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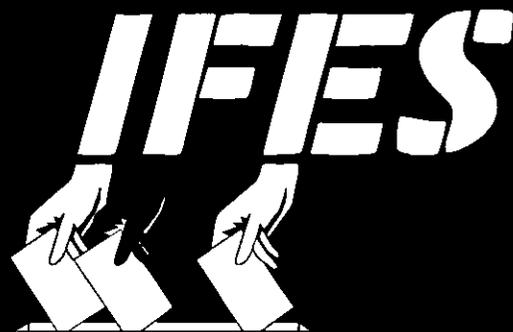
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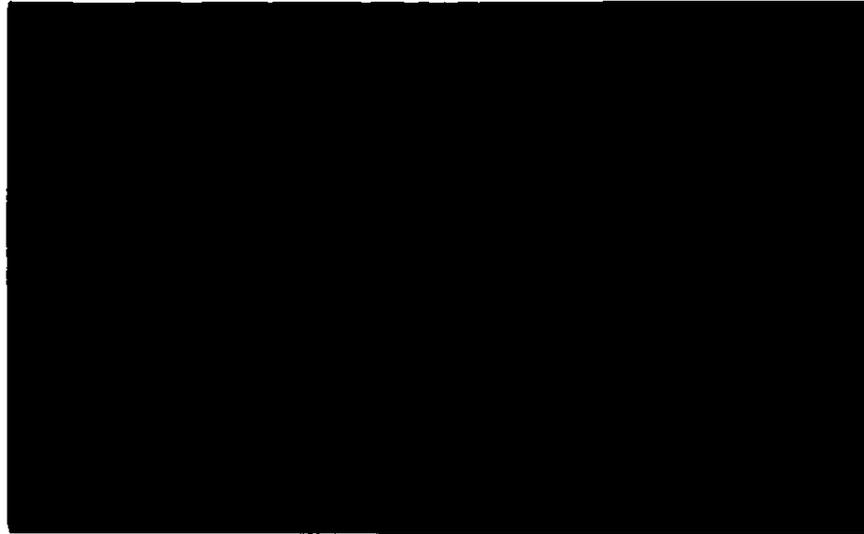


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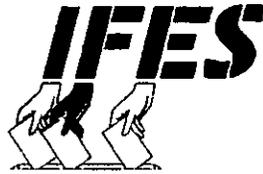


**MAKING DEMOCRACY WORK**



# **IFES MISSION STATEMENT**

The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.



**MAKING DEMOCRACY WORK**

**Macedonia  
FINAL REPORT**

**May 2000- March 2002**

**USAID COOPERATIVE AGREEMENT  
No. EE-A-00-97-00034-00**

**Submitted to the**

**UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT**

**by the**

**INTERNATIONAL FOUNDATION  
FOR ELECTION SYSTEMS**

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## EXECUTIVE SUMMARY

IFES began work in Macedonia in June 1994 when it sent a pre-election assessment team to Skopje with funding from the United States Agency for International Development (USAID). The team evaluated the election environment and provided recommendations on how the international community could best assist in the country's democratic transition. The team identified several general areas which needed to be addressed by assistance groups: the promotion of confidence measures in the administration of free and fair elections; the development of a transparent election process in order to diminish opportunities for allegations of impropriety; the need for an effective public information campaign on issues such as citizenship, a census, and election procedures; the promotion of independent media and efficient election legislation, and pre-election training of election commissions, poll-workers, domestic observers and members of the media.

Under the Cooperative Agreement EE-0A-0097-00034-00, IFES has had a full-time office in Macedonia since July 2000. Since that time, IFES has been the primary election support organization from the international community for the Government of Macedonia and the State Election Commission. IFES has been instrumental in:

- The development of two nation-wide civic education programs for voters;
- The development and delivery of training programs for election officials;
- Serving as the primary international agent for drafting and review of election legislation;
- The conduct of voters' list integrity testing;
- Providing advice to the SEC on implementation of election legislation and the administration of the elections; and
- Developing commercial relations between the SEC and suppliers of election goods.

Achieving these projects has involved a number of specific activities, many of which are reported on in this document. The activities undertaken by IFES have been based on a close collaboration with the State Election Commission. This collaboration covers a broad range of activities including advice to the SEC on election administration and operations, civic education and training. In addition, IFES has collaborated with the international community to ensure that election assistance efforts are neither duplicative nor contradictory. The strong relationship between IFES and these organizations has been instrumental in the achievement of IFES work programs.

An important part of IFES Macedonia's activity has been the provision of advice to the SEC, both corporately and individually to members and staff. While it is difficult to measure the impact of this activity, it is clear that this has been an important and useful element of the project. Not only has the SEC sought to expand its relationship with IFES but individual members of the Commission also frequently seek out IFES staff for assistance.

IFES has had a direct and strong impact on the development of a democratic election process in Macedonia. Many of these activities reflect a first step towards best practices in the field of election administration. However, collectively they have also contributed to the increased transparency of the election process in Macedonia.

There is much to do. The deterioration of the political situation in Macedonia in early 2001 meant that IFES programming shifted away from comprehensive electoral reform towards planning for election assistance in the expectation that a political settlement would include a

component for early elections. Changes still need to be made to election laws; the voters' list continues to have a number of errors; and more extensive training of local election officials is a continuing challenge, as is the development of greater professionalism and institutional strengthening of the SEC. These issues represent the challenges for the future and constitute the core of current IFES activities in Macedonia under the CEPPS 2 funding mechanism.

## **I. PROGRAMMATIC ACTIVITIES**

This report summarizes IFES programming in Macedonia under the Europe and Eurasia Cooperative Agreement EE-0A-0097-00034-00 beginning with the 2000 pre-election technical assessment and concluding with initial 2002 parliamentary election preparations. Since April 2002, all IFES programming in Macedonia has been conducted under the CEPPS 2 funding mechanism and is covered in separate reports to USAID.

### **A. 2000 Pre Election Technical Assessment**

#### **1. Background**

Presidential elections held in Macedonia in October/November 1999 were plagued with numerous incidents of irregularities at polling stations primarily located in the Western portion of Macedonia. The OSCE final election observation report provides an overview of these irregularities based on the comments of international observers who witnessed ballot box stuffing, intimidation of voters and observers, and in some cases, violence. While there were technical irregularities at the polling station, there was also outright fraud committed in certain stations, as documented by observers.

In order to provide USAID with recommendations aimed at alleviating some of the technical problems of those elections, in May 2000, IFES conducted a two-week assessment of the election process in Macedonia, focusing on problems which occurred during 1999 presidential elections as detailed in the OSCE's final election report and changes planned for the September 2000 local elections.

Based on extensive discussions with all major political parties, relevant government bodies, the State Election Commission, the Supreme Court, international and national NGOs, and the media, this section identifies areas for short-term technical assistance and provides a framework for potential assistance projects. It also includes long-term recommendations with regard to Macedonia's election process as well as concrete actions which could be taken by USAID and the international and local NGO community in order to strengthen the development of democratic processes in Macedonia.

#### **2. Objectives**

During the course of the assessment, IFES sought to determine whether there were technical problems in the electoral process by focusing on four major issues:

1. The legal framework for elections to determine whether there were ambiguities in the law that allowed for confusion and lack of transparency in the process as well as any initiatives to amend the local election law prior to 2002 parliamentary elections. This included provisions related to the duties and function of the SEC.
2. The effectiveness of election administration bodies, in particular the SEC, in order to determine ways in which the process could function more effectively and transparently in undertaking a wide range of electoral activities. Particular emphasis was placed on the adjudication of complaints and communication and training for lower level commissions.
3. The quality and transparency of the voter registration process to determine if there were flaws in the process as well as to ascertain the role of each of the four different bodies involved in creating the voter registry.

4. The knowledge of voters and polling boards in exercising their duties and rights on election day. This was especially important given that irregularities during presidential elections occurred primarily at the polling station both by voters and members of the polling commission, according to observer reports.

### **3. Scope of Mission**

Based upon communications with USAID and with the President and Secretary of the Macedonian SEC - including a letter of invitation from the President- IFES conducted a focused assessment in order to determine precise assistance that could be provided prior to local elections. The assessment focused on the following areas:

1. The competence, professionalism and effectiveness of election administration bodies, in particular the SEC, to assist IFES in determining ways in which the SEC could function more effectively and transparently in undertaking a wide range of electoral activities. This also included an analysis of other government bodies involved in the electoral process, such as the Ministry of Justice, Bureau of Statistics, and the courts, in order to assess the administrative capabilities of these bodies as they related to the electoral process. This included: the delivery of electoral services including voter identification and registration, balloting and election administration, poll worker training, vote tabulation, campaign regulations and civic participation prior to 2000 local elections.
2. The legal framework for elections to determine whether there were ambiguities in the law that allowed for confusion and lack of transparency in the process. In addition to the issues detailed above, this included the duties and functions of the SEC and lower-level commissions.
3. Government and non-governmental programs for voter and civic education in order to assess channels for education and information as they related to the local elections.

### **4. Office and Personnel**

The assessment team was comprised of the following individuals:

Alexandra Levaditis, Team Leader/Program Officer, IFES  
Dan Blessington, Election Law Specialist, IFES Consultant  
Victor Butler, Election Administration Specialist, IFES Consultant

### **5. Activities**

The assessment team engaged in extensive discussions with all major political parties, relevant government bodies, the State Election Commission, the Supreme Court, international and national NGOs, and the media, to develop recommendations for assistance.

### **6. Materials Produced**

- Pre-election Technical Assessment Report
- Winning proposal to USAID to support the State Election Commission as it administered all aspects of the 2000 local elections.

## **7. Impact and Evaluation**

All activities were aimed at reducing technical irregularities at polling stations while increasing public confidence in the electoral process in light of the events of the 1999 presidential elections. Based on the findings of the assessment and discussions with USAID/Skopje, IFES was tasked by USAID to develop a plan aimed at accomplishing the following objectives:

- Enhance the efficacy of election administration structures and personnel;
- Encourage the growth of a more informed citizenry; and
- Increase confidence in the election process through training, advising, and education.

The specific project activities are described in section B.4 below.

## **8. Recommendations and Challenges**

The recommendations are divided between short-term action to be undertaken prior to the 2000 local elections and medium- to long-term measures designed to address identified problems and issues of continuing significance in the development of a strong and effective electoral process in Macedonia. These recommendations emerged during the course of the team's discussions with various actors in the political process, including representatives of parties in both the governing coalition and the opposition, government officials, the international community, the media and NGOs with an interest in governance issues.

The strategy was to link the short-term and long-term proposals to build the capacity of the SEC to provide a level of delivery and service which would enhance public confidence in the democratic process.

There was a general consensus among those with whom the IFES assessment team met that reforms should be introduced into the electoral system. The nature of potential reforms differed widely based on the individual making the suggestion, from relatively minor adjustments to a change in the electoral system from the mixed model. For example, the governing coalition parties believed that there were serious problems with the voter registry while, generally, opposition parties believed the registry was accurate and the development and distribution of voter ID cards were the source of problems. Some parties, notably the Social Democratic Union of Macedonia, were critical of the SEC's performance during presidential elections, while others believed the Commission performed well.

While the IFES team agreed that there was a need for both short-term and long-term technical assistance, the team recognized that the success of 2000 local elections primarily depended on the will of all political actors to respect the rules of the game. Potential obstacles to electoral assistance are detailed below:

### ***Determination to Commit Fraud***

As detailed in the OSCE's report on the presidential elections, there appeared to have been a determined effort by some to commit electoral fraud on election day. A decision needed to be made by party leaders and other activists to respect electoral procedures and communicate this down to local activists and representatives. Given the blatant irregularities that occurred during presidential elections, there was a concern that they may be repeated during local elections and that this would pose the most serious obstacle to the conduct of transparent and fair local elections.

### ***Lack of Public Confidence in Process***

Following presidential elections, there was a fear that voters expected previous events to be repeated. Macedonian voters generally view election irregularities as an ethnic Albanian issue given that most problems in 1999 occurred in areas largely populated by ethnic Albanians. Ethnic Albanian voters may

adopt the position expressed by ethnic Albanian parties that these irregularities are a consequence of a lack of political access and, therefore, to be expected. Both cases create the danger that election irregularities will come to be part of the electoral scene in Macedonia. This attitude may lead citizens to question not only their impact on the political process but their role in it.

### ***Lack of Time Prior to Elections***

At the time of the assessment, it was anticipated that the local elections would be held in the October/November time frame. Given the relatively short amount of time remaining before the elections, IFES short-term recommendations were limited in scope to what was realistic within this period. For example, while there was a need for legal reform, there was not enough time before local elections for any kind of substantive changes to the law aside from the technical modifications that the Ministry of Justice was in the process of finalizing. Likewise, no significant audit of the voter registry could take place before the elections. In order for the short-term recommendations to be successfully implemented as detailed below, IFES recommended that the programs be initiated by July 2000. It turned out that the first round was held even earlier than expected, on 10 September.

#### **a. Short-Term Recommendations for Local Elections**

### ***Training of Poll workers and Party Representatives***

Much of the criticism of the polling process which the team heard focused on the performance of the officials who operate the polling stations on election day. The OSCE report on the presidential elections highlighted the problems, which resulted in re-run elections being conducted at 230 of the 2,973 polling stations (7.7%). The OSCE made three specific recommendations relating to electoral administration:

- Parties and candidates should have representatives on all election commissions and boards by virtue of competing in an election;
- Polling Election Board members need comprehensive training; and
- The legal obligation for Polling Election Board members to carry out their duties according to the law must be enforced.

The last two recommendations relate directly to the somewhat complacent attitude of the SEC in relation to the proper preparation of the people who must deliver the mechanics of the process on election day, the poll workers. One of the few universal suggestions provided to the IFES team by almost all parties, government bodies, international actors, and NGOs was the need for training of poll workers. A poll worker training program, using a training of trainers model, from the SEC to municipal election commissions to polling boards delivered by a carefully selected group of core trainers using well prepared training materials, should be put in place as a matter of urgency. All electoral officials should be required to sign a Code of Conduct and should be sanctioned by the SEC for any breach. Likewise, the IFES team believed that it would be very useful for political party representatives to be included in this training program given that they are responsible for appointing their representatives to election commissions at all levels. Not only would this help establish a trained core group of individuals within parties but may help these representatives to begin to identify their responsibilities on commissions beyond simply service to their party. The training of party representatives could be coordinated with NDI's program for training party poll watchers.

### ***Advising the State Election Commission***

The appointed members of the SEC rely upon the support of staff "loaned" by ministries to provide the support which they need during election periods. This is less than satisfactory in terms of the development of expertise and organisational continuity which has been recognised. Likewise, there were no procedures or 'rules of operation' in place to guide SEC meetings and activities in general. There was no procedure in place for handling complaints. Once a complaint was received by the SEC from

municipal commissions, it was handled through a debate of all members of the Commission. This did not provide for the efficient investigation and deliberation of the case, resulting in the inability to deal with a large number of cases as occurred during presidential elections. Additionally, during the period of elections, enormous pressure was placed on the Chairman of the Commission to implement decisions of the Commission and arbitrate between political party representatives serving as Commissioners.

In order to provide urgently needed support and technical advising, IFES believed that at least one international election expert should be placed within the commission to serve as a neutral technical resource. This advisor would not only be a useful source of comparative election information, but could assist the commission in the implementation of the amended law on local elections; the development of working procedures, particularly in the area of complaint adjudication; media outreach in order to proactively inform the public on the activities of the SEC (and thus help eliminate some suspicion surrounding the process); as well as assist in the development and implementation of the other recommendations suggested by IFES.

#### ***Voter Information and Education***

According to the election law, the State Election Commission was responsible for the development and delivery of materials for the education of voters. According to the OSCE report on the presidential elections, the SEC largely fulfilled its obligations providing basic information on the procedures for voting and the date of elections. TV spots were produced in five different languages while posters were produced only in Macedonian.

While these basic conditions were met by the SEC, it was clear that a more assertive campaign was necessary to counter some of the irregularities that occurred. While training of poll workers can support the implementation of the law, voters must also be reminded of their obligations under the law. The assessment team believed that voters should be instructed to check voter lists to make sure that their information is correct and to pick up voter identification cards in order to be allowed to vote on polling day. Proxy voting should be discouraged through a campaign emphasizing the individual's right to his/her vote as a basic guarantee under the Constitution. Perhaps most important, a campaign needed to be designed to motivate people that it is in their interest to observe the law at the polling station. While various non-governmental organizations indicated that they might develop some voter education materials, IFES believed that the SEC should take the lead on this effort and perhaps work with domestic NGOs on getting the message out.

#### ***Technical Observation of the Voter Registration Process***

As mentioned above, the IFES team heard conflicting information about the quality and accuracy of the voter registry. With the short amount of time available to the team and the lack of a thorough analysis, it was difficult to determine the root of the problems. A principal source of criticism by the governing parties was that there was a pool of "ghost" voters in the national database, maintained by the Bureau of Statistics for the Ministry of Justice. A figure of between 30,000 and 40,000 was mentioned in discussions. These persons were said to hold more than one identity card and voter ID card, but conclusive evidence to support this allegation was never provided to the team. Of more concern was the large number of unclaimed voter cards – prior to the 1999 elections some 150,000 unclaimed cards were held at the district offices of the Ministry of Justice, said to be for people who were either out of the country or had no wish to vote. The theft of voter cards from the Tetovo office of the Ministry gave rise to concern –later validated- that there would be electoral fraud in the west of the country where the ethnic Albanian citizens of Macedonia are concentrated.

While little substantive work could be done to improve the quality of the voter registry prior to elections, it was recommended that a voter registration expert be deployed to Macedonia in August to conduct an analysis of the process for the development of the voter registry to allow for the observation of the system

in action and also provide a resource to the Ministry of Justice and Bureau of Statistics through the presence of an international expert. The study would examine current procedures for the development of the voter database from sources provided by the Ministry of Interior to the Bureau of Statistics; the compilation of the data; the security of data; the transfer of information to the Ministry of Justice for the issuance of voter lists and the development and distribution of voter identification cards; current procedures for ID card distribution; and the needs for the transfer of the responsibility for the compilation of the voter registry from the Bureau of Statistics to the Ministry of Justice by March 2001 (as indicated by the Bureau of Statistics).

#### ***International and Domestic Observation***

There were numerous expressions that an overwhelming international presence was necessary to cover polling stations and help minimize fraud. While fraud was committed during presidential elections in the presence of observers, opposition parties believed that it would be difficult to commit similar acts again when international observers were more aware of their potential. While the IFES team was not convinced that this would help prevent fraud, the case can certainly be made that the presence of a large number of international observers could serve as a deterrent, particularly given international pressure that resulted from irregularities committed during presidential elections.

### **b. Long-Term Recommendations**

#### ***Election Law Reform***

While there was no widespread dissatisfaction expressed with the state of election legislation, it was clear during the assessment that a consolidation of the presidential, parliamentary and local election laws along with any other relevant election legislation was necessary. It was unclear which provisions of each law applied to which elections. Likewise, ambiguities needed to be eliminated through greater precision and detail. The Chairman of the SEC believed that the legal framework needed substantial work, particularly in the area of adjudication of complaints. The OSCE's report on the presidential elections also details recommended reforms to the parliamentary and presidential laws to be considered during this process. It was strongly urged that the all the various laws dealing with elections be consolidated with chapters devoted to general principles, the structure of electoral bodies, and parliamentary, presidential and local elections.

#### ***Development of a More Accurate Voter Registry***

A potential plan for the transfer of the responsibility for the compilation of the voter registry from the Bureau of Statistics to the Ministry of Justice (or other government body) was recommended for the period following local elections. Given that the target for the complete transfer was March 2001, the immediate commencement of this process following the completion of local elections was recommended. IFES anticipated that the procurement of commodities for this purpose on behalf of the Ministry of Justice (or other government body to which this responsibility would be transferred) would very likely be necessary if another body was to adopt the duties of the Bureau of Statistics. While this process is being conducted, an audit of the voter registry could help eliminate any questionable records and thus remove an excuse expressed by several individuals for the conduct of electoral fraud.

#### ***Civic Education to Promote Social Integration and Participation***

It was clear that the root of the problems that brought about the activities surrounding presidential elections could not be solved in the short-term. Attitudes toward not only the election process, but the governing process at large, needed to change if these activities were to be relegated to the past. People needed to feel as if they had a stake in the process if they were to respect and implement its rules. Clearly, this is not the case with ethnic Albanian citizens of Macedonia if the views expressed by the ethnic Albanian political parties are shared by the ethnic Albanian population. IFES recommended that a

proactive and long-term program of civic education be implemented to promote the social integration of all ethnic groups and promote the idea of citizen responsibility and civic participation.

### ***Regulation of Campaign Finance***

Although there are provisions in the election law as well the law on political parties addressing campaign financing, there is apparently little regulation and enforcement of these provisions. In order to help reduce some of the suspicion around the electoral process in Macedonia and increase the overall transparency of the system, the assessment team believed that more defined regulations should be established and penalties should be enforced against those who violate these provisions. As the electoral system matures, it is essential that this area be properly regulated.

### ***Development of Electoral Commissions***

During the assessment, the Chairman of the SEC expressed his desire to establish a professional commission that serves as a permanent body. This, according to the President, would help de-politicize the work of the commission and allow for the conduct of its work in a more professional manner based on the law. The SEC should not function as a forum for partisan debate and maneuvering, but should serve as an objective and independent authority over the administration of elections. Additional staff, and therefore funding, as well as training are necessary for the transformation of the commission from an ad hoc body operating only during elections periods to an institution responsible for elections during and between elections. The transformation of the SEC can be examined within the context of the post-election legal reform process described above.

### ***Local Government Authority***

Control of municipalities is centralized largely in the hands of the Macedonian government. The IFES team heard numerous complaints about the lack of real political power at the local level. This was particularly true from ethnic Albanian parties given that de-centralization has greater implications on the ethnic Albanian minority in terms of increasing their control over areas in which they are a majority. In addition, several individuals expressed concern over the administrative division of the country, expressing the belief that the number of municipalities was much too large for a small country like Macedonia. Local and international actors should look toward developing laws and methodologies for a staged devolution of control to municipalities, keeping in mind the ethnic tensions and suspicions that underlie this issue.

## **9. Conclusion**

As reported above, following the pre-election technical assessment, IFES received funding from USAID to address the technical irregularities of the 1999 presidential election and the questionable activities that surrounded that election in advance of the 2000 local elections. As a follow on to this short-term technical assistance, IFES received additional funding from USAID to focus on electoral reform activities outlined in the recommendations above. These activities are reported on in the sections that follow below.

### **B. Technical Assistance to the State Election Commission and the Electoral Process**

#### **1. Overview**

Based on the recommendations of the assessment team, IFES deployed a technical assistance team in July and August 2000 to advise the State Election Commission with all aspects of administering the September local elections for mayors and municipal councils.

Likewise, IFES proposed to conduct a technical observation of the registration process in order to ascertain any flaws in its operation and develop a detailed plan for reform of the system, as well as the transfer of the registry from the Bureau of Statistics to another body by March 2001 (as then planned by the government). Based on the results of the assessment, IFES proposed to: support the organizational capacity of the SEC through advising on procedural development, media outreach, and comparative election practices; through the SEC, conduct a poll worker training program using a training of trainers structure for municipal election officials, poll workers and party representatives, who may train their appointees to polling boards; develop and implement a concise voter education campaign in coordination with the SEC; and conduct a technical observation of the registration process through coordination with the four government bodies involved in registration.

## 2. Project Objectives

The project sought to accomplish the following objectives. All program objectives were aimed at reducing technical irregularities at polling stations while increasing public confidence in the electoral process after the events of the presidential elections.

- Enhance the efficacy of election administration structures and personnel;
- Encourage the growth of a more informed citizenry; and
- Increase confidence in the election process through training, advising, and education.

## 3. Office and Personnel

### a. International

**Dan Blessington**, who served as **IFES Project Director**, has worked in the Balkans in the areas of electoral, public and international law and administration. Since 1996, he has worked with IFES and OSCE in Bosnia, Kosovo, Albania and Montenegro. He has also worked on democracy projects in Armenia, Montenegro, Uzbekistan, Kyrgyz Stan and Ukraine. From 1979 to 1993, he was an attorney with the Federal Election Commission in Washington, D.C. Mr. Blessington holds a LL.M. in International and Comparative Law from Georgetown University Law Center in Washington, D.C. He is the author of *From Dayton to Sarajevo: Enforcing Election Law in Post War Bosnia and Herzegovina*, 13 Am. U. Int'l L. Rev. (1998).

**Frank Vasallo**, who had a 28-year career at the Australian Electoral Commission, served as the project's **Training Specialist**. He oversaw the production of the election procedures manual.

**Catherine Barnes**, who has a long-time relationship with IFES in Russia and the Balkans, directed the joint SEC/IFES **Voter Education** campaign. Included were leaflets, posters, and television and radio spots.

**Michael Yard**, who has worldwide experience on technical matters relating to voters' lists and civil registry databases, conducted a technical observation of the **Voter Registration** process.

### b. Local

**Hristina Koneska**, whose formal study was at the English Language Department at Skopje's Cyril and Methodius University, served as **Program Coordinator**. In addition to being the top assistant to the project director, she established working relationships with SEC members that allowed the program to go forward. Deeply committed to her work and highly intelligent, she inspired others by her example.

**Ismail ("Mali") Krifca**, fluent in numerous languages with vast experience as an interpreter, was a **Program Assistant**. His specialty was political analysis, with particular emphasis on ethnic Albanian issues.

**Bojan Dumaloski**, a student in Computer Science at Cyril and Methodius University in Skopje was the **IT/Finance Coordinator**. He also provided technical support to the Voter registration observation. His multifaceted contributions to the program were essential to its success.

**Dijana Arnaudovska**, a student of the English language at Cyril and Methodius University was a **Program Assistant**. Her primary duties involved translations and the training program.

#### **4. Activities**

##### **a. Initial Activities**

IFES Macedonia Project Director Dan Blessington arrived in Skopje in mid-July. IFES specialists responsible for training and voter education activities arrived by the end of the month to begin planning and implementing the program.

In this initial period of the program, a local IFES office was established, and local staff engaged. Meetings were held with the Chairman of the SEC, USAID and the American Embassy to discuss IFES programming plans. IFES also took part in a meeting of the USAID Democracy Roundtable with representatives of NDI and the Institute for Sustainable Communities (ISC) in an effort to share information and coordinate activities with respect to the upcoming elections. NDI and IFES agreed, for instance, to coordinate their training activities, while IFES and ISC agreed to coordinate their respective voter education and information activities.

##### **b. Assistance to the State Election Commission**

At a meeting of the SEC in August 2000, the SEC gave its unanimous approval to a draft Memorandum of Understanding (MOU) describing the assistance that IFES would provide to the SEC and the nature of the working relationship between the two entities. Thereafter, the SEC Chairman and the IFES Project Director signed the MOU in which IFES agreed to undertake the following activities:

- Develop and implement an SEC-approved voter education and information campaign;
- Support the SEC on media outreach;
- Assist in the development and implementation of a training program for members of electoral boards, including the preparation and printing of a manual for their use; and
- Act as a resource for the SEC in the areas of comparative election law, and election administration and practices.

The 2000 IFES/SEC MOU is Appendix 1 of this report.

The SEC Chairman assigned members and deputies to work with IFES on the voter education and information campaign and the training program. Under the terms of the MOU, approvals were required from the full SEC. By the end of August, the SEC had provided its final approvals so that both the voter education and information campaign and training program could go forward in advance of the 10 September local elections.

### **c. Training of Poll workers and Party Representatives**

IFES planned to use a training-of-trainers model to conduct a training program for poll workers through Municipal Election Commissions and political parties. The basic training tool was to be an SEC-approved training manual produced by IFES covering polling place procedures according to election legislation.

After final approval, IFES arranged for the printing of the manual. Over 4,000 manuals were printed and distributed to the MECs in the Macedonian and Albanian languages for each of the country's nearly 3,000 polling stations. At the request of NDI and OSCE, IFES agreed to have an additional 1,300 manuals printed for the use of domestic monitors and 150 copies of the manual in English to the OSCE's monitoring mission.

The training program was primarily directed at the members of electoral boards (polling stations). Ideally, in addition to the production of a training manual, this would have involved a train the trainers approach over a period of several weeks. Unfortunately, this proved impossible because of a lack of time due to a variety of reasons. Therefore, IFES trained a core group of MEC members from 18 of the country's 123 municipalities. In the days leading up to the election, this core group offered training to their colleagues at the MEC level.

### **d. Voter Education and Information**

In July 2000, IFES prepared a timeline in anticipation of a launch date of 1 September for the campaign. A draft leaflet of "Frequently Asked Questions" concerning election procedures was drafted. Finally, efforts began to establish a creative working group of television producers, graphic designers, election officials and others in order to assist in developing the messages, theme and tone of the voter education campaign.

SEC members and deputies worked with IFES on the development of a voter education and information campaign that included products for both print and electronic media. A video spot was produced, as were related radio spots, in both the Macedonian and Albanian languages. This marked the first time that the SEC put out a creative video spot instructing voters on basic steps in the voting process. Also produced were posters to be placed in polling stations, and leaflets to be distributed in advance of Election Day. IFES also worked with the Macedonian Information Agency and the Broadcasting Council to have the video spots aired nationally and regionally, and initiated plans for the distribution of print materials.

All media products were united by a logo and the slogan, "*I am the vote. I decide for myself.*" All were produced in both the Macedonian and Albanian languages. Approximately 40 radio and television stations provided free airtime for the TV and radio spots. IFES distributed the leaflets throughout the country through newspapers and NGOs. Posters were delivered to the MECs by the SEC along with other official election materials.

### **e. Technical Observation of the Voter Registration Process**

In September 2000, IFES performed an analysis of the law and interviewed key figures charged with the maintenance and control of the voters' list. On the basis of this, IFES identified inadequacies in both the law and implementing procedures. Recommendations for change were presented at the post-election seminar in November described in the next section.

#### f. IFES-Sponsored Post-Election Seminar

In November 2000, IFES sponsored a seminar entitled *Looking Forward: The Future of Elections in Macedonia*. Over one hundred individuals participated in the event, which consisted of a series of panel discussions, each moderated by an international participant. Seven panels reviewed the major issues that had arisen during this year's local elections; explored weaknesses in the legal and administrative framework for elections; and discussed approaches to reform. High on the agenda was bringing an end to the accusatory and polarizing rhetoric that had become so common in the previous weeks.

The President of Macedonia, Boris Trajkovski, opened the seminar after being introduced by the United States Ambassador to Macedonia, M. Michael Einik. The President noted the relative youth of Macedonia's democracy, and stressed the importance of fair elections to its legitimacy. In acknowledging the problems with the recent elections, the President said,

*" There is no room for pessimism. Nine years ago, our country chose the way of reform, based upon the rule of democracy and the rule of law, respect for human rights, and, above all, respect for civil and political rights."*

He urged seminar participants, particularly the political parties, to use the seminar to work towards a political consensus for improving conditions for elections in Macedonia.

Over the course of the two days, panelists and other participants discussed a wide range of electoral issues, such as the reliability of the voters' list and the need to harmonize the current laws. Among the participants were the Head of the OSCE/ODIHR Election Monitoring Mission, the Chairman of the SEC and political party leaders. Journalists, NGOs, municipal election commissions, polling station committees and the Ministry of Justice were all represented. While the discussions were frank, a tone of civility and mutual respect prevailed.

In his introduction to the last panel discussion, *The Future – Proposals for Change*, Ambassador Einik spoke of the need for consensus if reforms were to succeed. He said, "No law is self-validating. If reform is to work, there must be a general acceptance of it." He noted that, during the seminar, there had been a proposal for the establishment of a broad-based commission to consider various proposals for reform. He pledged his support for the establishment of such a group. IFES met the Macedonian Ministry of Justice and USAID to further explore the option and the nature of assistance that IFES could provide in this area.

Following the seminar, IFES had a number of discussions with the OSCE Spillover Mission and the European Union regarding international coordination in the area of electoral assistance and reform.

IFES and USAID met numerous times in order to determine the best way to support electoral reform efforts and to put ideas introduced at the seminar into action. IFES and USAID were also in contact with the Minister of Justice, Xhevdet Nasufi, on the possibility of forming an electoral reform working group to address the flaws inherent in existing election legislation as well as allegations surrounding the voter registry. Mr. Nasufi indicated his enthusiastic support for this approach and announced his intention to form a special working group that would address:

- Electoral reform, including the harmonization of all existing laws constituting the legal and administrative framework for elections in Macedonia;
- The electoral list, including testing of the list for accuracy, and reviewing the administrative structure for the control and maintenance of the list; and

- The system of representation for legislative bodies, such as the municipal councils and Parliament.

## **5. Materials Produced**

- Over 4,000 manuals printed and distributed to MECs in the Macedonian and Albanian languages for each of the country's nearly 3,000 polling stations;
- 1,300 manuals printed for the use of domestic monitors;
- 150 copies of the manual printed in English for the OSCE's monitoring mission (Appendix 2 of this report);
- A leaflet in the Macedonian and Albanian languages explaining voting rights and the basics of the voting process distributed throughout the country;
- A poster in the Macedonian and Albanian languages, designed for voters entering the polling stations, describing the steps in the voting process (Appendix 3 of this report);
- Television spots emphasizing the individual nature of the right to vote, and describing the steps in the voting process;
- Radio spots, which tied into the television spot;
- Free airtime on approximately 40 radio and television stations for the TV and radio spots;
- Printing and distribution of post-election seminar booklets and information packets to seminar participants outlining seminar objectives, panel presentations, IFES consultant reports on panels, background materials, and election laws.

All of these materials are available in the IFES Washington Resource Center and the IFES Macedonia Resource Center.

## **6. Impact and Evaluation**

Despite the extraordinarily tight time frame, exacerbated by both partisan splits on the SEC and the long summer vacation season in Macedonia, IFES had successes in its cooperation with the SEC. Tangible accomplishments of the IFES/SEC partnership included the implementation of a voter information and education campaign and the production of a guidebook designed for the use of polling station officials, and also used by both international and domestic election observers.

In its extensive review of draft materials for both the training program and voter education and information campaign, SEC members confronted and acknowledged serious gaps, ambiguities and inconsistencies in the applicable law. The production of the training manual after great obstacles demonstrated to an often-reluctant SEC that it could indeed take on a leadership role with respect to lower level bodies. While IFES was not able to conduct the level of training it had hoped, manuals were delivered to polling stations throughout Macedonia and provided some guidance on the law. The voter information campaign demonstrated that basic information on elections could be presented in a creative and instructive way. Most important, however, IFES efforts helped to identify key inadequacies in the law and administrative structures supporting the electoral system in Macedonia. This helped to set the stage for much-needed reforms.

One of the greatest challenges to IFES in accomplishing its goals in the pre-election period in Macedonia was the very tight time frame. Many key individuals with whom IFES had to interact were unavailable through early August. This increased the technical and logistical challenges of producing voter information and education materials in sufficient time. Likewise, the approval process within the SEC ensured that several days were lost waiting for their response.

The training program, including the preparation of the training manual, almost fell victim to a dispute within the SEC over whether or not it had the legal authority to instruct the MECs on how to implement the law. Most of the ongoing dispute centered on the proposed manual, which was to form the basis for training. A member and deputy member of the SEC worked with IFES on a draft, which was subsequently presented to the full SEC in August. Over the course of five days, the SEC reviewed the entire document line by line. Additions, deletions, and changes were made. Among the deletions were detailed procedures regarding the counting of ballots at the polling stations. Since the Law on Local Elections does not address counting procedures in a detailed way, the initial draft included recommended procedures based on provisions from the Law on the Election of Members of the Assembly of the Republic of Macedonia. The SEC, however, decided not to include these procedures in the final document.

The performance of the electoral bodies was also problematic. The OSCE/ODIHR Election Observation Mission (EOM), in its Statement of Preliminary Findings and Conclusions on the first round, found the following shortcomings in the preparation and conduct of the elections:

- Vague and inconsistent provisions in the Law on Local Elections;
- A State Election Commission interpreting its mandate in an extremely restrictive manner and failing to issue binding regulations on vital issues;
- A severe shortage of funds available to municipalities to conduct the elections; and
- Administrative measures initiated by the authorities selectively against a number of media critical of the government before Election Day.

