INTERNATIONAL ELECTION OBSERVATION MISSION
North Macedonia, Presidential Election, 21 April 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

In the first round of the presidential election, voters were able to make an informed choice between competing political visions, with fundamental freedoms of assembly and expression respected in the campaign. Despite some technical challenges, the election was overall well-administered. Regulatory gaps were partially addressed through cross-party political agreements, but there remains a need to finalize a previously initiated reform of electoral legislation. Election day was peaceful, orderly and transparent, and assessed positively overall by IEOM observers.

The legal framework is generally conducive to holding democratic elections. However, certain provisions of the Electoral Code do not reflect the specific requirements of a presidential contest. Regulatory gaps undermined legal certainty and created confusion among stakeholders. In the absence of explicit campaign rules for presidential candidates, elements of the campaign were conducted on the basis of cross-party agreements that did not provide equal opportunities to all contestants. Many prior ODIHR and Council of Europe recommendations regarding the legal framework remain unaddressed, including those related to campaign finance and electoral complaints and appeals.

The election administration fulfilled their key functions, operated impartially, and enjoyed the confidence of most stakeholders. The SEC, however, was late with some preparations, such as issuance of instructions, printing of training manuals, and formation of lower-level commissions. The transparency and efficiency of the SEC was, at times, hindered by technical malfunctions of its information and communication systems, which also raised questions about ICT security. The SEC carried out voter education in broadcast and social media, in multiple languages and sometimes with sign language interpretation, but the visibility of this campaign was limited.

The voter register is maintained by the SEC and includes citizens who are registered residents and possess valid identification documents. The automatic exclusion of voters based on expired identification documents presents an unreasonable barrier to exercising the right to vote, impacting some 11,000 citizens. While stakeholders noted improvements in the accuracy of the voter register, discrepancies between the various state databases and diverse data formats continue to pose a challenge, requiring further attention.

Three candidates were registered to compete in this election, one woman and two men, one of whom is ethnic-Albanian. All three candidates were registered by the SEC in an inclusive process. While registered as non-partisan, each of the three candidates was supported by political parties prior to registration, and used party symbols for identification on the ballot.

The campaign took place in a calm and peaceful environment. Fundamental freedoms of assembly and expression were respected, and the election participants were able to campaign freely and without hindrance. Party leaders featured prominently at campaign events, despite candidates not being formally affiliated with political parties. In general, state officials appeared to be careful to maintain a clear distinction between their official and political activities, and to avoid using state resources in the campaign. Notably in this election, the ruling party and several ethnic-Albanian parties jointly

supported a presidential candidate. Two candidates frequently raised issues related to women's participation and gender equality.

Campaigns were funded by donations from individuals and legal entities and some candidates received financial support from political parties. Political advertisements in the broadcast media will be reimbursed with state funds. The State Audit Office is the primary supervisory body, but its oversight is limited to auditing the information submitted by electoral contestants and it does not have the capacity to investigate whether that information is accurate or complete. There was no uniform reporting of candidate expenditure, no explicit regulation of third-party campaigning and no requirement for reporting expenses incurred by political parties supporting candidates. Altogether, this diminished the transparency of campaign finance and the effectiveness of oversight.

The ODIHR EOM media monitoring found that the public broadcaster provided impartial coverage and, overall, the media presented diverse information on the candidates and the supporting political parties via various programmes and televised debates with all candidates. This provided voters with an opportunity to make an informed choice. The media regulator fulfilled its legal obligations and conducted monitoring of media coverage of the campaign.

The legal framework does not fully provide for effective legal redress, contrary to OSCE commitments and Council of Europe standards. Restrictions on the right to file complaints and appeals in the electoral process leave potential irregularities without effective remedy. SEC decisions on the few complaints filed in the pre-election period were considered within legal deadlines but lacked adequate reasoning. The State Commission for the Prevention of Corruption received 13 complaints alleging abuse of state resources during the campaign, most of which were found to be unsubstantiated.

Election day was calm and orderly. The voting process was smooth and procedures were generally followed. Counting and tabulation were assessed positively overall. The SEC started to publish preliminary results on its website less than an hour after the closure of polls, disaggregated by municipality and by polling station, which provided transparency. There was a relatively high number of invalid ballots.

PRELIMINARY FINDINGS

Background

On 8 February 2019, the speaker of parliament called a presidential election for 21 April. The current president, Gjorge Ivanov, was first elected in 2009, endorsed by the then-ruling party, the Internal Macedonian Revolutionary Organization – Democratic Party of Macedonian National Unity (VMRO-DPMNE), and re-elected for a second and final term in April 2014. A protracted political crisis in the following years led to early parliamentary elections in December 2016, which eventually resulted in a new government led by the Social Democratic Union of Macedonia (SDSM) in coalition with the predominantly ethnic-Albanian party, the Democratic Union for Integration (DUI), which had previously been in coalition with VMRO-DPMNE.[1]

[1] In the ruling coalition, the SDSM-led bloc holds 49 seats, the DUI – 10, AlternAtivA – 3, the Democratic Party of Albanians – 2, and the National Democratic Revival – 1. The opposition VMRO-DPMNE-led bloc holds 43 seats, the Alliance for Albanians – 2, and BESA – 2. Another 8 deputies were expelled from the VMRO-DPMNE-led bloc following the first parliamentary vote on the constitutional changes in 2018. Forty-five members of parliament are women, and 23 identify as ethnic-Albanian.

