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Elections in Macedonia

2018 Referendum

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Macedonian elections authorities as of September 28, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is the referendum and what is it about?

The consultative referendum will be held on Sunday, September 30, 2018, and is related to a bilateral agreement with the Republic of Greece, which anticipates constitutional amendments that would change the name of the country to “the Republic of North Macedonia.”¹ This will be the second state-level referendum, following the one held on November 7, 2004, which concerned the municipal and territorial division of the country.

What is the significance of the referendum and why is it necessary?

The implementation of the agreement has a direct impact on the country’s European Union (EU) and North Atlantic Treaty Organization (NATO) membership as well as on broader regional political stability. The country’s integration with the EU and NATO has been historically blocked by Greece because of the dispute regarding the country’s name. On June 17, 2018, the foreign ministers of the both countries reached a historic consensus and signed a bilateral agreement.² The implementation of the agreement requires a series of constitutional amendments, the most substantial of which is changing the country’s name to the “Republic of North Macedonia.”

What is the legal basis of this referendum?

On July 30, this year, the Parliament took a decision to hold a referendum on the agreement with Greece on September 30, with 68 votes for and none against because the main opposition party VMRO-DPMNE boycotted the vote. The referendum was passed to be consultative and not legally binding. According to the Law on Referendum, if the question is about the decision to join or leave an association or community with other states, this kind of decision should be compulsory.³

The referendum is regulated primarily by the 1991 Constitution, which was last amended in 2011, the 2005 Law on Referenda and Citizen Initiatives and the 2006 Electoral Code, which was last amended in 2018, as well as additional subsidiary regulations. According to the Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights’ (ODIHR) Needs Assessment Report (NAM), most of the interlocutors consider the Referendum Law outdated and pointed to a lack of explicit provisions regarding campaigns, campaign finance, and media obligations. While the authorities maintain that such ambiguities should not impact the overall conduct of the referendum, many ODIHR NAM interlocutors identified gaps and contradictions in the legal framework.⁴

¹ Final Agreement for the Settlement of the Differences as Described in the United Nations Security Council Resolutions 817 (1993) and 845 (1993), the Termination of the Interim Accord of 1995, and the Establishment of a Strategic Partnership between the Parties, Article 1, paragraph 3, available on <http://vlada.mk/sites/default/files/dokumenti/spogodba-en.pdf>

² See the complete agreement - <http://vlada.mk/sites/default/files/dokumenti/spogodba-en.pdf>

³ Law on Referendum, Article 29, available on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

⁴ OSCE/ODIHR Needs Assessment Mission Report, August 6-10, 2018, page 4, available on <https://www.osce.org/odihr/elections/fyrom/390800?download=true>

What are the proposed amendments?

Following a majority vote in Parliament, the question on Referendum Day will read, “Are you in favor of European Union and North Atlantic Treaty Organization membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?” and will be considered successful if a majority⁵ of registered voters participate and if, of these, a majority vote “for.”⁶ There is no explicit mention about the country’s name’s change in the question. Even if the results of the referendum are “for,” constitutional amendments would still require a two-thirds majority vote in Parliament. According to the Law on Referendum, referendum for the same issue cannot be repeated earlier than two years after the day of the organized referendum.⁷

How much public interest is there on this issue?

The bilateral agreement remains subject to significant discussion and numerous points of controversy. The president has characterized the agreement as unconstitutional and refused to sign the law ratifying it, despite being constitutionally obligated to do so following adoption in the Parliament. Nevertheless, 28 civic associations, nongovernmental organizations and non-parliamentary parties have already publicly called for a boycott.⁸ The main opposition party VMRO-DPMNE decided not to choose any side but also not to boycott the referendum.⁹ On the other hand, a nationwide poll conducted by the International Republic Institute indicates a high percentage of respondents are in favor of resolving the dispute with Greece.¹⁰ A number of high-level visits by senior foreign officials, including from the European Union and North Atlantic Treaty Organization members states has been paid or is still planned ahead of the Referendum Day to encourage voters to vote “for”.

Who is eligible to vote in the referendum?

All citizens who are at least 18 years of age on Referendum Day have the right to vote, except for citizens declared legally incapacitated by a court decision. All citizens who have turned 18 years of age, reside in the territory of the Republic of Macedonia and possess a valid ID card or travel document shall be included in the voter register.¹¹

⁵ Fifty percent plus one voter out of the registered voters on the voter list.