The EOM issued similar findings at the conclusion of the second round of elections, held on 24 September.

While IFES assistance provided much-needed support to the SEC as it prepared for the elections, it was demonstrably clear that the problems with the electoral process in Macedonia are systemic and require longer-term institutional reform if they are to be diminished.

The IFES seminar brought local actors together to conduct a civilized examination of elections in Macedonia after weeks of recriminations. Political parties, which had been attacking one another, appeared together and pledged cooperation to improve the legal and administrative framework for elections. In the end, there was general support for the creation of a broad-based commission to propose electoral reforms to Parliament.

Not only did the seminar offer an opportunity for discussion among political foes, but it served as the first step toward the process of electoral reform. Building on the momentum for this generated after the September 2000 local elections and the 1999 presidential election, the seminar helped focus calls for electoral changes into a more defined plan that could be implemented prior to 2002 parliamentary elections.

### **C. Electoral Reform Project**

#### **1. Introduction**

Starting in January 2001, IFES programming in Macedonia focused on addressing the systemic problems of the electoral process in Macedonia.

At the outset, it must be noted that the IFES Electoral Reform Project (ERP) experienced considerable challenges, largely as a consequence of the ongoing civil unrest and political turmoil. That said, the ERP had four major initiatives:

1. Election law reform;
2. Testing and assistance for the improvement of the voters' list;
3. Technical assistance to the State Election Commission (SEC); and
4. A public information campaign based on the electoral reform process.

Given the political situation, the focus was largely on the first two initiatives. These activities were undertaken in conjunction with the Macedonian Ministry of Justice, pursuant to an agreement between the Ministry of Justice and IFES.

## **2. Office and Personnel**

### **a. International**

**Dan Blessington** remained as **IFES Project Director** throughout this phase of the program.

**Michael Yard** returned in February of 2001 to lay the groundwork for testing of the voters list.

**Dale Leake**, a database specialist from the United States, took over for Mike Yard, performing an integrity test of the voters' list.

**Jessie Pilgrim**, a lawyer from Oklahoma with extensive international elections' experience, served as a resource to the Ministry of Justice Working Group on Electoral Reform in February of 2001. An expert in proportional representation and other electoral systems, he authored a publication entitled "A Practical Guide to Electoral System Design" that was widely distributed throughout the country.

**Dr. Daniel Finn**, a highly respected consultant in international election law and administration, also contributed to the Working Group on Electoral Reform. In May and June of 2001, he reviewed the legal framework for elections in Macedonia, as well as draft legislation designed to correct the deficiencies in the existing law.

**Catherine Barnes** returned in November of 2001 to conduct the voter education phase of a pre-election assessment.

### **b. Local**

**Hristina Koneska** returned to the program in March as Program Coordinator. **Mali Krifca** and **Bojan Dumaloski** remained in their respective positions during the transition to the new phase of the project.

**Jelena Stevanovic-Bogdanovska** joined the program in February as a Program Assistant. Her degree, from Cyril and Methodius University, is in English.

## **3. Activities**

### **a. Election Law Reform**

As a result of the seminar and subsequent discussions with IFES, in January 2001 the Minister of Justice established a Working Group on Electoral Reform, composed of government officials, academics, and

experts in the field of elections. The principal aim of the Working Group was to propose comprehensive and well-considered legislation to Parliament. A second objective was to test the integrity of the voters' list database.

IFES supported the Working Group by providing written materials and consultants in the areas of voter registration, database analysis and testing, electoral systems, election law, and electoral administration. IFES also provided meeting and work space.

In March, the Working Group reviewed the Law on Voters Lists and Voter ID Cards, and began its review of the Law on Election of Members of Parliament of the Republic of Macedonia. By month's end, the Ministry of Justice had prepared a draft of recommended changes and alternatives to the Law on Voters Lists and Voter ID Cards for further consideration by the group in April. Regarding the Law for Election of Members of Parliament, the Working Group focused on alternative election models and on the structure of the electoral management bodies. Before the political unrest began in late February 2001, a number of political parties had stated their desire to change the system by which Members of Parliament are elected. Indeed two parties had introduced proposals that would replace the current parallel system of representation to a purely proportional one. The Working Group on Electoral Reform also put forward a number of alternative proposals. IFES provided the Working Group with a number of papers on electoral system models (see appendixes 4 & 5 of this report), as well as specific analyses of two recent proposals introduced into Parliament that would replace the current system with a pure proportional model. The existing parallel system, often referred to as a mixed system, provided that 85 of the 120-member Parliament be elected in single constituency districts by a relative majority while 35 members were to be elected on the basis of proportional representation.

In April, the Working Group produced initial drafts of the Law on Recording Voters and the Voter ID Card and the Law on Election of Members of Parliament. In May, IFES Macedonia prepared a publication entitled "A Practical Guide to Electoral System Design." IFES distributed hundreds of copies of the guide to all registered political parties in Macedonia, as well as to NGOs, international organizations and others. The guide was produced to enable non-experts to understand the essential characteristics, goals, advantages and disadvantages of various electoral systems. The intent was to broaden the public discussion on this important issue, which is usually the exclusive preserve of political scientists and other experts. This publication is Appendix 6 of this report. In addition, IFES produced an analysis of reform of election laws and administration in Macedonia. This is Appendix 7 of this report.

As the political and military situations worsened in Macedonia, Minister of Justice Mehmeti on 20 June convened a public discussion of two draft laws developed by the Working Group on Electoral Reform. Despite the troubling outside events, the public discussion was well attended by political parties and NGOs. At the Minister's request, IFES assisted by providing materials it had developed on electoral reform and by providing interpreters to international invitees. The discussion itself was productive and positive. Representatives of some of the smaller political parties expressed their gratitude to the Minister for soliciting their views.

On 21 June, five members of the Working Group traveled to Albania with the IFES Macedonia Project Director to observe the elections on June 24th and to discuss electoral law and administration with experts and officials there. The Study Tour was sponsored by World Learning. Of the five Working Group members, three were ethnic Albanian, and two were ethnic Macedonian, including the Chairman of the Macedonian State Electoral Commission, Josif Lukovski.

The trip, undertaken in cooperation with IFES Albania, was a huge success, marred only by the knowledge that the situation in Macedonia was rapidly deteriorating. Albania has a comprehensive electoral code that went into effect in May 2000, and a well-staffed permanent election commission.

While elections are far from perfect in Albania, they are much improved and are more advanced than those in Macedonia. It is significant that despite the worst inter-ethnic crisis Macedonia has experienced since its independence from Yugoslavia, both ethnic Albanians and ethnic Macedonians traveled together to neighboring Albania because they believed they could learn something from Albania's more developed electoral system. It is also significant that during this deeply troubling time for all citizens of Macedonia, an ethnic Albanian Minister of Justice brought together all political forces within the country for a serious discussion of electoral issues. The commitment of all ethnic groups to the rebuilding of Macedonia's electoral framework is essential if there is to be improvement in Macedonian elections.

#### **b. Testing and Assistance for Improvements to the Voters' List**

In cooperation with the Ministry of Justice and the Bureau of Statistics, IFES conducted integrity testing of the voters' list database in March 2001. At the end of the month, it presented a final report to the Working Group that identified problem areas and made recommendations for further testing. Further testing will require the approval and cooperation of the Ministry of Interior. The non-technical report is Appendix 8 of this report.

#### **c. Preparations for Early Elections**

June saw a further deterioration in the political and military situations in Macedonia, as well as increased international efforts to avoid a descent into political stalemate and widespread inter-ethnic violence. By the end of the month, most U.S. expatriate personnel were requested by USAID to leave the country. The IFES Macedonia Project Director relocated to Tirana, Albania for an indeterminate period. IFES Macedonia continued to function, however, with local staff. In view of the crisis, the focus of the IFES programming in Macedonia began to shift from comprehensive electoral reform to planning for election assistance in the expectation that a political settlement would include a component for early elections. IFES Macedonia Project Director, along with several other Americans representing USAID contractors and grantees, returned to Macedonia in October after an absence of three months.

On 13 August, the leaders of the four major political parties in Macedonia reached an agreement designed to forestall the country's descent into civil war. The agreement was reached after difficult negotiations at Lake Ohrid, which were held under the auspices of President Boris Trajkovski. The international community, including special envoys from the United States and the European Union, were heavily involved in the negotiations. Javier Solana of the EU, Lord Roberston of NATO and OSCE Chairman in Office Mircea Geona all went to Skopje for the signing ceremony. Within days of the agreement, NATO troops began arriving in Macedonia to begin the process of collecting weapons to be turned over voluntarily by ethnic Albanian armed groups.

The agreement called for a cessation of hostilities and addresses a variety of issues, including public education, use of language, government decentralization, and equitable representation in public employment. In order to implement the agreement, Parliament was required to pass legislation and effect Constitutional changes according to various timetables. Under Annex C, Implementation and Confidence-Building Measures, early parliamentary elections were to be held by 27 January 2002, a date informally agreed to by the political parties with the formation of a government of political unity in May.

On 20 September, the Ministry of Justice sent to Parliament draft laws on the Election of Members of Parliament and on Voters' Lists. Parliament finally approved the controversial package of amendments to the Constitution in November by a reported vote of 93-14. These were the amendments, which had been accepted in principle as part of the Framework Agreement signed at Lake Ohrid. After three months of acrimonious public debate, Parliament finally did what was necessary to avert an all-out civil war. A week after Parliament's historic vote on the constitutional amendments came the formal demise of the so-

called Government of Political Unity, formed in May as a response to the crisis. On 22 November, SDSM announced that it had left the government. A new government is now in place.

With the encouragement and approval of USAID, in November 2001, IFES conducted the first phase of a pre-election assessment devoted to the issues of voter education and information. During that time meetings were held with representatives of government agencies, parliament, political parties, non-governmental organizations, the media community, and international donor organizations and their implementing partners. This assessment report is Appendix 9 of this report.

In March 2002, IFES conducted phase II of the assessment devoted to election administration issues. Issues involving displaced people, infrastructure damage and freedom of movement are some of the key areas on which the assessment focused. The assessment concluded that Macedonia's post-conflict environment did not present insurmountable operational challenges for the conduct of 2002 parliamentary elections. Results of the assessment were provided to the SEC and Ministry of Justice, as well as to members of the international community providing support and assistance. The report contains analyses and concrete recommendations on numerous operational issues, such as voter identification and ballot security. This assessment report is Appendix 10 of this report.

As part of its efforts to prepare for elections and ensure that the efforts of various international actors are neither duplicative nor contradictory, IFES established the International Assistance Group on Elections (IAGE) in 2001. This ad hoc group meets to discuss election issues and to coordinate international assistance efforts. The IAGE met regularly during the pre-election period to discuss legislation and the timing of elections. This was particularly important in light of the overall security situation, refugees and displaced persons, freedom of movement and infrastructure damage. This series of discussion provided both the local community and key members of the international community a greater appreciation of the practical issues regarding the elections and election legislation.

#### **4. Materials Produced**

- Printing and distribution to the Working Group of several papers on electoral system models, as well as specific analyses of two proposals introduced into Parliament to replace the parallel system with a pure proportional model;
- Final report on Database Integrity Analysis Distribution to the Working Group of a variety of materials on electoral management bodies, including models from other countries;
- Pre-Election Technical assessment- Phase I
- Pre-Election Technical Assessment- Phase 2

#### **5. Impact and Evaluation**

As stated in the introduction to this section, the Electoral Reform Project was significantly impacted by the political situation in Macedonia and the related need shift programming to focus on election preparations. While a new package of electoral legislation was recently enacted to form the legal framework for parliamentary elections scheduled for September of 2002, most agree that additional legislative action will be required in order to build a sustainable legal and administrative framework for subsequent elections. This is not to say that the new legislation is without merit. Indeed IFES has contributed to a number of improvements in the laws, including important provisions designed to reduce irregularities in the polling stations.

In addition, the database testing enabled the government to take steps to ensure a clean voters' list for the 2002 parliamentary elections and subsequent elections. The analyses of the proposals to change the

electoral system provided the Working Group with vital information on the implications of the various models, including the effect on small and ethnically based parties.

## II. CONCLUSION

In February 2002, IFES received new funding from USAID to address technical problems encountered during the 1998, 1999 and 2000 in advance of the 2002 parliamentary elections. This approach recognizes the value of international influence in discouraging irregularities and responds to election-related complications resulting from the period of recent civil unrest and changes in electoral legislation. The so-called Electoral Reform Activity is aimed at achieving the following objectives:

- An improved legal framework for elections;
- An increased capacity of election administration structures and personnel to effectively administer elections; and
- The conduct of voter education activities to inform the public about any changes in election legislation, to ensure voters are aware of the election issues and their rights and responsibilities as voters, and to minimize such ingrained practices as family and proxy voting.

This includes working with the Ministry of Justice, the State Election Commission; training of poll workers and party representatives; and voter education and information campaigns. IFES is also coordinating with the international community in these efforts. This programming is supported by the CEPPS 2 funding mechanism and is thus covered under separate reports to USAID.

Electoral reform has proven to be a long and arduous task in Macedonia. Recent efforts at electoral reform have taken place amidst maneuvering over a new government and the upsurge in violence and inter-ethnic conflict. Though future electoral reform activities are beyond the scope of this report, they would entail a resumption of previously approved activities, namely: election law reform (drafting of new election legislation and the transfer of the voter registry from the Statistical Office to another body); additional testing and assistance for improvement to the voters' list; technical assistance to the SEC (particularly if a permanent Commission is established); and a public information campaign based on fundamental changes in legislation as a result of electoral reform.

Judging from IFES' November 2000 post-election seminar, as well as its close work with the Ministry of Justice since then, the Working Group on Electoral Reform, International Assistance Group on Elections, and discussions with key actors, there appears to be willingness among top government officials, including President Trajkovski, and other political players to seriously pursue electoral reform and renew their commitment to more democratic and transparent elections in Macedonia.

**APPENDIX 1**

**IFES-SEC MOU 2000**

## **Memorandum of Understanding**

This Memorandum of Understanding (MOU) describes the types of assistance that the International Foundation for Election Systems (IFES), funded by the United States Agency for International Development (USAID), intends to provide to the State Election Commission (SEC) in connection with municipal elections scheduled for September 10, 2000, and the nature of the cooperation between IFES and the SEC. It seeks to build upon and formalize the already excellent cooperation that exists between IFES and the SEC.

### **Subject Areas of IFES Assistance**

IFES and the SEC agree that IFES will assist the State Election Commission in the following general areas:

- Voter education and information;
- Training of election officials; and
- Supporting the organizational capacity of the SEC.

### **IFES Activities**

In assisting the SEC, IFES shall retain the services of international election experts. IFES will, subject to all legally mandated approvals of the SEC, conduct the following activities:

- Develop and implement an SEC-approved voter education and information campaign;
- Support the SEC on media outreach;
- Assist in the development and implementation of a training program for members of electoral boards, including the preparation and printing of a manual for their use; and
- Act as a resource for the SEC in the areas of comparative election law, and election administration and practices.

In addition to the international experts referred to above, and subject to funding availability, IFES will retain and pay for the services of various professionals and/or companies of its choice to produce materials for training and voter information/education.

### **SEC Cooperation**

The SEC agrees to facilitate the work of IFES. Specifically, the SEC agrees to:

- Continue to provide IFES with access to documents and materials necessary for the conduct of the above-stated activities;
- Ensure that IFES experts and staff have access to the members of the SEC working groups responsible for the activities for which IFES is providing assistance, and to provide such IFES experts and staff access to members and personnel of the lower level election commissions and polling boards; and
- Provide IFES with required authorizations in sufficient time for IFES to accomplish its activities.

The Chairman of the Commission, or the person authorized by him, agrees to meet with the representatives of IFES in a timely manner to discuss the issues related to the aforementioned activities.

### **Joint Agreements of IFES and the SEC**

The SEC and IFES agree as follows:

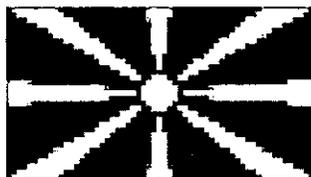
- That the Agreement shall come into force from the time of its execution;
- That the Agreement shall be executed in Macedonian and English, with both the SEC and IFES each retaining a Macedonian and English original, equally authentic;
- That the Agreement will remain in effect until the SEC's responsibilities terminate with respect to the elections scheduled for September 10<sup>th</sup> of this year, or until the termination of the IFES project in Macedonia; and
- That, notwithstanding the above, the SEC and IFES may terminate the agreement by mutual consent at any time.

**APPENDIX 2**

**Guide for the Electoral Voting Procedure 2000**

Prepared by IFES,  
In cooperation with the State  
Electoral Commission

**REPUBLIC OF MACEDONIA  
LOCAL ELECTIONS  
2000**



**GUIDE FOR THE ELECTORAL VOTING PROCEDURE**

**SEC**



August 2000

This guide is a result of the cooperation between the International Foundation for Election Systems (IFES), financed by the US Agency for International Development (USAID) and the State Electoral Commission, which is realized on the basis of the Memorandum of Understanding regarding the local elections 2000.

## Special Note to the English Language Edition

This English language edition of the guide is intended as a resource for members of the international community who have an interest in the local elections of 2000. Apart from this note, the contents of this edition are identical to the Macedonian and Albanian language versions. While we realize that the English translation may be awkward in spots, it is faithful to the original.

The guide was jointly developed by the International Foundation for Election Systems and the State Electoral Commission. A member and deputy member of the SEC worked with IFES on a draft, which was subsequently presented to the full SEC. Before the SEC approved the guide, there was considerable discussion among the members as to whether or not the SEC had the legal authority to issue it, or to include specific provisions in it.

Over the course of five (5) days, the SEC reviewed the entire document line by line. Additions, deletions, and changes were made. Among the deletions were detailed procedures regarding the counting of ballots at the polling stations. Since the Law on Local Elections does not address counting procedures in a detailed way, the initial draft included recommended procedures based on provisions from the Law on the Election of Members of the Assembly of the Republic of Macedonia. The SEC, however, decided not to include these procedures in the final document.

It is hoped that each polling station in Macedonia will be provided with one or more copies of the guide, and that the members of each electoral board will receive training on how to use it.

Dan Blessington, Project Director  
IFES Macedonia  
28 August 2000

## **MESSAGE**

Starting from the Memorandum of Understanding between the State Electoral Commission and IFES, this guide will educate electoral boards in the conducting of the upcoming local elections 2000 in which the citizens of the Republic of Macedonia, through the ballot box, will participate in the maintaining and shaping of the multi-party democracy.

We are very grateful that you have chosen to demonstrate your civic awareness in such a meaningful way. We encourage you to abide by the law and to remain reserved towards all persons, who are trying to bribe and intimidate you. However you can act in such way only if you have no doubts about your own knowledge of the voting procedure and your possibility for applying this under stressful circumstances.

It is very important that you know your rights and duties as a citizen and as a member of an electoral board. The voters will rely on your conducting the elections and on the accuracy of the information you will provide to them in order for them to cast their vote.

This guide is prepared to help you fulfill your responsibilities and achieve consistency in applying the Law on Local Elections throughout the country. Its purpose is to summarize the responsibilities of the members of the electoral board in an easy and comprehensible way, and will be used for educational purposes, for information on the Election Day.

IFES and State Electoral Commission

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## **1. MEANING OF TERMS**

**The law on Polling Stations (LPS) (Official Newspaper of the Republic of Macedonia, no.50/97)**

**The Law on Local Elections (LLE) (Official Newspaper of the Republic of Macedonia, no. 46/96, 48/96, 56/96 and 17/97-Decision of the Constitutional Court)**

**The Voters' Lists and Voter ID card Law (LVL) (Official Newspaper of the Republic of Macedonia, no.49/96 and 9/98)**

**The Law on the Election of Members for the Parliament of the Republic of Macedonia (LPE) (Official Newspaper of the Republic of Macedonia, no.24/98, 50/99 and 68/99-Decision of the Constitutional Court)**

**State Electoral Commission (SEC)**

**Municipal Electoral Commission (MEC)**

**Electoral Board (EB):**

The electoral board is appointed by the MEC. It is composed of a president and two members who have deputies. One member is nominated on proposal of the opposition parties, and one member on proposal of the position parties.

**President of the Electoral Board:**

The person running the electoral board in the polling station.

**Electoral Board members and deputies:**

During the voting, Electoral board members or deputies must be present on Election Day to perform their responsibilities in relation to the voting.

**Candidates' representatives:**

Each proposer of a list of candidates for Council Members and for mayor may assign one representative and his deputy, who has the right to be present during the work of the electoral commissions and the electoral boards, from the beginning of the elections until the determining and publishing of the results of the vote.

**Voters' List:**

The extract from the General Voters' List, for the polling station, contains the following data (marks): the unique registry number, surname, name of one of the parents, personal name, sex, residing address (municipality, inhabited place, street, house number, entrance and apartment), date of entering and deleting, and date and type of adding.

The voters' list is delivered to all the electoral boards along with the voting material.

**Voters' ID cards:**

The Ministry of Justice issues voter ID cards to each citizen who is registered in the General Voters' List. Voters **MUST** show their voter ID cards at polling stations on Election Day to vote.

**Polling Station:**

A location designated for the holding of the vote for members of the council and mayor.

**Premises for voting:**

Enclosure or partition within which the voters, in private, according to their choice, vote.

The premises designated for voting must be equipped with booths, i.e. dividers or curtains so that it cannot be seen how the voter has marked his/her ballot.

**Ballots:**

The ballot on which to vote, is handed to the voter to select the list of candidates for members of the council or candidate for mayor.

**Unused ballots:**

Ballots that were not used for voting at the end of voting.

**Invalid ballots:**

Ballots that have not been circled in accordance with the law.

**Ballot boxes:**

The boxes located within the polling station into which the voters place their completed ballots.

**Special ballot boxes:**

The boxes used for voting of the physically disabled and ill persons who are unable to attend the polling station.

**Protocol (Form No. 15):**

Protocol for the process of voting and for the determining of the results of the voting in the polling station, in which are also entered possible remarks given by the members of the electoral board and by the candidates' representatives.

**International and Domestic Observers:**

International associations and organizations and all other registered associations and organizations within the Republic of Macedonia for the protection of human rights and liberties, which have applied to and have been authorized by the SEC, have the right to freely move on the territory of the Republic of Macedonia and to follow all activities conducted during the election campaign and on Election Day.

The above mentioned subjects are provided with a letter of authorization by the SEC.

## 2. SECURING OF THE ELECTION MATERIAL

The president and electoral board members are responsible for the custody, maintenance and securing of all election material from the moment of reception until it is delivered to the MECs, i.e., to the Electoral Commission of the city of Skopje.

The MEC will advise the electoral board when material is to be delivered. Delivery must be made at least one day before Election Day.

The MEC, with candidates' representatives present, will deliver to each electoral board all the necessary voting material.

Upon reception of the election material, the electoral board, in the presence of the MEC representative:

- Inspects the ballot boxes and makes sure they are securely sealed and empty;
- Checks the correct number of ballots for each election and checks that the serial numbers are as stated on Form 13;
- Checks that the correct certified extract of the voters' list has been received;
- Checks the state of the ballot boxes in the premises and if they are all there;
- Checks that all other items necessary for the proper conduct of the vote have also been received;

The electoral board members sign Form 13 (protocol on submitting-taking over of the election material from the election commission to the electoral board);

**NOTE: Electoral boards must see to the securing of the voting material until it is submitted to the MEC.**

### 3. ELECTORAL BOARD

#### General:

The electoral board consists of the president and 2 members who have their deputies. Detailed guidance about allocation of duties is given later in this manual. In brief, they are as follows:

The electoral board, and especially the president should make sure:

- To check the polling station before Election Day and in advance make all necessary arrangements for voting, including security;
- To open and close the polling station at appointed time;
- To supervise the operation of the electoral board members;
- To maintain a regular flow of voters in the polling station;
- To supervise the handing out of ballots to voters;
- To supervise that the explanation of voting procedures given to voters is done accurately and properly;
- To see that the vote counting at the end of polling is done correctly;
- To ensure that the protocols are completed properly;
- To ensure that all remarks (if any) are entered in the protocol no. 15 in writing;
- To make contact with candidates' representatives, international and domestic observers;
- Submitting of all election material (accompanied by electoral board members) to the MEC within 5 hours at the latest;
- To conscientiously monitor the electoral board concerning the process of voting, the secrecy of voting and the personal choice of the voter.

**Duties of electoral board members and deputies:**

- Check voter ID cards and mark them in the extract of the voters' list by circling the ordinal number of the voter;
- Stamp the voter ID card;
- Explain the voting procedure to each voter and issue ballots;
- Check voting booths throughout the day to remove any material left in them;
- Monitor that voters place ballots in the correct ballot box;
- See that voters queue in an orderly fashion;
- Participate in the counting of the ballot;
- Participate in the completion of the protocols;
- Participate in the packaging of election material;
- Accompany the president when transporting and submitting all voting material and documentation to the MEC after the completion of the count.

## **4. REMARKS, OBJECTIONS AND COMPLAINTS**

Electoral board members have the right to place remarks in the protocols.

The president of the electoral board ensures that all the remarks given are entered in the protocol.

Regarding any irregularity in any procedure and/or on Election Day, all voters, all candidates and all candidates' representatives have the right to lodge objections and complaints with the MEC.

With regards to objections against irregularities in the procedure before and after Election Day, the objection must be made within 24 hours of the alleged irregularity occurring.

The objection against irregularities on Election Day must be made within 48 hours of Election Day.

The MEC must reach decisions on objections lodged within 48 hours of receiving them.

All voters, all candidates and all candidates' representatives, if not satisfied, have the right to appeal the decision of the MEC to a competent Court of Appeals within 48 hours of receiving the decision. The appeal is to be submitted through the MEC and the competent Court of Appeals will reach a decision within 48 hours of receipt of the appeal.

## 5. ACTIVITIES BEFORE ELECTION DAY

The president of the electoral board should perform the following activities:

- At least **four** days before Election day visit the premises designated for voting and ensure that it is equipped with booths, i.e. dividers or curtains, so that it can not be seen how the voter marks his/her ballot;
- The voting premises must be professionally and technically arranged for locking and sealing;
- Ensure that the voting premises are properly locked and sealed;
- Meets the electoral board members and their deputies at the polling station to brief them on their responsibilities;
- Points out to the electoral board members the importance of good organization in the polling station so that a one-way flow of voters can be achieved to avoid congestion;
- Remind all electoral board members to report at the polling station no later than **6:00 AM** on Election Day;
- Designate an electoral board member to check the voter ID cards and to mark the voters' list;
- Designate an electoral board member to verify the voter ID card and stamp the voter ID card;
- Designate an electoral board member to issue ballots and to explain the voting procedure.

## 6. ACTIVITIES BEFORE OPENING THE POLLING STATION

One hour before opening the polling station the president and electoral board members, with candidates' representatives, if present, must:

- Inspect the premises to determine whether the premises and electoral material are in the same condition as they were the day before the election and complete the Protocol, (Form 14);
- Ensure that the ballot boxes are empty;
- Verify that all material provided by the MEC is at the polling station;
- Ensure that the voting booths are set up so they ensure the voters' privacy when voting;
- Ensure that all inventory is in place to ensure a one-way voter flow;
- Place signs, authorized posters etc. which the voters can see easily.

**Note: If your polling station is in the same building as other polling stations you will need to place additional signs showing the polling station ordinal number of the polling station at the entrance to the room you are using as well as outside.**

- Ensure that no political propaganda is near or within the polling station;
- Members and deputies are fully conversant with their duties and have the necessary equipment to commence the vote;
- Brief candidates' representatives, international and domestic observers at their request;
- Place the ballot boxes outside the voting booths so that they are in view at all times;

- Mix the ballots so the serial numbers are not in sequence;
- Not allow and caution all representatives of the media present that photographs or tape recordings are not to be taken in a voting booth because it could breach the principle of the secret ballot;
- Determine the method of informing and the manner in which security is present, if needed;
- Inform all participants in the voting procedure that the president is in charge of the polling station;

**Note: All of these operations are carried out in the presence of candidates' representatives, international and domestic, observers if present.**

- Fill in the Protocol for inspecting the voting premises, the voting material and the ballot boxes by the electoral board for the corresponding polling station (form 14);

**Note: If candidates' representatives wish to place their own remarks in the Protocol, form 14, they should be allowed to do so in their own handwriting and to sign.**

## 7. OPENING THE POLLING STATION

### Who has the right to vote:

- ◆ Every citizen of the Republic of Macedonia who is 18 years of age, with working abilities, and who is a permanent resident in the municipality, i.e. the city of Skopje, where an election is being held, has the right to vote.

### Who does not have the right to vote:

- ◆ A voter who does not present a valid voter ID card;
- ◆ A voter who does not present a valid personal ID card or passport;

**Note: Any voter who presents a valid voter ID card but is not in the correct polling station should be directed to the correct polling station.**

The voters should be allowed to enter the polling station to vote, in the order in which they arrive. However, in certain circumstances the president may use discretion in allowing a voter to vote out of turn (e.g. a very old person or someone who is incapacitated or blind etc).

## 8. VOTING PROCEDURES

As voters enter the polling station they are to be directed to the desk where they must state their name and surname and present their voter ID card and personal ID card or passport.

**Note: Each voter MUST produce his/her voter ID card as proof of entitlement, and his/her personal ID card or passport as proof of identity.**

Once the identity of the voter is determined, the appointed electoral board member checks for the name in the voters' list and upon finding the name marks the entry by circling the ordinal number in front of the voter's name.

Another appointed electoral board member verifies the voter's identity and after the voting stamps the back of the voter ID card and hands it back to the voter.

Then, the appointed electoral board member explains to the voter the method by which the ballots are to be marked and folded inside the voting booth. At the same time, the voter will be handed two ballots, turned with the serial number down, one for the members of council and one for the mayoral election, in such a way so as to ensure the secrecy of the voting.

**Note: A voter MUST only be allowed to vote once for him/herself. Under no circumstances is a voter to be allowed to apply for and receive a ballot for another person. This is NOT permitted even with written authorization from a registered voter.**

**Note: It is against the law for a voter to attempt to vote on behalf of another voter, including the spouse and immediate family members. This act is punishable pursuant to the provisions of the Criminal Code.**

A member of the electoral board must make sure that the voters know that:

The voter should leave the polling station immediately after voting and should not remain, for any reason, so that the process can continue without delay.

**Note: The electoral board is responsible for the maintenance of peace and order in the polling station. They may remove anybody disturbing the peace and order. They may ask for police assistance to restore order, in a way, which will provide prompt police intervention.**

**Note: Nobody is allowed to enter the polling station armed, except for the police when assisting the electoral board.**

In cases where the voters are physically disabled or illiterate, which prevents them from individually casting their vote, a person of the voters' choice shall be allowed to assist them. If no such person is available, the president or a member of the board shall choose a person to assist the voter in absolute secrecy.

A notation for each such assistance must be made in the Protocol for the process of voting.

**Note: The president, electoral board members, candidates' representatives, international and domestic observers are not permitted to assist a voter.**

Voting must conclude at 7:00 p.m., unless it has been interrupted. Voters who are in the polling station at 7:00 p.m. should be allowed to vote.

## **9. DISRUPTION AND SUSPENSION OF THE VOTING**

The president of the electoral board may suspend the voting at anytime when peace and order are not maintained. The voting may be suspended in cases of natural disasters and other emergencies.

Voting should be recommenced as soon as possible once peace and order have been reestablished.

If voting has been suspended for more than an hour, the president must extend the voting beyond 7:00 PM for the same period of time but no longer than three hours.

Should voting be suspended for more than three hours the president shall not reopen the polling station, as the voting for that polling station shall be repeated.

The reasons for the suspension and/or closure must be entered into the protocols together with the duration of the suspension.

## **10. VOTING OF ILL AND DISABLED PERSONS AND OF VOTERS WHO ARE SERVING THEIR MILITARY DUTY OR ARE ON MILITARY DRILLS**

### **Voting of ill and disabled persons**

Voters who are ill or due to physical disabilities are unable to attend the polling station on Election Day, may notify in writing the electoral board through the MEC no later than three days prior to Election Day of their circumstance and request that they be visited for the purpose of voting.

The president shall record the request and make the necessary arrangements for electoral board members to visit each such voter on Election Day.

**Note: Separate ballot boxes must be used for the voting of the ill and disabled persons.**

Such voting is conducted in the same manner as prescribed by law for voting on Election Day, **EXCEPT** that the electoral board shall visit each voter at the place he/she is staying.

**Voting of voters who are serving their military duty or are on military drills**

Such voting shall be conducted by the electoral board in the designated military unit for the corresponding polling station. The voting will be held on Election Day on September 10, 2000.

**Note: The voters who on Election Day are not at their residing address due to serving their military duty or are on military drills, shall vote in their military units. The voting for these voters shall be held by the electoral board assigned for the corresponding polling station, and the candidates' representatives are also informed for the voting, so that they could be present at the voting in the military unit.**

- the voters who are serving their military duty or are on military drills shall vote on Election Day;
- the ballots of each voter shall be placed in special envelopes and sealed;
- the special envelopes shall have the name local elections 2000 for election of council members, i.e. mayor, and the name of the municipality in which the voter is voting;
- No writing that would identify the voter shall be placed on the envelope;
- The electoral board member shall immediately sign the back of each of the voter's sealed envelopes and keep them in safe custody until the close of voting.

Once voting is completed, the MEC shall immediately deliver the sealed envelopes, using fast post, to the MEC that distributed the ballots for the voting of the soldiers.

## 11. CLOSING THE VOTE

**The president or a member of the electoral board shall enter the following details in both protocols (i.e. four protocols for the city of Skopje):**

- The ordinal number of the polling station and name of the municipality;
- The names of the president and electoral board members;
- The date and time the electoral board met;
- The time the polling station opened;
- The time the polling station closed;
- Record the time at which the last voter left the polling station;
- The reason if any for disruption of the voting;
- The number of unused ballots;
- The number of voters registered for the polling station;
- The number of voters who voted according to the voters' list;
- The number of voters helped by another person;
- The number of voters who voted as ill or physically incapacitated voters outside of the polling station;
- The number of voters who voted according to the number of ballots counted;
- The number of invalid ballots;
- The number of votes received for each list of candidates or mayor.

At the end of the vote, without any interruption, the electoral board, in the presence of the candidates' representatives, shall immediately proceed with determining the results of the voting, for which they complete a protocol.

At the close of the vote the president, with the assistance of electoral board members:

- Shall count the number of unused **members of council and mayoral** ballots, and enters the figures in the protocols.
- Shall count the number of voters on the voters' list that have been marked as having voted and enter the figure in the protocols.

**Before the counting of the votes for the council members commences, in the envelopes labelled for this purpose, they shall place:**

- Unused ballots for council members (if any) in the envelope for unused ballots;
- Complete the data on the envelope showing the polling station's ordinal number and the number of unused ballots and seal the envelope;
- Unused mayoral ballots (if any) in the envelope for unused ballots;
- Complete the data on the envelope showing the polling station's ordinal number and the number of unused ballots and seal the envelope.

**Note: The envelopes containing unused ballots must be sealed.**

The president, during the count, should:

- Start first by counting the votes for council member, and then start the counting of the votes for mayor.

During the counting of the votes for members of the council, the mayoral ballot box and its contents shall be kept in the custody of the president AND kept in full view of all candidates' representatives and everybody else present.

Together with the ballot box, there will be kept the unused mayoral ballots and all other material connected to the mayoral election.

**Note: The security of unused ballots is of the utmost importance during this period.**

## 12. COUNTING THE VOTES

### **President and electoral board members**

All members of the board **MUST** be present at all times while counting is in progress. The counting of votes shall continue uninterrupted until concluded.

**Note: The protocol and the other election material shall be delivered by the electoral board to the MEC within 5 hours after the completed voting at the corresponding polling station, and each candidates' representative receives a copy of this protocol.**

When counting is complete the president announces the final interim figures for each candidate list in the presence of electoral board members, candidates' representatives, international and domestic observers.

The president shall then complete the election protocol for members of council. All electoral board members and candidates' representatives present **must** sign the protocol. If any candidate representative has remarks or doubts with respect to the counting procedure or results, the president shall record those remarks.