Parties have traditionally competed for votes mainly within their respective ethnic communities, while governing coalitions have been formed across the ethnic divide, including ethnic-Albanian parties. However, in the 2017 municipal elections, the SDSM and DUI supported each other's candidates in several races, and the SDSM has made efforts to appeal to ethnic-Albanian voters. In this election, two candidates, Stevo Pendarovski and Gordana Siljanovska Davkova, were endorsed by the political blocs led respectively by the SDSM and VMRO-DPMNE.[2] The third candidate, Blerim Reka, is endorsed by two ethnic-Albanian parties in opposition, the Alliance of Albanians (AA) and BESA.[3]

The election takes place in the context of important developments for the country's ambitions for accession to the North Atlantic Treaty Organization (NATO) and the European Union (EU). Following a bilateral agreement with Greece ("Prespa Agreement") in June 2018, and a national consultative referendum in September, the parliament enacted constitutional amendments on 11 January to change the country's constitutional name in accordance with the agreement. On 6 February, NATO member states signed a protocol on North Macedonia's accession. In the pre-election period, the Prime Minister publicly highlighted the importance of the conduct of the election in advancing the country's progress towards EU accession and NATO membership.

Electoral System and Legal Framework

The president is directly elected by popular vote under a majoritarian system for a term of five years, with a maximum of two terms. To be elected in the first round, a candidate must receive the votes of a majority of all registered voters. Otherwise, a second round is held within two weeks 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.[4] The turnout requirement in the second round could lead to cycles of failed elections and was previously criticized by ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission).[5]

The presidential election is primarily regulated by the 1991 Constitution and the 2006 Electoral Code.[6] Recent amendments to the Electoral Code in 2018 and 2019 changed the composition of the State Election Commission (SEC), extended its mandate, and provided for reimbursement of paid political advertisements from the state budget. However, most prior ODIHR and Council of Europe recommendations remain unaddressed in the legal framework, including those related to campaign finance, abuse of state resources, and complaints and appeals.[7] A majority of IEOM interlocutors, including the SEC, underlined the need for a comprehensive reform of electoral legislation.[8]

Overall, the legal framework is conducive to the conduct of democratic elections, however, certain provisions of the Electoral Code do not reflect the specific requirements of a presidential contest. For example, rules on the allocation of media advertising and commercial billboard space refer only to political parties of the ruling or opposing parliamentary alliances and do not mention presidential

---

2 Mr. Pendarovski previously stood for president in 2014, also endorsed by SDSM.
3 *Besa* means "pledge" in Albanian.
4 The law does not specify when repeat elections should be held.
5 See the 2011 and 2013 ODIHR and Venice Commission Joint Opinions of the Electoral Code.
6 The legal framework also includes the 2004 Law on Political Parties, the 2004 Law on Financing Political Parties, the 1996 Criminal Code, the 2013 Law on Media, and the 2013 Law on Audio and Audiovisual Media Services, as well as SEC instructions.
7 The legal changes were approved by the parliament through a fast-track procedure without, according to IEOM interlocutors, meaningful consultation with stakeholders. Paragraph 5.8 of the 1990 OSCE Copenhagen Document commits participating States to adopt legislation "at the end of a public procedure".
8 In line with prior ODIHR and Venice Commission recommendations, the government, in consultation with civil society and political parties, undertook steps to reform the electoral law, but these reforms are pending and require further public consultation.

candidates. These regulatory gaps undermined legal certainty and created confusion among stakeholders.[9] In the absence of explicit regulations, such issues were determined by cross-party political agreements, which extrapolated the Electoral Code's rules for political parties to presidential candidates but did not provide equal opportunities to all contestants.[10] No candidates raised concerns to the ODIHR EOM about this arrangement.

Election Administration

The election was administered by a three-level administration, comprising the State Election Commission (SEC), 80 Municipal Election Commissions (MECs), and 3,396 Electoral Boards (EBs). Out-of-country voting was conducted in 32 diplomatic and consular offices in 24 countries.[11] Early voting was administered for certain categories of voters on 20 April.[12] Most ODIHR EOM interlocutors expressed confidence in the overall professionalism and impartiality of the election administration.

The SEC is composed of seven members (including three women) nominated by parliamentary political parties.[13] During the pre-electoral period, the commission held regular public sessions, but did not regularly announce sessions in advance.[14] Draft decisions were discussed by the SEC in closed preliminary meetings, limiting public sessions to formal voting, which detracted from transparency. The confidence of some stakeholders in the SEC was diminished by its perceived inaction with respect to alleged violations in the 2018 consultative referendum.

In general, the SEC operated collegially and complied with most legal deadlines. However, several preparations were late, such as the printing of training manuals for lower-level commissions and the tenders for the production and printing of ballots and voter lists. Since 22 March, the Commission's key information and communication systems have not functioned properly, which affected the timely accessibility of information, the publication of session minutes, instructions and decisions, the online verification of voters' data in the voter register, and the online register of complaints. This raised questions related to the ICT security of the SEC.[15] In line with its mandate to provide uniform implementation of the law, the SEC issued regulations, although sometimes relatively late in the electoral process.[16]

The MECs, appointed in 2016, comprise five members and their deputies, randomly selected by the SEC from among employees of the state and municipal administration for a term of five years. The

---

9 In an attempt to address some of the gaps in the law, minor last-minute changes to the Electoral Code were introduced by the parliament on 27 March, however, they did not enter into force for this election.