⁶ OSCE/ODIHR Needs Assessment Mission Report, August 6-10, 2018, page 3, available on <https://www.osce.org/odihr/elections/fyrom/390800?download=true>

⁷ Law on Referendum, Article 19, available on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

⁸ OSCE/ODIHR Needs Assessment Mission Report, August 6-10, 2018, page 4, available on <https://www.osce.org/odihr/elections/fyrom/390800?download=true>

⁹ Updated: Largest Opposition Party in Macedonia is Not Boycotting Name Referendum, Polygraph.info, 9/19/2018, available on <https://www.polygraph.info/a/fact-check-macedonia-name-change-boycott/29486644.html>

¹⁰ Macedonia Poll: High Levels of Support for EU, NATO Ahead of Referendum, IRI, available on <https://www.iri.org/resource/macedonia-poll-high-levels-support-eu-nato-ahead-referendum>

¹¹ Electoral Code of the FYROM, Article 41, available on https://www.ifes.org/sites/default/files/electoral_code_of_the_republic_of_macedonia.pdf

How many registered voters are there? When did registration take place?

Voter registration is passive. However, in order to vote abroad, citizens need to actively register. Voter lists are compiled by the State Election Commission (SEC) based on data from Ministry of Interior. The final voter list was published on September 7, 2018, and includes 1,806,336 eligible voters. Voters were able to inspect the lists from August 9-23 and apply to the SEC for corrections.¹²

Is out-of-country voting allowed?

The State Election Commission (SEC) has adopted a regulation enabling the citizens who resided abroad to register and vote. Out-of-country voters had to register with the Ministry of Foreign Affairs or the SEC by August 23, 2018, to vote. Electoral Boards will be established in diplomatic-consular offices (DCOs) abroad where more than nine voters register to vote.¹³ There are 2,694 actively registered voters for out-of-country voting who will vote in 33 DCOs on September 29.

How will voters cast their ballots?

Voting on Referendum Day shall start at 7:00 a.m. and it shall continuously last until 7:00 p.m. The citizens found within the voting facility at the moment of closing shall be allowed to vote.¹⁴ The number of voters voting at a polling place cannot be greater than 1,000 voters. The ballot shall contain the question considered at the referendum and voters should circle the word “for” or “against” on the ballot.¹⁵

How will voters be ensured access to information about the referendum?

The Parliament, as the authorized proposer, shall conduct and bear the cost of public propaganda about the referendum. Public propaganda must end no later than 48 hours before Referendum Day, which means at midnight on September 27, 2018.¹⁶

What is the election management body that will manage the referendum process?

The recent amendments to the Electoral Code established a temporary State Election Commission (SEC) to administer the referendum. The SEC has a six-month mandate and is comprised of seven members, three of whom are women. The ruling majority and opposition political parties nominated the SEC

¹² OSCE/ODIHR Interim Report, September 14, 2018, page 1, available on <https://www.osce.org/odihr/elections/fyrom/395192?download=true>

¹³ SEC Calendar of Activities for Referendum, paragraph X13, available on https://www.ifes.org/sites/default/files/sec_calendar_of_activities_for_referendum.pdf

¹⁴ Law on Referendum, Article 13, available on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

¹⁵ Law on Referendum, Article 15 and 18, on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

¹⁶ SEC Calendar of Activities for Referendum, paragraph V, available on https://www.ifes.org/sites/default/files/sec_calendar_of_activities_for_referendum.pdf

members, which include a president from the opposition. Lower-level commissions will include 80 Municipal Election Commissions and the Election Commission of the City of Skopje, and approximately 3,480 Electoral Boards. These commissions will be staffed by public employees and will not include party representatives.

What provisions are in place to promote the equal participation of women?

Each gender should be represented by at least 30 percent of members in all election bodies.¹⁷

What provisions are in place to promote the equal participation of ethnic minorities?

Ethnic communities that constitute more than 20 percent of the population in a municipality should be represented in lower-level commissions. The law also calls for the provision of voting materials in any language spoken by more than 20 percent of the municipal population. Therefore, voting materials on Referendum Day will be provided in the Macedonian language, as well as in Albanian and other minority languages in certain municipalities.¹⁸

How will homebound voters and the voters with disabilities cast their ballots? Do the electoral authorities guarantee equal access to voting places?