When counting is complete the president announces the final interim figures for each candidate in the presence of the electoral board members, candidates' representatives, international and domestic observers.

The president shall then complete the mayoral election protocol. All electoral board members and candidates' representatives present **must** sign the protocol. If any candidate representative has remarks or doubts with respect to the counting procedure or results, the president shall record those remarks.

### **13. FINISHING THE COUNT**

**The president and the electoral board members must:**

- Make sure that the protocol has been completed satisfactorily;
- Sign both protocols;
- Place the counted ballots for each candidates' list for the members of council and mayoral elections in separate envelopes. Each envelope should be endorsed with the candidates' list ordinal number, number of votes cast and whether it is the members of council or Mayoral election and the polling station ordinal number;
- Seal envelopes and place in one of the ballot boxes;
- Ensure that all documentation and envelopes including voters' list are placed in envelopes provided;
- Seal the envelopes for transportation to the MEC and to the Electoral Commission of the city of Skopje.

**Note: Each candidates' representative is entitled to a copy of the protocols.**

### **14. ANOUNCEMENT OF RESULTS AND DELIVERY OF THE VOTING MATERIAL**

At the completion of the count the president with the assistance of the electoral board members shall complete the packaging and sealing of all election material and dismantling voting booths etc. The polling station must be left in the same condition as it was before being made available to the electoral board.

The president, accompanied by electoral board members shall immediately deliver all elections material, including ballots and protocols to the MEC and to the Electoral Commission of the city of Skopje.

Candidates' representatives may follow the president and electoral board members to the MEC and to the Electoral Commission of the city of Skopje, but **MUST NOT** be allowed to travel in the same vehicle.

## **15. CANDIDATES' REPRESENTATIVES, MEDIA, INTERNATIONAL AND DOMESTIC OBSERVERS**

In the electoral commissions and electoral boards, each proposer of a list of candidates for members of council and for mayor may appoint one representative and his deputy, and they will have the right to participate in the work of the electoral commissions and the electoral boards, from the beginning of the elections until the determining and the announcing of the results of the elections.

Their names must be submitted to the MEC and to the Electoral Commission of the city of Skopje, or to the electoral board prior to Election Day.

**Note: A political party, coalition or group of voters can only appoint one representative per polling station even if they have proposed lists for both members of council and mayoral election.**

### **Candidates' representatives have the following rights:**

- To be present at the polling station to enable them to follow the voting process. Before voting starts, they may inspect the voting booths and ballot boxes and verify that they are empty;
- To request and obtain from electoral board members, any information they consider necessary, regarding the voting procedure, including a copy of the protocols;
- To lodge objections and remarks against possible irregularities in the voting procedures and the determining of the results of the vote.

### **Candidates' representatives have the following responsibilities:**

- To abide by the law and any lawful instructions given by the SEC, MEC and electoral board;
- To co-operate with the electoral board without interrupting the working process;
- Not to interfere or interrupt the polling;
- Not to attempt to prevent or influence a voter from voting or how they wish to vote.

**The Media, International and Domestic observers:**

The media, international and domestic observers may follow all the activities taking place on Election Day and will be enabled to fulfill their rights.

**The Media, International and Domestic observers have the following rights:**

- To be present at the polling station to enable them to follow the voting process. Before voting starts, they may inspect the voting booths and ballot boxes and verify that they are empty;
- To request and obtain from electoral board members, any information they consider necessary, regarding the voting procedure;

**The Media, International and Domestic observers also have the following responsibilities:**

- To abide by the law and act according to instructions provided in the law;
- To co-operate with the electoral board and not interfere or interrupt the voting;
- Not to attempt to prevent or influence a voter from voting or how they wish to vote.

**Note: Members of the media must display at all times, whilst in the polling station, their media accreditation identity badge.**

**Note: International and domestic observers must display at all times, whilst in the polling station, their authorization badge.**

## **16. MUNICIPAL ELECTORAL COMMISSION**

### **The Municipal Electoral Commission:**

- Determines whether the proposed candidates' lists for the election of members of the council are proposed in accordance with the law;
- Approves with a decision the proposed candidates' lists;
- Names the electoral boards;
- Does technical preparations for the elections;
- Determines and announces the results of the elections in the municipality, i.e. the city of Skopje;
- Makes decisions on objections concerning irregularities in the working of the electoral boards;
- Completes and delivers statistical information, and
- Does other activities determined with this law.

Candidates' representatives, the media, international and domestic observers may be present throughout the entire process and shall have access to all the necessary documentation providing that it does not interfere with the smooth running of the polling station.

## 17. STATE ELECTORAL COMMISSION

### The State Electoral Commission:

- Does technical preparations for the conducting of the elections;
- Appoints the composition of the MECs and the Electoral Commission of the city of Skopje;
- Supplies extracts of the voters' list and delivers them to the electoral commissions;
- Determines the size, colour and serial numbers and the protection of the printing of the ballots;
- Secures and supplies all the election material within 72 hours prior to Election Day to the MECs and to the Electoral Commission of the city of Skopje;
- Prescribes election forms and publishes them in the Official Newspaper of the Republic of Macedonia;
- Securely, with the protocol delivers, the election material;
- Defines the rules for monitoring of the local elections for the international and domestic observers
- Provides the representatives of the international and domestic observers and the media with letters of authorization;
- Decides on complaints received concerning the determining the results of the vote.

**This guide is intended to educate the electoral bodies – the electoral commissions and the electoral boards - and to promote consistency in the application of the Law on Local Elections. The guide itself is not a source of law. While the SEC urges you to use it, you are reminded that the Law on Local Elections is the sole authoritative source of your legal obligations.**

**APPENDIX 3**

**Steps in the Voting Process 2000:  
English Translation of Poster**

# **“Steps in the Voting Process” Poster**

## **Municipal Elections 2000, Republic of Macedonia**

1. I must vote in person. It's the law. Upon entering the polling station, I will present my Voter ID Card.
2. I will announce my name and surname to a member of the electoral board. In addition to my Voter ID Card, I will show a Personal ID Card or Passport.
3. The member of the electoral board will circle the ordinal number appearing before my name in the voters' list. Then he/she will issue me a ballot for the mayoral election and a ballot for the municipal council election.
4. Voter's in Skopje will receive four ballots, two for their municipality within Skopje [one each for major and municipal council] and two for the city of Skopje [one each for major and city council].
5. I will need to wait for the next available voting compartment. The law requires that I mark my ballots in secret.
6. Once inside the voting compartment, I will mark my choice for mayor by circling the ordinal number appearing before name of my preferred candidate. The decision for whom I am going to vote is mine. On the municipal council ballot, I will circle the ordinal number appearing before the candidate list of my choice.
7. I should then fold each ballot to protect the secrecy of my vote.
8. I will then deposit each folded ballot into the designated ballot boxes for mayoral elections and for municipal council elections.
9. When I am done voting, a member of the electoral board will stamp my Voter ID Card and return it to me. Then, I should exit the polling station.

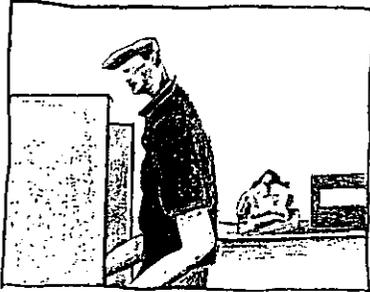
### **Need Assistance?**

If I am too frail to mark my ballots or have difficulty reading the ballots, I can inform a member of the electoral board that I require assistance. Another voter can assist me. Members of the electoral board, candidate representatives, and observers are not allowed to help me mark my ballots.

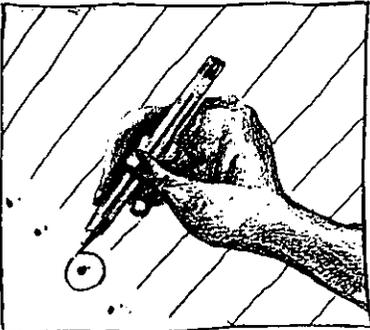
*If I have a question on how to mark the ballots, I can always read the instruction included on each ballot. I should follow these instructions exactly.*



1. Морам да гласам лична. Такво е законот. Штом ќе влезам на избирачкото место, ќе ја покажам мојата избирачка легитимација.

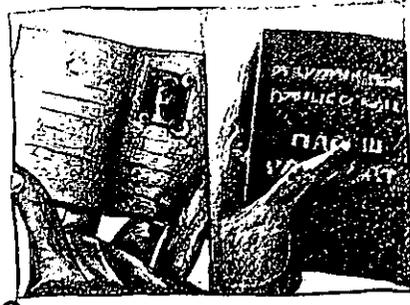


5. Не треба да почекам за слободен паравон за гласање. Според законот, тајно го заокружувам редниот број на моите гласачки ливчиња.

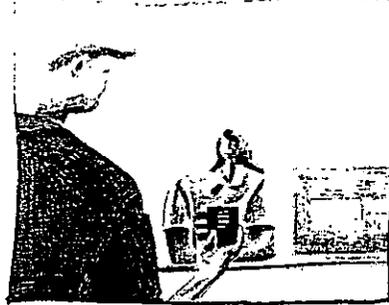


6. Штом ќе дојдам зад паравонот, ќе го заокружам редниот број кој стои пред името и презимето на кандидатот за градоначалник. Одлуката за кого ќе гласам ќе виде моја. На гласачкото ливче за советници, ќе го заокружам редниот број кој се појавува пред политичката партија, коалицијата или групата гласачи, според мој избор.

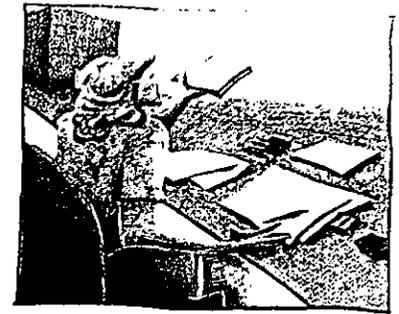
ЛОКАЛНИ ИЗБОРИ 2000, Република Македонија



2. Не го кахам моето име и презиме на еден од членовите на избирачкиот одбор и ќе ја покажам мојата избирачка легитимација, лична карта или пасош.



3. Членот на избирачкиот одбор ќе го заокружи редниот број пред моето име на Единствениот избирачки список. Потоа, ќе ми даде гласачко ливче за избор на градоначалник и гласачко ливче за избор на членови на советот на општината.

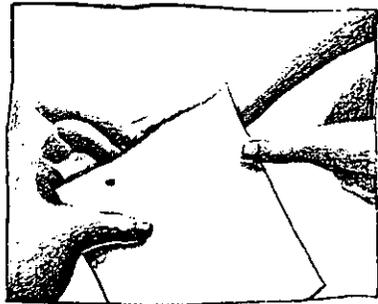


4. Гласачите во Скопје ќе добијат 4 гласачки ливчиња, од кои 2 за градот Скопје (1 гласачко ливче за Советот на градот Скопје и 1 гласачко ливче за градоначалник на градот Скопје), и 2 гласачки ливчиња за општината во која живеат (1 гласачко ливче за советот на општината и 1 гласачко ливче за градоначалник на општината).

## ЧЕКОРИ ВО ГЛАСАЧКИОТ ПРОЦЕС

Ми треба помош?

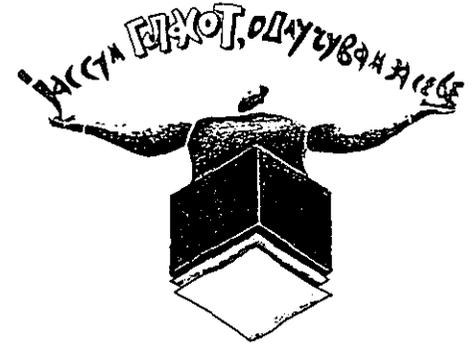
Доколку немохам сам-а да го заокружам редниот број на моите ливчиња или имам тешкотии при читањето на гласачките ливчиња, можам да го известам членот на избирачкиот одбор дека ми треба помош. Може да ми помогне друг гласач. На членовите на избирачкиот одбор, претставниците на кандидатите и на наволуваците НЕ ИМ Е ДОЗВОЛЕНО да ми помогнат.



7. Потоа, треба да го превртам секое гласачко ливче, за да ја заштитам тајноста на моето гласање.



8. Ќе ги ставам ливчињата, секое посебно, во означените гласачки кутии за секое од нив.



9. На крајот, членот на избирачкиот одбор ќе стави печат во мојата избирачка легитимација и ќе ми ја врати. Кога ќе завршам со гласањето, треба да излезам од гласачкото место.



ДРЖАВНА ИЗБОРНА КОМИСИЈА



## **APPENDIX 4**

### **Election Systems, Minority Representation and Candidate Accountability: Options for Macedonia**

# **ELECTORAL SYSTEMS, MINORITY REPRESENTATION, AND CANDIDATE ACCOUNTABILITY: OPTIONS FOR MACEDONIA**

Prepared for IFES Macedonia  
by  
Jessie V. Pilgrim, IFES Consultant  
2 March 2001

This paper is intended to provide a brief overview of how minority representation in a national parliament can be effected by a particular electoral system choice. This issue is relevant in Macedonia as there are several ethnic minorities resident in Macedonia.<sup>1</sup>

## **The Choice of the Electoral System Can Effect Minority Representation**

An electoral system converts votes to mandates. A majoritarian system will convert votes differently than does a proportional representation system. A single member district system will convert votes differently than does a multi-member system. Within a proportional representation system, a Hare Quota will convert votes differently than does a Droop Quota.<sup>2</sup> Within a proportional representation system, d'Hondt divisors will convert votes differently than do St. Lague divisors.<sup>3</sup> The list of electoral system components that will effect the conversion of votes to mandates is expansive.

The purpose of this paper is to discuss the major electoral system components that significantly effect minority representation. The choice of the electoral system *does* effect minority representation. Minorities fair better under some electoral systems than they do under others.

Countries with electoral systems that facilitate minority representation in parliament are better able to manage conflict and resolve grievances relating to minority issues. This principle is particularly applicable to countries where there are several ethnic minority communities. An electoral system that does not facilitate minority representation contributes significantly to conflict and tension in a country.

## **Electoral System Components That Facilitate Minority Representation**

Geographical distribution of ethnic minority populations is an important factor in designing electoral system components that facilitate minority representation. Single member districts may facilitate minority representation where minorities are geographically concentrated. Where minorities are not geographically concentrated,

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<sup>1</sup> According to the International Crisis Group Report "Macedonia's Ethnic Albanians: Bridging the Gulf", dated 2 August 2000, the ethnic communities in Macedonia are Macedonian, Albanian, Turkish, Roma, Serbian, Muslim, Vlachs, and "Others".

<sup>2</sup> A Hare Quota is (the number of total valid votes divided by the number of mandates to be allocated) plus one. A Droop Quota is [(the number of total valid votes divided by (the number of mandates to be allocated plus one))] plus one.

<sup>3</sup> The d'Hondt divisors are 1, 2, 3, 4, 5, *et. seq.* The St. Lague divisors are 1, 3, 5, 7, 9, *et. seq.*

minority representation may be better facilitated by a proportional representation system.

A system of preference voting, such as the alternative vote (AV) system, may facilitate minority representation. Under AV voting, voters rank candidates in the order of preference. If no candidate receives a majority of the first preference votes, then second preference votes are counted. This system, in theory, encourages a candidate to appeal to voters of a different ethnicity in order to attract second and later preference votes, which could determine the final outcome. Proponents of AV voting argue that it facilitates minority representation as second and later preference votes can determine an electoral winner. However, AV has been used sparingly and the empirical evidence is inconclusive.

A proportional representation system, where there is no arbitrary legal threshold and the only threshold is the effective (mathematical) threshold, facilitates the representation of minorities in a parliament.<sup>4</sup> Further, the use of a Droop Quota instead of a Hare Quota more favorably converts votes into seats for minority parties. The use of St. Lague divisors converts votes into seats for minority parties more favorably than does allocation by d'Hondt divisors.<sup>5</sup>

### **Single Member District Electoral Systems**

As noted above, single member districts may facilitate minority representation where minorities are geographically concentrated. Electoral systems that use single member districts include plurality systems such as First Past the Post, as well as majority systems such as the two-round runoff or the AV system. These systems produce representatives beholden to defined geographical areas. Concentrated ethnic minorities are able to elect candidates in single member districts and thereby obtain representation in the national parliament. Majoritarian systems are favored over plurality systems since a majoritarian system requires winning candidates to have gained an absolute majority of the votes cast. Plurality systems give the electoral victory to the highest polling candidate, regardless of whether the candidate had majority support.

Generally, a single member district system will facilitate minority representation only in a country where minorities are geographically concentrated. If a minority is dispersed generally throughout a country, and has a small population number, then it would not necessarily be ensured representation by a minority representative, as there may not be sufficient votes to ensure a minority winner in a particular single member district.

There are a variety of single member district systems that can be utilized where minorities are sufficiently concentrated geographically to ensure winning some single member districts. Where minorities are both concentrated geographically and interspersed with other majority groupings in a country, it is possible to use a Mixed

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<sup>4</sup> The current electoral system in Macedonia, for the 35 country Proportional Representation mandates, uses an arbitrary legal threshold of five percent (.05). The effective (mathematical) threshold is .0277777. Thus, the legal threshold is nearly twice the effective threshold.

<sup>5</sup> The current electoral system in Macedonia, for the 35 country Proportional Representation mandates, uses d'Hondt divisors.

Member Proportional (MMP) System.<sup>6</sup> The MMP System combines a First Past the Post System and a Proportional Representation System (PR). MMP combines the positive elements of both majoritarian and PR electoral systems. A certain number of seats in the parliament is elected by plurality – majority voting, usually from single member<sup>7</sup> districts, while voting for lists under a PR system elects the remaining number of seats. The PR seats are used to compensate for any disproportionality resulting from the voting in the single member districts. The virtue of MMP is that it ensures that voters have geographic representation in single member districts, while also ensuring overall proportionality between votes and seats.

The Parallel System, similar to MMP and often erroneously referred to as MMP, also combines single member district voting and voting for PR lists.<sup>8</sup> However, unlike MMP, the Parallel System does not ensure proportionality. Instead, the Parallel System simply provides that some members of parliament are elected by plurality or majoritarian voting and other members are elected by voting for PR lists. The Parallel System is more prevalent than MMP. However, the Parallel System does not ensure overall proportionality in election results.

### **Proportional Representation Electoral Systems**

Where minorities are not geographically concentrated, minority representation may be better facilitated by a proportional representation system. The virtue of PR is that it reduces the disparity between a party's share of the national votes and its share of parliamentary seats. If a party wins 40% of the votes, then it should also win approximately 40% of the seats. Similarly, a smaller party that wins 10% of the votes should win approximately 10% of the seats.

The most common type of PR system is the List PR system used in large, multi-member districts that maximize proportionality. Under a List PR system, each party (or coalition) presents a list of candidates to voters. Voters vote for a party rather than a particular party candidate. Parties are awarded seats in proportion to their overall share of the national vote. Winning candidates are selected from the lists in the order of their respective positions on lists.

The List PR system has a number of virtues. First, it ensures highly proportional results. Secondly, it is not generally subject to gerrymandering or other forms of manipulation resulting from misfeasance in the drawing of electoral boundaries. Thirdly, it is a relatively simple electoral system. Voters understand it. As List PR ensures a high degree of proportionality, it is the one electoral system that is most likely to provide representation to small ethnic minorities. The MMP System and Parallel System, described above, facilitate ethnic minority representation due to their PR components. However, as already observed, the Parallel System does not ensure proportionality.

List PR has the following positive attributes:

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<sup>6</sup> It is also referred to by some writers as the "German system", as it has been used in Germany successfully for numerous post WWII elections.

<sup>7</sup> Multi-member districts can also be used.

<sup>8</sup> Macedonia currently uses the Parallel System. Parliament consists of 85 single member district members and 35 members elected from PR lists.

- Public acceptance as “fair” since it proportionally converts votes to seats.
- Instills voter confidence that each vote counts since proportionality ensures that few votes are wasted.
- Facilitates ethnic minority representation in parliament.
- Restricts the proliferation of geographical “fiefdoms” in single member districts.

List PR has the following negative attributes:

- Lack of accountability and responsiveness of elected parliamentarians to a specific geographic collection of voters.
- Concentration of power with political party leaders.

Arbitrary legal thresholds can undermine the positive attributes of List PR. Thus, a brief discussion on PR thresholds is necessary.

All PR systems have an effective (mathematical) threshold. The effective threshold is the minimum number of votes required to win one mandate. The effective threshold is a mathematical minimum level determined by  $[1 \div (\text{number of mandates} + 1)] + 1$ . A party, which has a number of votes equivalent to or greater than the effective threshold, is ensured at least one seat in the parliament. District magnitude (the number of mandates to be allocated within the district) is determinative of the effective threshold. High district magnitude results in a lower effective threshold.

The effective threshold in Macedonia in the 1998 Parliamentary elections for the 35 PR mandates was .0277777 plus one vote (30,909 votes). However, three electoral contestants that reached this minimum level were not allowed to participate in allocation of the 35 mandates because they did not cross a *legally imposed* threshold of five percent (5%).

The imposition of a legal threshold is significant as it usually results in diminished minority participation in parliament and provides an allocation bonus to large parties. A five percent (5%) threshold in Poland in 1993 resulted in thirty-four percent (34%) of the votes being cast for lists that did not meet the threshold. Lists receiving a combined sixty-six percent (66%) of the vote received one hundred percent (100%) of the mandates. The threshold in Russia in 1995 resulted in nearly fifty percent (50%) of the votes being cast for lists that did not meet threshold. Lists receiving only half of the votes were awarded all the mandates.

The discriminating effect of a legal threshold works not only against ethnic minority parties, but also works against independent candidates and small parties that are geographically based. This discriminatory effect raises a concern due to OSCE commitments.<sup>9</sup> Paragraph 7.5 of the OSCE 1990 Copenhagen Document requires that citizens be permitted “to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.” Arguably, a legal threshold that exceeds the effective threshold discriminates against independent candidates and small political parties and, thus, violates Paragraph 7.5.

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<sup>9</sup> Macedonia is a member state of the OSCE.

## **Preferential Voting**

Preferential voting requires voters to rank candidates in the order of preference, with voters ranking candidates from the most favorite to the least favorite.

Preferential voting can be proportional, as is the Single Transferable Vote (STV) System, or it can be majoritarian, as is the AV system. However, both are preferential voting systems that require voters to rank candidates in order of choice.

An STV system generally uses small multi-member districts. A quota (or effective threshold), determined by the number of members to be elected in the multi-member district, is the number of first preference votes a candidate must obtain in order to be elected. Any candidate, who receives more first preferences than the quota, is immediately elected. If no candidate has reached the quota, the candidate with the lowest number of first preference votes is eliminated and the eliminated candidate's second preference votes are redistributed among the remaining candidates. The surplus votes (votes in excess of the quota) of a candidate, who has reached the quota, are redistributed on a fractional basis to remaining candidates. Elimination of candidates and redistribution of later preferences and the surplus votes continues until all seats in the multi-member district are allocated. The STV system can be complicated for voters and election administration officials. Thus, it is not widely used.

The AV system is a majoritarian system generally used in single member districts. A winning candidate must obtain an absolute majority of the vote. A candidate can obtain a majority directly in first preference votes, or indirectly by the distribution of second and later preferences expressed by voters who did not choose the candidate as their first preference. If no candidate has received more than 50% of the first preference votes, then second and later preference votes are transferred until a candidate has obtained majority of the votes counted in any given round of counting. Proponents of AV argue that it provides candidates with a strong incentive to try and attract the second and later preferences of voters from other groups, including groups of a different ethnicity than the candidate. This is necessary, in theory, since it requires an absolute majority of the vote to win the electoral contest. Successful candidates are those who can appeal to a broader voter base and secure second and later preferences. Candidates who cannot appeal to second and later preference votes will be unsuccessful.

Preferential voting has the following positive attributes:

- It provides incentive for accommodative and/or reconciliatory behavior on the part of candidates.
- It provides incentive for accommodative and/or reconciliatory behavior on the part of elected officials.
- It permits voters to express a degree of choice among candidates and does not limit voters to a single choice.
- It requires candidates to appeal to diverse groups of voters in order to garner second and later preference votes.

- The use of single-member (AV) or multi-member (STV) districts, establishes a link between voters and elected candidates and ensures accountability to voters.

Preferential voting has the following negative attributes:

- It can be complicated for voters to understand.
- Vote tabulation is more complicated and requires more time.
- A majoritarian preferential system, like AV, can produce disproportional election results.
- A proportional preferential system, like STV, produces inter-party competition as members of the same party are competing against each other to reach the quota.

### **Conclusion**

The choice of the electoral system is important and should be made carefully in any country, especially one with several ethnic minority communities. Minorities fair better under some electoral systems than they do under others. It is recommended that a country choose an electoral system that facilitates minority representation in parliament. This serves to help manage conflict and resolve grievances relating to minority issues. An electoral system that does not facilitate minority representation can create and aggravate ethnic conflict and tension in a country.

**APPENDIX 5**

**Analysis of Electoral System Models**

# ANALYSIS OF ELECTORAL SYSTEM MODELS FOR MACEDONIA

Prepared for IFES Macedonia  
by  
Jessie V. Pilgrim, IFES Consultant  
16 April 2001

## Introduction

This paper provides an analysis of eleven electoral system models that have been proposed for elections for the Parliament of Macedonia. Each of the eleven models is described in Annex 1.

## Summary of Models

Models One and Two both use one countrywide district where 120 mandates are elected under a Proportional Representation ("PR") system, allocating mandates to electoral contestants that reach a legal threshold, using the d'Hondt allocation formula. Model One establishes a three percent (3%) legal threshold and Model Two establishes a five percent (5%) legal threshold. The first table in Annex 4 compares potential electoral results under Models One and Two using the electoral contestants of the 1998 parliamentary elections. The second table in Annex 4 compares how both models could impact the representation of ethnic minorities in parliament.

Models Three, Four, and Five use a Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d'Hondt allocation formula. Model Three has no legal threshold. Model Four establishes a three percent (3%) legal threshold and Model Five establishes a five percent (5%) legal threshold. The first table in Annex 5 compares potential electoral results under Models Three, Four, and Five using the electoral contestants of the 1998 parliamentary elections. The second table in Annex 5 compares how these three models could impact the representation of ethnic minorities in parliament.

Models Six through Eleven use a regional PR system where a fixed number of mandates is allocated in each regional district. These models differ from each other in the number of regional districts and legal thresholds used. The first table in Annex 6 compares potential electoral results under Models Six through Eleven using the electoral contestants of the 1998 parliamentary elections. The second table in Annex 6 compares how these models could impact the representation of ethnic minorities in parliament.

Annex 7 provides a list of general questions and answers as to how the different models could impact elections to the Parliament of Macedonia.

## **Terminology**

An explanation of the terms used in this paper is helpful for understanding the models and their potential impact on elections for the Parliament of Macedonia. Annex 2 provides explanations of the technical terms used in this paper.

## **Assumptions**

Certain assumptions must be made in order to assess the potential impact of any given model on future elections to the Parliament of Macedonia. Assumptions that have been made are included in Annex 3.

## **General Principles Applicable to All Models**

There are general principles applicable to all the models. Some of the models rely on single member districts, some rely on PR districts, and some rely on a combination of both. Generally, subject to unique conditions that may be present in Macedonia, the following principles are applicable to all of the models.

- A List PR system ensures highly proportional results.
- A List PR system is generally not subject to gerrymandering or other forms of manipulation resulting from misfeasance in the drawing of electoral boundaries.
- A List PR system is relatively easy for voters to understand and for electoral administrators to implement.
- As List PR ensures a high degree of proportionality, it is likely to facilitate ethnic minority representation in parliament.
- Voters generally accept List PR as “fair” since it proportionally converts votes to seats.
- List PR generally instills voter confidence that each vote counts since proportionality ensures that few votes are wasted.
- List PR restricts the proliferation of geographical “fiefdoms” in single member districts.
- Single member districts and multi-member districts provide a degree of accountability and responsiveness of elected parliamentarians to a specific geographic collection of voters. This accountability and responsiveness is lacking in a List PR system.
- The use of single member majority districts will result in fewer parties in parliament. This can improve legislative efficiency. It may also eventually lead to a two-party system.
- Single member districts can be abused through the gerrymandering of districts.
- List PR can concentrate power centrally with political party leaders.
- The Parallel system can facilitate ethnic minority representation due to its PR component. However, the Parallel system does not ensure proportionality.
- Legal thresholds can undermine the positive attributes of a List PR system.
- Geographical distribution of ethnic minority populations is an important factor in designing electoral system components that facilitate minority

representation. Single member districts may facilitate minority representation where minorities are geographically concentrated. Where minorities are not geographically concentrated, minority representation may be better facilitated by a proportional representation system.

- A PR system, where there is no legal threshold and the only threshold is the effective (mathematical) threshold, facilitates the representation of minorities in a parliament.

#### **Model One**

Model One establishes one countrywide district where 120 mandates are elected under a Proportional Representation (“PR”) system, allocating mandates to electoral contestants that obtain at least three percent (3%) of the total valid votes, using the d’Hondt allocation formula.

(insert discussion of model)

#### **Model Two**

Model Two establishes one countrywide district where 120 mandates are elected under a Proportional Representation (“PR”) system, allocating mandates to electoral contestants that obtain at least five percent (5%) of the total valid votes, using the d’Hondt allocation formula.

(insert discussion of model)

#### **Model Three**

Model Three establishes a Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula.

(insert discussion of model)

#### **Model Four**

Model Four establishes a Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula. Only electoral contestants that obtain at least three percent (3%) of the total valid votes in the countrywide PR contest are allowed to participate in the allocation of PR mandates.

(insert discussion of model)

#### **Model Five**

Model Five establishes a Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in the countrywide PR contest are allowed to participate in the allocation of PR mandates.

(insert discussion of model)

### **Model Six**

Model Six establishes a regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d'Hondt allocation formula.

(insert discussion of model)

### **Model Seven**

Model Seven establishes a regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least three percent (3%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

(insert discussion of model)

### **Model Eight**

Model Eight establishes a regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

(insert discussion of model)

### **Model Nine**

Model Nine establishes a regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula.

(insert discussion of model)

### **Model Ten**

Model Ten establishes a regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least three percent (3%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

(insert discussion of model)

### **Model Eleven**

Model Eleven establishes a regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region..

(insert discussion of model)

## ANNEX 1 – THE ELEVEN MODELS

### **Model One**

One countrywide district where 120 mandates are elected under a Proportional Representation (“PR”) system, allocating mandates to electoral contestants that obtain at least three percent (3%) of the total valid votes, using the d’Hondt allocation formula.

### **Model Two**

One countrywide district where 120 mandates are elected under a Proportional Representation (“PR”) system, allocating mandates to electoral contestants that obtain at least five percent (5%) of the total valid votes, using the d’Hondt allocation formula.

### **Model Three**

A Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula.

### **Model Four**

A Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula. Only electoral contestants that obtain at least three percent (3%) of the total valid votes in the countrywide PR contest are allowed to participate in the allocation of PR mandates.

### **Model Five**

A Parallel system where 60 mandates are elected in single member districts and 60 mandates are elected in one countrywide district under a PR system using the d’Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in the countrywide PR contest are allowed to participate in the allocation of PR mandates.

### **Model Six**

A regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d’Hondt allocation formula.

### **Model Seven**

A regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d’Hondt allocation formula. Only electoral contestants that obtain at least three

percent (3%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

#### **Model Eight**

A regional PR system where 10 mandates are allocated each in 12 regional districts, allocating mandates to electoral contestants in each of the 12 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

#### **Model Nine**

A regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula.

#### **Model Ten**

A regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least three percent (3%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

#### **Model Eleven**

A regional PR system where 12 mandates are allocated each in 10 regional districts, allocating mandates to electoral contestants in each of the 10 districts using the d'Hondt allocation formula. Only electoral contestants that obtain at least five percent (5%) of the total valid votes in a particular region are allowed to participate in the allocation of PR mandates in that region.

## **ANNEX 2 – TERMINOLOGY**

**Electoral contestant** includes a political party, coalition, and independent candidate, and any combination thereof that can appear on the ballot and for which voters can vote. **District** means the voting unit in which electoral contestants are elected. A **single member district** is a voting unit in which electoral contestants compete for a single mandate. A **multi-member district** is a voting unit in which electoral contestants compete for more than one mandate. As an example, the current electoral system uses both single member districts and one multi-member district. The current system uses 85 single member districts, where there is an electoral contest for one mandate each in 85 separate districts, and one countrywide multi-member district where there is one electoral contest for 35 mandates that are awarded to lists of candidates under a Proportional Representation (“PR”) system. The current system is a **Parallel** system. Under the current electoral system, a voter is given two ballots. The first ballot is for the single member district contest in the district in which the

voter resides. The second ballot is for the countrywide multi-member district for the 35 PR mandates.

A **Proportional Representation** system allocates mandates within a multi-member district to lists of candidates, using an allocation formula, in proportion to the share of votes obtained by the list. Under a List PR system, each party (or coalition) presents a list of candidates to voters. Voters vote for a party rather than a particular party candidate. Parties are awarded seats in proportion to their overall share of the national vote. Winning candidates are selected from the lists in the order of their respective positions on lists.

If a political party or coalition wins 40% of the votes, then it should also win approximately 40% of the seats. Similarly, a smaller political party than wins 10% of the votes should win approximately 10% of the seats.

A **List of candidates** or **List** is a list of several candidates from the same political party or coalition competing as one electoral contestant for mandates in a multi-member district to be allocated under a PR system. The law may provided that the list is a **closed list**, which means that voters cannot change the order of the candidates on the list. If the law provides that the list is an **open list**, then the voters can change the order of the candidates on the list when voting. If a political party or coalition wins 20 mandates in a multi-member district, then 20 candidates on the political party or coalition's list will be allocated mandates. The 20 candidates on the list to be allocated mandates will be determined by whether the law provides for closed or open list voting.

The **allocation formula** is the mathematical formula used in a PR system to convert votes to mandates. The current formula used for allocation of the 35 countrywide PR mandates, and used in the model proposals, is the **d'Hondt** method. Under the d'Hondt method, the valid vote total of every electoral contestant is divided by the numbers 1, 2, 3, 4, and so forth until the total number of mandates to be allocated has been used as a divisor.<sup>1</sup> The quotients resulting from these divisions are arranged in the order of the highest to the smallest. Every electoral contestant will have 35 quotients. The 35 PR mandates are then given to the 35 highest quotients.

To fully understand the models, it is necessary to be familiar with the concept of the **threshold** of each model. There are two types of a threshold. The first type is the **mathematical threshold** or **effective threshold**. All voting systems have an effective threshold. The effective threshold is the minimum number of votes required to win one mandate.<sup>2</sup> An electoral contestant that has a number of votes equivalent to or greater than the effective threshold is ensured at least one seat in the parliament. As an example, if an electoral contest is for one mandate, as in the 85 single member districts currently used in Macedonia, a contestant who receives 50% plus one of the votes is assured victory. If an electoral contest is for two mandates, a contestant who

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<sup>1</sup> There are other allocation formulas, such as the St. Lague formula, which uses the divisors 1, 3, 5, 7, 9, *et. seq.*

<sup>2</sup> The effective threshold is a mathematical minimum level determined by  $[1 \div (\text{number of mandates} + 1)] + 1$ .

receives 33.33% plus one of the votes is assured one of the two mandates. If a contest is for three mandates, a contestant who receives 25% plus one of the votes is assured one of the three mandates. The minimum number of votes necessary to win one mandate is the effective threshold.

The second type of threshold is a **legal threshold**. A legal threshold is an arbitrary percentage of the total valid votes that an electoral contestant must obtain in order to participate in mandate allocation. It is imposed by the law and is a hurdle an electoral contestant must overcome regardless of whether the contestant have overcome the effective threshold.

The imposition of a legal threshold is significant as it usually results in diminished minority participation in parliament and provides an allocation bonus to large parties. A five percent (5%) threshold in Poland in 1993 resulted in thirty-four percent (34%) of the votes being cast for lists that did not meet the threshold. Lists receiving a combined sixty-six percent (66%) of the vote received one hundred percent (100%) of the mandates. The threshold in Russia in 1995 resulted in nearly fifty percent (50%) of the votes being cast for lists that did not meet threshold. Lists receiving only half of the votes were awarded all the mandates.