10 For example, the candidate backed by the ruling parties was allocated 40 per cent of the overall commercial billboard space, with another 40 per cent divided between two candidates backed by opposition parties, and the remaining 20 per cent distributed among the three candidates upon their agreement.

11 For out-of-country voting, the SEC registered 1,781 voters out of 1,826 applications received.

12 Homebound voters, internally displaced persons, voters in penitentiary institutions, as well as in one retirement home and one special hospital in Skopje. Early voting was also available on 17 April at the SEC for EB members who administered voting abroad.

13 Four members were nominated by the ruling parties, including the vice president, and three by the opposition parties, including the president. Initially set for six months to administer the 2018 referendum, the mandate of the current SEC was extended in November 2018 for up to two years.

14 Sessions were conducted in the Macedonian language, though in exceptional cases key decisions were also announced in Albanian. Sign language interpretation was available at some sessions.

15 According to the SEC, systems affected by the ransomware GEFEST 3.0 included the file and email servers, which also impacted the accessibility of the voter register and the database of public employees used to appoint the EBs. Separately, the SEC website was inaccessible between 9 and 11 April.

16 Such instructions included those on filling the results and tabulation protocols and on aggregation of the preliminary results using the mobile application Viber.

ODIHR EOM visited all 80 MECs before election day. Overall, the MECs performed their work on schedule with adequate equipment and resources.[17]

The EBs are composed of three members randomly selected by MECs from among civil servants for a four-year term, as well as two temporary members nominated by the parliamentary parties for each election. The current non-partisan EB members were appointed in 2017. Most MECs finalised the formation of EBs on schedule, though the inaccessibility of the database of potential EB members delayed the process of EB formation in some cases.[18]

The legal requirements for gender and ethnic representation in the election administration were largely respected.[19] In case of a shortfall in suitable appointees in the public administration, especially among women from minority communities, the SEC and MEC needed to select members from other municipalities.[20] Representatives of the country's smaller ethnic communities, including Roma, opined to the ODIHR EOM that they are under-represented in electoral bodies, as in other state bodies. Women were well-represented in the election administration. Of the EBs observed, some two thirds of members and presidents were women, but only one third of MEC presidents were women.

The MECs conducted training for all EB members, with EB presidents and their deputies receiving additional training by certified SEC trainers. While these training sessions were interactive and mostly well-organized, the training provided by the MECs relied mainly on a video covering the election day procedures. The SEC developed training materials in five languages and included minority-language speakers among the trainers, however, the training manuals were not provided to most EB members until the day prior to the election. The ODIHR EOM observed that minority languages were not consistently used in mixed-language training groups.

Positively, the SEC placed voter education videos on its social media platforms in the Macedonian and Albanian languages, supported by sign language interpretation, and sometimes with subtitles in the Romani, Serbian, Turkish or Vlach languages. Voter education was also carried out in the broadcast media and included information on voters' rights, voting procedures, and electoral offences.[21] Despite these efforts, the visibility of voter education was limited.[22]

On 8 April, the SEC decided to reassign 82 polling stations with fewer than 10 registered voters to nearby polling stations, but with separate ballot boxes.[23] The expected small number of votes in these ballot boxes gave rise to concerns that the secrecy of the vote would not be preserved.[24]

---

17 However, 13 MECs informed the ODIHR EOM of insufficient funding, adequate premises or ICT equipment.

18 Some two weeks before election day, 90 EBs under the administration of 8 MECs were not completed. The deadline for formation of EBs was 1 March, and for MECs was 21 February.

19 According to the Electoral Code, each gender should 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 on an adequate and equitable basis. Out of 80 MECs, five did not comply with the requirement for gender representation, one with the ethnic balance.

20 For example, the MEC in Studenichani reported that members needed to be recruited from the neighbouring municipality due to limited numbers of ethnic-Macedonians in public administration.

21 The media campaign was supplemented by a tour of an information minivan around the country. The SEC also established a free hotline for voters' inquiries, which included video assistance in sign language.

22 Videos with subtitles in minority languages were published late in the campaign, and those on social media had low viewership. The SEC informed the IEOM that the scope of voter education was limited by budget constraints.

23 According to the law, a polling station should not be established with fewer than 10 registered voters.

24 See paragraph 7.4 of the 1990 OSCE Copenhagen Document. See also Article 25 of the ICCPR.

Voter Registration

All citizens aged at least 18 years as of election day are eligible to vote. Contrary to international standards, persons with mental disabilities who are deprived of their legal capacity by a court decision are disenfranchised.[25]

Citizens are included in the voter register if they are registered residents and possess a valid identification card or a passport. Voters whose identification documents expired prior to election day were automatically excluded from the voter lists, unless they renewed their document and notified the SEC regional office of the change before 14 March. Since 1 March, voters could renew or replace IDs in an expedited procedure. Still, automatic exclusion of voters based on the validity of their documents presented a barrier to exercising the right to vote, which is at odds with international standards.[26] According to the SEC, this provision affected some 11,000 voters.

