financing and the effectiveness of oversight, at odds with international standards.

Prior to the second round election day, both contestants submitted interim reports to the SEC, SAO and State Commission for the Prevention of Corruption (SCPC). These reports were not published on their websites prior to the election day. Interim finance reports are not subject to any scrutiny, which hinders early detection of irregularities.

**Media**

The legal framework for media in the second round campaign remained unchanged. Regulations on the campaign coverage of political parties were applied to presidential candidates based on the political agreement brokered between the government and parliamentary parties during the first round. The public broadcaster was obliged to air free political promotion, whereas private media, including Internet portals, were entitled to offer paid advertisements.

Each of the 182 private outlets that opted to offer paid advertisements in the first round were entitled to continue in the second round. The SEC is obliged to reimburse the costs of the advertisements based on invoices submitted by the media, and, in the case of broadcast media, based on reports of the Agency for Audio and Audiovisual Media Services (AVMS). The SEC processed reimbursements throughout the campaign period, but the amounts of state funds paid to broadcasters were not published before the second round election day.

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11 EUR 1 equals approximately 61 Denars (MKD). Pursuant to a cross-party agreement in the first round, both contestants reportedly agreed not to exceed a total of EUR 1.4 million each in expenditures.

12 The reported income of Mr. Pendarovski in the first round was some MKD 18 million, and he spent some MKD 17 million, with some additional MKD 26 million spent on media advertisements. Mr. Reka reported some MKD 1.1 million in income, and some MKD 1.6 million in expenditures, with some additional MKD 17 million spent on media advertisements. Ms. Siljanovska Davkova did not provide a second report prior to the first round election day, but her first report on 11 April disclosed income of some MKD 12 million and some MKD 2.2 million in expenditures, with an additional MKD 29 million on media advertisements.

13 The Electoral Code (Article 84-b) requires submission of the second interim report for the second half of the campaign one day after the end of the campaign.

14 Mr. Pendarovski used the required new reporting template that included a detailed breakdown of expenditures in both rounds. Ms. Siljanovska Davkova used an outdated and less detailed template, and Mr. Reka initially used the same outdated template but submitted his second report in the required new template.

15 Article 7(3) of the 2003 UN Convention Against Corruption requires states to “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and where applicable, the funding of political parties”. See also paragraphs 212 and 220 of the 2011 ODIHR and Venice Commission Guidelines on Political Party Regulation.

16 According to this agreement, the candidates backed by the two largest political parties would be entitled to an equal amount of public funds for their paid advertisements in the media.

17 According to the public broadcaster, there were no requests for political promotion from the contestants and, unlike in the first round, it did not organise individual interviews with candidates.

18 The AVMS monitors paid political advertisements in 27 private broadcasters and submits reports to the SEC on the 10th day of the election campaign and on the 7th day after the end of campaign.

19 The SEC is obliged to pay for these expenses twice: on the 12th day of the election campaign and not later than 10 days after the end of campaign.
The AVMS monitored media compliance with the requirements for fair, balanced and unbiased coverage and, on 25 April, issued its fourth monitoring report, which covered the second half of the first round campaign. As required by law, the AVMS provided daily information to the SEC, but a comprehensive monitoring report on the second round coverage will be issued only afterwards.

The ODIHR EOM media monitoring in the second round found that, overall, most of the monitored media presented diverse information on the candidates and the supporting political parties. Various political programmes, paid advertisements, and three televised candidate debates contributed to the ability of voters to make an informed choice.

After the first round, reduced media coverage reflected the decrease in campaign activity by candidates. Notwithstanding, a majority of monitored channels covered contestants and their supporting parties in an equitable manner, with comparable airtime and a balanced tone. The public channels MRT1 and MRT2 dedicated 28 and 18 per cent of political coverage to Ms. Siljanovska Davkova, respectively, and 19 and 14 per cent to Mr. Pendarovski, both of which comprised mostly neutral information. However, the private channel Alfa, while presenting balanced coverage of candidates, showed negative coverage of the SDSM and the prime minister. Online portal kurir.mk again presented preferential treatment of Ms. Siljanovska Davkova and VMRO-DPMNE, while the coverage of Mr. Pendarovski and the SDSM was mostly negative. In monitored private channels, coverage of government activities generally decreased in comparison with the first round, but coverage of the prime minister was higher (between 8 and 15 per cent), and was mostly neutral in tone.