The discriminating effect of a legal threshold works not only against ethnic minority parties, but also works against independent candidates and small parties that are geographically based. This discriminatory effect raises a concern due to OSCE commitments.<sup>3</sup> Paragraph 7.5 of the OSCE 1990 Copenhagen Document requires that citizens be permitted "to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Arguably, a legal threshold that exceeds the effective threshold discriminates against independent candidates and small political parties and, thus, violates Paragraph 7.5.

The imposition of a legal threshold is significant as it usually provides an allocation bonus to large parties.

**District magnitude** (the number of mandates to be allocated within the district) is determinative of the effective threshold. High district magnitude results in a lower effective threshold.

## ANNEX 3 – ASSUMPTIONS

### Number of Votes Used for Models

All models are based on a total valid vote count of 1,112,704, which is the total valid vote count in 1998 for the 35 countrywide PR mandates. These votes are distributed, using the actual results from 1998, as follows: VMRO/DPMNE (312,627), SDSM (279,795), PDP/PDPA/NDP (214,360), DA (119,351), LDPiDPM (77,788), SPM/PCERM/DPTM/DPPRMiSDAM (52,284), DPSM (14,930), VMRO/DOM (11,577), PPRM (5,967), MAAK/KP/MAiDP (5,596), VMRO/DP (3,746), GLPM

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<sup>3</sup> Macedonia is a member state of the OSCE.

(3,393), Group of Voters (2,762), SKM (2,756), SHPM (2,186), KPM (2,058), RP (1,528).

Use of the total valid vote count of 1,112,704 is justified, notwithstanding that the number of registered voters has increased since 1998. Although there has been an increase in voter registration, there has not been a respective increase in voter turnout. Voter turnout in the second and deciding round of the 1999 Presidential election was 1,095,822. Voter turnout in the first round of the 2000 municipal elections was 963,590. Voter turnout in the second round of the 2000 municipal elections was 952,959. Thus, regardless of increased voter registration, there has not be a respective increase in voter turnout.

#### **Number of Votes for Ethnic Minorities**

The following population percentages have been used: Macedonian (64.6%), Albanian (21.0%), Turkish (4.8%), Roma (2.7%), Serbian (2.2%), Muslims (1.7%), Vlachs (0.4%).<sup>4</sup> These population numbers are based on the 1991 Census. Population numbers from the 1994 Census were not used due to the controversy over the effect on the count of the 1992 Macedonian Law on Citizenship.

It is assumed that: (1) no ethnic community has a turnout percentage that deviates from the overall percentage of voter turnout in 1998, (2) no ethnic community has a voting age population that deviates from the overall percentage of voting age population, (3) all persons, regardless of ethnicity, face the same obstacles in satisfying eligibility requirements, such as age, citizenship, and residency, and (4) voting is ethnically based. Although not 100% valid, these assumptions are necessary for the model to be an indicator of the effect of the draft proposals on mandate allocation.

Based on the four assumptions from the previous paragraph, and based on 1,112,704 votes, which is the total number of votes cast in the 1998 Parliamentary elections for the countrywide 35 PR mandates, ethnic voting strength is distributed as follows: Macedonian (718,807), Albanian (233,668), Turkish (53,410), Roma (30,043), Serbian (24,480), Muslims (18,916), Vlachs (4,451).

**ANNEX 4 – COMPARISON TABLES FOR MODELS ONE AND TWO  
TABLE ONE**

ELECTORAL CONTESTANT	NUMBER OF MANDATES WON UNDER MODEL ONE	NUMBER OF MANDATES WON UNDER MODEL TWO
VMRO/DPMNE	36	37
SDSM	32	34
PDP/PDPA/NDP	24	26

<sup>4</sup> From the International Crisis Group Report "Macedonia's Ethnic Albanians: Bridging the Gulf", dated 2 August 2000.

DA	13	14
LDP/DPM	9	9
SPM/PCERM/DPTM/ DPPRM/SDAM	6	0
DPSM	0	0
VMRO/DOM	0	0

**TABLE TWO**

ETHNICITY	NUMBER OF MANDATES WON UNDER MODEL ONE	NUMBER OF MANDATES WON UNDER MODEL TWO
MACEDONIAN	86	91
ALBANIAN	28	29
TURKISH	6	0
ROMA	0	0
SERBIAN	0	0
MUSLIM	0	0
VLACH	0	0

**ANNEX 5 – COMPARISON TABLES FOR MODELS THREE TO FIVE  
TABLE ONE**

ELECTORAL CONTESTANT	NUMBER OF MANDATES WON UNDER MODEL THREE	NUMBER OF MANDATES WON UNDER MODEL FOUR	NUMBER OF MANDATES WON UNDER MODEL FIVE
VMRO/DPMNE			
SDSM			
PDP/PDPA/NDP			
DA			
LDP/DPM			
SPM/PCERM/DPT M/ DPPRM/SDAM			
DPSM			
VMRO/DOM			

**TABLE TWO**

ETHNICITY	NUMBER OF MANDATES WON UNDER MODEL THREE	NUMBER OF MANDATES WON UNDER MODEL FOUR	NUMBER OF MANDATES WON UNDER MODEL FIVE
MACEDONIAN			
ALBANIAN			

TURKISH			
ROMA			
SERBIAN			
MUSLIM			
VLACH			

**ANNEX 6 -- COMPARISON TABLES FOR MODELS SIX TO ELEVEN  
TABLE ONE**

ELECT. CONT.	MNDTS UNDER MOD. 6	MNDTS UNDER MOD. 7	MNDTS UNDER MOD. 8	MNDTS UNDER MOD. 9	MNDTS UNDER MOD. 10	MNDTS UNDER MOD. 11
VMRO/ DPMNE						
SDSM						
PDP/ PDPA/ NDP						
DA						
LDP/ DPM						
SPM/ PCERM/ DPTM/ DPPRM/ SDAM						
DPSM						
VMRO/ DOM						

**TABLE TWO**

ETHNIC	MNDTS UNDER MOD. 6	MNDTS UNDER MOD. 7	MNDTS UNDER MOD. 8	MNDTS UNDER MOD. 9	MNDTS UNDER MOD. 10	MNDTS UNDER MOD. 11
MACD						
ALBAN						
TURK						
ROMA						
SERB						
MUSLM						
VLACH						

**APPENDIX 6**

**A Practical Guide to Electoral System Design**

# A PRACTICAL GUIDE TO ELECTORAL SYSTEM DESIGN

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**GOALS; ESSENTIAL CHARACTERISTICS;  
ADVANTAGES AND DISADVANTAGES**

**IFES MACEDONIA**

**May 2001**

## I. INTRODUCTION

This paper is intended to give an overview of some of the major electoral systems and to provide guidance for determining what electoral system may be the most appropriate to meet the specific goals of a country.<sup>1</sup> The process of determining what electoral system will best meet the goals of a country is a difficult one as *goals are often contradictory and inconsistent*. As an example, one goal may be to provide the opportunity for independent candidates to compete effectively in electoral contests. Another goal may be to strengthen political parties. These goals are inconsistent. Thus, it is important to prioritize goals and realize that *some goals must be sacrificed to other goals*. It is also important to understand that *no single electoral system can satisfy all the goals that may be present in a given country*. It is also important to understand that *the very elements of a particular system that are considered positive may have a negative impact within a given country context*. Finally, it must be understood that *the matter of electoral system choice can be complex and that there is no ready-made remedy for all of the specific ills of a country*.

## II. GOALS OF THE ELECTORAL SYSTEM

### **The Principle Question - What is the Desired Basis for the Representative Parliament?**

A representative parliament may be based on geographic representation. This is representation based on an electoral constituency, whether it be a region, city, administrative unit, or an otherwise specifically defined district. Members of parliament are elected on the basis of geography and, in theory, are accountable to the geographic set of voters that elected

them. This type of representation may be best facilitated with a plurality or majority voting system using single member districts. *If geographic representation is the paramount goal, then consideration should be given to electoral systems that revolve primarily around plurality or majoritarian voting in single member districts.*

A representative parliament may be based on ideological representation. This is representation based on overall political party strength in a country, which, in theory, is indicative of the strength of competing ideologies in the country. This type of representation may be best facilitated with a proportional representation voting system using the entire country as one voting district. *If ideological representation is the paramount goal, then consideration should be given to electoral systems that revolve around the concept of proportionality.*

A representative parliament may be based on the demographic characteristics of a country. This is representation based on such individual factors as ethnicity, gender, language, or religion. This type of representation may be best facilitated with a voting system that provides for reserved seats for minorities or gender, or that ensures that demographic characteristics are converted into parliamentary seats. *If demographic representation is the paramount goal, then caution must be exercised in choosing the electoral system. The use of reserved seats can be controversial and the effect of a particular system on demographic distribution is country specific. As an example, if an ethnic minority population is concentrated in a compact area, then single member districts may facilitate ethnic minority representation. However, if an ethnic minority population is dispersed throughout a country, then single member districts will impede ethnic minority representation.*

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<sup>1</sup> This paper does not address all possible electoral systems, but only some of the more prominent systems.

Thus, the fundamental question to be answered early in the design of an electoral system is which of the following is the most important:

- candidate accountability to a specific geographic collection of voters
- overall representation of competing ideologies based on their relative strength
- representation reflective of ethnicity, gender, language, or religion

### **Practical Considerations**

Designers of electoral systems should never overlook practical considerations in a given country. Practical considerations that must be considered are the education level of voters, country infrastructure and resources, and the simplicity/complexity of a particular electoral system. The Single Transferable Vote (STV) is considered a model voting system. However, the fact is that it may be extremely complicated for some voters to understand. Thus, the electoral system designer would act irresponsibly by suggesting STV in a country where voters are not likely to fully understand the system or be able to properly mark the ballot.

Another practical consideration is how will the public perceive the electoral system choice. The public must perceive that the electoral system is fair. Public acceptance of the legitimacy of the electoral system is essential.

The designer of an electoral system must take into account the following considerations:

- complexity of the system for the average voter
- complexity of the system for country infrastructure and resources
- public perception as to whether the system is fair

### **The Element of Voter Choice in the Electoral System**

Another consideration in electoral system design is how much choice should be given to the individual voter within the system. The degree of choice given to a voter depends largely on the type of ballot dictated by particular variations of a given electoral system.

A majoritarian system can limit voter choice by limiting the voter to one candidate choice in two rounds of voting. Or, a majoritarian system can expand voter choice by allowing the voter to rank candidates in the order of preference in one voting round. This is the Alternative Vote (AV) system, which is discussed later. A proportional representation system can limit voter choice by using "closed" lists where mandates are allocated to party candidates in the order determined by the party. Or, a proportional representation system can expand voter choice by using "open" lists where voters mark candidates within the party lists and mandates are allocated to party candidates in the order determined by voters.

### **Special Considerations for Representation of Ethnic Minorities**

A particular electoral system choice may facilitate the representation of ethnic minorities. Electoral systems that may facilitate ethnic minority representation include multi-member Proportional Representation (PR) or semi-PR election systems, which use district magnitudes that are large enough to lower the effective threshold for participation in mandate allocation.

An electoral system may also have special provisions that give unique treatment to ethnic minorities in order to ensure their representation in parliament. The use of "reserved seats" is one such special provision. Such a provision, whether constitutional or statutory, guarantees a fixed minimum number of seats in the parliament for a particular ethnic minority. Representatives for these reserved seats are generally elected in the same manner as other members of parliament, but are sometimes elected only by members of the particular ethnic minority for which the seats are reserved.

A significant problem with the use of reserved seats is that disclosure of a candidate's ethnicity cannot be prevented in a system that uses reserved seats.<sup>2</sup> There may also be practical problems with the use of reserved seats for ethnic minorities. What is the method of proof of ethnicity in the event a candidate's ethnicity is challenged? Does it require DNA testing? Or, does a self-declaration suffice?

Another concern with the use of reserved seats is that it perpetuates identification and division of candidates based on ethnicity. It results in the labeling of candidates and, depending on the electoral system, voters. Labels can lead to distinction and discrimination.<sup>3</sup> The use of reserved seats should be considered carefully.

Other mechanisms for facilitating ethnic minority representation include the creation of "safe" minority districts in a majoritarian system that uses single member districts, proportional representation systems that use low thresholds for mandate allocation, and requiring that candidate lists include a certain number of minority candidates in certain list positions.

### **III. DISCUSSION OF VARIOUS ELECTORAL SYSTEMS**

#### **First Past the Post (FPTP) System**

In a First Past the Post (FPTP) system, the winning candidate is the candidate who secures the most votes in a single member district. It is sometimes described as a plurality single member district system, as the winner is the candidate with the most votes and not necessarily an

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<sup>2</sup> However, a candidate from an ethnic minority must have the option of competing for either a regular seat or a reserved seat. Article 3 of the Framework Convention for the Protection of National Minorities provides that "Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."

<sup>3</sup> Proponents of the use of reserved seats argued that identification and division of candidates based on ethnicity always exist anyway and that this risk is not increased by the use of reserved seats.

absolute majority of the votes, in a single member district. In theory, a candidate could be elected with two votes, if every other candidate only received one vote each.

### **Advantages and Disadvantages of FPTP**

The primary advantages of FPTP, like other plurality-majority electoral systems, are:

- easy for voters to understand and electoral administrators to implement
- officials elected in single member districts provide a degree of accountability and responsiveness to a specific geographic collection of voters
- use of single member majority districts can result in fewer parties in parliament, contributing to more stable and efficient government
- use of single member districts may facilitate minority representation where minorities are geographically concentrated
- allows voters to choose candidates on the basis of individual qualifications without regard to political party affiliation
- use of single member districts creates a greater opportunity for independent candidates to be elected

The primary disadvantages of FPTP are:

- disadvantages third parties, eventually leading to their demise
- depending upon geographic distribution of populations, it may disadvantage ethnic minorities
- single member districts can be abused through the gerrymandering of districts where the population size of districts may vary substantially
- may lead to a two party system that results in a party of the "left" and a party of the "right", both alternating in power
- may, in some cases, give rise to single party governments since electoral results can be disproportionate
- perceived by some voters as "unfair" since electoral results can be disproportionate<sup>4</sup>
- can exclude the participation of ethnic minority candidates as political parties in FPTP systems generally stand the most broadly acceptable candidate in a particular district so as to avoid alienating the majority of voters<sup>5</sup>

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<sup>4</sup> As examples, the Liberal/Social Democratic Party Alliance won 25% of the votes in the 1983 general elections in the United Kingdom, but only 3% of the seats. The Social Credit Party won 21% of the vote in the 1981 elections in New Zealand, but only 2% of the seats. The Botswana National Front won 27% of the votes in the 1989 Botswana general elections, but only 9% of the seats.

<sup>5</sup> Empirical evidence indicates that ethnic minorities are under represented in those countries that conduct parliamentary elections using a FPTP system.

- can exclude the participation of women in parliament as political parties do not generally view women candidates as the most broadly acceptable candidate in a particular district
- can result in regional "fiefdoms" where one party wins a majority of votes in a particular region and, thereby, wins all, or nearly all, of the parliamentary seats
- results in a large number of "wasted votes" which do not elect any candidate since a winning candidate needs only 50% plus one of the votes

### Alternative Vote (AV) System

The Alternative Vote (AV) system is a majoritarian system used in single member districts. A winning candidate must obtain an absolute majority of the votes. A candidate can obtain a majority directly in first preference votes, or indirectly by the distribution of second and later preferences expressed by voters who did not choose the candidate as their first preference.

A voter marks the ballot by ranking the candidates in the order of preference, with a "1", "2", and so forth. The first preference votes, or "1s", are counted in a first round of counting. A candidate who has won an absolute majority of votes (50% plus one) is immediately elected. However, if no candidate has received more than 50% of the first preference votes, then the candidate with the lowest number of first preferences is "eliminated" from the count, and the eliminated candidate's ballot is examined for second preference votes. The eliminated candidate's second preference votes are then transferred to the remaining candidates as marked on the ballot. This process of eliminating the bottom candidate and transferring preferences is repeated until one candidate has an absolute majority (50% plus one) of the votes in a given round of counting. Proponents of AV argue that it provides candidates with a strong incentive to try and attract the second and later preferences of voters from other groups, including groups of a different ethnicity than the candidate. This is necessary, in theory, since it requires an absolute majority of the votes to win the electoral contest. Successful candidates are those who can

appeal to a broader voter base and secure second and later preferences. Candidates who cannot appeal to second and later preference votes will be unsuccessful.

### **Advantages and Disadvantages of AV**

The primary advantages of AV voting are:

- may provide incentive for accommodative and/or reconciliatory behavior on the part of candidates
- may provide incentive for accommodative and/or reconciliatory behavior on the part of elected officials
- permits voters to express a degree of choice among candidates and does not limit voters to a single choice
- requires candidates to appeal to diverse groups of voters in order to garner second and later preference votes
- requires the use of single member districts, establishing a link between voters and elected candidates and ensuring accountability to voters

The primary disadvantages of AV voting are:

- can be complicated for voters to understand
- vote tabulation is more complicated and requires more time
- as a majoritarian system, can produce disproportional election results

### **Two Round Voting System**

The Two Round Voting System is a plurality/majoritarian voting system using single member districts. The first round of voting is conducted in the same manner as a FPTP election. If a candidate receives an absolute majority of the valid votes, then the candidate is elected. If, however, no candidate receives an absolute majority, then a second round of voting is held. The winner of this second round of voting is elected.

Which candidates are permitted to run in the second round of voting depends on the particular electoral system. The most common variation is for the second round of voting to be a straight "run-off" contest between the top two vote winning candidates from the first round.

Another variation for the second round of voting is to permit all candidates, who received a requisite percentage of votes in the first round, to compete in the second round. The candidate winning the most votes in the second round of voting is the winner. This system permits a plurality, and not necessarily a majority, of the vote to determine the winning candidate in the second round.

### **Advantages and Disadvantages of the Two Round System of Voting**

The primary advantages of the Two Round System of Voting are:

- permits voters to have a second choice if their first choice loses
- permits voters to change choices between voting rounds
- may provide incentive for accommodative and/or reconciliatory behavior on the part of candidates who need support of additional voters in the second round of voting

The primary disadvantages of the Two Round System of Voting are:

- places a burden on election administration bodies by requiring two rounds of voting
- significantly increases the costs of an election
- the period between the first and second rounds of voting can lead to conflict, tension, and violence if the second round of voting in certain single member districts will determine which political party will control or have a majority in the parliament
- as is the case with all plurality/majority systems, overall electoral results, can be disproportionate

### **Parallel Voting System**

The Parallel Voting System is a system that combines seats elected by Proportional Representation List voting and seats elected in single member districts by either plurality or majority voting. Some Parallel systems use the Two Round System for elections for the single member district mandates.

### **Advantages and Disadvantages of Parallel Voting System**

The primary advantages of the Parallel Voting System are:

voting system may also incorporate some aspects of Alternative Vote (AV) by use of preferential voting. This combination is the Single Transferable Vote (STV) System, which is discussed later.

All PR systems have an effective (mathematical) threshold. The effective threshold is the minimum number of votes required to win one mandate.<sup>6</sup> A party, which has a number of votes equivalent to or greater than the effective threshold, is ensured at least one seat in the parliament. District magnitude (the number of mandates to be allocated within the district) is determinative of the effective threshold. High district magnitude results in a lower effective threshold.

In addition to the effective threshold, the PR systems of some countries contain a *legally imposed* threshold of a stated percentage of the total countrywide vote. The imposition of a legal threshold is significant as it usually results in diminished minority participation in parliament and provides an allocation bonus to large parties. A five percent (5%) threshold in Poland in 1993 resulted in thirty-four percent (34%) of the votes being cast for lists that did not meet the threshold. Lists receiving a combined sixty-six percent (66%) of the vote received one hundred percent (100%) of the mandates. The threshold in Russia in 1995 resulted in nearly fifty percent (50%) of the votes being cast for lists that did not meet threshold. Lists receiving only half of the votes were awarded all the mandates. The discriminating effect of a legal threshold works not only against ethnic minority parties, but also works against independent candidates and small parties that are geographically based.

A final, but important, element of a PR voting system is the type of ballot used with the lists of candidates. Most PR systems use "closed" list voting. On a closed list, the political party

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<sup>6</sup> The effective threshold is determined by multiplying the total number of valid votes casts for all electoral contestants by  $[1 \div (\text{number of mandates} + 1)]$ , and then adding one.

predetermines the order of the candidates on the list. Voters cannot choose individual candidates within the list and mandates are allocated to candidates in the order chosen by the political party. Some PR voting systems use "open" list voting. On an open list, voters can change the order of the candidates on the list. Voters not only can vote for their political party of choice, but they can vote for their candidate of choice within the list of that political party.

### **Advantages and Disadvantages of PR Voting Systems**

The primary advantages of PR Voting Systems are:

- public acceptance as "fair" since it proportionally converts votes to seats
- may result in a more representative parliament since votes are converted into seats proportionally
- instills voter confidence that each vote counts since proportionality ensures that few votes are wasted
- facilitates the participation of small parties in parliament
- facilitates ethnic minority representation in parliament
- facilitates the representation of women in parliament
- restricts the proliferation of "fiefdoms" in single member districts

The primary disadvantages of PR Voting Systems are:

- lack of accountability and responsiveness of elected parliamentarians to a specific geographic collection of voters
- concentration of power with political party leaders
- can lead to fragmentation in parliament and unstable coalition governments
- can lead to party fragmentation that generates extremist political parties

### **Mixed Member Proportional (MMP) Voting System**

The Mixed Member Proportional (MMP) Voting System combines the positive features of both majoritarian and PR systems. Under MMP, plurality or majority voting elects a fixed number of the mandates in parliament and the remaining number of mandates are elected under a PR system. The mandates elected by plurality or majority voting are usually elected in single member districts, but can also be elected in multi-member districts.

MMP differs from Parallel System voting as the PR mandates compensate for any disproportionality created by the voting results in the plurality or majority voting in the single member or multi-member districts. As an example, if a political party wins 8% of the national vote but no district mandates, then the party would be allocated a number of PR mandates so that the party's representation in parliament would be about 8% of the parliament.

### **Advantages and Disadvantages of MMP**

The primary advantages of MMP are:

- provides some accountability to voters as some members of the parliament are elected by a geographic collection of voters in single member or multi-member districts
- ensures overall proportionality in election results by the use of PR voting and compensatory mandates
- provides greater choice to voters as voters can vote for a political party on the national PR level and an individual candidate on the district level who may be from a different political party
- provides all the advantages of PR voting since it is a proportional voting system

The primary disadvantages of MMP are:

- creates two classes of parliamentarians – “district” and “national” parliamentarians – who may consider local or national issues to be unimportant, depending on how the parliamentarian was elected
- can be confusing to voters
- can increase the administrative burden for election administration bodies
- provides all the disadvantages of PR voting since it is a proportional voting system

### **Single Transferable Vote (STV) System**

Single Transferable Vote (STV) is a proportional, preferential voting system that requires voters to rank candidates in the order of preference, with voters ranking candidates from the most favorite to the least favorite. Candidates compete in multi-member districts where several candidates are elected in the district.

An STV system generally uses small multi-member districts. A quota<sup>7</sup>, determined by the number of members to be elected in the multi-member district, is the number of first preference votes a candidate must obtain in order to be elected. Any candidate, who receives more first preferences than the quota, is immediately elected. If no candidate has reached the quota, the candidate with the lowest number of first preference votes is eliminated and the eliminated candidate's second preference votes are redistributed among the remaining candidates. The surplus votes (votes in excess of the quota) of a candidate, who has reached the quota, are redistributed on a fractional basis to remaining candidates. Elimination of candidates and redistribution of later preferences and the surplus votes continues until all seats in the multi-member district are allocated. The STV system can be complicated for voters and election administration officials. Thus, it is not widely used.

#### **Advantages and Disadvantages of STV**

The primary advantages of STV voting are:

- provides incentive for accommodative and/or reconciliatory behavior on the part of candidates in order to obtain second and later preference votes of voters
- provides incentive for accommodative and/or reconciliatory behavior on the part of elected officials
- permits voters to express a degree of choice among candidates and does not limit voters to a single choice
- establishes a link between elected candidates and a geographic collection of voters, ensuring accountability to voters

The primary disadvantages of STV voting are:

- can be complicated for voters to understand
- vote tabulation is more complicated and requires more time
- can produce inter-party competition as members of the same party are competing against each other to reach the quota in a given district

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<sup>7</sup> The quota is simply [the number of total valid votes divided by (the number of mandates to be allocated plus one)] plus one.

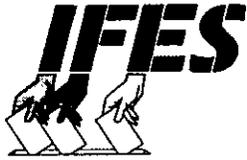
- provides all the disadvantages of PR voting since it is a proportional voting system

#### IV. CONCLUSION

The choice of the electoral system is important and should be made carefully in any country. It is necessary to first know the goals of the electoral system in order to evaluate what electoral system may be the best choice for a given country. As these goals can be contradictory and inconsistent, it is important to prioritize goals and realize that some goals must be sacrificed to other goals. The most important goal, however, is the goal of a parliament that is representative of the citizenry.

**APPENDIX 7**

**Reform of Election Laws and Administration in  
Macedonia**



***International Foundation for Election Systems***  
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**REFORM OF  
ELECTION LAWS AND ADMINISTRATION  
IN MACEDONIA**

**DRAFT, 26 MAY 2001**

**Prepared by**

**Dr. Daniel Finn  
Consultant  
Election Law & Administration**

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## I. OVERVIEW OF THE ELECTORAL AND POLITICAL SYSTEM

### A. Constitutional Background

Under its Constitution, adopted in 1991,<sup>1</sup> the Former Yugoslav Republic of Macedonia has a basically parliamentary form of government. The powers of the President, who is elected directly by popular vote, are relatively limited. Most importantly from the standpoint of internal governance, the President proposes a Prime Minister who forms a Government.

The Government operates outside parliament (the Assembly of the Republic of Macedonia), and service in the Government (*i.e.*, as a minister) is incompatible with continued parliamentary membership.<sup>2</sup> The Prime Minister and Government must enjoy the support of the Assembly, however, first to be confirmed in office and then to continue in power.

Under the Constitution, the Assembly consists of between 120 and 140 representatives elected at general, direct and free elections. The actual method and conditions of election are established through enactment of a law passed by an absolute majority of the representatives.<sup>3</sup> Ordinarily, the term of parliamentary mandates runs for four years. Elections for new mandates are held within the last 90 days of the regular term of an Assembly, or within 60 days of its dissolution.<sup>4</sup>

### B. Legislative Basis

The main law establishing the legislative basis for national elections is the Law on Election of Members of Parliament of 1996, as amended 1998 ("parliamentary election law"). Presidential elections are conducted under the Law for the Election of the President of 1994 (as amended 1999), but the presidential election law utilizes the election structure and many of the procedures established in the parliamentary election law.

Municipal elections are held under a separate law, the Law on Local Elections, 1966 ("local election law"). In addition, several other laws apply either generally or to different kinds of elections. These include the Law on Voters Lists and Voter Identification Cards (1996, as amended 1998), the Law on Political Parties (1994), the Law on Local Self-Government (1995) and the Law on Territorial Division (1996).

Essentially, the presidential election law creates a two-round direct-elections process. The existing parliamentary election law establishes a so-called "parallel" system of representation in the Assembly, under which most representatives are elected from single mandate geographical districts (SMD), but others are elected at-large by proportional representation (PR) based on party lists. In terms of local government, mayors are elected in two-round local elections, while municipal councilors are elected based on PR races in their localities.

With regard to parliamentary elections, a few additional points should be made:

- To secure victory in the first round of election in a SMD, a candidate must receive a majority of the votes cast and a total number of votes which constitutes at least one-third of the number of

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<sup>1</sup> Constitution of the Republic of Macedonia (Skopje, 1991)

<sup>2</sup> *Id.*, Art. 89(2)

<sup>3</sup> *Id.*, Art. 62

<sup>4</sup> *Id.*, Art. 63

registered voters in the district.<sup>5</sup> (There has been some dispute as to the nature of the majority a candidate has to achieve of the votes cast in the first round; this issue is discussed further in succeeding sections of this report.)

- To participate in the allocation of seats according to PR, parties which have submitted candidate lists must obtain 5% of the total number of votes cast in the national PR contest. (This percentage is referred to hereafter as a “legislative threshold”.)

### C. Administrative Structure

As in many other countries, the structure of election administration has three levels:

#### 1. State Election Commission

The State Election Commission (SEC)<sup>6</sup> is appointed by the Assembly shortly after the convening of a new parliament, and holds office for four years. The SEC is comprised of a President and eight members, plus their deputies.<sup>7</sup>

The President and two other members, together with their deputies, must have professional legal qualifications and experience, and are selected by Parliament upon the recommendation of its Commission on Elections and Appointments. A further six members, plus deputies, are proposed half each by the ruling and leading opposition parties.

The SEC is primarily responsible for applying election law and taking necessary administrative actions, including instructions.<sup>8</sup> It appoints the membership of other election commissions (*see* description of District Election Commissions and Municipal Election Commissions, below). It also has the power to resolve complaints and announce the results of an election. For national PR races, it also registers candidate lists and determines the results.

#### 2. District and Municipal Election Commissions

##### a. District Election Commissions

District Election Commissions (DEC) are comprised of a president, four members, and their deputies. They are appointed by the SEC within 30 days of its own formation (*see above*).<sup>9</sup> The president and his deputy are supposed to have legal qualifications and experience, and they are appointed for 5-year terms. (There is also a secretary who has legal training and is appointed by the president for five years.)

DEC's are established for each parliamentary election district. They receive nominations and determine the results of elections conducted in single mandate districts (SMD), but with respect to national PR races forward their results to the SEC so that it may determine the winning lists.

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<sup>5</sup> Parliamentary Election Law, Art. 88

<sup>6</sup> The provisions related to establishment of the SEC are contained in Arts. 12-14 of the parliamentary election law.

<sup>7</sup> In its current form, the law appears to grant full membership to the deputies. This raises issues concerning whether they should have the power to vote only when their principal is absent, or all the time.

<sup>8</sup> *See id.*, Art. 27.

<sup>9</sup> As in the case of the SEC, there is an apparent inconsistency with respect to appointment of political party representatives to the DEC. This is between the provision that requires the DEC to be formed shortly after the initiation of a new parliament, and the provision that requires the parties to propose their representative members within 15 days of the announcement of elections. *Compare* Arts. 16(4) & 17 (1) & (2).

Under current laws, there are 85 election districts for parliamentary elections.<sup>10</sup>

#### b. Municipal Election Commissions

Under the local election law, Municipal Election Commissions (MEC) are established for local elections, in order to conduct the mayor's contests and municipal council elections in the various municipalities plus the City of Skopje. The SEC is required to appoint the members of MEC's within 15 days after the announcement of local elections.<sup>11</sup> Appointees receive a four-year mandate.

MEC's are comprised of four members, plus a president. The president must be a trial court judge in the local jurisdiction. The other four members are proposed, two each, by the parties which won or formed the chief *parliamentary* opposition after previous elections. (In this case, the national parliamentary elections referred to are specifically identified as those which were run in 1994, not the most recent ones in 1998.)

Currently, the country is divided into 123 municipalities, plus the City of Skopje. Accordingly, there are 124 MEC's. The last two local elections have been run under this territorial division, which was adopted in the Law on Territorial Division (1996). Previously, Macedonia had 34 municipalities plus the City of Skopje.

#### 3. Polling Election Boards

Polling Election Boards, or polling boards (PB), are formed to carry out election functions in each polling station. There are approximately 3,000 polling stations active during elections.

For parliamentary elections, PB's are comprised of a president, four members and their deputies.<sup>12</sup> They are appointed by the relevant DEC 15 days prior to the election. The four members are proposed by the parties who constituted the ruling and main opposition group in parliament as a result of the most recent parliamentary elections.

There are no special qualifications necessary to be eligible for appointment to a PB, although there are some disqualifications. Under the current law, all members of the PB are obliged to be residents and voters in the voting precinct where the polling station is located.

#### D. Issues in Election Administration

The Organization for Security and Cooperation in Europe (OSCE), through its Office for Democratic Institutions and Human Rights (ODIHR) has conducted several rounds of observations of Macedonian elections, including the year 2000 municipal elections, 1999 presidential elections, 1998 parliamentary elections, and 1996 local elections. (ODIHR's findings and conclusions from these election observation missions are summarized in the following section of this report.) Other foreign observers as well as domestic commentators have also examined Macedonian election law and practices.

For the most part, observers have concluded that the election laws of Macedonia provide an adequate basis for the effective administration of the elections process. The conclusions of ODIHR and

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<sup>10</sup> See parliamentary election law, Art. 2; also Law on Electoral Units for Election of Members of the Parliament of the Republic of Macedonia, 1998.

<sup>11</sup> See Law on Local Elections, Arts. 8 - 9.

<sup>12</sup> See generally parliamentary election law, Arts. 19-22.

other observing organizations based on the experience of past elections has nevertheless identified certain deficiencies which have prevented unqualified endorsement of the elections process.

For the most part the shortcomings that have been observed in recent Macedonian elections relate to administrative difficulties or, in particular, the high level of suspicious and even fraudulent activities which have occurred regularly, but have not yet been subject to effective prevention and enforcement efforts. In addition, certain difficulties have arisen due to ambiguities and inconsistencies in the relevant statutes.

The next part of this report will present summaries of the OSCE/ODIHR findings based on their observations of recent Macedonian elections. The following part will identify and discuss in a thematic manner some of the key issues that have been raised with respect to election administration in Macedonia.

## II. RESULTS OF INTERNATIONAL OBSERVATION

The OSCE, through its Office for Democratic Institutions and Human Rights (ODIHR) has conducted major election observation missions in Macedonia on three occasions<sup>13</sup> – for the October-November 1998 parliamentary elections; October-November 1999 presidential elections; and the September 2000 municipal elections. In general, the final reports issued by ODIHR reflect improvement in election practice but document continuing problems in election administration.

### A. Report on the 2000 Municipal Elections

#### 1. General Conclusions

ODIHR's report<sup>14</sup> on the 2000 municipal elections concluded that the conduct of those (most recent) elections "showed improvement", but nevertheless "fell short on a number of international standards for democratic elections". The main reasons cited for the latter conclusion were ODIHR's findings that the elections process "did not truly meet the country's OSCE commitment to conduct elections free from violence and intimidation, and to safeguard the secrecy of the vote."

ODIHR noted that the elections occurred in a "calm and orderly manner in the majority of municipalities, and the process was improved during the second round". However, the organization also reported that "election days were marked by tension, major irregularities, and acts of intimidation and violence at a number of polling stations". This included incidents in which several people were shot, and one subsequently died.

Based on the reports of its observers, ODIHR also found that, "Ballot boxes were destroyed in a number of municipalities ..., while some observers witnessed blatant cases of ballot box stuffing. Unauthorized persons frequently interfered in the election process."

With respect to election laws, ODIHR concluded that the Law on Local Elections had demonstrated "shortcomings and deficiencies", primarily with respect to the role of the State Election Commission (SEC) during municipal elections. The restrictive approach adopted by the SEC led to problems with regard to uniform implementation of the law and election procedures, and led to delay in publication of nationwide results.

#### 2. Recommendations

Based on these findings, ODIHR made a number of recommendations with respect to future municipal and national elections. They included:

- "The SEC should have a stronger mandate to provide decisive authority over the election administration;
- "The various election laws and procedures should be integrated, preferably into a single election code;
- "Standardized training should be introduced for election officials at all levels;
- "Legislation regulating the State media should be expanded and strengthened to ensure independent, balanced coverage in news and other programs, with an appropriate enforcement mechanism; and

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<sup>13</sup> ODIHR also conducted an observation of the 1996 local elections; see OSCE/ODIHR, *Local Elections, Former Yugoslav Republic of Macedonia*; November 17, 1996; Final Report; 3 pp.

<sup>14</sup> OSCE/ODIHR, *Former Yugoslav Republic of Macedonia; Municipal Elections, 10 September 2000: Final Report* (Warsaw, 17 Nov. 2000), 28 pp.