The registration system for in-country voting is passive and continuous, based on information extracted from the civil and other national registries.[27] While the SEC is responsible for maintaining and updating the voter register, it does not have the capacity to administer the organisational, technical and methodological processing of data, which is performed by the State Statistical Office. Discrepancies between the various state registries and their diverse data formats hinder the maintenance of the voter register and structural deficiencies identified in previous ODIHR reports remain unaddressed.[28] Many ODIHR EOM interlocutors pointed out improvements in the accuracy of the voter register but continued to express concerns about the inclusion of deceased voters and inconsistencies in address data. While a census is not linked to voter registration, the lack of a recent census contributed to stakeholder speculations about the accuracy of the voter register. It was also noted that the significant number of citizens who reside abroad but remain registered residents of the country, and choose not to participate, may impact the threshold requirement.

Between 23 February and 14 March, voter lists were displayed for public scrutiny in the SEC regional offices.[29] According to the SEC, 53,972 voters verified their data at regional offices, including voters who came to sign candidate nomination lists.[30] The SEC provided copies of the voter register to five parliamentary parties after the conclusion of public scrutiny. The final register included 1,808,131 voters.

---

25 See Articles 12 and 29 of the 2006 UN Convention on the Rights of Persons with Disabilities (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".

26 The Constitution (Article 22) states that "Every citizen who has attained the age of 18 years acquires the right to vote". See also paragraph 11 of the UN Human Rights Committee General Comment No. 25: "States must 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".

27 The Ministry of Internal Affairs provides the SEC with information on the citizens who reached voting age, and the issuance of identification documents based on citizenship and residency records. The basic courts inform the SEC about citizens deprived of legal capacity and those placed in pre-trial detention. The Ministry of Justice provides information about deceased persons.

28 The legal provisions regulating the address register, including on updating the records, deleting expired addresses and preventing registration at addresses with insufficient proof, are inconsistent, as are the definitions of temporary and permanent residency of citizens living in-country and abroad. In addition, the rule requiring persons to declare a change of address is not always enforced.

29 The ODIHR EOM was informed that the voter list was not displayed in several offices, including Kumanovo, Gevgelija, Prilep, Strumica, and Shtip.

30 As a result, 517 voters were added to the voter lists, 412 were excluded, and data of 129 voters were corrected.

Candidate Registration

According to the Constitution, a citizen aged at least 40 who has been resident in the country for at least 10 of the last 15 years is eligible to stand for the office of president. The residency requirement runs counter to OSCE commitments and international obligations.[31]

Candidates must be nominated by at least 10,000 voters or 30 members of parliament. As required by law, voter support signatures were collected in front of officials on the premises of 34 regional offices of the SEC, and 45 temporary offices, between 23 February and 9 March. Voters could sign in support of more than one candidate. Of the nine prospective candidates who announced their intention to collect signatures, three succeeded in collecting the required number.[32] Most IEOM interlocutors did not raise concerns about the process of signature collection and candidate registration.

The SEC received and considered the nomination documents within the legal deadline, and candidates were registered on 21 March, one woman and two men, one of whom is ethnic-Albanian. While registered as non-partisan, each of the three candidates was supported by political parties prior to the collection of signatures and registration, and used party symbols for identification on the ballot.

Campaign

The campaign took place in a calm and peaceful environment. Fundamental freedoms of assembly and expression were respected, and the election participants were able to campaign freely and without hindrance. The official campaign period commenced on 1 April, 20 days before the election day, and ended 24 hours prior to election day. Electoral Code provisions are ambiguous regarding early campaigning. While the candidates ceased campaigning after their formal registration until the start of the campaign period, political parties continued their activities, including supporting the presidential candidates they had endorsed.[33]

The candidates campaigned extensively around the country using a variety of traditional means, as well as active use of social media platforms. Each candidate held small-scale events to meet with voters, as well as larger rallies together with party leaders, who featured prominently in the campaign. While the provisions in the Electoral Code regarding the allocation of commercial billboards were unclear (see *Legal Framework*), in practice the placing of outdoor campaign materials did not prove contentious. Local activists carried out door-to-door campaigning and distributed leaflets. Although all candidates were nominally independent, Mr. Pendarovski and Ms. Siljanovska Davkova particularly depended on the organizational support of the parties. The Prespa Agreement and NATO and EU accession featured prominently in the campaign, in addition to issues related to justice and the rule of law. While the candidates generally avoided harsh language, instances of inflammatory rhetoric featured in speeches by party representatives, as well as in traditional and social media.[34] In

---

31 See paragraph 15 of the UN Human Rights Committee General Comment No. 25: "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation". See also Paragraph 7.3 of the 1990 OSCE Copenhagen Document and sections I.1.1.c.iii-v of the 2002 Venice Commission Code of Good Practice in Electoral Matters (Code of Good Practice).

32 According to the SEC, Mr. Reka was supported by 11,128 voter signatures, Ms. Siljanovska Davkova by 15,926, and Mr. Pendarovski by 31,729. The process concluded before the deployment of the ODIHR EOM.

33 A sanction may be imposed on legal entities for campaigning outside the campaign period. The SEC rejected three complaints alleging early campaigning by Ms. Siljanovska Davkova and by Mr. Pendarovski.