Complaints and Appeals

Complaints regarding irregularities in voting, counting and tabulation are submitted by electoral contestants to the SEC, whose decisions may be appealed to the Administrative Court. The SEC received 14 such complaints related to the first round election day, all lodged by Ms. Siljanovska Davkova’s representatives. The Electoral Code requires the SEC to annul polling station results in case of procedural irregularities, including extra ballots in the box or the suspension of voting for more than three hours. Based on the review of these complaints, voting results were annulled in seven polling stations. Voting results of one additional polling station were annulled by the SEC at its own initiative due to inconsistencies in the results protocols. Seven complaints were rejected as unsubstantiated. While some complaints did not meet the formal requirements for submission, positively, the SEC still considered the merits of such cases. In three cases the SEC examined election materials, and in two cases conducted a recount of ballots. Additionally, the SEC received and upheld five complaints from homebound voters who had not been allowed to vote in the first round. The SEC decided all cases in open session and published the decisions online, contributing to transparency.

The SCPC, mandated to react to potential abuses of state resources, received six complaints before the second round of voting, in which VMRO-DPMNE alleged unlawful budget spending and misuse of

20 The AVMS identified one violation of election-related requirements and initiated a misdemeanor against 1TV.
21 The monitoring was conducted daily from 18:00 until 24:00 of public MRT1 and MRT2 (Macedonian and Albanian languages, respectively) and private Alfa (Macedonian language), Alsat-M (bi-lingual), Kanal 5, Sitel, Telma, 24 Vesti (Macedonian language). Politics-related articles of the private papers Koha (Albanian language), Nezavisen Vesnik, Nova Makedonia and Sloboden Pechat (Macedonian language), as well as of online media www.kurir.mk (Macedonian language), www.lajmpress.org (Albanian language), www.plusinfo.mk and www.sdk.mk (Macedonian language) were also monitored.
22 On 3 May, the newspaper Nova Makedoniija published mutual questions and answers between the candidates.
23 Media devoted significant attention to events other than the presidential contest, including a leadership dispute within the Islamic Religious Community, and a Western Balkan intergovernmental summit in Berlin.
24 These alleged giving voters extra ballots or ballots with the ballot stub, people not on the voter list allowed to vote, incorrect determination of invalid ballots and ballot box stuffing.
25 While acknowledging the low scale of these violations, the SEC also annulled results where a small number of extra ballots were found. The legal framework does not regulate recount procedures.
Citizen and International Observers

The Electoral Code provides for citizen and international observation at all stages of the electoral process but does not explicitly regulate accreditation for the second round. In an inclusive manner, the extended period for accreditation introduced by the SEC before the first election day was prolonged without any new deadline set, and the accreditations issued for the first round were deemed valid for the run-off. In total, 3,381 citizen observers and 520 international observers, as well as a large number of candidate representatives, were registered to observe the second round. Several organizations of persons with disabilities, such as Inkluziva, also observed the election.

Election Day

Election day proceeded smoothly and was well-administered. Candidate representatives or citizen observers were present in most polling stations observed, ensuring a high degree of transparency. Election officials were welcoming and co-operative. Women were well-represented in the various election bodies, accounting for around two-thirds of all members and two-thirds of presidents.

Early voting was held the day before election day for homebound persons as well as voters in certain hospitals and penitentiary institutions. In all 13 observations of the IEOM, the process was orderly and procedures were largely followed. In one observation, concerns over secrecy were expressed because envelopes with the ballots were not properly sealed. Some voters were unable to vote because they were not on the lists or did not have the required identification documents.

The opening was assessed positively in all 64 polling stations observed. Procedures were known to EBs and largely followed, although in 10 instances the EBs did not fill in protocols before the start of voting. Most polling stations opened on time or with a short delay. In one observation, the opening was delayed by over one hour due to the replacement of incorrectly printed voter lists.