- “National and local authorities, as well as political parties, should take steps, including more timely and decisive legal enforcement, to ensure that elections are free from intimidation and violence, and that the secrecy of the ballot is safeguarded.”

### 3. Other Findings

In reaching these overall conclusions, ODIHR also made a number of other significant findings and observations. Some of these were specific to the municipal elections process, while others pertain to Macedonian elections more generally. Some of the most interesting findings, in terms of their relevance to reform of Macedonian election laws and procedures, are described below:

#### a. Determination of Ballot Validity

The Law on Local Elections (1996) contains a provision (Art. 45) that requires voters, in order to cast valid ballots, to circle the ordinal number of the name of the candidate or candidate list for which they are voting. The Law for Election of Members of Parliament (as amended 1998), however, implemented a 1996 Supreme Court decision and provides that ballots are considered valid if the will of the voter is expressed clearly and unambiguously. The SEC did not review decisions, sometimes inconsistent, by the various municipal election commissions (MEC's) regarding what standards to apply to incorrectly marked ballots.

#### b. Voter List

The ODIHR report noted that in previous elections, the voter list (VL) had been an “important source of concern”. But it reported that election day observations during the municipal elections “indicated that the accuracy of voters lists was not a major problem and that substantial progress has been made in this field.”

This finding by ODIHR presumably reflects that its observers in the field – *viz.*, at polling stations – did not receive a substantial number of complaints concerning the VL or witness difficulties in voter identification related to defects in the lists. On the other hand (see below), ODIHR did find that in many areas vote totals were suspiciously high and that there was substantial evidence of ballot box stuffing. The latter factors could, however, indicate that defects in the VL – particularly the existence of excess names – provided election contestants an opportunity to commit fraudulent practices.

#### c. Vote Secrecy

ODIHR found, on the major issue of vote secrecy raised in its general conclusions, that secrecy was compromised – mainly by the legal requirement that ballot-papers provided to polling boards (PB's) contain serial numbers. The fact that these were mainly issued *seriatim*, face-up to voters could provide an opportunity for members of the PB or others present in the polling station to link a ballot to a particular voter. Sometimes, however, ballots were issued face-down, or shuffled prior to issuance, in order to alleviate these problems.

ODIHR observers also reported numerous cases in which various marks had been applied to ballot-papers at some stage, presumably prior to their insertion into the ballot box. (Such marks could have been applied to track the votes of particular voters or in order to facilitate a vote-swapping scheme.) There were also numerous reports of “open voting” – *viz.*, voters filling in ballots outside voting booths.

#### d. Campaign-Related Issues

In terms of media coverage of the campaign, ODIHR found that there was lively reporting by the private media but that state television coverage was unbalanced and overly favorable to the government and ruling party. With respect to campaign finance, ODIHR concluded that applicable law did not provide an objective criterion for enforcement by election authorities, since it provided for such action only when ceilings on expenditure were "significantly exceeded". It was also questioned whether only winning candidates should be entitled to compensation for some of their campaign expenses, and not all candidates who received a certain percentage of the vote.

e. Violence and Intimidation

As noted previously, ODIHR found a disturbing level of violence and intimidation associated with the elections, particularly the first round. In one municipality (Debar), voting was canceled at all polling stations due to acts of violence against persons, sometimes resorted to in order to gain access to ballot boxes and destroy them. Ballot box destruction was also reported in at least six other municipalities.

Numerous episodes of intimidation were also described, mainly attributable to groups of party activists (sometimes armed) in and around polling stations. In addition to this form of intimidation, ODIHR found that the government itself had sometimes resorted to intimidating opposition supporters, and even their families, during the campaign period.

f. Other Irregularities and Violations

The ODIHR observers also reported a great number of other irregularities and violations, including group and proxy voting, non-checking of identity and voter cards, unauthorized persons (including party representatives) in polling stations, and improper sealing of ballot boxes. Observers present during the count also reported evidence of group voting and ballot-box stuffing, as well as unrealistically high reported turnouts indicating similar practices. Compounding these problems, the local election law did not require speedy action by the MEC's on complaints received by them.

g. Election Commissions

For the municipal elections, municipal election commissions (MEC's) had to be formed for 123 municipalities and the special district of Skopje. (Since 1996, after enactment of the Law on Territorial Division, local elections have been held in this number of districts. Previously, there were 85 municipalities plus the district of Skopje.)

It should be noted that the current number of municipalities is quite different from the number of districts currently employed for parliamentary elections (85), which is closer to the previous number of municipalities. The current municipalities also vary widely in size and population.

ODIHR noted that the designation of party representatives as members of the MEC's was not based on the previous success of the parties in local elections in that area, but rather on the results of national elections. In addition, the law provided that the relevant national election was not the most recent one (1998), but rather the one prior to that, in 1994.

**B. Report on the 1999 Presidential Elections**

1. General Conclusions

For the 1999 Presidential elections, ODIHR concluded in its report<sup>15</sup> that they were held “mostly in accordance with OSCE commitments.” While the elections were found to have been “built on many positive aspects of the 1998 elections,” voting in some parts of the country was reported to have been “marred with violations” during the second round.

With respect to the Law for the Election of the President (1999), ODIHR concluded that a “broad political consensus” on its provisions had “contribute[d] to a solid legislative base” [sic] for the elections. ODIHR also found that there are significant ambiguities in that law, and that representation of the parties on election commissions did not reflect their strength as demonstrated in the most recent parliamentary elections. (Since the presidential election law builds upon the 1998 Law on Election of Members of the Parliament, the commissions in question would include the SEC as well as 85 district election commissions [DEC].)

ODIHR also found that the SEC had issued a number of administrative instructions that strengthened the elections process.

In terms of the campaign, ODIHR found that there was an open atmosphere for campaign events and candidates were able to travel widely, although there some minor incidents. Media coverage of the campaign was lively, but bias was discerned in reporting by state media bodies. Some misuse of state resources by the governing party was also observed during the campaign.

In terms of the elections process itself, ODIHR found that it had been “generally carried out according to the law”. Irregularities were observed in some polling stations, however. During the second round, “serious violations” were observed in certain regions, including the west of the country and in the vicinity of the capital. Extremely high reported voter turnout also raised concerns (about the extent of fraud that may have occurred). At 230 polling stations, elections were re-run pursuant to order of the Supreme Court and in some of the re-runs similar problems occurred.

## 2. Other Findings

### a. Election Commissions

ODIHR noted the curious fact that representation on election commissions under the presidential election law continued to be based on the results of the 1994 parliamentary elections rather than the most recent (1998) parliamentary elections. In addition, it was noted that changes in coalitions since 1994 caused parties to lose or gain representation according to whether they were currently in the ruling or main opposition coalition.

During the election period, a dispute arose concerning whether representation in commissions was supposed to be based only on the vote obtained by parties in national list races or also in the single member districts (but subject to the 5% threshold for representation). This led Parliament to dismiss the then President of the SEC.

### b. No Absentee Voting

ODIHR noted the absence of any procedure through which Macedonian citizens overseas, or simply away from their home district, can vote. The presidential election law, based on the parliamentary election law, only permits voters to cast ballots at their place of registration. The number of voters outside the country during the election period was estimated at 500,000.

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<sup>15</sup> OSCE/ODIHR, *Former Yugoslav Republic of Macedonia; Presidential Elections, 31 October & 14 November 1999: Final Report* (Warsaw, 31 Jan. 2000), 24 pp.

c. Voter List

ODIHR took note of concerns that had been raised about enlargement of the voter list (VL) since the parliamentary elections the previous year. In the absence of other information, however, ODIHR found that the size of the VL was not unusual in terms of the comparative situation in other Eastern European, including Balkan, countries.

d. Group and Proxy Voting, and Other Polling Irregularities

ODIHR's observers generally reported good experience on the voting process itself. In certain areas – notably Skopje and Tetovo – however, large-scale family and proxy voting were observed. Observers actually saw individuals arriving with bundled ballots, or observed them after they had been placed in the ballot boxes (which are transparent). In Albanian areas, the proxy or group voting was often carried out by the male head of household, and was represented to be a customary practice.

ODIHR also reported that there was “a general lack of rigour” in following proper procedures at polling stations. This included failure to check (both) identification (ID) cards and voter cards (VC), as required; and failure to mark the VL beside the names of those who had obtained ballots.

e. Intimidating and Fraudulent Behavior

Groups of party activists were observed outside many polling stations, and even inside a certain number of polling stations. This was assumed to threaten the security and tranquility of voting. Party representatives sometimes engaged in openly political activities inside polling stations; these included arguing with board members and shepherding voters.

Observers reported incidents of fraudulent marking of vote protocols, especially with respect to the number of ballots issued and voted. This was apparently done in order to make ballot-box stuffing possible.

There were also numerous reported instances of blatant ballot-box stuffing and multiple voting by individuals.

f. Voter Identification

ODIHR reported that some 150,000 voter cards (VC) were unclaimed at the time of the elections. In some districts, the number of votes issued exceeded the number of possible voters, as indicated by the number of cards distributed, leading to results there being invalidated by the Supreme Court. During the second round, in Tetovo, thousands of undistributed VC's were stolen.

g. SEC Rulemaking

As noted previously, ODIHR found that administrative decisions by the SEC had contributed to the quality of the elections process. Some examples were:

- Polling boards were instructed to shuffle the ballot-papers prior to issuance to the voters, so that individual votes could not be easily tracked by means of the serial numbers;
- Ballots were printed on higher-quality paper so that the voter's choice could not be viewed through the transparent ballot box if the ballot were properly folded; and

- Polling boards were instructed to determine the validity of ballots based on the clear intent of the voter, not strictly whether the voter had followed instructions in marking the ballot.

### 3. Recommendations

Based on the above observations, ODIHR made several recommendations – including on legislative, administrative, and other matters. Some of these are summarized below:

- With respect to *legislation*, ODIHR recommended clarification of the articles of the parliamentary law relevant to presidential elections; reconsidering the deadlines for appeals; and clarifying what evidence is required to support electoral complaints.
- With respect to *administration*, ODIHR recommended expansion of party representation on election commissions; comprehensive training for polling board members; and enforcement of the obligations of election workers in case of breach.
- On the subjects of *voter education* and *registration*, ODIHR recommended disclosure of the details of uncollected voter cards; and a thorough education campaign against proxy and family voting.
- On *media*, ODIHR recommended additional legislation on print media and the special responsibilities of state media; and
- On *voting and counting procedures*, ODIHR recommended improved control of proxy/family voting and of intimidation by party activists in or near polling stations; and more effective sanctions against all actions which threaten the integrity of the vote.

## C. **Report on the 1998 Parliamentary Elections**

### 1. General Conclusions

ODIHR concluded in its report<sup>16</sup> that the 1998 parliamentary elections represented a “significant improvement” over previous elections. An “important aspect” of the improvement resulted from the new election law, which was based on a broad political consensus in Parliament. Nevertheless, some parties expressed concerns about certain aspects of the law, and some articles were found to lack clarity, leading to conflicting interpretations.

In terms of the campaign, ODIHR found that it was “generally well conducted by the parties.” A “number of violent incidents” were reported, but these were characterized as “isolated cases.” Media coverage was found to be “full and extensive”, although analysis showed “some bias” in news programming, including by state television.

Some concerns had been raised by the parties concerning the voter list and voter cards, but these decreased as the process unfolded. “Some irregularities” of various types were reported, especially in two districts. Instances of group and proxy voting, however, were “widely” observed.

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<sup>16</sup> OSCE/ODIHR, *Parliamentary Elections in the Former Yugoslav Republic of Macedonia, 18 October and 1 November 1998*, 27 pp.

ODIHR also criticized the uncoordinated publication of results by the SEC and district election commissions. The lack of clarity in the parliamentary election law concerning the criterion for first-round victories was found especially problematic.

On balance, the ODIHR concluded: “[I]t is important that a number of the problems in the management of the election are addressed, some articles of the law are clarified, and the problems experienced in the behaviour of some candidates and a laxity in the voting process in some districts, are dealt with.”

## 2. Other Findings

### a. Legislative Ambiguity and Inconsistency

During the elections, a dispute arose whether the “majority” required for victory in the first round of elections for mandates from the 85 geographical districts referred to an absolute majority or a relative majority (plurality). The term was used in the relevant section of the law (Art. 88) without qualification. (In addition to gaining a “majority” of the votes cast, a candidate – in order to win in the first round – also has to obtain the votes of at least one-third of the total number of voters in the district.)

Less importantly, the phraseology of the law (Art. 85) on recording of objections and signing of minutes at polling stations did not take account of all the situations that might arise with respect to causes for complaint.

Some candidacies were apparently thwarted by the requirement (in Art. 55) that a special bank account for campaign purposes be established 45 days prior to the election.

### b. Delineation of Electoral Districts

ODIHR found, on a “macro” level, that some election districts had been drawn in order to separate ethnic communities or to collect ethnic votes in areas in which another group is dominant. In one district, referred to as the “snake”, for example, two ethnic Macedonian villages had been joined together to enable them to elect a representative despite the prevailing Albanian character of the region.

ODIHR also found that gerrymandering appeared on the “micro” level, since the boundaries of election districts often did not follow existing urban divisions. This form of gerrymandering could have similar effects on votes from areas with different ethnic characteristics.

In addition, some districts exceeded the legal maximum (10% deviation from the norm) in terms of the number of voters within them.

### c. Appeals

ODIHR commented that there were in effect two separate tracks for complaints and appeals under the law – through the district election commissions to the Courts of Appeals, and through the SEC to the Supreme Court. These tracks could operate in either a parallel or multiple manner, according to the nature of the complaint.

### d. Recruitment of Election Commission Members

ODIHR noted that the recruitment of the core members of election commissions potentially had a political nexus. The President of the SEC is appointed by the Parliament, and the president of

commissions at the two next levels (DEC and polling board) are appointed by the next-higher commission.

It might also be commented that there is no explicit procedure for recruitment of election commission members. For example, there is apparently no roster of persons who are qualified by training and experience for this role.

e. Other Issues

ODIHR's observations during the two rounds of the elections also reflected other issues which by now are somewhat familiar to the reader, as well as a few others. The main issues are briefly summarized in the following:

- It was recommended that a number of surplus ballots be provided to polling stations, in preparation for replacing spoiled ballots in the event of a high voter turnout.
- Numerous instances of group/family voting and proxy voting were observed.
- Groups of party activists were widely reported to be present in the near vicinity of polling stations.
- No security procedures were specified for delivery of sensitive voting materials (including voted ballots) to the DEC's after the count. (Similarly, there are no special procedures for security of ballots sent to and received by the polling boards.)

3. Recommendations

Based on its finding and conclusions regarding the 1998 parliamentary elections, ODIHR made *inter alia* the following recommendations:

- Some articles (especially Art. 88 on the "majority" needed for first-round victory in the geographical races) of the parliamentary election law require clarification;
- The provisions on ballot validity (Art. 83) should be amended to allow ballots to be counted provided the voter's preference can be clearly determined;
- The *appeals* provisions of the law should be reconciled so that inconsistent rulings do not occur;
- The administrative problems occurring in the 1998 elections should be rectified well before future elections;
- *Comprehensive public education and election worker training* programs should be instituted to combat group and proxy voting;
- *Polling station security* should be enhanced; and
- *Security for sensitive voting materials* should be increased, especially after completion of the count.

### III. OTHER OBSERVATIONS AND COMMENTS

This part will discuss some of the key issues in election administration in Macedonia based on OSCE/ODIHR observations, the views of other commentators, and the conclusions of the present IFES consultant:

#### A. Permanent Election Administration

As noted above, the core members of the SEC and DEC's are appointed for definite terms (five years), so that these election commissions remain in existence on a continuous basis. Party representatives on election commissioners are commonly appointed soon after parliamentary elections, and continue to serve until replaced.

While the election commissions exist in a legal sense between elections, they do not appear to perform many functions, if any significant ones at all. After an election cycle is complete, the commissions lose most, if not all, their administrative support as well as state funding.

Continuing election commissions in existence between election cycles – but for the most part without assigning them major functions during this period – is a common one in states which were republics of the former Yugoslavia. This practice is followed in Serbia and Montenegro, for example, as well as Macedonia. (In Serbia, however, the Central Election Commission plays a constitutional role during this period since it is the body which technically has the power to withdraw parliamentary mandates and reassign them to succeeding candidates on a party's list.)

In some of the other former republics, such as Serbia and Montenegro – unlike Macedonia – the commissions are established just prior to parliamentary elections. In such a case, one must ask whether it is best to appoint a new commission just before parliamentary elections and then have it continue in existence afterward. It certainly makes more sense to follow the Macedonian approach, and appoint the commissions in a regular manner based on completion of their term.

The continuous existence of election commissions provides a legal basis for the potential exercise of permanent election administration functions. These could include developing necessary rules and procedures, designing public education programs, arranging for the training of election officials, conducting liaison with the parties and civil society organizations interested in the elections process, and serving as an advocate for election issues in the overall government decision-making process.

Further study should be made of what functions should be put on a permanent basis as part of election administration in Macedonia, what specific responsibilities should be assigned to election commissions between elections, and what level of staff and budgetary support the commissions should receive during this period. For a start, it might be useful to consider providing the SEC with very limited staff and budgetary resources, and to enhance the permanent regulatory and operational authority of this commission.

#### B. Voter Registration and Identification

As in many formerly socialist countries, the registration of voters in Macedonia is a state responsibility performed on the basis of civil records maintained by various state agencies.<sup>17</sup> The legislative basis for voter registration and identification is the Law on Voters Lists and Voter

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<sup>17</sup> See generally "Focus on Civil Registry" (symposium), in IFES, *Elections Today*, Winter 2000 – Vol. 9, No. 2 (Washington), pp. 4-17.

Identification Cards (1996, amended 1998). The Government's Working Group on election law and regulation has proposed further amendments to this law.

The proposals of the Working Group will go some way to reflect organizational changes in the Macedonian government administration related to the collection and compilation of voter information; to clarify and streamline the registration system; and address problems noted by international observers and others. (The proposals were discussed in detail in Part IV.B of this report.)

One major outstanding issue is the utility of the voter cards that are currently issued to registered voters. Non-delivery or loss of these documents have created problems in past elections. In addition, it is not easy to see what purpose they serve in terms of voter identification. (In terms of voter information, however, they do provide important information on the location and number of the polling station.)

The voter card is a paper booklet. On the outside is a cover and side for stamping to show that a voter has cast ballots in an election. (There are 20 places for stamping, where different stamps can be used to indicate the elections voted in.) The stamping concept is somewhat similar to that in Romania, where the national ID cards previously used for this purpose are being replaced by special two-sided cards (plastic on the face, with a photograph; and paper on the reverse, with boxes for stamping "voted").<sup>18</sup>

In Romania, however, voters may vote at other polling stations in addition to their assigned station; by being added to a "special list" at the other station. Thus the requirement of presenting a voter card, and stamping it after ballots have been issued, serves an important function there in terms of preventing multiple voting.

In Macedonia, the VC can only serve to prevent multiple voting if it is reliably demanded by polling station officials prior to the issuance of ballots, and stamped. Past international observations have indicated that this is often not the case. In addition, the evidence that someone has voted walks away with the possessor of a VC, and cannot be easily collected thereafter.

It would be much more effective, in preventing multiple voting, if a reliable record were kept at the polling station concerning exactly who has voted. In Macedonia, the polling board is supposed to mark the ordinal number of voters who have received ballots on the extract of the voter list held at the polling station. According to observations of past elections, however, even this is not always done.

Much better would be to adopt the practice of having the voter actually sign the extract next to his name. Requiring the voter's signature would leave a permanent record at the polling station, and also make it much more difficult to commit various forms of vote fraud. They would have to somehow sign voter names in myriad different ways, to prevent the extract from revealing on its face that a single individual or small group of them had filled in the various signatures.

### **C. Dispute Resolution**

Currently, there are overlapping – and potentially conflicting – avenues of judicial appeal for election complaints. According to the nature of the complaint, and the election commission (SEC or a DEC/MEC) which acted upon it, an appeal may lie with either the relevant Court of Appeal or the Supreme Court of the Republic, or both.<sup>19</sup> It has also been observed that despite the timetables contained in the election law appeals are not always heard speedily, since elections commissions may act slowly on the underlying complaint.

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<sup>18</sup> See D. Finn, "Civil and Voter Registration in Romania", *Id.*, pp. 11-12.

<sup>19</sup> This issue has been explored by ODIHR in its observation reports; see part II of this report.

The Government's working group on election law and regulations (hereinafter "Working Group"<sup>20</sup>) has made proposals in this area. Under the group's proposals, the appeals channels would be clarified and consideration would also be given to having special panels of judges created by the courts during election periods.

Elsewhere, the Group has proposed – as one alternative to the current membership structure – that judges of the Supreme Court should actually serve as members of the SEC itself. Many countries, especially in Eastern Europe, appoint judges to election commissions due to the reputation of judges for objectivity and probity. It can also be argued, however, that judges are not well equipped by training and experience to carry out the administrative duties that are key to successful elections.

Judges are, however, specialists in resolving complaints and considering issues on appeal and their reputation for independence and fairness could enhance confidence in the elections process. Thus, it might be most appropriate to consider instead establishing a special appeals tribunal as part of the election administration structure, and constituting it of judges on assignment from the relevant court. Limited further appeals to the regular courts might also be permitted, but not necessarily on the same expeditious basis.

#### **D. Absentee Voters**

As noted elsewhere, current law does not permit voting by absentee voters – *viz.*, those located overseas or outside their home areas on election day. The absence of such procedures is somewhat unusual, but may be understood with reference to the concern that politicians and the public might have about the effect of votes cast by the large number of Macedonian citizens who are currently residing abroad.

At the same time, not permitting votes from overseas means that the Voters List, especially the extracts at polling stations in certain districts, contains the names of many individuals who may be registered to vote but are in fact highly unlikely to come to the polls. Carrying this large number of names on the lists presents opportunities for fraudulent casting of ballots by others.

Introducing an absentee voting procedure would reduce the effective disenfranchisement of voters located overseas. It would also necessarily involve recording the names of such voters by officials at the facilities where they vote – *e.g.*, Macedonian diplomatic and consular offices.

Having a record of the names of voters who cast ballots overseas would complicate any effort to cast ballots for absent voters. It would also provide a basis for investigating and potentially applying sanctions to those who are responsible for false voting under the names of absentees within the country, or others (including election officials) who permit them to do so. It would also provide valuable evidence on the question of whether the results at certain polling stations should be annulled.

A proposal along the lines described here has been developed by the Government's Working Group on election law and regulation. On its merits, it deserves to be seriously considered.

On the other hand, it should be recognized that – as a practical and political matter – the issue of absentee voting (by voters located overseas) is part of the delicate balance of elements that is present in the Macedonian election system. Changing any one of the elements will have repercussions on the others, so that proposals for changes must be viewed from a multiple perspective.

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<sup>20</sup> The working group's proposals are examined in part IV of this report.

The balance of political and technical election-related issues is important not only with respect to inter-communal relations, but also to politicians from parties of different sizes, coalitions and constituencies. Some of the other key elements in the current political equation include:

- the balance between parliamentary elections run in geographical districts (single mandate districts, or SMD's) *versus* national proportional representation (PR);
- the legislative threshold for PR elections (5% or some lower number, including zero);
- improvement of the Voter List; and
- effective enforcement against widespread fraudulent practices, especially ballot-box stuffing.

#### **E. Ballot Validity**

Even in its current (amended) form, Article 83 of the parliamentary election law remains somewhat ambiguous on the question of the validity of a ballot. Paragraph (1) continues to provide that a ballot is valid if *inter alia* it is filled out by the voter in the prescribed way. (Under Art. 77, voters are to circle the ordinal number of the candidate or party they wish to vote for.)

Paragraph (2) provides an apparently separate test of validity, however, stating:

“A valid ballot is considered to be one from which in a reliable and unambiguous way may be established which candidate or list of candidates the voter has cast his vote for.”

The latter paragraph is intended to provide for ballots to be found valid if the intent of the voter can be clearly ascertained. In view of recent experience in this area – most notoriously, the abortive recounts of ballots in the State of Florida during the recent American presidential elections – it would appear desirable to make it clearer in the law that paragraph (2) is a separate and independent test of ballot validity. It would also be desirable to provide further detail about what standards should be applied in making a determination under this test. (This would best be done through regulations or instructions by the SEC, ideally adopted on a permanent basis and continuously refined thereafter.)

#### **E. Campaign Finance**

The parliamentary election law establishes ceilings for total expenditures by election contestants, and prohibits contributions from certain sources (especially state bodies, parastatal companies, and foreign entities). Contestants in an election (candidates and/or parties) are required to disclose their finances through establishing a special bank account for this purpose.

OSCE/ODIHR has noted in the past that sometimes the requirement to establish a campaign account at an early stage has prevented candidacies which might have been commenced later. In addition, the concentration on special accounts may discourage wider reporting and monitoring of the campaign contributions and expenditures of election contestants.

It is suggested, therefore, that consideration be given to enacting a broader disclosure requirement for campaign finance, and that there be a greater focus on monitoring and, if necessary, enforcement efforts. Furthermore, it would be worthwhile considering placing the reporting of political contributions on a more continuous basis – *viz.*, to include political finance outside as well as within the campaign period.

#### **F. Media**

OSCE/ODIHR monitoring reports have regularly commended the lively (if sometimes distorted) press coverage of elections in Macedonia. ODIHR has also, however, repeatedly discovered patterns of bias by the state media – especially state television – in favor of the Government and ruling parties in its coverage of the campaign and overall political scene.

Election administrators or state bodies with power over the media (including the Broadcasting Council) should put in place regular and expeditious procedures to investigate complaints by election participants about media unfairness or unbalance. (The Liberal Party, in its legislative proposal for reform of the election law, has also proposed an automatic right of reply by election contestants to unfavorable media coverage. While this has the advantage of being self-enforcing, it could be abused by political parties to obtain free media exposure.)

### **G. Fraud at Polling Stations**

Independent observers, including from OSCE/ODIHR, have regularly reported widespread indications of fraudulent activities at polling stations. Many of these were so blatant as to require collaboration or at least toleration by polling officials.

Evidence of ballot-box stuffing has regularly been observed – either through direct observation, examination of ballot boxes, or scrutiny of ballots emptied from the boxes for the count. With respect to examination of the ballot boxes themselves, observers have noted improper and sometimes broken seals, and also witnessed (through the transparent sides of the boxes) stacks of ballots which had plainly been inserted together. In some cases, observers reported efforts by polling officials and others to prevent them from witnessing such fraudulent practices.

Many of the observed instances of multiple voting may involve family or group voting, or other forms of proxy voting, which are said to be traditional at least in certain areas. Other multiple voting may represent organized stuffing of ballot boxes, condoned by polling officials. (It would be necessary to check off the requisite number of voters' names, to hand out large numbers of ballots, and to reconcile the number of ballots issued with those requested and voted.)

Basically, these problems must be addressed through public education on the one hand and improved prevention and enforcement on the other. Greater public education efforts should be made to make voters aware of their responsibility to vote in person, and the unacceptability of casting the ballots of others. At the same time, there should be greater monitoring of the situation at polling stations, and action against perpetrators of fraud and election officials who cooperate with them.

### **H. Method of Election to Parliament**

As part of current election reform initiatives, a considerable amount of attention has been paid to the method of election to parliament. The following systems have been proposed:

- 1) Government Working Group on election law reform: Three alternatives – (1) Continued parallel system, but with 60 seats each based on SMD and national PR elections (with no threshold for the latter), regional PR system (create 12 regions with 10 mandates each, with a 3% threshold), or national PR system (5% threshold);
- 2) Democratic Alternative: National PR system, 5% threshold;
- 3) Liberal Party: National PR system, 3% threshold.

The present consultant has the following observations on this subject:

1. The present system of parallel representation, with 85 parliamentarians elected from SMD's and 35 through national PR should be viewed as one element of several in a balance of communal, political and other interests. (See discussion above, under "Absentee Voting".) It will be difficult to design a new system of representation that would enjoy a consensus of these interests, especially prior to early elections.
2. The interesting question of method of election should not be permitted to detract from work on improving the technical aspects of election operations. In Macedonia, that also means improved public education and enforcement programs to combat the widespread abuses that have been reported in past elections.
3. It is not clear how the Government's working group developed its three alternative proposals, or whether all the proposals listed above (from the Working Group and the Democratic Alternative and Liberal parties), taken together, constitute a complete set of the most desirable proposals that could be made in this area.
4. If the question of method of election to parliament is to be revisited prior to the next elections, it would also be desirable to examine further alternatives. Two leading alternatives are the following:
  - a) *Compensatory mandates* – Under this system (recently adopted in Albania) the national parties receive additional seats by proportional representation based on the total number of votes they have obtained in single-district races. (Its application in Macedonia would be complicated by the fact that the SMD elections are currently held on a two-round basis.)
  - b) *Regional PR* – A regional PR system could perhaps be worked out to reflect the ethnic, geographical, historical and other characteristics of the country. There is no reason that the regions in such a system should be of equal population. (For example, Romania has 42 unequal regions based on existing administrative and territorial boundaries.) In Macedonia, much of the country could be in a single large district, and additional, smaller districts could be formed for certain regions which have a distinctive character.

Another factor to consider with regard to a regional PR system is the extent of control of nominations by the central as opposed to regional branches of the parties. (Experience in Romania has shown that preparation of the party lists by the central party organization tends to weaken the link between the candidates and the region in which they run for election.)

#### IV. PROPOSED LEGISLATIVE AMENDMENTS

In order to address deficiencies noted in the legislative framework for elections in Macedonia, and to enhance the process of political reform and reconciliation, the Government has initiated a process leading to amendment of the election laws. In particular, the Ministry of Justice has formed a "Working Group for determining the necessity of changing legal regulation in the area of elections and for preparing laws" (hereinafter "Working Group").

The instrument establishing the Working Group<sup>21</sup> does not specify definite objectives in terms of the scope of the Group's work. It designated Mr. Trajko Veljanoski, then Undersecretary (currently State Secretary) in the Ministry of Justice, as head of the Working Group. In addition, seven permanent members and six part-time members were appointed.

Subsequently, through a memorandum of understanding with the International Foundation for Election Systems (IFES),<sup>22</sup> the Ministry invited IFES to participate in the activities of the Working Group. In particular, IFES was invited to provide professional assistance in certain areas, including analysis and testing of the voter registration database, presentations of alternative election systems, election law and election administration.

The IFES consultant believes that many of the Working Group's proposals — especially in their proposed amendments to the parliamentary election law — would significantly improve the current law and respond to issues raised by OSCE/ODIHR and others. At the same time, however, he observes that the Group has taken a limited approach, focusing on only those provisions most in need of change. As a result, not all evident (and often substantial) legislative ambiguities and inconsistencies have been addressed in a comprehensive manner.

In addition, other legislative proposals and related comments have been advanced. The Democratic Alternative and Liberal Party have submitted draft laws, and comments have been submitted by parliamentarians and state agencies.

##### Current Working Group Proposals

In order to fulfill its mandate, the Working Group decided to prepare amendments to the parliamentary election law and to the Law on the Voters' List and Voter Identification Cards (1996, as amended 1998). This part will describe and discuss the main proposals in both areas:

##### A. Parliamentary Election Law

##### 1. Alternative Methods of Election to Parliament

By far the most sweeping changes formulated by the Working Group involve alternative means of assigning mandates in the Republican Assembly. In the event one of these alternatives are chosen, it would be reflected in amendments to Article 2 and other articles of the parliamentary election law.

The issue of method of election to parliament is one in which practice varies widely in representative democracies. The choice of a system of representation should be based on the conditions

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<sup>21</sup> Republic of Macedonia, Ministry of Justice, Decision No. 10-54/1 (Jan. 11, 2001)

<sup>22</sup> Memorandum of Understanding between the Ministry of Justice and the International Foundation for Election Systems, executed by Mr. Xh. Nasufi, Minister of Justice, and Dan Blessington, Project Director (IFES), 26 Feb. 2001

of the country and the institutional objectives to be achieved.<sup>23</sup> Some general consideration of this issue with respect to Macedonia is presented elsewhere in the present report.

With respect to the method of election to parliament, the Working Group has proposed three alternative systems, which are described in what follows. The Group has not explicitly indicated its rationale for making these specific proposals.

#### a. Modified Parallel System of Representation

Under the first alternative, the currently available number of legislative mandates (120) established by law would be assigned half each to being awarded through elections in single-mandate districts (SMD's) and national proportional representation (PR). That is, 60 members of parliament would be elected from geographical districts, and the other 60 would be elected from party lists competing in a single national district.

Alternative 1 is a "parallel method of election to parliament which is similar to the current system of representation in Macedonia, except that the number of mandates awarded through SMD and PR elections would be changed from the current 85 geographical seats and 35 national (PR) seats. Unlike the current system, no vote threshold would be applied to parties seeking to obtain mandates through the national PR contest.

#### b. Regional Proportional Representation

Under Alternative 2, the territory of the republic would be divided into 12 electoral districts and parliamentary elections would be held on the basis of party list proportional representation in each region. The threshold of representation would be 3% of the vote, which the Group probably intends should be applied on a regional basis.

Regional PR is currently used in Romania (although in Romania there is a larger number of districts [41], the districts are based on existing administrative-territorial divisions, and the districts are not drawn so as to be roughly equal in population. It has also sometimes been used in Serbian and Yugoslavian elections.

#### c. National Proportional Representation

Under Alternative 3, the 120 parliamentary mandates would be awarded through party list PR based on elections conducted in a single national district. The current legislative threshold for obtaining representation through PR – 5% -- would continue to apply.

### 2. Other Proposed Amendments (Comments "a-z")

In addition to its sweeping proposals for changes in the system of parliamentary election, the Working Group has also put forward numerous recommendations for other legislative amendments. Many of these respond to observations made by the OSCE as well as other comments from election-watchers. They are described below in the form of a description and running commentary on the modifications to the election law proposed by the Group:

#### a. Difference in District Size

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<sup>23</sup> See IFES Macedonia, *A Practical Guide to Electoral System Design: Goals, Essential Characteristics, Advantages and Disadvantages* (Skopje, May 2001), 15 pp.

The Working Group proposes, in Art. 2 of the election law, to reduce the acceptable variability in size of electoral districts from 10% to 5%.

b. Incompatibilities/Conflicts of Interest

The Working Group proposed, in Art. 6, to expand the incompatibilities between parliamentary and other government service. Such incompatibilities would be automatically be cured by removing other government roles from elected parliamentarians once they have received their mandates. (It should be noted that other legislation in this area is pending, and that related proposals in the election law amendments would have to be reconciled with the former if it becomes law.)

Parliamentarians would also be prevented from “perform[ing] economic or other profit-making activities”. It might be advisable in this connection to differentiate between salaried positions and commercial/entrepreneurial activities, and economic or profitable benefits resulting from personal investments. Or at least to exclude passive, or “portfolio” investment, from the scope of prohibited economic activity.

c. Regular Date for Parliamentary Elections

The Group proposes to amend Art. 9 to provide that parliamentary elections will be held in the first week of October of the year in which the mandate of members of parliament expire. It is difficult to understand, however, how this provision could be reconciled with the constitutional provisions that grant members of the Assembly four-year terms (Constitution, Art. 63), and specify that new elections are held within the last 90 days of an Assembly term or 60 days of its dissolution.

d. Role of Deputies to Election Commission Members

In its proposal for amendments to Art. 12 of the law, the Group attempts to distinguish the role of deputies to SEC members from that of the primary members themselves. (It will be recalled that the law is unclear on this point – viz., with regard to whether deputies have the power to cast votes even when their principal is present – although apparently current practice is that they do not. Complaints are sometimes made, however, that the presence of deputies in the meetings tends to prolong debate, although it is also said that their interventions are often useful.)

In its draft on this point, the Group proposes that “deputies shall be present at the meetings” when a member of the SEC has previously announced his absence. While this may be useful in achieving greater representativeness, it does not address the point noted above concerning distortion of voting and debate in the SEC and other election commissions based on the attendance or non-attendance of individual members.

e. Appointment and Term of SEC Members

The Working Group’s proposal on Art. 12 also continues the provision in the current law (Art. 13[4]) that the term of the SEC President and core members (and their deputies) runs for five years. In addition, the Working Group is apparently also proposing, in its revised Art. 12 (paragraph [4]), that all members of the SEC – presumably including the party representatives – would also serve five year terms.