34 Including against Mr. Reka in campaign events of mainly ethnic-Albanian parties in the governing coalition, as well as against Mr. Pendarovski in traditional and online content.

the final days of the campaign, public controversy emerged over claims by the opposition that an SDSM mobile application for canvassers was misusing personal data, which the SDSM denied.[35]

The Electoral Code contains provisions that uphold the separation of state and party and prohibit the abuse of state resources.[36] As required by the Electoral Code, the candidates signed a pledge not to exert pressure on public-sector employees. The Ministry of Information Society and Administration introduced an online tool through which public employees could anonymously report any such instances of pressure.[37] While the ODIHR EOM received some allegations that public-sector employees had been pressured to attend or not attend campaign events, no specific allegations were verified. According to several ODIHR EOM interlocutors, the politicization of public-sector appointments creates a widespread perception that employees should support the ruling parties, even in the absence of explicit instructions.

In general, state officials appeared to be careful to maintain a clear distinction between their official duties and political activities by not using state resources or engaging in campaigning during office hours. The State Commission for the Prevention of Corruption (SCPC) is mandated to react to potential abuses of state resources. However, the SCPC lacks sufficient financial and human resources to operate effectively, limiting their ability to monitor the election. The SCPC published a database of vehicles belonging to state institutions and relied on civil society organizations to report whether such vehicles were used for campaigning; only one such report was filed.

The population comprises several ethnic communities.[38] A notable feature of the election campaign was that Mr. Pendarovski's candidature received support not only from SDSM, but also from parties representing ethnic-Albanians, as well as other ethnic groups. In his campaign discourse, Mr. Pendarovski stressed his commitment to a multi-ethnic society and strongly supported the new law on the official use of the Albanian language. Mr. Reka campaigned in both the Albanian and Macedonian languages, though his campaign focused on ethnic-Albanians. Several parties representing smaller ethnic communities actively participated in the campaign, especially in places where their communities are concentrated. Interlocutors from the Roma community informed the ODIHR EOM that while much remains to be done to address the needs of Roma, abuses such as pressure and vote-buying were less prevalent in this election.

Women are under-represented in public life. Only 4 of 26 government ministers are women, and 6 of 81 mayors. In the campaign, women were generally less prominent. Although one candidate was a woman, women featured infrequently as campaign speakers and the attendance of women at campaign events observed by the ODIHR EOM was disproportionately low. In her campaign discourse, Ms. Siljanovska Davkova frequently addressed issues related to gender equality, promising that as president she would work to promote the participation of women in her cabinet and in public life. Mr. Pendarovski also pledged to further gender equality and women's participation in politics.

---

35 No conclusive evidence was produced to the IEOM that personal data was compromised by the application; the Directorate for Personal Data Protection informed the IEOM that it was investigating the claims.

36 Including a moratorium on announcing new publicly-funded projects and a prohibition on the use of state offices, equipment or personnel. Some buildings may not be used for campaign events, including religious buildings, hospitals, schools, retirement homes and other public institutions, unless no other appropriate venue is available.

37 According to the Ministry, four cases were reported as filed using this tool, but did not relate to the election.

38 According to the last census in 2002, 64.2 per cent of the population declared themselves as ethnic Macedonians, 25.2 per cent as ethnic Albanians, 3.8 per cent as ethnic Turks, 2.7 per cent as ethnic Roma, 1.8 per cent as ethnic Serbs, 0.8 per cent as ethnic Bosniacs, 0.5 per cent as ethnic Vlachs, and 1 per cent as other. In the absence of recent census data, the current ethnic composition of the country is debated.

Limited efforts were made in the campaign to address the concerns of persons with disabilities, with candidates occasionally calling for increased measures to improve their integration in society.[39] Positively, sign language interpretation was provided at some larger campaign events.

Campaign Finance

Campaign finance is regulated by the 2006 Electoral Code and the 2004 Law on Financing of Political Parties, and the 2018 Law on Prevention of Corruption and Conflict of Interest. Most prior ODIHR and Council of Europe recommendations remain unaddressed, including those related to scrutiny of interim reports, the deadline for filing final reports, and the scope of their audit.[40]

Parties are eligible for public funding if they received at least one per cent of the vote in the previous parliamentary or local elections. Presidential candidates do not receive direct public funding for the campaign, but following 2018 amendments to the Electoral Code, political advertisements in the media are reimbursed from the state budget. The campaign spending limit was MKD 110 per registered voter (amounting to some MKD 198 million or EUR 3.2 million).[41] Several political parties informed the ODIHR EOM of an informal agreement to further limit expenses on media advertising, initiated by the government to reduce the overall cost to the state budget.

As required by law, all three electoral contestants registered unique tax numbers and opened separate bank accounts, through which all campaign-related financial transactions needed to be conducted. Donations are limited to EUR 3,000 for individuals and EUR 30,000 for legal entities, including in-kind contributions.[42] Following 2018 amendments to the Law on Financing of Political Parties and the Electoral Code, political parties can receive bank loans, which can be transferred to the campaign accounts of candidates. The regulation of such loans and reporting on them does not ensure the requisite transparency.[43] There are no explicit regulations on third-party campaigning and no requirements for accounting of expenses incurred by political parties supporting candidates.[44] Moreover, contestants had varied understandings of the reporting structure and requirements, resulting in no unified reporting style.[45]

The State Audit Office (SAO) is the primary supervisory body for political and campaign financing. Other institutions also have oversight and investigative powers over campaign financing.[46] Two

---

39 No persons with disabilities are currently members of parliament.

40 See the 2014 GRECO Third Evaluation Round Second Compliance Report and the 2016 ODIHR and Venice Commission Joint Opinion on the Electoral Code, as well as Recommendation Rec(2003)4 of the Council of Europe's Committee of Ministers.