Homebound voters will have the opportunity to use mobile ballot boxes provided they pre-notify their Municipal Election Commissions at least seven days before Referendum Day. These persons must be unable to meet basic life needs, and medical evidence or a certificate or act for use of care from another person shall be submitted along with the notification.¹⁹

Assisted voting is allowed on Referendum Day. In addition, braille ballot sleeves will be available in polling stations for voters with visual impairments. The mobile voting and voting in the other facilities than the regular Electoral Boards will be conducted on September 29.²⁰

¹⁷ OSCE/ODIHR Needs Assessment Mission Report, August 6-10, 2018, page 8, available on <https://www.osce.org/odihr/elections/fyrom/390800?download=true>

¹⁸ SEC Rulebook for the Referendum, page 9, available on https://www.ifes.org/sites/default/files/sec_rulebook_for_the_referendum.pdf

¹⁹ SEC Rulebook for the Referendum, page 12, available on https://www.ifes.org/sites/default/files/sec_rulebook_for_the_referendum.pdf

²⁰ SEC Calendar of Activities for Referendum, paragraph X, available on https://www.ifes.org/sites/default/files/sec_calendar_of_activities_for_referendum.pdf

Are there any special provisions on Referendum Day?

The Electoral Board will check voters' right thumbs with an ultraviolet lamp to prevent multiple voting, along with their ID and whether they are in the correct polling station. Voters will be marked with spray on the nail of the right thumb after receiving their ballot.²¹

Who is managing the security on Referendum Day?

The police shall secure the polling stations continuously from 6:00 a.m. until 7:00 p.m. Upon closure of the polling station and during the counting of the votes, the police will secure each polling station and Electoral Board building and remove all unauthorized persons.²²

Who may observe during the referendum? How can they get accreditation?

International organizations, representatives of foreign countries, and domestic and foreign organizations that were established at least one year prior to the referendum and whose statutes incorporate the principle of protection of human rights can observe the Referendum Day administration and procedures. Regulations do not provide for observation by party representatives.²³

Interested observers may submit requests for observation to the State Election Commission (SEC) from the date of calling the referendum but no later than five days before Referendum Day. The SEC shall issue observer authorizations no later than two days after receipt of the request.²⁴

How are the votes counted and tabulated? Who performs the counting and tabulation?

After closing the voting, the Electoral Board shall immediately start assessing and summing up the results at the polling stations and transmit the results immediately to the higher-level commission.

When will official results be announced?

The Electoral Boards (EB) shall submit the minutes and the whole voting material to the Municipal Election Commissions (MEC) within three hours after completing the voting. The MEC shall submit the minutes and the whole voting material to the State Election Commission (SEC) within 12 hours after receiving it from the EBs.

The MECs, after receiving the minutes and the whole voting material from the EBs, shall determine and announce the results from the voting at the referendum at local level within 24 hours. The SEC, after

²¹ SEC Rulebook for the Referendum, page 11, available on https://www.ifes.org/sites/default/files/sec_rulebook_for_the_referendum.pdf

²² Electoral Code of the FYROM, Article 41, available on https://www.ifes.org/sites/default/files/electoral_code_of_the_republic_of_macedonia.pdf

²³ Electoral Code of the FYROM, Article 161, available on https://www.ifes.org/sites/default/files/electoral_code_of_the_republic_of_macedonia.pdf

²⁴ SEC Calendar of Activities for Referendum, paragraph IX, available on https://www.ifes.org/sites/default/files/sec_calendar_of_activities_for_referendum.pdf

receiving the minutes and the whole voting material from the MECs, shall assess and announce the results from the voting at the referendum at state level within 24 hours.²⁵

How will election disputes be adjudicated?

Each citizen and authorized representatives of the proposer shall have the right to lodge a complaint to the State Election Commission (SEC) due to irregularities in the voting procedure, summing up and assessing the results from the voting within 24 hours from the day of holding the referendum at state level. The SEC is obliged to reach a decision within 24 hours after receiving the complaint. An appeal may be lodged to the Supreme Court of the Republic of Macedonia against the decision of the SEC within 48 hours from the day of the receiving the determination. The Supreme Court of the Republic of Macedonia shall be obliged to act upon the appeal within 48 hours.²⁶

²⁵ Law on Referendum, Article 49, 53, 54 and 58, available on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

²⁶ Law on Referendum, Article 64, available on https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf

Resources

- OSCE/ODIHR Needs Assessment Mission Report, August 6-10, 2018
<https://www.osce.org/odihr/elections/fyrom/390800?download=true>
- OSCE/ODIHR Interim Report, September 14, 2018
<https://www.osce.org/odihr/elections/fyrom/395192?download=true>
- OSCE/ODIHR Elections, Elections in the former Yugoslav Republic of Macedonia
<https://www.osce.org/odihr/elections/fyrom>
- Law on Referendum and Other Forms of Direct Vote of Citizens
https://www.ifes.org/sites/default/files/law_on_referendum_and_other_forms_of_direct_vote_of_citizens.pdf
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- SEC Rulebook for the Referendum
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- Macedonia Poll: High Levels of Support for EU, NATO Ahead of Referendum
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