Having the party representatives on the SEC serving a regular term could improve the continuity of its membership and improve the basis for permanent election administration. It must also be said, however, that the absence of term appointments for party representatives also permits them to be replaced, without cause, in the event the political composition of the Assembly changes between elections – e.g., through realignment of coalitions.

In any event, the proposal for a 5-year term for the party representatives cannot be reconciled with the provisions of existing law (Arts. 13[5] and 14) that party representatives be appointed shortly after the convening of a new parliament. (This requirement is seemingly carried over by the Working Group in its proposed alternative formulations of Art. 13 – see below.)

f. Composition of the SEC

In its proposal for amendment of Art. 13 of the law, the Group presents three alternatives for the composition of the SEC:

- The President and four members to be selected from among the judges of the Court of Appeals and Supreme Court, and two members each to be nominated by the ruling and opposition parties;
- The President and four members to be selected from among judges, as above, and the remaining four members to be recognized lawyers proposed by the president and legal professional bodies; or
- The President and four members to be selected from among law professors and experienced advocates, with the remaining four members to be proposed by the ruling and opposition parties.

The question whether judges – or, for that matter, law professors or even lawyers – should be appointed as core members of election commissions is considered elsewhere in this report. Suffice it to say here that the particular qualities of these persons may be more useful in a dispute resolution role than charge of general electoral administration.

g. SEC Secretariat

The Group's proposals for Art. 13 carry forward a provision that the Secretary of the SEC should perform his duties professionally (meaning, presumably, that he/she should be responsible only to the Commission), and that provide additionally that a Secretariat be formed to perform the work of the Commission. While these proposals could be very useful, it would be wise also to expand on the role of the proposed secretariat.

In particular, the provision could specify that the Secretary and other members of the secretariat should serve solely under instructions by the Commission; should if possible perform their functions on a continuous (permanent) basis; and their status and compensation should be regulated by the Commission subject to the budgetary authority provided by parliament and subject to existing civil service regulations. Such specifications would improve the actual (as well as perceived) autonomy of the SEC and enhance the basis for improved election administration functions.

h. Composition of DEC's

The Group's proposed amendments to Art. 16 contain two alternatives for appointment and qualifications of core members of the district election commissions. Both alternatives reflect a preference for active involvement by judges in administration of elections. (See previous comments on this subject.)

The proposed amendments would also define more clearly which opposition parties have the right to propose party representatives – *i.e.*, those which obtained 5% of the votes in the national PR election. (The right to propose representatives does not guarantee their inclusion in the slate of representatives nominated by the opposition as a whole, however.)

It should be noted, in connection with Arts. 15-17 of the law, that the Working Group did not attempt to reconcile the inconsistencies with respect to the time of appointment and term of office of DEC members. With respect to party representatives on the DEC, current Art. 16(4) requires them to be appointed shortly after the appointment of party representatives on the SEC (which we learned above occurs at the beginning of a new parliament). But Art. 17 requires that parties nominate their representatives within 15 days of the announcement of elections. (This issue is discussed further in Part V of this report, under High Priority Actions.)

i. Appointment and Composition of Polling Boards

The Group has proposed, with reference to Art. 19 of the law, that the president and his deputy of each polling board be appointed from among civil servants in the electoral district. It is worth considering, however, whether this proposal would now tend to detract from the independence and perceived objectivity of election administration at the precinct level. (There is also some uncertainty about which civil servants would be considered as being assigned "in the electoral district", since electoral districts need not correspond to existing administrative and territorial units.)

In its proposals on Art. 20, the Group suggests that the current criterion for involvement in selection of party representatives for polling boards (meeting the 5% threshold, for parties in opposition) should be replaced with a reference to those "parties, which have won the most votes on the proportional list." Is this intended to mean the party or parties which individually or collectively have obtained an absolute majority of the votes? Or something else?

Note also (in light of OSCE/ODIHR findings summarized earlier) making appointments to DEC's and polling boards based on party success in the national PR elections means that the parties represented may not be those which are strongest in the particular region. This could result in the parties which are most competitive in the particular region from not being able to place representatives on the DEC's and PB's there.

Current law does not attempt to impose qualifications (aside from local residence, in the case of the president and his deputy) for appointees to polling boards. The Group's proposed amendments to Art. 20 would require the president and two core members, along with their deputies (six persons in all per polling station) to be selected from among lawyers who have passed the bar exam and have five years of legal experience. Query whether such a large number of lawyers (approximately 18,000 for some 3,000 polling stations nationwide) could be found to carry out this work in all parts of the country.

The Working Group proposes to delete Art. 22 of the law, so that local residence would not be a requirement for service on a polling board. This welcome proposal responds to OSCE's conclusions that this requirement had prevented some parties from taking their seats on the boards.

j. Compensation for Election Workers

The Group proposes, in Art. 25(2), to provide that prior consent of the Government should be obtained by the SEC prior to deciding the level of compensation to be provided to members of election commissions. This provision appears to be drafted in the form of a limitation on the power of the SEC.

One is tempted to ask if this provision was necessitated by unauthorized spending by the SEC to compensate workers in previous elections. But, in fact, the minutes of the Working Group appear to indicate that the provision was actually intended to enhance the ability of the SEC to secure funds from the Ministry of Finance for this purpose – and also, perhaps, announce the level of compensation in advance.

#### k. Powers and Capacities of the SEC

The Group proposes in Art. 27 on this subject to provide that the SEC has legal personality. This may be useful, but it is not clear what precise effect in terms of legal relations that it will have. (For example, could this provision subject to the SEC to civil suits outside the procedures laid out in the election laws? Or, similarly, grant the SEC the power to bring suit for the enforcement of election regulations and sanctions?) Perhaps more important, however, is to expand the explicit powers of the SEC under law, a subject which is elaborated upon elsewhere in this report.

In the same article, the Group would authorize the SEC to “perform work provided in the Law on the Voters’ List and Voter Identification Card”. This is a useful provision that must be considered in connection with that law and the Group’s proposals on it (see below).

#### l. Representation by Women

The Working Group proposes to respond to recent discussion of the issue of increasing women’s representation in parliament by requiring that 30% of the candidates proposed for election on a party’s list of candidates for SMD’s and PR seats be women. Imposing a requirement on the number of women included in a candidate list in PR elections is not uncommon, although it must be said that the actual percentage who would be elected through this means would actually be much lower unless the names of women candidates were spread equally throughout the whole list (and not clustered at the bottom, as is often the case).

It is much less common to require election contestants to run a certain percentage of women candidates in SMD races, although India has a lower (10%) requirement for its parliamentary elections (which are conducted completely on SMD lines). Once again, however, nothing would prevent parties from nominating women candidates in which the party is less likely to win, thereby resulting in considerably fewer than 30% of women candidates actually being elected.

#### m. No Electoral Coalitions?

The Group’s proposed amendment to Art. 32 of the law would delete the reference to “two or more parties jointly” in the provision dealing with which entities have the right to put forward candidates. This would appear to rule out formal election coalitions. This system is reportedly used in the Netherlands, in order to provide a test of party strength and weed out weaker parties. It is not widely used elsewhere. It is somewhat surprising to see this proposal included in the draft, since the minutes of the Working Group appear to reflect little support for it.

#### n. Publication of Election Polling Data

The proposed amendments to Art. 47 would shorten the blackout on the release of polling data during the elections to 24 hours before the elections, from the current five days. In terms of comparative election practice, polling data is often treated differently from other news reports during the campaign period, since it is thought to influence voter behavior more directly. Polling results also claim to have a scientific basis, which cannot be easily evaluated by the voter. International practice varies widely on the length of a blackout period (if any) on the publication of polling data.

In this case, the reduction of the blackout to 24 hours is also accompanied by a provision to increase disclosure of the sponsor of the poll and its methodology. This combination of provisions appears to be entirely reasonable and appropriate.

o. Political Paraphernalia

It is proposed that Art. 50 of the law be amended to prohibit electoral posters from being “displayed on objects where the polling station is situated or in the premises where voting is performed”. This formulation appears somewhat vague, especially in view of OSCE reports that political materials have been fairly widely observed at polling stations and in their vicinity.

Perhaps it would be better in this connection to include all political slogans and insignia in addition to “posters”, and to specify that the scope of the prohibition refers to the interior of the polling station, the building in which it is located, and a certain zone (specified by distance) surrounding the station. (The latter is done, for example, in Serbia; the trouble caused there in connection with that provision had to do more with the rules for annulling the results at polling stations in case of certain violations than how the violations themselves were defined.)

Art. 73 of the current election law attempts to create a zone free of campaign materials within the polling station itself and within 100 meters of it. Curiously, however, it does not address putting up such materials, but instead merely instructs the polling board to remove them!

p. Certified Candidate List

The Group proposes to add to Art. 55 a provision that the SEC should certify the lists of candidates put forward by a party for SMD and PR elections. This seems useful.

q. Foreign Funding

The proposed amendment to Art. 57 would extend the ban on foreign funding of election campaigns to include “funds from enterprises with mixed capital, where the dominant owner is a foreign investor”. The concept appears to be sound, but the formulation “dominant owner” is somewhat unclear. Does it refer to the extent of ownership, or only control? In other words, would the provision apply to companies with a majority of foreign portfolio investment or only direct investment?

r. Polling Station Security

Amendments to Art. 70 would make it mandatory for the polling board to remove persons disturbing the peace, and to request police assistance in doing so. This proposal is responsive to observations concerning disturbances at polling stations in previous elections. It would seem, however, that the decision whether to request police assistance in responding to disturbances should remain subject to the discretion of the board.

s. Elimination of Voter Cards?

The Group notes that elimination of voter cards would require amendment of Art. 74. The voter card issue is discussed elsewhere in this report.

t. Personal Voting

The Group proposes, in Art. 75, to add provisions requiring voters to sign the Voter List next to their names, and to vote personally. (Voting for another would be specifically prohibited.) These provisions are clearly desirable in terms of the widespread Group and proxy voting – and failure to check off voters on the VL – observed during past elections. Requiring voters to sign the VL extract at the polling station would be especially useful in establishing identity and deterring fraud; it is considered further elsewhere in this report.

u. Mobile Balloting

The Group proposes to add in Art. 78 a requirement that a voter who is unable to vote at the polling station through disability or ill health should request arrangements for voting elsewhere three days prior to the election. This seems reasonable, in that it would enable polling boards and party representatives to make plans to provide for such voting in a secure and well-observed way.

In addition, in view of observations of the casual way in which mobile balloting has sometimes been conducted in the past, it would appear desirable also to include specific procedures – including for polling board members and observers to accompany the mobile team – and additional standards for mobile balloting.

v. Overseas Voters

The absence of provisions for absentee voting, especially for voters overseas, has been noted by the OSCE and others. Under a proposed new Art. 80-a, the Group proposes that voters be permitted to vote overseas, in countries where Macedonia has diplomatic or consular offices, but only for national PR elections.

Many Macedonian citizens live overseas. Permitting them to vote in certain countries of residence could have a great effect on the national vote. At the same time, recordation of these persons' votes overseas could help deter fraud in their own districts. This is an interesting provision that deserves to be considered carefully.

w. Spoiled Ballots?

The Group proposes to delete, in Art. 84 on polling minutes and the vote protocol, reference to recording the "number of ballots which have been taken from the voters and have not been put in the ballot box". This presumably means spoiled ballots. It is not clear why this number should not also be recorded in the protocol.

x. First-Round Winners in SMD Races

The OSCE has noted that during the 1998 parliamentary elections a dispute emerged whether an absolute or relative majority was required under Art. 88 for victory in the first round of SMD races. (OSCE also noted that it was further unclear whether the majority referred to was of voters who cast votes, or all registered voters, in the district.)

The Group proposes two alternative new criteria for victory in the first round:

- 1) Winning the majority [unspecified as to whether absolute or relative] of votes, provided that the number of votes received is at least 1/3 of the total number of registered voters; or
- 2) Winning the "most" votes [relative majority?], provided more than ½ of the registered voters cast ballots.

Neither formulation seems entirely satisfactory – the first because it does not specify the nature of the majority required, and the second because raising the number of votes received to ½ of those cast might unduly lessen the number of first-round victories. Further consideration should perhaps be given to these alternatives, therefore.

y. Legislative Threshold

The Group proposes to amend Art. 93 to establish the following legislative thresholds for the alternative methods of election laid out previously (in Art. 2):

- 1) "Parallel" System (60 SMD, 60 national PR mandates – no threshold;
- 2) Regional Proportional System – 3% threshold;
- 3) National Proportional System – 5% threshold.

The important subject of system of representation is considered elsewhere in this report. (The current threshold for PR representation in the existing 85/35 parallel system is 5%.)

z. Judicial Appeals

The Group proposes to respond to OSCE comments concerning the existing of dual and multiple judicial appeal channels by differentiating between appeals seeking the annulment of SMD elections from appeals in PR elections at the same polling stations. While this proposal at least eliminates the formal overlap, it would appear strange for events at the same polling station to be subject to appeal in two different channels depending on which contestant – an individual candidate seeking election, or a party seeking representation for their list – brings the appeal.

This proposal could result in two different judicial bodies – the Supreme Court for PR elections and the relevant Court of Appeal for SMD elections – adjudicating nearly the same facts at the same time. Inconsistencies between their findings could easily cause confusion and loss of respect for the election and judicial systems. It is suggested, therefore, that further consideration be given to this proposal.

In Art. 104 of the law, the Group proposes that appeals by election contestants from decisions of (district) election commissions should go to the Court of Appeals rather than Supreme Court. This will help to separate appeals from the DEC's from appeals from the SEC, which generally go to the Supreme Court. On the other hand, a second channel could still be opened up if a party unsatisfied by a decision of a DEC first appeals to the SEC, and then onward from there to the Supreme Court.

In terms of appeals by voters, the Group proposes that such appeals against election commissions go to the relevant Court of Appeals rather than the Supreme Court. This seems appropriate.

The Group proposes, in a new Art. 106-a, to create special judicial panels within the Supreme Court and Courts of Appeals to hear appeals during an election. This seems appropriate, although it is not clear to what extent it will expedite such proceedings. (It seems that as a matter of judicial self-administration these courts would take such steps anyway.)

An alternative would be to create a judicial tribunal operating as part of the election system, in connection with the SEC. (This also provides a possible approach to distinguishing between the roles of judges and other qualified persons in election administration more generally.)

aa. Loss of Mandate by Party List Representatives

The Group proposes to add to Art. 98 a provision adding – to the list of events in which a parliamentarian shall lose his mandate – loss of party membership, for those candidates who are elected by PR through a party list. This is an acceptable proposal, which represents a reasonably common practice in PR systems. (It would, however, create something more of a gap between the outlook of parliamentarians elected through SMD and PR.)

bb. Observers

Proposed amendments to Art. 107 would add reference to “registered associations of foreign countries” (presumably international non-governmental organizations) in connection with observing Macedonian elections. It would mandate the SEC to “determine the procedure for conducting an observation mission.” And it would provide for the SEC to withdraw observation privileges if observers (presumably mainly domestic ones) “start to support some candidate or party”.

These provisions are all welcome, although they could perhaps be refined. In particular, it may be desirable to mandate the SEC to develop standards as well as procedures for election observation.

cc. Party Representation on Election Commissions

Responding to OSCE comments, the Group proposes to eliminate transitional Art. 120 of the law, which has expired in any event – to the effect that representation by parties on election commissions was predicated on their showing in the 1994 elections. This is clearly warranted.

**B. Law on Recording Voters and the Voter I.D. Card**

The amended version of the Law on Recording Voters and the Voter I.D. Card prepared by the Working Group would create a satisfactory legislative basis for the essential component of election administration which is voter registration. In addition, it would replace interim institutional arrangements that are reflected in the current law.

The Working Group did not fully address voter card issues in its draft, since that element of the current election system may be eliminated. The voter card, and related issues of establishing and recording voter identity, are larger issues which are discussed elsewhere in this report.

The consultant offers the following detailed description and commentary on the Working Group’s draft:

a. Regular Updating

The requirement in Art. 5 of the current law is retained, that the VL “shall be obligatorily updated”. There is no specificity in this article about how often, or upon what occasions (such as a request from the SEC) that the list should be updated.

Under Art. 12(3) of the Working Group draft, the Interior Ministry and the Primary Courts would have to provide updates of information on the civil status of voters twice a year. (Under Art. 21 of the previous law, the agency in charge of maintaining the General Voters List was required to update it on a quarterly basis.)

There does not appear to be a specific requirement in the draft as to how often the Justice Ministry, which would be the legal steward of the List under the draft law (*see* Art. 8 thereof), would be required to update it. Art. 19 of the draft only requires the Ministry to “prepare an analysis of the Voters’ List twice a year, and produce the List no later than 10 days after elections are called.

b. Residence in Macedonia

Art. 6 of the Draft Law addresses residence in the Republic, with otherwise qualified citizens residing in Macedonia to be included in the VL. (By negative implication, citizens who are non-residents of the country should not be included in the list, and therefore would not have the right to vote.) With

respect to those who are “temporarily working or staying abroad”, they “may be” registered upon personal request to Macedonian embassies or consulates abroad or the Justice Ministry in the country.

Two concerns arise in connection with these proposals:

- 1) What is the definition of “residence” in Macedonia? (If the intent is to use a term which acquires a meaning under another statute, then the definition created there should be incorporated by reference in this draft law.)
- 2) In the absence of a statutory definition, and any rules and regulations by the Justice Ministry on this subject, does the use of the word “may” with respect to the Ministry’s decision whether to enroll a citizen outside the country as a voter imply that the decision would be discretionary (and in all likelihood, not reviewable in court)?

c. Single Voter Card

The draft retains, in Art. 7, the provision in Art. 8 of the current law, that: “A citizen recorded in the General Voters’ List may have only one voter ID card.” Whose responsibility is it to ensure that a voter does not possess multiple voter cards? Would an individual be liable if found to have more than one card? Would the issuing agency or another authority be liable if it false issued more than one card to a voter?

d. Authority of Ministry of Justice

As noted earlier, Art. 8 of the Draft assigns primary responsibility for maintenance of the VL to the Justice Ministry. This is somewhat strange in terms of the remaining provisions, since it would appear from what follows that Justice would do relatively little compiling and processing of the List; that would be done almost exclusively by the Ministry of Internal Affairs.

It may be that the circumstances of the country, especially the current situation, make it undesirable to assign formal responsibility for voter registration to Internal Affairs – which, among other functions, runs the police force. Citizens might have some concerns about the involvement of Internal Affairs, and in interacting with representatives of this ministry concerning their voter identification.

Similar conditions exist elsewhere, however, and successful programs have been implemented on voter registration and card issuance through the Internal Affairs Ministry. One recent example is Romania, in which this Ministry prepared the VL and carried out a mass VC issuance program just prior to the fall 2000 national elections. (The police actually delivered the cards to voters, and voters could also collect their cards at police stations in case the cards had not been delivered in time for voting.)<sup>24</sup>

The involvement of an additional ministry in maintenance of the VL may complicate administration of this activity. On the other hand, from the point of principle perhaps it is also advisable to assign this function to the Ministry of Justice – which is more associated with civil functions and the civil status of individuals than Internal Affairs (which exercises security and police functions).

Comparative practice on the Voter List tends to assign primary responsibility for the formal VL (as opposed to the data upon which it is based) to civil authorities like Justice or similar ministries.<sup>25</sup> Many jurisdictions – especially those with permanent election commissions – assign this function to the

<sup>24</sup> See D. Finn, “Civil and Voter Registration in Romania”, *Elections Today* (quarterly publication of the International Foundation for Election Systems, IFES), Vol. 9, No. 2 (Winter 2000), pp. 11-12.

<sup>25</sup> See “Focus on Civil Registry” (symposium), in *Id.*, pp. 4-17.

commission itself.<sup>26</sup> In the context of strengthening permanent election administration in Macedonia, consideration should also be given to the latter model.

e. Loss of Civil Status

Art. 12(2) requires Primary Courts to provide information concerning persons “who have been completely deprived of their working ability by an effective court decision.” Such persons will not be able to be registered as voters.

Loss of civil status – such as through imprisonment for crime, or even bankruptcy – is recognized in many election systems as a basis for withdrawal of the right to vote. The phrase in question, “ability to work”, is actually best translated in this connection as ability to *function*, and relates to the issue of legal competence – which is also a common basis for disenfranchisement.

The Ministry of Internal Affairs noted the difference in phrasology between the draft law and the Constitution on this issue, with the draft law being phrased in terms of being deprived of functional ability and the Constitution to its being “taken away”. (Internal Affairs did not object, however, not seeing any real difference.) In any event, it may be preferable to return to the constitutional formulation, as the one proposed for the draft law does not appear to be any clearer.

f. Data Processing

Art. 14 of the Draft continues the provision of current law that data prepared by agency which prepares voter-related information be provided “on a magnetic medium”. In view of the progress of electronic data storage, including in non-magnetic form, and the rapid changes in software used to manage it, it would probably be better to provide that such data be provided “in a commonly-used medium for the storage of electronic information, and in a form compatible with commonly-used computer software programs” – or some similar formulation.

g. SEC Powers

Art. 18 of the Draft, derived from Art. 20 of the current law, lists the general responsibilities of the SEC with respect to the VL. In light of previous IFES activities, the consultant endorses the addition of a provision for the Commission to “[c]heck the integrity of the database for the Voters’ List”.

Note that, under the draft law, the SEC only “confirms” the list received from the Justice Ministry, and does not as such maintain it. See also the comment above concerning assignment of the latter role to the central election commission in some other countries.

h. “Verification” by SEC

Art. 25 of the Draft provides for verification of the VL by the SEC after the period for corrections has expired. It is not entirely clear what the meaning of “verification” is, except that paragraph (2) specifically includes a determination that all justified corrections have been made. In this connection, is the SEC also being asked to do something greater – *i.e.*, “certify” or take some other legally-significant action with respect to the contents of the VL? If not, why introduce the concept of “verification”?

i. First Round of Elections

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<sup>26</sup> *Id.*

Art. 27 of the Draft provides that the contents of the VL prepared for the first round of elections may not be changed until after the elections as a whole have been completed. Art. 20 says that the List should contain the names of voters who have reached 18 years of age by the day of the first round.

Query whether these provisions are consistent with the Constitution, which provides that otherwise qualified persons 18 years of age or older have the right to vote.<sup>27</sup>

j. Extracts

Art. 27 of the Draft specifies that only so many copies of the extracts for polling stations should be made as there are elections (including electoral rounds). This useful provision is responsive to OSCE concerns that the availability of multiple copies at polling stations was counterproductive.

k. Copies for Political Parties

Art. 35 of the Draft, which carries forward the privacy protections in Art. 38 of current law, also provides for certified copies of the VL and extracts for electoral units and precincts to be made available to political parties and independent candidates, upon request and subject to the expenses to be paid by them. This is a useful provision, which should provide the main way the List is checked outside government agencies (aside from individual inspections of their personal entries or those of others).

This article also, however, prevents parties and other election participants from using the Lists “for recording the persons who have voted on Election Day.” In fact, it is the practice in some other Eastern European countries to do precisely that.

One would also note that one alternative set of amendments (to the parliamentary election law) submitted by the Liberal Party, voters would be required to approach the polling board one-by-one.<sup>28</sup> Elsewhere in former Yugoslavia, *e.g.* in Montenegro, such an approach has been followed, allowing party representatives and observers present to record each voter approaching the board. (Such arrangements are somewhat cumbersome, and necessarily slow the voting process, but can be useful in alleviating suspicions.)

The consultant understands that preventing use at polling stations of the extracts furnished to parties is intended to prevent them from tracking voters and possibly intimidating them. This factor must be balanced against those discussed above.

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<sup>27</sup> *Id.*, Art. 22(1)

<sup>28</sup> See Stojan Andov, MP (Liberal Party), Proposal for passing a Law on Election of Members of the parliament in the Assembly of the Republic of Macedonia, Draft Law (Skopje, October 2000), Art. 72(1)

## V. RECOMMENDATIONS

A political as well as military crisis has been caused in Macedonia by the campaign of insurgency in mainly ethnic Albanian areas in the north of the country (adjacent to Kosovo and the Presevo Valley area of Serbia) by the so-called National Liberation Army. With the encouragement of interested outside parties, including the North Atlantic Treaty Organization (NATO), the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE), the leading political parties in Macedonia responded by forming a government of political unity.

The new Government is continuing to consider reform of the electoral system, including through legislative amendments, which were being developed by the Working Group (described earlier) established by its predecessor. (In addition to technical corrections and improvements to the election laws, the Working Group and other interested persons have also put forward proposals to change the method of election to parliament.)

As part of its political program, the new government has also indicated that early parliamentary elections will be called, tentatively scheduled for January. To realize the January date would require overcoming a number of administrative and other problems. (Parliamentary elections would otherwise have to be called by November 2002, when the term of the current Assembly expires.)

This part of the present report contains recommendation for legislative and other action based on the information described in the previous parts. The first subpart presents high-priority actions, which the consultant believes must if possible be undertaken prior to the next elections whenever they occur. The second subpart presents other actions, which may be equal in priority in terms of the operation of the election system, but which may or should be deferred until after early elections.

### A. HIGH-PRIORITY ACTIONS

Legislative efforts aimed at achieving a sound basis for the next elections should focus on the parliamentary law and the Law on Voter Lists and the Voter Identity Card. In this connection, it is recommended that the following actions be undertaken if at all possible prior to the next elections in Macedonia, including early parliamentary elections:

#### 1. Establish Permanent Election Administration

The current parliamentary election law does not clearly establish permanent election administration, since it does not clearly indicate that the SEC or other election commissions (*viz.*, district election commissions) are formally constituted in the legal sense. Once a President and core membership (two additional members) are appointed, however, they enjoy a term of five years which entails the permanent existence of the SEC. (Similar logic applies to the DEC's.)

The situation is murkier with respect to party representatives on the SEC and DEC's, however. They are appointed after the investiture of a new parliament, but do not enjoy a term of office. In addition, there are provisions for the appointment of new party representatives prior to elections. It is only by a very generous interpretation of the statute that these provisions can be reconciled. (These issues have been addressed at greater length in an earlier section.)

The reality that appears to arise from these provisions is that the SEC continues in legal existence but actually performs no function outside parliamentary and presidential election periods. The same is largely true of the DEC's, except that they would organize parliamentary by-elections in their respective districts if this were required.

The consultant believes it is vital to clarify the legal status and powers of the SEC between elections. The confusing provisions in existing law do not provide for a stable basis for actions – such as development of regulations; coordinating election planning with other state agencies; identification and training of election officials; and public education and voter awareness – necessary for the next elections to be successful and make a contribution to political reconciliation in the country.

## 2. Enhance SEC staff, resources and functions

In principle, perhaps, the State Election Commission (SEC) is established on a continuous basis under current law. Notwithstanding the appointments referred to above, and therefore the implied continuous legal existence of the SEC, it actually appears to be responsible for a minimum of functions between election cycles.

Responding to the rest of the high-priority actions recommended in this subpart, as well as the longer-term but equally serious issues discussed in the following subpart, would require an SEC with greater capacity both during and between elections. The Government's Working Group on election law has recommended the formation of a secretariat, the size of which would be undetermined at present. As argued previously, it would be well also to include in the legislation provisions protecting the autonomy of the SEC's staff and operations.

The consultant is not recommending a major commitment of staff and other resources to the SEC outside election periods. On the other hand, he believes that the SEC could perform a very important set of functions prior to the next elections and in later periods between elections. These include, for example

- Participating in government decision-making on election-related issues, including voter registration and identification;
- Developing regulations and procedures for election activities;
- Identifying qualified persons to serve as officials at various levels of election administration during election periods, and arranging training materials and programs;
- Developing civic education and voter information materials and programs;
- Conducting liaison with political parties, civil society and the press; and
- Continuing to study election laws and procedures and make recommendations for legislative and other action.

At the very minimum, providing the SEC a small secretariat would enable it to participate more actively in government decision-making and help ensure that other government activities do not inadvertently cause problems for election administration. In this sense, the SEC – through its staff – could play the role of institutional advocate for election issues.

In order to enable the SEC to operate regular programs, and to secure its autonomy and the independence of its staff, the SEC should also be granted a small budget each year. In order to justify its budget, the SEC should formulate a request and submit a work plan for the year to the Government.

Perhaps the most important function that could be exercised by the SEC on a continuous basis, however, would be the exercise of rulemaking power. Given the numerous issues of statutory interpretation and election procedure that have occurred in the past, it would appear desirable for the SEC to be given the mandate, power and resources to address these issues through administrative action. To this end, it might be necessary to add, as one of the explicit powers of the SEC (currently listed in Art. 27 of the parliamentary election law), the capacity to develop rules and regulations to govern its own procedure and implement the election laws.

### 3. Improve Dispute Resolution Procedures

In past elections, according to international observers and others, complaints have not always been considered in a timely manner by election commissions themselves. It has also been the case that multiple and potentially conflicting channels of appeal to the judiciary (including the Courts of Appeal and the Supreme Court) are available under the election law, depending on the election commission involved and the nature of the complaint.

Ensuring timely and effective resolution of disputes (complaints and appeals) would enhance public confidence in the elections process. Steps in this direction have been taken by the Government's Working Group on election laws, which has proposed amendments to the parliamentary election law that would partially clarify and separate the channels of appeal. Such efforts should be supported, and the necessary amendments should be adopted if at all possible prior to the next elections. In addition, it would be desirable to have experts on Macedonian civil procedure review the current law and proposed amendments carefully; this would help ensure that a single and expeditious channel of appeal exists for each election complaint.

The Working Group has also made alternative proposals for the membership of the SEC itself, including the appointment of judges to the core membership, as well as similar proposals for other election commissions (including polling boards). The present consultant does not support such alternatives, since election administration involves not only legal skill and objectivity, but also considerable managerial talents that call for the participation of senior administrators. If it is desired to include judges inside election administration itself, it might be preferable to establish a special judicial tribunal under the SEC itself during election periods.

### 4. Address Major Election Administration Issues

Certain major issues in election administration have caused difficulties in past elections that have lessened public confidence in the elections process and caused international observers to withhold unqualified endorsement of the elections process in Macedonia. Every effort should be made, through rulemaking and other actions by elections administrators and other authorities, to address these issues in a serious way prior to the next elections. A partial list of issues that fall into this category is discussed in what follows:

#### a. Ballot Secrecy

Ballot secrecy has been compromised in the past by such factors as ballots which are serially numbered and low quality paper. During the 1999 presidential elections, the SEC addressed these issues through instructions applicable to those elections. (The SEC instructed polling boards to shuffle the ballots before issuance, and requested the relevant authorities to use higher quality paper stock for printing.)

The ballot secrecy issue continues, however, since serial ballots are still required by the parliamentary election law. (The government's Working Group has proposed to eliminate this provision, however.) In addition, there is no reason to think that unscrupulous officials and others at polling stations will not continue to acquire information on how individuals have voted. (Specific polling station guidelines have not been adopted, nor has there been obvious strengthening of sanctions and enforcement against future violations.)

The ballot secrecy issue should be addressed prior to the next elections. Its resolution would appear to require a combination of actions, including: (1) legislative amendment; (2) administrative

regulations; (3) guidelines on proper procedures; and (4) actions by other state authorities, including improved enforcement of sanctions against violators. So, for example, the law should be amended to eliminate the serial numbering requirement, or make it compatible with vote secrecy; the SEC should continue and refine past instructions on the issuance of serial ballots; and failure to follow these procedures should be penalized.

#### b. Improved Security at Polling Stations and for Voting Materials

Past election observation reports indicate the occurrence of numerous security breaches in and around polling stations on election days. Voters and others are reportedly intimidated by Groups of party activists, and even armed persons, in the vicinity of polling stations. There have been seizures and destruction of ballot boxes, sometimes by polling officials themselves. Observers have sometimes been refused admission to polling operations or intimidated when they sought admission.

Like the ballot secrecy issues discussed previously, but even more so, improving security and polling stations and for voting materials appears to require a combination of legislative, administrative and executive (enforcement) action. It would appear desirable to clarify existing legislation to ensure that polling board presidents or other members of the board who are presiding over the voting may respond to security incidents, including by requesting police assistance. (The Government's Working Group on election law has made proposals in this area.)

More than anything, however, this issue appears to call out for strong executive action. The level of reported security breaches in previous Macedonian elections appears to justify a concerted effort by the Government to prepare for and conduct effective security control on election day and in connection with all election operations (including the storage and transport of sensitive voting materials). It is hard to see how the results of Macedonian elections can continue to be considered credible in the absence of more effective action in this area.

It has also been observed in past elections that there are no clear provisions for physical security of voting materials after the count, especially during transportation to the district (or municipal) election commission. It may also be noted that the parliamentary election law does not as such specify what security arrangements, if any, should be made to protect sensitive voting materials between the time they are delivered to the polling station and the commencement of polling operations on election day.

#### c. Efforts against Group/Proxy Voting

One of the major concerns raised by international observers with respect to the integrity of Macedonian elections is the reportedly widespread practice of proxy and Group (including family) voting. Both of these practices are claimed by their perpetrators as customary, and innocent in nature. Deviations from personal voting must raise serious concern, however, about manipulation of election results, the failure of polling officials to follow the law and applicable procedures, and the potential disenfranchisement of those whose ballots are voted by another.

The Government's Working Group on election law has proposed to add a provision to the basic election law to make clear that the only permissible way to vote is on a personal basis. This is a necessary proposal which should be adopted as part of any package of legislative amendments.

More generally, the practice of Group and proxy voting must be combatted through more effective training of polling officials and public education efforts. In addition, it would be useful for the SEC to issue further guidelines and procedures on polling station operations that would clarify the steps necessary to ensure that violations do not occur. Finally, evidence of proxy or Group voting which is discovered at polling stations through direct observation, indirect means (such as inspecting the signature

list) or during the count (*e.g.*, through the presence of stacked or identically-marked ballots) should be investigated; reflected in the minutes of the station; and referred to other authorities for further investigation and enforcement.

#### d. Polling Station Fraud

Many of the most serious abuses reported by observers in Macedonian elections involve fraudulent activities at polling stations, which according to OSCE/ODIHR are often committed by the president or other members of the polling board itself. In terms of the potential magnitude of the effects of such practices – as well as their reflection upon the credibility of the elections process – these sorts of activities are perhaps the most threatening.

Macedonia may be somewhat unusual at present in Europe with respect to the continued occurrence of reportedly widespread fraud at polling stations, including during the period of the vote. While such practices were often followed during the former socialist period in many Eastern European countries, they have declined as a result of greater openness in the elections process – particularly the more balanced involvement of party representatives on the polling boards.

Generally, improper and/or illegal activities at polling stations – especially during the vote itself – are the most difficult way to influence the results of an election without being discovered. This is because they must involve numerous people carrying out various fraudulent activities under circumstances in which they can generally be detected by the polling board or others present at the polling station.

That such activities would occur on a widespread basis in Macedonia inevitably means that polling board members are aware of them or even engage in them directly. In addition, the representatives of parties which would be disadvantaged by these practices must either be absent or unable to take action against them – *e.g.*, as a result of intimidation.

Other improper and/or illegal activities – such as voter intimidation or ballot swapping -- may actually occur outside polling stations themselves. Even if the polling board might be unaware, one would expect some indication of such activities to come to the attention of the police or other authorities in the area.

Clearly, serious efforts must be made to combat polling station fraud. A multiple approach is warranted, comprising for example the following elements:

- Protecting the rights of party representatives on polling boards to be present and participate in polling station procedures;
- Preventing intimidation or punishment of persons raising concerns about fraudulent practices to polling officials or the police;
- Recording instances reported by polling board members or members of the public in the records of the station;
- Referring known instances to police investigation and enforcement action; and
- Preventing intimidation of observers present at polling stations.

Some useful proposals have already been made in this connection – *e.g.*, that of the Government's Working Group, to permit non-residents of an area to be appointed to polling boards (especially as party representatives). But ultimately even legislative and administrative measures may not work without a major commitment to take the steps necessary – through compiling evidence, giving appropriate instructions to the police, and also relying on the procedures for annulment of results in stations in which

serious abuses have occurred – to ensure that polling station members do not themselves become involved in fraudulent voting practices, nor condone them when practiced by others.