41 EUR 1 equals approximately 61 Denars (MKD).

42 The reported amount of income received by contestants was some MKD 45 million; some MKD 31 million to Mr. Pendarovski, some MKD 12 million to Ms. Siljanovska Davkova, and some MKD 1 million to Mr. Reka. Ms. Siljanovska Davkova financed her campaign mostly by donations from individuals, Mr. Reka by donations from legal entities, including political parties BESA and AA, and Mr. Pendarovski by donations from SDSM.

43 The legislation does not detail the maximum amount of loans and the terms of repayment, including interest. Paragraph 171 of the 2011 ODIHR and Venice Commission Guidelines on Political Party Regulation (Guidelines on Political Party Regulation) recommends that "legislation may allow parties and candidates to also take out loans to finance (part of) their campaign or activities. It is important that rules on transparency deal consistently with such resources".

44 Party accounts are audited annually but do not differentiate campaign spending in the presidential election.

45 The Ministry of Finance issued a reporting template that requires a detailed breakdown of expenditures but only Mr. Pendarovksi used it. Mr. Pendarovski declared some MKD 30 million and included funds for paid advertisement, while Ms. Siljanovska Davkova and Mr. Reka excluded paid advertisement and declared some MKD 2.2 million and 1.5 million, respectively.

46 By law, both the SAO and SCPC can initiate cases related to violations. While the Electoral Code (Article 74-a) mandates the SAO to hear complaints related to violations, the SAO stated that it has no jurisdiction or investigatory powers to consider such complaints.

interim reports were submitted to the SEC, SAO and SCPC by each contestant prior to election day.[47] The SAO is required to audit the final reports, to be submitted within four months of the election, but the scope of its audit is limited to the income and expenses reported by the contestants.[48] Overall, regulatory shortcomings and limited powers and resources of the institutions involved diminished the transparency of campaign finance and the effectiveness of oversight.[49]

Media

The media environment is diverse, comprising some 250 media outlets, including some 130 broadcasters (8 of these, including 3 public channels, are TV channels with national terrestrial outreach) and some 100 online portals. Television remains the primary source of political information, with the role of online media and social networks as platforms for public discourse growing. IEOM interlocutors highlighted improvements in media freedom in recent years.[50] At the same time, they noted an oversaturated media environment within a limited advertising market, low salaries, and decreasing interest in the journalistic profession, which overall pose a concern for the quality of reporting and the financial sustainability of media.

Following the cancellation of the license fee in 2017, the public broadcaster is financed exclusively from the state budget. Many IEOM interlocutors remarked that this funding structure may undermine the independence of the broadcaster. In 2018 the government introduced subsidies for newspapers aiming to support this traditional segment, and the law was amended to prohibit advertising of public campaigns through the broadcast media, a practice that was perceived as a mechanism for buying favourable coverage with public funds. A number of prominent private media remain financed by businesses close to political groups.

The legal framework provides detailed regulation of the conduct of the media during the election campaign. However, various provisions refer only to the coverage of political parties and not to presidential candidates. These provisions were applied by the SEC, in accordance with an agreement brokered by the government and parliamentary political parties, in which Mr. Pendarovski and Ms. Siljanovska Davkova would use an equal portion of paid advertisements in the media, while Mr. Reka approximately one-third of their share.[51] The public broadcaster is obliged to air free political promotion, whereas other types of media, including Internet portals, are entitled to offer paid political advertisements.[52] Many IEOM interlocutors criticized the lack of public consultation on the use of

---

47 The first report was published on the respective agency websites in a timely manner, but without further scrutiny. Publication of the second report is pending.

48 Paragraph 200 of the Guidelines on Political Party Regulation recommends that reports on campaign financing be submitted "within a period of no more than 30 days after the elections".

49 Article 7.3 of the 2003 UN Convention Against Corruption provides that states should "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". Paragraph 214 of the Guidelines on Political Party Regulations recommends that "the regulatory authority should be given the power to monitor accounts and conduct audits of financial reports. The process […] should be stated in relevant legislation". See also paragraph 220.

50 However, on 17 April, a media crew of *TV21* were verbally threatened and intimidated in Aracinovo. See also the statement of the OSCE Representative on Freedom of the Media.

51 The Electoral Code (Art. 75-f (1)) defines division of paid political advertisement only among political parties, based on to their status (ruling, opposition, other parliamentary parties, and non-parliamentary parties).