Voting was well-organized and the process was assessed positively in 99 per cent of IEOM observations. Key procedures were followed throughout the day, including the checking for and marking of voters fingers with ink, checking IDs, and signing of voter lists. A few negative assessments were related to inadequate voting premises, which sometimes compromised secrecy of the vote. As in the first round, instances of family voting were observed (3 per cent of observations), which mostly impacted women. The voting process was generally transparent, although in a few instances IEOM observers were not allowed to view voter lists. During the day, several credible allegations of vote-buying were made to the IEOM, which also observed two indications of vote-buying in Shtip and Strumica.

Although the SEC took measures to increase the number of barrier-free polling stations in advance of this election, 59 per cent of observed polling stations did not allow for independent access of voters with physical disabilities. A Braille ballot frame for voters with visual impairment was available in all but nine observed polling stations, although IEOM interlocutors reported that these devices were rarely used.

Counting was observed in 71 polling stations. While it was carried out efficiently, observers noted that the conduct was hasty and in most cases the EBs did not perform the required procedures before
opening the ballot box, including counting signatures on the voter lists (20 cases), determining the number of used ballots (20 cases), and rendering the remaining ballots unusable (14 cases). Procedures for the count itself were well-followed, with ballots counted accurately and consistent determination of invalid ballots. Transparency of the count was enhanced by the presence of candidate representatives (59 cases) and citizen observers (16 cases) but the EBs did not post copies of the results protocol at the polling stations in 29 cases. As in the first round, a significant number of polling stations with fewer than 10 registered voters compromised the secrecy of the vote during the count, as it could be possible to connect results to individual voters. 

Tabulation was assessed positively at all of the 61 MECs observed. While observers noted good organization of the process, the premises were assessed as insufficient in four instances. Discrepancies in the results protocols were primarily resolved by MECs re-examining the election materials, however, in a few cases EBs were called back to conduct re-counts themselves, highlighting a lack of uniform guidance on this stage of the process.

The SEC released information on voter turnout throughout the day and published full preliminary results before midnight, disaggregated by polling station. The SEC announced a final voter turnout of 46.7 per cent. Accusations of irregularities were aired during the day by VMRO-DPMNE, which also alleged that voters were being unduly influenced by the ruling parties. The Minister of Interior reported isolated irregularities. The SEC received eight complaints from citizens who were not included in the voter lists. On election night, while the two candidates accepted the election result, the leader of VMRO-DPMNE repeated his earlier assertion that Ms. Siljanovska Davkova could lose only as a result of electoral malfeasance.

26 Although the SEC reassigned these voters to larger polling stations, their ballots were cast in a separate ballot box and counted separately.
MISSION INFORMATION & ACKNOWLEDGEMENTS

Skopje, 6 May 2019 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of Council of Europe (PACE). The assessment was made to determine whether the election complied with OSCE commitments, Council of Europe’s and other international obligations and standards, and with national legislation.

Ms. Sereine Mauborgne was selected by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission, and headed the OSCE PA delegation. Ms. Marie-Christine Dalloz headed the PACE delegation. Ms. Corien Jonker is the Head of the ODIHR EOM, deployed from 11 March.

Each of the institutions involved in this International Election Observation Mission have 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 election process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some two months after the completion of the electoral process. The OSCE PA will present its report in July in Luxembourg. PACE will present its report at its Standing Committee meeting on 24 May in Paris.

For the second round, the ODIHR EOM included 11 experts in the capital and 16 long-term observers deployed throughout the country. On election day, 172 observers from 32 countries were deployed, including 156 long-term and short-term observers deployed by ODIHR, as well as a 11-member delegation from the OSCE PA and a 5-member delegation from the PACE. Opening was observed in 64 and voting was observed in 688 polling stations across the country. Counting was observed in 71 polling stations, and the tabulation in 61 MECs. Early voting was observed in 13 special polling stations on the day prior to election day.

The IEOM wishes to thank the authorities for their invitation to observe the election, and the State Election Commission for its assistance. The IEOM also expresses its appreciation to other institutions, political parties, media and civil society organizations, and the international community representatives for their co-operation.

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The English version of this report is the only official document.

Unofficial translations are available in the Macedonian and Albanian languages.