The absence of provisions permitting absentee voting, particularly by citizens residing outside the country, has been mentioned previously. The existence of a large number of voters who would not be expected to come to the polls on election day obviously creates an opportunity for election fraud of various kinds – multiple voting, ballot-box stuffing, and the like. It would definitely be fairer to these voters, and also very useful in deterring fraud, if the proposal of the Working Group in this area were to be accepted. (That proposal would amend the election law by permitting voting overseas, a certain number of days before the election, in Macedonian diplomatic and consular facilities. After the absentees voted, their voter information and the count of the results recorded at a facility could be returned on time for election day.)

#### 5. Develop Ballot Validity Rules

Despite a 1996 Supreme Court decision on this issue, the provisions of the parliamentary election law on ballot validity remain ambiguous. The old standard – circling the name of the candidate or list chosen – remains primary. A second standard – clear intent of the voter – was simply added.

It would definitely create confidence and increase uniformity if the SEC were to develop more detailed rules on ballot validity, specifying exactly what kind of marks may constitute a valid ballot. Consideration also needs to be given to the question of whether the SEC has the power under existing law to issue permanent regulations of this type. For not only should such regulations be developed for the next election, but the resulting experience should be used to refine the standards used in this area.

#### 6. Promote Media Fairness

International observation of Macedonian elections has repeatedly discovered that coverage of the campaign by the state media – particularly television – is unfairly balanced toward the ruling parties. The private media has generally been characterized as lively and open, although sometimes unfair or sensationalistic.

Prior to the next elections, it would be advisable to establish a body to resolve disputes about media unfairness. The most logical candidate for this function at present would appear to be state Broadcasting Council.

Over the near term, it would be useful to have a body of experts available to hear media-related complaints. That body could then take action itself, under certain circumstances, or refer its findings to the SEC or other relevant election commission.

Over the longer term, rules as well as procedures should be established with respect to media coverage of the election. Consideration should be given to creating this function within expanded election administration, or leaving it in the hands of experts on broadcasting and other media.

#### **B. Other Priorities**

The consultant recommends the following actions to be taken over the longer term – *i.e.*, not necessarily prior to the next parliamentary election. These actions are not less important than those included in the previous section, but will simply take longer to take in an effective manner.

##### 1. Create Comprehensive Election Code

Currently, the parliamentary election law serves as the basic election law, including by establishing the SEC and outlining election procedures. Similar to several other Eastern European countries, the presidential election law is built directly on the foundation of the parliamentary election law, but the municipal election law is somewhat distinct.

International observation in the past reported problems caused by inconsistencies between provisions of the presidential and parliamentary election laws. Ambiguities created by the relationship of the municipal and parliamentary election laws were, however, found to be especially problematic. OSCE/ODIHR reported that during the most recent municipal elections, last year, the SEC took an unduly restrictive approach to its role with respect to those elections.

The issue of referendum should also be kept in mind. The Republic of Macedonia was created as a sovereign state following a referendum on this question in 1991,<sup>29</sup> and preserves for citizens the right to express their will through this means.<sup>30</sup> The Constitution grants the Assembly the power to call a referendum,<sup>31</sup> although Groups of citizens may propose a legislative initiative.<sup>32</sup> The Constitution contains rules for the adoption of a proposal through referendum,<sup>33</sup> and identifies subjects on which action requires a referendum.<sup>34</sup>

There is currently a Law on Referendum and Civil Initiative (1998), which replaced an older law dating from the Yugoslav period. The new law contains procedures for the various types of referendums, and relies on the existing election machinery (including the SEC, DEC's and polling boards). In addition, there is a 1996 law on the "procedure for collecting signatures from voters for proposals for passing a law, for announcing a referendum, and for submitting a proposal for moving toward changes in the constitution of the Republic of Macedonia". In reviewing election law in future with an eye toward comprehensiveness and consistency, it would be advisable to include the entire subject of referendums.

The gaps, overlaps and inconsistencies in current election laws call out for reconciliation and, better still, adoption of a comprehensive election code to replace and build upon the current laws. Such efforts should be launched, if possible, as soon as a satisfactory legal and administrative basis for the next elections has been prepared.

## 2. Reconsider System of Representation

A considerable amount of attention has been devoted by the Macedonian Government and political parties – in their consideration of reforming the current election system – to changing the method of representation by which candidates are elected to the Assembly. As discussed in previous parts, at least five alternatives have been presented: The Government's Working Group on election law has developed three alternative proposals – a modified parallel system of representation (with 60 deputies each to be elected from SMD districts and based on national PR, but with no legislative threshold for parties in the national PR contest). Two parties have also made legislative proposals, with the Democratic Alternative proposing to retain a legislative threshold of 5% and the Liberal Party proposing to reduce it to 3%.

Macedonia is somewhat unusual among countries by not having the system of representation specified in the Constitution (where only the size of the Assembly is determined), but rather through law.

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<sup>29</sup> See Constitution of the Republic of Macedonia, 1991 (Preamble).

<sup>30</sup> *Id.*, Art. 2(2)

<sup>31</sup> Art. 68

<sup>32</sup> Art. 71

<sup>33</sup> Art. 73

<sup>34</sup> Arts. 74(2) & 120(3)

A similar situation exists elsewhere in the Balkans, however, for example in Serbia and the Federal Republic of Yugoslavia. In those countries, powerful politicians have constantly changed the method of election and other key elements of the electoral system (such as election districts). This has given rise to a certain level of cynicism among the public about the integrity of the political and election system.

Perhaps the lack of specificity concerning this important issue in the Constitution reflects a recognition that a new state with an unsettled political situation and an ethnically diverse population should not attempt to establish permanent political institutions at the beginning. But the current method of election was first developed in the 1996 parliamentary election law, and was applied during the 1998 elections which created this Assembly.

It may be unwise to emphasize changing the method of election to parliament as part of the election reforms which are being developed now. This is because, as noted in an earlier section, the balance of political forces in Macedonia is very delicate. (One might even say precarious, in view of the current security situation.)

The Government has formed the Working Group in the expectation that its recommendations should be adopted before the next parliamentary elections. As a result of the formation of the new political unity government, these elections may occur prior to the end of the term of the current Assembly.

It seems improbable that political leaders and others could fully assess the effect of a major change in the method of election on their own interests and the welfare of the public in the amount of time available. In fact, a more systematic examination of alternatives should occur prior to consideration of any specific amendments.

Changing the method of election just prior to the next parliamentary elections would inevitably give rise to suspicions that some political deal had been reached about the composition of the next Assembly. Elements on both sides of public opinion might have a greater opportunity to challenge the legitimacy of the political system.

In addition, there is the danger that concentrating on the method of election – which of course is an item of intense interest to politicians – would greatly detract from the practical need to effect changes in election administration before the next elections. International observation reports have indicated serious deficiencies in the Macedonian elections process, few if any of which are ascribable to the method of election. It would appear wise, therefore, to emphasize changes in election administration which address these issues prior to addressing the broader question of changing the political system.

Over the longer term, however, reconsidering the system of representation in parliament should definitely be undertaken in an attempt to reach a system which could become widely accepted and established in Macedonia. The consultant recommends, therefore, that this element continue to be considered a high priority, but that no change be made in the short term unless somehow political and public consensus could be received.

### 3. Put Election Administration on a Continuous Basis

It was recommended in the last sub-part that, as one of the highest priority items, election administration be placed on a truly permanent basis, by identifying functions and resources to be exercised by the SEC between election cycles. The consultant also recommends that a program be developed over the longer term for further exercise of continuous election administration proposals. This program should continue the work identified for permanent election administration in the previous sub-part.

#### 4. Improve Voter Registration and Identification

The previous sub-part also included a recommendation that validation and testing of the Voter List be undertaken as one of the highest-priority actions prior to the next elections. Over the longer term, consideration should be given to amending the laws and procedures applicable to the voter registration process in order to simplify and improve this government responsibility.

To the extent that the SEC is given the resources and direction in the near future, it should begin to participate in the relevant aspects of voter registration and preparation of the Voter List. As part of a longer-term approach, a greater role for the SEC in this activity could also be considered.

The issue of voter identification is discussed at several other places in this report. In the longer, if not the shorter, term steps should be taken to improve the identification of voters, and the type of evidence whether an individual has validly cast a ballot. In particular, consideration should be given to having voters sign the VL extract when they receive ballots. Other aspects of the national identification (ID) and voter registration processes should also be reviewed to determine whether technical elements – such as electronically-scanned signatures – could be included in the database.

#### 5. Control Political Finance

Current law places a ceiling on campaign expenditures by individual parties and candidates, and requires them to establish a special account so that monitoring of their campaign finances can be simplified. The monitoring and enforcement provisions are not completely specified, so it is unclear whether election authorities or other civil administrators exercise these functions either in general or during election campaigns. In addition, it is not clear what actions would trigger a review of campaign expenditures, except perhaps as a result of complaints brought before election commissions.

International observation missions have raised concern about the requirement of establishing campaign accounts by a certain date, since it has apparently prevented certain candidacies from being commenced. In addition, it should be noted that the current law – in addition to having somewhat vague enforcement provisions -- does not address non-campaign political finance. (This relates to the distinction that is referred to in the U.S. as between “hard” (candidate) and “soft” (party) money.) Nor is there direct application to political activities by private persons supporting a candidate or party. (The Working Group has, however, proposed that such contributions, if used to support an election-related poll, should be disclosed in the announcement of results.)

The consultant believes that consideration should be given, over the longer term, to eliminating the special account requirement, but expanding disclosure and reporting requirements and increasing programs to monitor and enforce compliance with the rules limiting political finance. This is clearly a complex area, however, that will require further study and analysis.

#### 6. Apply Enforcement and Sanctions

The issue of combating widespread polling station fraud was addressed above, as part of the recommendations for action before any new elections. Taking action to prevent and respond to polling station fraud is clearly necessary for public confidence in the elections process, in view of the observations of large-scale abuse in previous Macedonian elections.

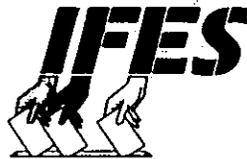
Over the longer term, further measures should be developed to address the issue of compliance with election laws and rules through institutional means. The issue of election fraud goes beyond election

administration and becomes an issue for society at large, involving a wide range of responses including public education and police work.

It would appear necessary for the Macedonian Government to take an integrated, interagency approach to this issue. Consideration should be given to adopting orders that would provide a basis for an inter-agency plan of action to deter, prevent, detect and punish election fraud – both in a general sense and in preparation for specific elections. The members and staff of the SEC, operating on a permanent basis, should participate in this broader project of reform.

**APPENDIX 8**

**General Voters List: Database Integrity Analysis**



**Macedonia Project**  
**General Voters List – Database Integrity Analysis**  
**Final Report rev.2**

**Presented by Dale Leake**

**Database Consultant**

**March 2001**

## INTRODUCTION

This paper has been developed as a result of the Database Integrity Test performed against the Macedonia General Voter's List (defined throughout the remainder of this document as the GVL) during the period of 23 February – 12 March 2001.

The approach and methodology used in the GVL database integrity analysis was defined in the **General Voter List – Database Integrity Analysis** document published during the week of 19 February 2001 with final amendments dated 23 February 2001. A copy of this methodology document can be found in Appendix A.

The notification and agreement to the terms of the database integrity analysis by the Ministry of Justice dated 23 February 2001 can be found in Appendix B.

The processing described and executed in the document has been done in complete cooperation of the Ministry of Justice and State Bureau of Statistics. In addition, this analysis has been done completely independent of these entities to assure a transparent analysis process.

Data used in this testing has been limited to the State Bureau of Statistics GVL database only. This data was loaded onto an IBM NetVista laptop computer owned by the Bureau of Statistics and remained in a secured environment at the Bureau throughout the testing period.

No data contained on the GVL that is considered private data protected under any data protection regulations has been extracted from this IBM computer. Information extracted for further analysis by IFES contains statistical collections of information only.

All scripts and data files moved between the IFES laptop computer and the IBM computer were verified and documented in logs and signed by both the Bureau of Statistics representative and me. A copy of each signed log has been provided to the Bureau of Statistics for their records.

A more comprehensive description of each test, including the SQL scripts and Visual Basic code used to execute the integrity tests, can be found in the **General Voters List – Final Report Part II Technical Analysis** document provided with this report.

Detailed analysis graphs and charts of various database integrity test results can be found in the **General Voters List – Final Report Supporting Documentation** document provided with this report.

## EXECUTIVE SUMMARY

The Ministry of Justice has initiated a review of the current legislative framework for elections. One area of review is the Macedonia GVL. The Database Integrity Tests performed are a result of an agreement of the Ministry of Justice to provide assistance in conducting such tests.

The government of Macedonia, political parties, and all citizens of Macedonia have a stake in ensuring that the GVL is as accurate as possible. A fundamental basis for a completely free and fair election begins with a valid GVL.

A database integrity test, like an audit, is designed to find problems or anomalies within the database. This analysis cannot give a definitive endorsement of the accuracy of the database. A more accurate verification process would include random field sampling or house-to-house canvassing which would be a more time consuming and expensive process.

With this database integrity analysis limitation acknowledged, this analysis testing is a quick and inexpensive way to identify possible flaws in the GVL. This testing can give a definitive statement whether any significant flaws are discovered depending upon the number and depth of the questions asked within the testing. The deeper the questions probe into the database, the higher degree of confidence of accuracy or inaccuracy can be determined.

As a result of database analysis testing and in-depth observations of random data records contained on the GVL, I have found enough probable anomalies to raise questions on the integrity of the GVL database. Based upon the GVL database alone, it is impossible to prove the problems without further analysis.

As my analysis criteria changed in order to sample various unique data element combinations, my results continued to identify the same result data sets along with additional duplication possibilities<sup>1</sup>

Based upon what I have tested and observed in my review of the GVL, I believe that there is a possibility for thousands to tens of thousands of duplications included on the GVL. This duplication appears to be due to invalid source data input and/or intentional (or unintentional) manipulation of the EMBG national identification number.<sup>2</sup>

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<sup>1</sup> A result data set is the collection of GVL records that uniquely matched the query selection criterion. As testing progressed and the selection criterion broadened, the same duplicate records continued to appear with additional duplicate possibilities identified in each subsequent query result data set. (Amended 26 March 2001)

<sup>2</sup> The EMBG number is the Unique National ID number. The breakdown of the EMBG is defined in the Law on Unique Personal Number of a Citizen. A translated copy of this law is included in Appendix C.

My analysis at this time cannot determine if 'suspected duplicates' are actually fraudulent or erroneous.

An example of what I have seen includes a duplicate GVL entry containing the exact same name and address, inhabited place and municipality codes with EMBG numbers that are similar, yet different and unique. Without further analysis, I cannot determine this example as an error in the data entry process or an example of intentional fraud. I believe, based upon my observations, there is a good probability that there are many examples of both.

## **Recommendations**

In order to reach a reliable conclusion with respect to the input data source, I believe the following additional analysis should occur as an independent process of any and all of the Macedonian Government entities involved. This analysis must be done as objectively and as transparently as possible in order to achieve a reliable conclusion.

- An audit, or technical review, of the Ministry of Interior's Information Systems processing systems should be done to help identify holes in the process that would allow invalid data to be entered or passed along until it reaches the GVL database. This review may also include Field level processing of data.
- A Database Integrity Analysis, similar to what was just performed on the GVL, would help identify similar anomalies and provide further justification for the comparative analysis.
- A Comparative Analysis of the data contained in the GVL with input data source information at the Ministry of Interior, Ministry of Defense, General and Supreme Courts and other data source providers.

Estimated time for project completion is approximately 3 months.

2-4 weeks	Technical Audit Review Process
2-4 weeks	Database Integrity Analysis Process
4-6 weeks	Comparative Analysis Process

The estimates quoted are for the recommended analysis to be completed by an independent party. These estimates do not imply that the data cleanup has been completed in this time frame. The Information Systems processing modifications and the cleanup processing of invalid data identified as a result of this analysis will in fact take longer to implement among the various governmental bodies involved.

I believe the end result of this work will be an accurate GVL with integrity that will provide the basis and confidence for free and fair elections for all of the people of Macedonia.

## METHODOLOGY EXECUTION

The process began with the installation of a new, out the box, IBM NetVista personal computer provided by the Bureau of Statistics on 23 February 2001. This computer was preloaded with the Windows 2000 operating system. I personally installed the Office 2000 Professional software set and the SQL\*Server 7.0 database software on the new machine.

To secure and limit access to the database content on the computer, I set up hardware and administrator level passwords on the machine. I placed these passwords in a signed and sealed envelope to protect, as well as guarantee access to the computer in the event I was not available. This envelope was given to Dan Blessington, IFES Macedonia Project Director, and placed at the IFES offices.

To verify that the GVL database content did not change, a row count query was executed daily to verify the total number of rows in the GVL.<sup>3</sup> In addition, a checksum process routine was developed to run against GVL database.<sup>4</sup> At the completion of the checksum process, a single line entry was automatically written into a text file on a floppy disk carried by me each day offsite. This process ran both at the start and end of each day of the testing cycle period.<sup>5</sup> The row count query and the checksum result was exactly the same each time these processes were run verifying that the GVL database was not altered in any way during the testing period.

Signature checklists were developed to document all activity that occurred during the testing cycle period. All items moved from the IFES laptop computer, all queries including the checksum validation routine, and all result data sets removed from the Bureau of Statistics IBM computer were documented and signed by the Bureau of Statistics personnel and myself. The original log documents have been bound and remain at the IFES Macedonia offices. The Bureau of Statistics verified all query executions and movement of scripts and data between computers.

On Monday, 12 March 2001, I visited the Bureau of Statistics offices to remove the MS Office 2000 Professional, MS SQL Server 7.0 database software and related database integrity testing files from the IBM NetVista computer. The hardware level password cannot be removed unless the Windows 2000 software is completely reinstalled. It was decided not to do this reinstallation and the password was given to Ilija Gjorgjevich.

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<sup>3</sup> The GVL contains 1,634,859 total records.

<sup>4</sup> A checksum process evaluates the data as a mathematical equation resulting in a numeric hash value. Our process calculated a hash value of 114650724. The checksum process always calculated this same hash value throughout the integrity analysis testing. If any data changed during the testing, the checksum process would identify this change by calculating a different hash value.

<sup>5</sup> One exception to this was on the second day when it was decided to run additional queries rather than stopping for the last hour of the day on the checksum validation process.

## DATABASE INTEGRITY TESTING ISSUES AND ANOMOLIES

The Database Integrity testing is broken down into 3 distinct categories of testing.<sup>6</sup> These categories include

- **Validation Analysis** – These tests are designed to validate the data values of the GVL. These tests checked for valid EMBG breakdown components, valid gender, municipality and inhabited place code values.
- **Demographic Analysis** – These tests are designed to identify possible anomalies in regards to Size of Household, Age and Gender breakdowns by Municipality as compared to National trends.
- **Duplication Analysis** – These tests are designed to identify potential duplicate occurrences of unique GVL data element combinations.

Important information has been identified and collected by each of these specific areas of analysis. Highlights of these tests are described below. A more comprehensive description of each test, including the SQL scripts and Visual Basic code used to execute the integrity tests, can be found in the **General Voters List – Final Report Part II Technical Analysis** document.

### VALIDATION ANALYSIS

The tests for the validation of the GVL data components prove that the GVL database from a data structure perspective is fairly well intact. The validation issues listed below are not surprising to me.

The minor validation issues that were identified in the testing include:

- Identified 8 Invalid EMBG numbers.
- Identified 73 records with improper EMBG gender code usage.
- Identified 944 records containing invalid Inhabited place code and Street code combinations.
- Identified data elements that contained leading spaces. These included surname, name, street name, house number, and additional house number.

I suggest that this information be used to evaluate the processing systems at the Bureau of Statistics. If it is determined that validation checks for these issue are not included in the routines used to validate the input data used to update the GVL, I

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<sup>6</sup> As defined in the General Voter List – Database Integrity Analysis approach and methodology document contained in Appendix A.

recommend that changes be implemented to the Bureau of Statistics' processing systems to prevent future occurrences of similar errors.

I also suggest that this information should be presented to the Ministry of Interior, and other appropriate government entities providing input data, for review and correction within their processing and database systems.

With these suggestions in mind, I see no need for further analysis in this area of testing.

## **DEMOGRAPHIC ANALYSIS**

The intent of these tests is to get a view of the various demographic models by municipality as compared to the national demographic view of Macedonia as a whole, where it is possible and where it makes sense.

The demographic tests were broken down into 3 specific areas of analysis:

- **Analysis by Size of Household** – This test is used to provide an analysis of the number of Voters living in a uniquely defined place of residence.
- **Analysis by Gender** – This analysis shows the gender breakdown of persons listed on the GVL both nationally as well as by individual municipalities.
- **Analysis by Gender and Age** – This analysis shows the spread of voters by gender and age both nationally and by municipality.

### **Demographic Analysis by Size of Household**

My tests in this area were based upon a definition of a unique residence that used a combination of data elements for inhabited place code, street code, house number, additional house number, entrance and apartment. The Bureau of Statistics provided this definition to me.

When I ran these tests, I found some rather large anomalies. Of the 123 municipalities, I found 7 that contained unique households containing 10s of voters, 60 municipalities containing households with 100s of voters and 56 municipalities showing thousands of voters within a unique household.

Some of these anomalies can be explained. The Bureau of Statistics identified that the place of residence identified in small villages throughout the country takes on the same value within the GVL. Small villages do not have street names, house numbers, etc. to uniquely identify a place of residence. I believe that the anomaly of the very large

hundreds and thousands identified within the data sets is explained with this lack of street and house indicators in the local villages

I believe that there is still an unexplained anomaly on returned data sets indicating household sizes in the tens and hundreds. I understand a common practice in Macedonia is to have multigenerational families living in multilevel houses or housing units. The addresses to these units potentially would be common showing larger average numbers of voters within these types of units. Further analysis may help explain some of these household living arrangements, but not all.

I believe further analysis should be done against the GVL database to identify data sets where these smaller sizes of household anomalies exist. My analysis in municipalities within the Skopje region where known populations reside in dwellings that should contain valid street and house number information produced results with households of questionable sizes in the tens and hundreds.

Additional input data source information from the Ministry of Interior is necessary to complete a more in-depth analysis in this area of analysis. I would suggest a comparison of current address information contained within the civil registry with the GVL address information for each EMBG national id to identify any inconsistencies or errors.

#### **Distinct Unique Residence Identifier**

Another analysis that was done included the extraction of the combination making up the unique place of residence. In this analysis I have found a potential issue where the additional house number, when used, contained a letter (i.e. A, B, C, etc.). In several instances, I found that the code generally left justified in the data column contained a leading space before the letter identifier. This leading space resulted in 3,542 additional unique places of residence to be identified within the GVL database. Further analysis of this data from sources at the Ministry of Interior is recommended to resolve any duplication caused by this anomaly.

#### **Unique Residence Identifier Sample**

nmstat	siful	brojs	dods	vlezs	stans
491071	7030	0012			
491071	7030	0012	A		
491071	7030	0012	A		
491063	5591	0001	A		
491063	5591	0001	B		
491063	5591	0001	D		
491063	5591	0001	A		

## **Demographic Analysis by Gender**

The scope and intent of these tests performed against the GVL is to identify the distribution of the gender both nationally and at a municipality level.

The data results from the national view indicate a break down the middle at 50% for both the Male and Female category.

The view from the municipality perspective varies within the municipalities as much as 58% Male to 42% Female. My analysis of the GVL at this level does not provide enough information whether I should be concerned. Is a particular region heavy in manufacturing, mining or farming that would increase the likelihood that the male population would be greater? Does the makeup of a municipality by ethnicity or religion affect the gender distribution in that area? I do not know the demographics of particular regions within the country to determine whether disparities within gender distributions are valid or possibly flawed with invalid GVL information.

I suggest further analysis from the municipality level should be done to take into consideration the region of the country, the work environment and other population demographic factors to validate the anomaly seen at some of the higher discrepancy levels. Other data sources such as the census information may help validate these findings or show inconsistencies within the GVL.

## **Demographic Analysis by Gender and Age**

The scope and intent of these tests performed against the GVL is to identify the possibility of data irregularities within age and gender groups identified on the GVL database.

Analysis has been done on both National as well as Municipality levels. The charts created using National data show trends that that would be expected in a normal population range. Both gender categories hover around the 50% mark of the population base. From a National perspective, these numbers do not immediately indicate that there are any irregularities or anomalies within the GVL database. The picture takes on a different viewpoint when you begin to look at similar analysis at each individual municipality.

The importance of looking at this demographic both nationally and by municipality is to identify any trends that indicate population groups that appear 'out of the ordinary'. This analysis identifies local trend anomalies that differ greatly from the national trends. It identifies gender/age groups that spike within the local demographic trends. These anomalies identify data within the GVL that could possibly be in error or intentionally altered or placed into the GVL.

Roughly half of the municipalities take on a similar trend as the national demographic analysis. With the other municipalities, analysis shows irregular distributions between the Male and Female populations within the municipality. Based upon this information, additional analysis should be done to further validate the voter population demographics within selected municipalities.

The data provided within the GVL is the only source of data used to perform this analysis. To provide further analysis, more in-depth breakdown analysis of specific municipality data sets will need to be done against the GVL. In addition, validation from input data sources maintained at the Ministry of Interior used to provide information to the GVL will need to be analyzed to provide verification of these potential irregularities.

## DUPLICATION ANALYSIS

This analysis is intended to identify potential duplicate unique occurrences of data element combinations.<sup>7</sup>

These tests are designed to count the number of GVL data records that match the unique combination of selected data elements. If the database was perfect, the most specifically detailed combinations should result with a count that equals the total number of records contained in the GVL database. As the combinations of unique data elements start to change and broaden, the resulting counts returned identify variables of unique records within the database. The difference in these resulting counts as compared to the GVL total population indicate the number of records that are possibly duplicated on the database.

The significance of these tests is to provide an indication that duplicates exist within the GVL as well as provide the potential number of duplicates for a particular unique combination of data elements. More in-depth analysis looking at the detail of these possible duplicates on the GVL helps provide the real meaning and value to the analysis.

Some of the duplicates that were identified during these tests include:

- Identifying 519 unique Name, Birthday combinations
- Identifying 9,400 unique Name, Inhabited Place, Municipality, Gender and Age combinations.
- Identifying 22,000 unique Name, Street code, and Street name combinations.
- Identifying 148,000 unique Name, Municipality, and Inhabited place combinations.

Anomalies found in further analysis of the mentioned tests:

- EMBG numbers with birth month and day transposed or changed by days or weeks with all other data exactly the same.
- Duplicate names with similar address information, e.g. house number off by one or two digits, or missing on one entry completely.
- Appearance of improper input source data maintenance causing duplication, e.g. duplicate names with similar, but different address information and EMBG numbers.
- Identified various anomalies with data positioning, e.g. leading spaces on some data elements.

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<sup>7</sup> The unique combination of data elements used to identify possible duplicates are defined in the General Voter List – Database Integrity Analysis approach and methodology document contained in Appendix A

What do the results of these tests indicate? For instance, what does identifying 519 unique Name and Birthday combinations mean? How significant are 9,400 unique Name, Inhabited Place, Municipality, Gender and Age combinations?

The tests run against the GVL to identify unique Name and Birthday combinations indicate that on the GVL there are 519 entries or, a total of 1038 records, that contain a shared name and EMBG birthday. Looking at the details of the duplicated data set, I noticed several familiar patterns within these data records.

One pattern that I noticed on some data records was that the data elements were exactly the same with the exception of the EMBG number. Within the EMBG number, I noticed that each component of the EMBG, with the exception of the gender ordinal birth number, was also the same. The gender ordinal birth number on suspected duplicates was sequentially in order in some cases or just one or two digits apart in other cases.<sup>8</sup> Another pattern with this analysis showed the similar patterns with the EMBG gender ordinal birth number along with an inhabited place code (also referred to as the settlement code) and/or address difference.

There were enough occurrences to indicate a pattern that two EMBG numbers were assigned at the time of the birth registration. Most likely the second number was assigned by an error in the processing. At some time since the original EMBG assignment, a person had an address change that was reflected on the valid EMBG used by that person. The second record referenced by the incorrect EMBG has probably never had any changes applied and has since resided dormant on the input source data files. Because both of these records are contained on the civil registry as valid EMBG entries, both records have been loaded into the GVL.

This analysis is based upon observations within the GVL database only. Further analysis to validate my theory should be done using data contained within the civil registry, birth and death registry and/or census input data sources. I believe further analysis of birth records, parent's names, and current address information should help identify and correct all of these 519 duplicates discovered on the GVL.

Another duplication test query showed that 9,400 duplicates occurred on the GVL when identifying unique entries based upon name, inhabited place code, municipality, gender and age. Extraction of the duplicates resulted with 18,448 total records identified for this combination of data components.

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<sup>8</sup> For example, suspected duplicates were found with all data columns equal and EMBG numbers like 1308961450018 and 1308961450026. This example illustrates a Birthdate of 13 August 1961, register office code of 45, and sequential ordinal birth numbers of 001 and 002. Other suspected duplicates that were found contained similar EMBG numbers with ordinal birth numbers of 501 and 503, for instance.

NOTE: The last digit is used only for electronic validation and will most likely calculate to a different value. It was not be used as a part of this duplication analysis. The breakdown of the EMBG is defined in the Law on Unique Personal Number of a Citizen. A translated copy of this law is included in Appendix C. (Amended 26 March 2001)

Looking into the detail of these duplicates identified some of the most interesting analysis I had come across so far in the testing. In this analysis I observed anomalies within the EMBG number itself. The data identified by the test tells me that everything about the person's name, gender, age, inhabited place or settlement, and municipality is the same. I found that in many cases, the address information was exactly the same as well. The only difference in these cases was the EMBG national id number.

Looking closer at the EMBG number, I noticed the birth month and day were transposed in some cases. In other cases, I noticed birth month and days very close to each other, e.g. within days or weeks. I noticed birth years within 2-5 years of each other. There didn't appear to be a particular group of birth years affected with these anomalies; it spread through all of the decades since the 1920's. This anomaly gives the appearance that EMBG national id numbers were manufactured to provide for more than one EMBG for the same person.

As a result of these and all of the other duplication database tests along with my observations of random data records contained on the GVL identified by this analysis, I believe I have found enough probable anomalies to raise questions on the integrity of the GVL database.

Further analysis of all of the input data sources is recommended to provide a reliable conclusion to these findings. Unfortunately, until additional comparative analysis with the civil registry, birth and death registry, the census and all other input data sources is done, the exact number of duplicates is hard to determine. But in my opinion, based upon what I observed with data that appeared to be in error due to data entry or processing problems and data that appeared to be intentionally (or unintentionally) manufactured, I believe it is highly probable that the total number of duplicates found on the GVL could total into the tens of thousands of records. This can only be reliably concluded and validated with further analysis of all GVL input data sources.

## PROPOSED FOLLOW-UP ANALYSIS

My database analysis testing and observations found enough probable anomalies to raise questions on the integrity of the database. But as mentioned earlier, based upon the GVL database alone, it is impossible to prove any problems as erroneous or fraudulent without further analysis. I believe there is a high probability that there are both.

I believe the following additional proposed analysis should occur in order to reach a reliable conclusion. This analysis should remain independent of the Bureau of Statistics or the Ministry of Interior. Only with an independent view of the data will the process continue to be as objective and as transparent as possible to achieve this reliable conclusion.

- An audit, or technical review, of the Ministry of Interior's Information Systems processing systems should be done to help identify holes in the process that would allow invalid data to be entered or passed along until it reaches the GVL database. This review may also include systems involving field level processing of data.
- A Database Integrity Analysis, similar to what was just performed on the GVL, would help identify similar anomalies, I believe, and provide further justification for the comparative analysis.
- A Comparative Analysis of the data contained in the GVL with input data source information maintained at the Ministry of Interior, Ministry of Defense, General and Supreme Courts including:
  - Civil Registry
  - Birth Registry
  - Death Registry
  - Any other data sources feeding the GVL

In addition to this proposed input data source analysis, it may be determined that the data used as input cannot give a definitive endorsement of the accuracy of the GVL database. It may be necessary to establish a definitive correlation between the names contained on the GVL and the eligible voters. This could only be accomplished by physically locating the voters, either by random sample field tests or by a comprehensive house-to-house canvass. This process would be slow and expensive, but provide a definitive endorsement of the accuracy of the GVL database.

Estimated time for analysis completion (not including any field tests) is approximately 3 months.

2-4 weeks	Technical Audit Review Process
2-4 weeks	Database Integrity Analysis Process
4-6 weeks	Comparative Analysis Process

It is important to note that these estimates do not imply the data cleanup has been completed in this time frame. The Information Systems processing modifications and the cleanup processing of invalid data identified as a result of this analysis will in fact take longer to implement between the various governmental bodies involved.

In addition, these estimates do not include any time required if field level tests are determined necessary to definitively endorse the accuracy of the GVL database.

## Appendix A

### General Voter List - Database Integrity Analysis

#### ***Stakeholders***

The Ministry of Justice has initiated a review of the current legislative framework for elections. One area of review is the voters' list. Ministry of Justice has been engaged to provide assistance in conducting a series of database integrity tests.

The government of Macedonia, political parties, and all citizens of Macedonia have a stake in ensuring that the general voter list is as accurate as possible.

An attempt will be made to invite questions from a broadly representative sample of these groups. Ministry of Justice will solicit input from the Working Group, while IFES will seek input from political parties and from the international community.

The methodology for this testing, once developed, could serve as the basis for conducting regular audits of the voters' list in the future, either by the body in charge of maintaining the voters' list, or by the body responsible for certification of the list.

#### ***Methodology***

A methodology should be carefully defined for three different phases of the integrity testing:

- Identifying the questions to be answered by the process
- Set up of the testing environment
- Categories of questions

Each of these will be covered in the following sections.

#### ***Identifying the Questions***

It should be acknowledged that a database integrity test, like an audit, is designed to find problems. As such the database integrity test cannot give a definitive endorsement of the accuracy of the database. The accuracy of a voters' list can only be definitively verified by establishing correlation between the names on the list and eligible voters, and this can only be accomplished by physically locating voters, either by random sample field tests or by a comprehensive house-to-house canvass. These are expensive and slow processes.

While acknowledging the limitations of a database integrity test, such testing is a relatively quick and inexpensive way to identify possible flaws. It can only give a definitive statement concerning whether any significant flaws are discovered. If no flaws are discovered the degree of confidence in the database is determined by the number and

types of questions asked. If only a few questions are asked that do not probe deeply into the data, the testing does not result in a very high degree of confidence in the accuracy of the database. If a large number of questions are asked, analyzing the database from a wide variety of perspectives, and no problems are found, the result is a higher degree of confidence in the database. It is, therefore, in the interest of all to ask as many deeply probing questions as possible.

To this end, we invite input from all sources. This document is being distributed to representatives of Ministry of Justice, Ministry of Interior, and Bureau of Statistics, to representatives of political parties, and to interested international organizations who have been involved in providing assistance or observing elections. We welcome all input as to additional questions that should be addressed during the testing.

## ***The Test Environment***

### **Principles**

1. No list data will be removed from Bureau of Statistics office.
2. Data will be protected from alteration by any party during the progress of the tests.
3. Only those tests authorized by the Working Group will be performed on the data. The Working Group will publish a list of all questions considered, including explanations of the reasons for disallowing any question.

### **Procedures**

1. The State Bureau of Statistics will provide a brand new in-box IBM NetVista computer. The computer will reside in an office that is locked outside of normal working hours. The computer will be password protected at the BIOS startup level and Administrator logon level to prevent access by anyone in the absence of the IFES consultant. Passwords will be known only to the IFES consultant, and will be stored in a sealed envelope at the local IFES office.<sup>9</sup>
2. The IFES consultant will not be allowed access to the computer without a representative from the Steering Group, or other monitor approved by the Steering Group, present.
3. All setup and operations of the notebook computer will be done by at least two persons, and a log will be kept of every action performed. Software to be installed is Microsoft SQL Server 7.0 and Microsoft Office Professional 2000.