52 All interested private media had to announce their pricelists for paid political advertisements within 5 days from the announcement of the elections, whereas Internet portals were additionally required to register with the SEC within 3 days from the announcement. According to the SEC website, 92 broadcasters, 83 online media portals and 6 newspapers met the deadline. The SEC did not consider those media outlets that missed the deadline for submission of pricelists. However, a basic court requested the SEC to reinstate one such outlet, *1TV*, to its website list, and the channel started to air paid political advertisements.

public funds to reimburse political advertisements; others supported the attempt to guarantee access to media advertising for all contestants.[53]

The Electoral Code stipulates that broadcasters covering the election are obliged to do so in a fair, balanced and unbiased manner in their overall programming. Since 9 February, the Agency for Audio and Audiovisual Media Services (AVMS) monitored media compliance with the campaign requirements and issued three comprehensive monitoring reports. In accordance with the law, it provided information to the SEC on a daily basis.[54] The AVMS identified two violations of the legal requirements and also reminded broadcasters of the prohibition to feature children in contestants' promotional materials.

The ODIHR EOM media monitoring found that the public broadcaster provided impartial coverage and, overall, the media presented diverse information on the candidates and the supporting political parties, within various programmes and five televised debates with all candidates.[55] This provided voters with an opportunity to make an informed choice. Apart from the debate, the public broadcaster aired interviews with two candidates, but decided not to air any other free political presentation.[56]

Most monitored channels covered all three candidates comparably, with prevalently neutral information.[57] Public television *MRT1* dedicated to Mr. Pendarovski some 17 per cent, to Ms. Siljanovska Davkova 15 and to Mr. Reka 13. The leaders of SDSM and VMRO-DPMNE were also regularly featured.[58] In addition, all monitored channels dedicated a significant portion of political coverage to government activities (21-37 per cent), including both positive and negative reporting.

Online and print media provided varying levels of coverage of the campaign, at times lacking balance in tone and coverage. For example, the newspaper *Sloboden Pechat* mostly featured negative or neutral coverage of Ms. Siljanovska Davkova, while the coverage of both Mr. Pendarovski and Mr. Reka was mainly neutral or positive.[59] The online news portal *kurir.mk* covered Ms. Siljanovska Davkova favourably, while the coverage of Mr. Pendarovski was mostly negative and of Mr. Reka neutral. In most monitored media, contestants were presented in a more comparable manner, both in space and tone.

---

53 According to ODIHR EOM interlocutors, a lack of regulation of online portals that officially do not have the status of a media outlet led to some portals aspiring for the public funds without any prior record or with a history of spreading disinformation, leaving their credibility in question. One of the registered portals was listed as a Facebook account, while some others were registered in different languages.

54 The AVMS issued two reports before and one during the election campaign. It conducted 24/7 monitoring, including the tone of 15 TV channels prior to the campaign and 32 channels during the campaign.

55 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 papers *Koha* (Albanian language), *Sloboden Pechat, Nezavisen Vesnik* and *Nova Makedonia* (Macedonian language) and online media www.kurir.mk, www.sdk.mk, www.plusinfo.mk (Macedonian language), www.lajmpress.mk (Albanian language) were also monitored.

56 According to the public broadcaster, there were no such requests from contestants. Ms. Siljanovska Davkova did not participate in an interview with the broadcaster.

57 *Sitel TV* focused mostly on Mr. Pendarovski (20 per cent) and Ms. Siljanovska Davkova (18 per cent), while Mr. Reka received some 6 per cent.

58 VMRO-DPMNE received between 9 (*Alsat-M*) to 19 per cent (*Sitel*) of political coverage, and the SDSM between 1 (*Alsat-M* and *MRT2*) to 6 per cent (*Sitel*). The SDSM leader was given between 6 (*Sitel*) and 10 per cent (*Alfa and Alsat-M*), in his capacity as prime minister.

59 Mr. Pendarovski received 24 per cent of political coverage, Ms. Siljanovska Davkova 23, and Mr. Reka 6.

Complaints and Appeals

The SEC handles most complaints related to elections, while the SAO and SCPC handle complaints related to campaign finance and abuse of state resources, respectively.[60] While the SEC's decisions on complaints and the annulment of results can be appealed to the Administrative Court, other decisions and actions are not subject to judicial review, at odds with OSCE commitments and Council of Europe standards.[61] There is likewise no timely judicial review of SEC regulations.[62] Only contestants may challenge voting irregularities and election results. Voters can only challenge a violation of their right to vote, and citizen observers do not have the right to file complaints related to their observation.[63] The SEC's written responses rejecting inadmissible complaints are not regarded as decisions and cannot be appealed. Overall, the legal framework does not fully provide for effective legal redress, contrary to OSCE commitments and Council of Europe standards.[64]

Few complaints were filed with the SEC in the pre-election period.[65] The SEC considered complaints within legal deadlines, but decisions lacked substantive reasoning. An electronic system for tracking complaints by the SEC, required by the Electoral Code, was not operational in the pre-election period, decreasing the transparency of complaint resolution.

The SCPC received 13 election-related complaints from VMRO-DPMNE alleging unlawful initiation of infrastructure projects, employment, and other spending in the election period. Most of these complaints were rejected as unsubstantiated.[66] All cases were considered within the legal deadlines, in public hearings, and decisions were published within 24 hours, although there is no deadline to finalize cases. In addition, the public prosecutor received a complaint related to alleged vote-buying which is still pending.

Citizen and International Observers

The Electoral Code provides for observation at all stages of elections by citizen and international observers, as well as representatives of election contestants. To be accredited, domestic associations and foreign organisations must have been registered at least one year before election day, and their foundational statutes must include the protection of human rights.

Citizen and international observers were accredited in an inclusive manner. In view of the increased interest to observe the elections, the SEC extended the period for submission of accreditation

---

60 The law provides for MECs to decide on complaints but does not specify which complaints fall under their jurisdiction. In practice MECs did not handle complaints.

61 See Paragraph 5.10 of the 1990 OSCE Copenhagen Document and paragraph 18.2 of the 1991 OSCE Moscow Document, and Rec(2004)20 of the Council of Europe's Committee of Ministers on judicial review of administrative acts. The Code of Good Practice recommends that "The appeal body in election matters should be either an electoral commission or a court. In any case, final appeal to a court must be possible".

62 The legality of the regulations may be challenged in the Constitutional Court, however, it does not have expedited deadlines for handling such cases.

63 Complaints filed by two unsuccessful candidates regarding the signature collection process and one from citizen observers related to alleged early campaigning were not accepted because the complainants were not entitled to file such complaints by law.

64 Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Section II.3.3.3.f of the Code of Good Practice recommends that "all candidates and all voters registered in the constituency concerned must be entitled to appeal". See also Article 2.3(a) of the 1966 ICCPR.

65 The SEC received and rejected one complaint related to voter registration and three related to early campaigning. The Administrative Court upheld the SEC's decision not to include a voter in the voter list due to lack of valid documents and official residence.

66 Nine were dismissed, two partially upheld and one upheld. One complaint was sent to the public prosecutor's office for investigating a potential criminal offence. Further, the SCPC initiated two cases *ex officio*.

applications. The SEC accredited over 3,000 citizen and some 400 international observers. The Citizens' Association MOST deployed some 2,000 observers, and CIVIL – Center for Freedom deployed some 160 observers on election day. Several associations of people with disabilities, such as Inkluziva, also observed the election.

Election Day

Election day was calm and preliminary voter turnout announced by the SEC was 41.8 per cent, albeit with regional differences. The SEC started to publish preliminary results on its website less than an hour after the polls closed, disaggregated by municipality and polling station, providing a high degree of transparency.

The opening was assessed positively in nearly all of the polling stations observed. EB members were generally aware of the procedures and worked in a transparent manner, though there were 19 cases in which protocols were not filled in and signed before voting began, and 12 cases in which the ballot box was not shown to be empty. Eighteen of the observed polling stations opened with a short delay. According to the SEC, one polling station did not open.

Throughout the day, observers assessed the overall process as transparent, which was supported by the presence of citizen observers (39 per cent of observations) and candidate representatives (70 per cent).

The conduct of voting was assessed positively by the IEOM in 99 per cent of observations. The voting process was smooth and procedures were followed in almost all observations, including checking voter identification, ensuring voters signed the voter list, and marking voters' fingers. Observers noticed that EB members did not always instruct voters how to properly mark ballots. The number of invalid ballots was relatively high (4.3 per cent, according to the SEC, including blank votes).

The IEOM observed a considerable number of cases of voters being turned away, including voters with recently issued identification documents. Some voters were also not found on the lists during early voting, observed by the ODIHR EOM in penitentiary institutions on 20 April. While in many cases voters were redirected to other polling stations, these observations reinforce concerns about the inclusion of all eligible voters on the voter register.

Overall, no major violations were observed on election day. However, IEOM observers noted cases of group voting, which primarily impacts women's participation.

While independent access of persons with disabilities to polling station premises was observed in only 46 per cent of observations, in 80 per cent of observations the layout of the polling station was suitable for voters with disabilities, and nearly all observed polling stations were equipped with a Braille ballot frame. In several instances IEOM observers noted that procedures for assistance to voters with disabilities were not respected.

Counting was assessed positively overall. No concerns were raised about the accuracy of the vote count and the validity of ballots was determined largely consistently. However, the IEOM observed that EBs often omitted important procedural safeguards, such as establishing the number of used ballots (19 observations) and determining the number of voters who signed the voter list (17 observations) before opening the ballot box.

Procedures were generally followed during tabulation at the MECs and the process was assessed positively in all but one observation. Observers noted that MEC practices varied with respect to resolving discrepancies in the EB protocol data, suggesting a lack of adequate instructions from the SEC on this issue.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Skopje, 22 April 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 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. Mr. Reinhold Lopatka 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.

The ODIHR EOM includes 11 experts in the capital and 18 long-term observers deployed throughout the country. On election day, 240 observers from 38 countries were deployed, including 189 long-term and short-term observers deployed by ODIHR, as well as a 40-member delegation from the OSCE PA and a 12-member delegation from the PACE. Opening was observed in 93 polling stations and voting was observed in 979 polling stations across the country. Counting was observed in 87 polling stations, and the tabulation in 69 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.

For further information, please contact:

- Corien Jonker, Head of the ODIHR EOM, in Skopje (+389 72 443 752);
- Katya Andrusz, ODIHR Spokesperson (+389 72 807 826 or +48 725 880 257), or Keara Castaldo, ODIHR Election Adviser, in Warsaw (+48 603 638 999);
- Andreas Baker, OSCE PA (+389 70 636 321 or +45 601 08126);
- Chemavon Chahbazian, PACE (+389 70 636 302 or +33 650 68 76 55).

ODIHR EOM Address:
Nikola Kljusev 6, 1000 Skopje, North Macedonia
Tel: +389 2 3222558; Fax: +389 2 3226776; E-mail: office@odihr.mk

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