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<sup>9</sup> Amended 23 February 2001

4. Data will be transferred from Bureau of Statistics to the notebook computer through a formal handover process, and a receipt will be signed by all parties present.
5. Before conducting any tests, a row count will be done on all tables in the database, and the result will be recorded on the receipt. Also, a checksum will be calculated for each table, and the result will be recorded to allow detection of any alteration that may occur. These row counts and checksums will be used as a baseline to ensure that the data is not altered at any time during the course of the testing.
6. At the beginning of each day of testing a row count will be done and a checksum will be calculated on all tables in the database. These will be compared with the starting baselines; any deviation will be noted and no further testing will be performed until the discrepancy is corrected.
7. At the end of testing a row count will be done and a checksum will be calculated on all tables in the database, and these will be compared to the baselines. Any deviation will invalidate all tests.
8. The IFES consultant will carry no data identifying any individual by name, EMBG, or any other personal details from the Bureau of Statistics office. The consultant may take statistical information offsite on floppy disk for purpose of creating reports and/or charts. The monitor will inspect all files on any floppy before the consultant takes it off premises.
9. All data will be removed from the IFES notebook computer at the conclusion of testing. The hard disk will be formatted, and overwritten with a large file containing random text to ensure that the data is unrecoverable. Staff at Bureau of Statistics will monitor this step, and a representative of the Working Group will sign a receipt acknowledging that no data has been altered during testing or removed from the premise.
10. All data will be removed from the IBM NetVista computer at the conclusion of testing. Microsoft Office 2000 Professional and SQL Server 7.0 software sets will be removed from the IBM NetVista computer at the conclusion of testing. The hard disk will be formatted, and overwritten with a large file containing random text to ensure that the data is unrecoverable. Staff at Bureau of Statistics will monitor this step, and a representative of the Working Group will sign a receipt acknowledging that no data has been altered during testing or removed from the premise.<sup>10</sup>

### ***Categories of Questions***

In defining the types of testing that can be conducted, we are restricted to those tests that can be accomplished using only the data. It may be useful at some point to do additional

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<sup>10</sup> Amended 23 February 2001

testing using outside sources of information such as the upcoming census, or field testing of a random sample of the database, but this is beyond the scope of the current tests which will only analyze the data itself. The following fields of data are available for conducting this analysis:

EMBG	Unique Registry Number of the Citizen
PREZIME	Surname
IME	Name
POL	Gender
NMSTAT	Code of the inhabited place
SIFUL	Code of the street
BROJS	House number
DODS	Additional house number
VLEZS	Entrance
STANS	Apartment
IMEULS	Name of the street
IMU	Polling Station Number
SERISKIBR	Serial number of the Voter ID card
KBRM	Control Number
SIFPROM	Code of the last change
RBR	Ordinal number of the issued ID card

#### 1. Validation

Before any other testing, we will determine whether there are any inaccuracies in the data, indicated by impossible EMBG numbers, or codes for non-existent Municipalities, inhabited places, polling stations, etc.

- Number of numerically invalid EMBG's (invalid Date of Birth, invalid Issuing Authority, invalid Serial Number, or invalid checksum)
- Check for validity of all reference codes (NMSTAT, SIFUL, IMU)
- Count of voters by Polling Station compared to number of voters on list in last election

#### 2. Demographic

These queries will analyze distribution of voters across age, gender, and household size, in order to determine whether there are any significant variations in trends.

- Percentage of voters by Gender (National and by municipality)
- Count of voters by Age, Gender, Municipality
- Voters by Gender, Birth Month, as a percentage of the total number of voters. (National and by municipality)
- Size of household (e.g. There are X households with 1 voter, Y households with 2 voters . . . Z households with 20 voters, etc.)

### 3. Analysis of possible duplicates

These queries will attempt to identify unusually high incidences of duplication in any of the following combinations (both at National and Municipal level):

- Surname, Name, Inhabited Place
- Surname, Name, Inhabited Place, Age
- Surname, Name, Inhabited Place, Gender
- Surname, Name, Inhabited Place, Age, Gender
- Surname, Name, Inhabited Place, Street Code
- Surname, Name, Inhabited Place, Street Name
- Surname, Name, Inhabited Place, Street Code, Street Name
- Surname, Name, Municipality, Age
- Surname, Name, Municipality, Gender
- Surname, Name, Municipality, Inhabited Place
- Surname, Name, Municipality, Inhabited Place, Age
- Surname, Name, Municipality, Inhabited Place, Gender
- Surname, Name, Municipality, Inhabited Place, Age, Gender
- Surname, Name, Age
- Surname, Name, Age, Gender

## **Appendix B**

### **Republic of Macedonia**

#### **MINISTRY OF JUSTICE**

**Number 10-1390/3**

**February 23<sup>rd</sup>, 2001**

**TO  
THE INTERNATIONAL FOUNDATION FOR  
ELECTION SYSTEMS (IFES)**

**SKOPJE**

**SUBJECT: Notification**

The Ministry of Justice, in the framework of the Working program for 2001, also anticipated changes and amending of the laws regarding the elections. For that purpose, the Ministry of Justice formed a Working Group, in which there are included experts in this area and representatives from appropriate organs and organizations.

The Ministry of Justice also established cooperation with the International Foundation for Election Systems (IFES) for the draft-reforms in the electoral legislation. Besides the other activities that will be commonly exercising between the Ministry of Justice and IFES, testing of the data in the General Voters' List is also anticipated to be performed.

In the period from 23<sup>rd</sup> February, IFES has engaged an expert who will work on testing the data for the questions that will be determined by the Ministry of Justice, the Working Group, the Ministry of Interior, the State Bureau of Statistics, as well as other open questions that may occur during the General Voters' List testing procedure.

The testing of the General Voters' List database will be performed in the State Bureau of Statistics. The following subjects will be included in this operation:

From the Ministry of Justice:

1. Zagorka Tnokovska, and
2. Ilija Petrovski

The State Bureau of Statistics:

1. Ilija Gjorgjevich,
2. Liljana Vlaich,
3. Slobodan Karajovanovich, and
4. Aleksa Petrevski

From the International Foundation for Election Systems:

1. Dale G. Leake,
  2. Translator
- 
1. The testing of the General Voters' List data will be performed in presence of the above mentioned persons, and the legal provisions for protection of the personal data will be taken into consideration.
  2. The IFES expert will be allowed access to the General Voters' List database for the purpose of its testing.
  3. All open questions will be agreed upon by the representatives of the Ministry of Justice, the State Bureau of Statistics and IFES representatives.
  4. Once the testing is done, a common report will be prepared for the questions that had been subject of process and it will be submitted to the Ministry of Justice, the Working Group and the State Bureau of Statistics.
  5. Other persons, also, can be included in the procedure of testing the General Voters' List, if needed, after previous agreement from the Ministry of Justice.

/RP

State Secretary,

## **Appendix C**

### **Law On Unique Personal Number of a Citizen**

(This Law is published in Official Gazette of the Republic of Macedonia, number 36/92)

#### **Article 1**

Unique personal number of a citizen (hereinafter: personal number) represents an individual and unrepeatable mark of identification data on the citizen

#### **Article 2**

The personal number is composed of thirteen figures categorized in six groups:

I group: date of birth (two numbers),

II group: month of birth (two numbers)

III group: the year of birth (three numbers)

IV group: the number of the register (two numbers),

V group: combination of the gender and the ordinal number for persons born on same date (three numbers). Men from 000 to 499, women from 500 to 999, and

VI group: control number (one figure)

#### **Article 3**

The segment of the EMBG number that shows the date of birth (I group), the month of birth (II group), the year of birth (III group), and the gender (V group) is being determined on the basis of the data in the data birth register.

The control number (VI group) is being determined by an electronic processor.

If the data from paragraph 1 of this article is changed through a procedure envisaged by the law, a new unique number will be determined on the basis on the Decision on the basis of which the correction has been carried out of the data birth register.

#### **Article 4**

There are nine registration regions in the Republic of Macedonia, with the following register numbers: Bitola - for the municipalities of Bitola, Resen and Demir Hisar-41; Kumanovo – for the municipalities of Kumanovo, Kratovo and Kriva Palanka – 42; Ohrid – for the municipalities of Prilep, Krushevo and Brod – 44; Skopje – 45; Strumica – for the municipalities of Strumica, Valandovo and Radovish – 46; Tetovo – for the municipalities of Tetovo and Gostivar – 47; Titov Veles – for the municipalities of Titov Veles, Gevgelija, Kavadarci and Negotino – 48 and Shtip for the municipalities of Shtip, Berovo, Vinica, Kochani, Probishtip and St. Nikole – 49.

#### **Article 5**

The Ministry of Interior determines the unique number of the citizen.

The determination of the unique number and the registration of the same are automatic.

The Ministry of Interior provides preservation, usage and protection of the data from unauthorized access in compliance with the law.

#### **Article 6**

Unique number is determined according to the place of registering the newborn child in the data birth register that is led for the territory of the Republic of Macedonia.

Unique number for a newborn child that is born abroad is determined according to the parents' place of residence in the Republic of Macedonia.

#### **Article 7**

The Unique number for the foreigners residing in the Republic of Macedonia in compliance with the law and for whom records are kept and public identification documents are being issued on the basis of the law, the Ministry of Interior issues them a unique number for foreigners.

**APPENDIX 9**

**Pre-Election Technical Assessment- Phase I**

# PRELIMINARY REPORT

## IFES' POST-CONFLICT/PRE-ELECTION ASSESSMENT IN MACEDONIA

### PHASE I: VOTER INFORMATION AND EDUCATION

*Report Prepared for IFES by Catherine Barnes*

*Date: 5 December 2001*

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#### I. OVERVIEW

On 13 August 2001, ethnic Macedonian and ethnic Albanian political leaders signed the Framework Agreement at Lake Ohrid. Several provisions in the Framework Agreement and its annexes involve election legislation, election preparations, and the election cycle. In particular:

- Boundaries of municipalities must be revised within one year of the completion of the new census (FA 3.2);
- The new census was to be completed by the end of 2001 (FA 3.2). The Parliament subsequently postponed this until April 2002;
- Laws dealing with local elections and municipal boundaries as well as a variety of other laws will be subject to special parliamentary procedures (FA 5.2 and Annex A - Constitutional Amendments at 114(5));
- Parliament is required to adopt by the end of 2002 a revised Law on Electoral Districts, taking into account the results of the census and the principles set forth in the Law on the Election of Members of Parliament of the Republic of Macedonia (Annex B - Legislative Modifications at 6), and;
- The conduct of early parliamentary elections, to be observed by international organizations will take place on 27 January 2002.

It is clear, however, that Macedonia is not in a position to conduct even minimally adequate elections under current conditions on any sort of accelerated timetable. Any rush to conduct elections regardless of the situation on the ground could upset the fragile peace and undermine the implementation of the Framework Agreement.

This assessment report lays out why the conduct of early elections is problematic and what the international community needs to do to adequately inform, motivate, and boost the confidence levels of voters.

## II. PURPOSE OF ASSESSMENT MISSION AND SCOPE OF THIS REPORT

With assistance from the United States Agency for International Development (USAID), IFES conducted a post-conflict, pre-election assessment to identify how the political environment in Macedonia had changed since the conduct of local elections in 2000 and consider the resulting consequences for programming in support of the campaigns and elections process. A multi-disciplinary team with experience in post-conflict elections was to be assembled and dispatched to Macedonia for this purpose. Due to scheduling conflicts, all team members could not be on the ground in Macedonia simultaneously and a decision was made to conduct the assessment in phases. As a result of renewed violence in Macedonia, the second phase of the assessment has been postponed. This report stems from the first phase of the assessment and deals only with the area of concentration of its author: voter education.

## III. SOURCES OF INFORMATION AND REFERENCE

The Consultant was in Macedonia from 3-14 November 2001. During that time meetings were held with representatives of government agencies, parliament, political parties, non-governmental organizations, the media community, and international donor organizations and their implementing partners. Information obtained during these discussions was reinforced by original source materials and analyses provided by IFES and collected on site. A complete list of contacts and reference materials can be found in Annex I of this report.

While there were plans to go to northern and western portions of the country, renewed violence during the course of the assessment prevented travel to the affected areas. The renewed violence also presented some scheduling difficulties, particularly with ethnic Albanian representatives, in Skopje. Had the security situation not interfered in travel plans and scheduling, some of the observations and conclusions presented in this report may have been different.

The consultant would also caution readers to keep in mind the rapidly changing situation in Macedonia vis-à-vis what is a time-bound report. In the week after the consultant departed Macedonia, a new preamble and other changes to the Constitution were adopted by the Parliament, several political parties withdrew from the government of national unity and resumed their opposition stance, and the exhumation of bodies under Hague supervision began. While some observations and conclusions are not likely to be affected by these changes, such as the lack of preparedness of Macedonia for early elections, others may become outdated more quickly.

## IV. ACKNOWLEDGEMENTS

The consultant would like to thank the staff of the IFES/Macedonia office for their assistance and insights. As a result of their efforts, a remarkable amount of information was collected in a week and a half. Appreciation is also due to all those who took time

to meet with IFES. At the time, events were unfolding on an hourly basis. As a result, great demands were placed on the time and attention of the stakeholders targeted by this assessment.

## V. THE CASE FOR CONTINUED INTERNATIONAL ENGAGEMENT

The IFES team remains concerned about the fragile political situation in Macedonia, which is likely to be further exacerbated by poor economic conditions in the country. The capacity of indigenous institutions, both within and outside the governmental sector, to deal with the crisis at hand remains limited. In the short term, there appear to be any number of variables that could trigger renewed violence.

Early elections could be one such variable. According to the Framework Agreement, new parliamentary elections are to be held by 27 January 2002. It is now clear, however, that this will not happen. According to the law, elections must be held by fall 2000. One political party (SDSM) is pressing for an end of April 2002 election date. As this report will make clear, Macedonia is woefully ill-prepared for early elections. On one hand, there was a sense within the IFES team that a disastrous election could produce a government with less legitimacy than the present one. This could result in a dangerous power vacuum. On the other hand, a disastrous election might well result in renewed conflict. There appears to be a degree of denial among some within the international community about the probability of the latter scenario. In either case, the ability of the Government to implement the provisions of Ohrid would be undermined.

The outbreak of violence during the course of the assessment combined with numerous reports, from a diverse array of sources, about a heavy influx of weapons into the country demonstrates how tenuous the peace may be. The situation in country aside, comparative experience would suggest that the risks for Macedonia remain high. According to World Bank comparative studies of 47 civil wars in the 20th century, Macedonia has a conflictive profile. The findings are sobering:

- History matters. If a country has recently had civil conflict, its risk of further conflict is much higher. Immediately following the end of hostilities, there is a 40% chance of further conflict. The risk falls at about one percentage point for each year of peace.
- Ethnic and religious composition matters. If there is a dominant ethnic group that constitutes between 45% and 90% of the population – enough to give it control, but not enough to make discrimination pointless – the risk of conflict doubles.
- Size of Diaspora matters. If a country has an unusually large Diaspora in the United States, the chances of conflict are 36%. If there is little or no Diaspora its

chances of conflict fall to six percent.<sup>1</sup> In the case of Macedonia, the concern would be with the sizable Albanian Diaspora in the U.S.

The recent conflict in Macedonia has brought to the fore tensions between ethnic Albanians and ethnic Macedonians. It has also unleashed prejudices within the predominantly Orthodox community of Macedonians against non-Albanian Muslim Macedonians. Yet, this conflict, combined with efforts to secure peace and greater equality and opportunity, has over-shadowed a longer-standing practice of violence: violence between ethnic Albanians. Albanian on Albanian violence has been particularly acute during past election campaigns. There is no reason to believe that it will diminish during the upcoming election cycle. To the contrary, the radicalization of some within the Albanian community, the formation of a new political party, and the questioning political fortunes of the PDP suggest that the possibility of intra-ethnic fighting may be increased.

## VI. PRELIMINARY FINDINGS

### A. The Relationship Between Macedonia and the International Community

The current relationship between Macedonia and the international community is complicated and conflicted. One is immediately struck by an overwhelming degree of mutual fatigue. On the Macedonian side, fatigue with the international community is supplemented by a sense of alienation. This stems from a belief, firmly held within the Macedonian community, that the Framework Agreement was forced upon it by the West. Those present at Ohrid also profess humiliation at how the framework negotiations were handled. In addition, there is frustration that the very same international community is disengaging at a time when the difficult task of implementing the Framework Agreement is just beginning.

While resenting the international community, the Macedonians privately acknowledge that they will need outside assistance in the realization of Ohrid. It was not their cultural inclination to request such assistance in a formal way prior to the conflict and it is certainly unlikely to happen under the current circumstances. Yet, portions of the international community, citing anti-Western sentiments and frustration with the Macedonian Government, are waiting for just such a formal request. Common ground needs to be identified and creative language applied to assuage Western concerns about the utility of assistance while at the same time allowing the Macedonian Government to signal its willingness to receive such assistance in a face-saving way that will not further wound its national pride.

### B. Information Needs

During the local election cycle in 2000, it became apparent that there were quite a number of informational needs pertaining to electoral rights and processes. Most of

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<sup>1</sup> Economic Causes of Civil Conflict and Their Implications for Policy, Paul Collier, Director, Development Research Group, World Bank, 15 June 2000.

these informational needs still exist today. Moreover, they have been supplemented by a host of new information needs as a result of the conflict. The table below illustrates the types of messages that need to be developed both irrespective of - and as a result of - the conflict:

Voter Info/Ed Needs Irrespective of Conflict	Voter Ed/Info Needs Resulting from Conflict
Voting Rights	Constitutional Amendments
Scrutiny of and Changes to the Voters' List	Electoral Reforms including, but not limited to System of Representation and Re-Districting
Date, Time, and Type of Voting	Census and Implications for the Voters' List
Necessary Voter Identification	New Ballot/Election Security Measures
Special Voting Services - Military, Mobile, Assisted	Special Voting Services - IDPs and Refugees
Voting Procedures/Process	Alternative Voting Arrangements - Due to Infrastructure Damage or Security Considerations
How to Correctly Mark One's Ballot	Political Party Code of Conduct (if one exists)
Ballot Security Measures	Acceptance of Outcome - Legitimacy of New Government and Concept of Loyal Opposition
How to File a Complaint	Confidence-Building Measures
Election Results/How Votes Translate into Seats	Motivational Efforts

At present, a thorough voter education effort would need to address all of the messages in both columns.

To maximize the efficacy of voter education efforts, there must be a sufficient foundation upon which such information can be absorbed, processed, and applied. There remains some question as to whether there is sufficient appreciation of democratic concepts and practice in Macedonia for short-term voter education interventions to adequately take hold.

### C. Conflict Specific Issues

#### 1. IDPs and Refugees

According to information (effective 8 October 2001) provided by the Red Cross, there are 44,531 internally displaced persons (IDPs) registered and receiving assistance.<sup>2</sup> Of these, only 3,547 are residing in collective centers. The remaining 40, 984 have been placed with host families. The IDPs are spread across 26 municipalities in the Tetovo, Skopska, Crna Gora, Kumanovo, and Skopje regions. The numbers of IDPs varies widely between municipalities with Stip, K. Palanka, and Probistip having only 3, 4, and 7 registered IDPs respectively. At the other end of the scale, Kumanovo has 10,865 registered IDPs,

<sup>2</sup> These numbers reflect registered IDPs only, not the total number of IDPs. The OSCE has suggested that the number of IDPs may in fact be as high as 70,000.

Skopje - 12,515, and Tetovo - 19,195. There is also some indication that the number of IDPs is increasing as refugees return to Macedonia but not their domiciles.

The existence of IDPs presents a host of problems. For example:

- Will provisions be made to add IDPs to existing voters' lists or to create special supplementary voting lists in the precincts where they temporarily reside? How will this be done?
- Who will be responsible for compiling these lists and for making necessary deletions, additions, or changes at the request of IDPs?
- What documentation will be required to establish IDPs' identity and eligibility to vote if their primary documents have been taken or lost?
- Where will IDPs go to vote? Will special polling sites be set up in the collective centers? What about the vast majority of IDPs who are residing with host families?
- Will IDPs be disenfranchised from voting according to the majoritarian principle (Macedonia currently employs a mixed system) if they have been displaced beyond the boundaries of their respective electoral districts?
- Will IDPs be further disenfranchised from voting according to the proportional principle if Parliament passes new legislation which moves away from one nationwide electoral district to 12 or more districts if they have been displaced beyond the boundaries of their respective electoral districts?
- Since there is no provision in existing or draft election legislation to allow for absentee voting or voting abroad, how will refugee voting be handled?
- If IDPs and refugees are permitted to vote at locations where they currently reside, what measures will be taken to ensure that votes are not cast fraudulently under their names at their primary places of residence?
- If new election legislation does not include transitional provision on IDP and refugee voting, will the Ministry of Justice and SEC be prepared to act swiftly to pass regulations to guide subordinate administrative bodies in the registration of IDP voters and in the provision of special voting services?
- Will election commissions be prepared with respect to budgetary allocations, human resources, and service provisions to accommodate IDPs within their jurisdictions?

## *2. Infrastructure Damage*

While the consultant was not able to travel to affected areas during the course of this phase of the assessment, anecdotal information suggests that there has been the

destruction of public buildings where polling sites have traditionally been located. Preliminary inquiries by IFES suggest that as many as 235 polling stations serving over 165,000 voters may have problems. A survey will need to be conducted to assess the extent of the damage and necessary steps to be taken to accommodate voters on Election Day. Some preliminary questions might include:

- Was the premises destroyed beyond repair?
- If so, what alternative locations exist? Pros and cons of each location?
- How many voters will be affected by a change in voting locale?
- How will affected voters be informed of a change in voting locale?
- If the premises was partially destroyed, what is the nature of necessary renovations or repairs?
- How quickly could they be completed?
- Who would be responsible and from which budget would funds be taken to cover costs?
- If there was minor damage, what needs to be done to make the site operational by Election Day?
- If the polling site is intact, are there any security concerns that might necessitate movement to an alternative site?

It might be possible to administer a phone or mail survey directed at local officials, such as mayors or councils. This might be done in coordination with DAI's registration project.

### *3. Security Concerns*

At present, it would appear that security concerns remain a very real problem. During the course of the assessment, the team heard reports from various sources of the influx of weapons into Macedonia was greater than at any time during the conflict and that new mines were being laid in northern portions of the country. It was impossible to verify these reports. But renewed hostilities suggest that weapons are still readily available and that combatants are prepared to use them.

According to the OSCE, the Government of Macedonia has not yet resumed control over various portions of the country. These include:

- Lipkovo
- Arachinovo
- Chucher Sandevo

- Radusha
- Three districts on the north of Tetovo
- Districts between Tetovo and Gostivar
- Parts of Chair

This means that security and freedom of movement in these areas cannot be guaranteed. Beyond the general ramifications, this will present very real problems both for census takers and election stakeholders.

The OSCE has also indicated that the re-introduction of police forces into affected areas will not be completed according to schedule. Approximately 100 villages with a total population of 150,000 people are without a police presence. On a *gradual* basis, police will re-occupy stations, resume patrols, and re-open information desks. Part of the problem is that there are not enough Albanian policemen in the entire country (only 176) to form the necessary number of mixed patrols. The OSCE estimates that it would be eight - ten weeks before the *first* American-trained police units could be inserted into affected areas.

With attention focused in the implementation of the Framework Agreement and renewed conflict between ethnic Albanians and ethnic Macedonians, the long standing issue of violence between Albanian groups seems to have fallen from the radar screen. This violence has been particularly acute during elections. At present, there seems to be little attention to how to discourage and control violence within ethnic Albanian neighborhoods during upcoming parliamentary elections. This despite the fact that the political stakes may be higher than at any time in recent history. The political landscape is changing for ethnic Albanian political parties (and is not limited to them). New parties are emerging while the political fortunes of others are in decline.

#### 4. Freedom of Movement

The lack of government control, guerilla activity, land mines, and fresh violence in some areas continues to restrict freedom of movement throughout the country. This will adversely affect:

- Census-takers
- Voter registrars
- Election administrators
- Poll worker trainers
- Election contestants and their agents and representatives
- Voter educators
- Campaign and election monitors
- Journalists
- Voters

Until the security situation can be brought under control and freedom of movement restored, efforts aimed at IDP and refugee return will also be hindered.

## D. Other Considerations

There are a number of other considerations that need to be taken into account by donors, their implementing partners, and other engaged in voter education.

### *1. Legal Framework for Elections in Flux*

It remains unclear how the legal framework for parliamentary elections will take shape and what the timetable for electoral reform will be. While there are certain to be changes to the election law, nearly all stakeholders are fixated on the system of representation and its relative advantages to their narrow political interests. By and large this issue constitutes the totality of discussions on the need for electoral reform. While some additional election security measures can be anticipated, it does not appear likely at this point in time that long-standing legal, institutional, or procedural deficiencies will be addressed. Draft election legislation continues to lack clarity, contains internal contradictions, is inconsistent with other laws governing the campaigns and elections process, and is seemingly unconnected to relevant provisions of the Framework Agreement. As such, the new election law may be somewhat different, but not much of an improvement over the existing legislation.

### *2. Capacity of SEC Remains Limited*

There has been no movement on the creation of a professional election commission operating on a permanent basis. The SEC is under-resourced, poorly staffed and equipped, and is dominated by political party representatives with little or no commitment to non-partisan election administration. Under normal conditions, the SEC is ill-prepared to carry out elections. It is unclear how they will be able to cope with the multitude of challenges stemming from the conflict if elections were held according to schedule much less on an accelerated basis.

### *3. The Census*

There remains considerable debate about whether or not there is any relationship between the census, currently slated to occur in April, and elections. While many insist that legislation on the protection of data would prohibit the use of census results for administrative purposes such as elections, census data is used for redistricting purposes the world over. Some census data is published and may be comparable with information contained in the Voters' List. Significant discrepancies in some categories, for example the number of 18 year olds, could suggest a problem. It is also the case that census data may be used to identify communities in which more than 20% of the population speak languages other than Macedonian. This is the threshold established in the Framework Agreement for the provision of documents in alternative languages kicks in. Those responsible for administering the census confront the same challenges as election

administrators: IDPs and refugees, infrastructure damage, security concerns, and restrictions on freedom of movement.

#### *4. Language Issues*

Little if any consideration appears to have been given to how requirements to publish laws, documents, administrative forms and prepare official written correspondence in a variety of languages will affect resource allocations and the amount of time required to prepare for elections. Traditionally, election materials have been prepared in Macedonian language and sometimes in Albanian language. An official Albanian translation of the election law was nowhere to be found during the local elections. Nothing was presented in Serbian, Vlach, Turkish, or Roma.

#### *5. Loss of Public Confidence Leading to Cynicism and Apathy*

By and large, ethnic Macedonians do not appear to see the Framework Agreement as a "win-win" situation. In their eyes, only the ethnic Albanian community emerged with gains. This combined with frustration over the ineffectiveness of the Government of National Unity has led to high levels of cynicism and apathy. Polling data has suggested that distrust of all sources of information exceeds 50% while dislike of all political parties tops 30%. Turnout during recent by-elections in the City of Skopje was a dismal 15%.

Absent a degree of political responsibility and leadership heretofore not in evidence, real alternatives on Election Day, and significant confidence-building and motivational efforts, it is possible that large numbers of ethnic Macedonians will stay away from the polls on Election Day. Low voter turnout would undermine the legitimacy of the Parliament and a new Government and could produce a Government that is even more ineffectual than the existing one. This, in turn, would adversely affect implementation of the Framework Agreement and might create a dangerous power vacuum.

There is also a distinct possibility that ethnic Macedonian political parties, anticipating low turnout out among ethnic Macedonians and enthusiastic turnout among ethnic Albanians, will resort to motivational messages designed to induce fear and exacerbate ethnic tensions. The message would be something as follows: If you do not vote, ethnic Albanians will end up with disproportionate representation in Parliament and will exert undue influence over the Government.

#### *6. Election Security Measures<sup>3</sup>*

As a result of the crisis, it appears that new election legislation might include long discussed, but never previously adopted, election security provisions, including the use

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<sup>3</sup> As an aside, if legislation is passed to introduce the use of ink and possibly optical scanners (in the event indelible ink is required), necessary adjustments will need to be made to the SEC's budgetary allocation. This was not done in neighboring Montenegro and a political controversy soon arose when the election authority confessed that it did not have the funds to procure ink and scanners. In that case, some political parties threatened to boycott and there were suggestions that the election might have to be postponed as a result.

of ink to identify voters who have already cast their ballots. This precaution, while a proven election security measure and a non-negotiable point among certain political parties, does not enjoy universal appeal within the political establishment or among voters. Negative perceptions and stereotypes are widespread and can be characterized by such statements as:

*"We are not dumb animals"*

and

*"This is not Africa."*

Significant public information efforts will need to be taken to break down these stereotypes and perceptions both among opinion leaders and the general electorate. The widespread use of inking and its ramifications for the sanctity of one's vote and the legitimacy of election results needs to be highlighted. Voters should also understand that the use of the ink is in no way harmful to them. To the greatest extent possible, positive views need to be cultivated. Inking should be presented as a source of pride . . . even something "cool."

#### E. Necessary Characteristics of a Voter Education Campaign

In order for a voter education campaign(s) to adequately meet existing needs and have maximum impact, it should exhibit the following characteristics:

- (1) Under current circumstances, any voter education efforts would need to be *extended* over time and should form an integral component of a broader, on-going civic/citizen education program. This will likely require longer term strategic thinking, planning, and implementation with a process orientation rather than an emphasis on electoral events.
- (2) Voter education efforts will also need to be *coordinated*. Coordination will be key as grants to local organizations are likely to come from USAID, OSI, and ISC and perhaps from OTI on the American side and possibly TACIS and others on the European side. Grant activities will be supplemented by direct programming carried out by such groups as IRI, NDI, and IFES and their local cooperating partners. While efforts are already underway to delineate responsibilities among those engaged in direct programming, there appears to be the prospect of some redundancy with respect to grant-making.
- (3) Messages must be *accurate* and *mutually reinforcing*. There is cause for concern with respect to accuracy given some of the problems encountered during the local election process and given uncertainty about the electoral framework under which parliamentary elections will be conducted.
- (4) Confidence building and motivational efforts, both of which will be crucial, are probably going to require *cross-sectoral* efforts. This would mean expanding

activities and coordination activities outside the democracy portfolio to include, for example the economic portfolio and those engaged in social programming and humanitarian aid. The message to be communicated on all fronts would be that there will be a distinct choice to be made during the parliamentary elections: The choice of European integration, economic development, and social progress or that of continued violence, economic stagnation, and social chaos.

- (5) A mix of voter education approaches will be necessary. In particular, indirect educational and motivational efforts, i.e. those carried out through the mass media, will need to be reinforced through direct communication, i.e. human contact. Studies of voter education activities in various countries have shown that while mass mediated voter education messages are effective in raising awareness levels and providing consistent information to large numbers of people, these usually need to be supplemented by human contact in order to spur people into action, for example voting, advocacy, or volunteerism.
- (6) When determining types and mix of media, voter education strategies need to utilize those information sources people trust to provide them with accurate information and to take into account distinctions in information sources and trust levels between various target groups. These are discussed in greater detail in the next section.
- (7) While adjusting media mix and finessing messages for various target groups, caution needs to be exercised with respect to singling out certain groups for messages that may imply that they are "the problem." There has been sensitivity to the fact, for example, that family, group, and proxy voting have been treated as purely Albanian problems. There is also resentment within the Macedonian community that some information campaigns on the Framework Agreement were targeted primarily, if not solely, at them. Such sensitivities and resentments can create "noise" that interferes with the successful reception of messages.
- (8) To the greatest extent possible, voter education messages and activities need to present the citizens of Macedonia as an *integrated and mutually dependent whole*. Efforts need to identify and reinforce shared values while highlighting examples of inter-ethnic cooperation to the benefit of the greater community. Polling data, focus groups, hot-lines, websites, and other means of soliciting information have already proven useful in determining shared values. And anecdotal information suggests that inter-ethnic cooperation can be found within local communities on the part of self-governing institutions, NGOs, businesses, and neighborhoods. While segregated activities and "cut and spliced" ads for electronic media will continue and may be necessary in some cases, various ethnic groups do need to sit around the same table, engage each other in dialogue, and publicly and collectively stand up for the future of their country, their communities, and future generations. While pockets of cooperation exist in practice, overcoming legitimate fears about personally taking a high public profile to promote them will present very real challenges to voter and civic educators.

- (9) Beyond providing information to the general electorate and supplementing this with messages to groups at risk or with special needs such as: young and first time voters, military personnel, IDPs and refugees, ethnic minorities, remote and rural populations, frail and invalid voters, women, and so on; voter education campaigns need to *address the various stakeholders* in the electoral process, highlighting their rights and responsibilities for all to see. These stakeholders include: voters, election administrators, the police, political parties and their candidates, the courts, the mass media, domestic NGOs (performing a variety of functions from issue advocacy and voter education to election monitoring and watchdog functions), and international observation missions. To ensure the efficacy and legitimacy of the electoral exercise, all of these stakeholders need to [be able to] exercise their rights and abide by their responsibilities, including compliance with all laws and regulations governing campaigns and elections. For more on this, please refer to “Programmatic Options.”

If funders and their implementing partners need to conduct minimal voter education due to lack of political will, advance notice, or resources - among them time, money, or talent - then it will be impossible to fulfill all of the characteristics listed above. Certainly, item (1) will have to be jettisoned. Items (4) and (8) may also be difficult to achieve. Items (2), (3), (5), (6), (7), and (9) will be necessary in any case, although the scale of some activities may need to be reduced. While it is possible to conduct voter education absent the full set of characteristics noted above, expectations about short term efficacy and long-term impact will need to be adjusted downward.

#### F. Opportunities for Protracted Voter Education

This consultant would discourage grant-making institutions and assistance providers from taking the position that voter education can only be conducted once elections are called. While it is true that some information cannot be provided until a new election law is passed and the election campaign initiated, there are process-oriented, conceptual, motivational, and confidence-building themes that can be addressed now. There are also a number of opportunities around which a protracted and graduated voter education effort could be crafted. These include:

- Adoption of the Framework Agreement and Constitutional amendments;
- Parliamentary debate on changes to the legal framework for elections;
- The public scrutiny period for new draft laws on campaigns and elections (traditionally a two week period);
- The census (currently slated for April);
- Re-districting;
- Period for public scrutiny of the Voters' List;
- Acceptance of a political party code of conduct (if one is created);
- The campaign and election preparation period;
- The announcement of results and awarding of mandates;
- The seating of Parliament; and
- The Formation of a new Government

## G. Sources of Information

There are a number of issues that will need to be considered as voter education strategies are developed. These include, but are certainly not limited to: (1) An alarming cynicism within the public about the reliability of information they receive, (2) Differences among ethnic groups in whom they go to for accurate information, and (3) A danger that over-saturation of the media market with campaign advertising will drown out accurate and objective voter education messages.

A recent poll (data collected in November 2001) conducted for DAI reveals a disturbing lack of trust in information provided by a broad array of sources. Responses to the question: *Who gives you the most accurate information about the Framework Agreement?* were as follows . . .

Information Source	Responses
Your member of parliament	8.3%
The Government	3.1%
The leader of your political party	11.5%
The media	17%
Non-governmental organizations	3.7%
Other	1.4%
Do not believe anyone	50.5%
Don't Know	4.1%

Reviewing the data by ethnic breakdown also provides interesting results:

- Perhaps not surprisingly, ethnic Macedonians have very low trust levels in virtually all sources of information at this point. They along with other non-Albanian ethnic groups were significantly more likely to respond that they *do not believe anyone*: (1) ethnic Macedonians - 58%, (2) ethnic Turks 69.2% (3) Roma - 60%, and (4) ethnic Serbs - 59.1% as compared to (5) ethnic Albanians 26.3%.
- Ethnic Albanians were inclined to put considerably more trust in information received from their members of parliament (29.3% as compared to 1.9% for ethnic Macedonians) and leaders of their political parties (20.2% as compared to 8.9% of ethnic Macedonians).
- Ethnic Macedonians and ethnic Turks were more likely to trust information provided by the Government (3.6% and 7.7% respectively) as compared to ethnic Albanians (1.5%). Only the Roma responded in double digits (20%) when asked about their trust in Government provided information.

This question pertained specifically to information on the Framework Agreement. As implementation on various components of the Framework Agreement proceeds, including electoral reform and early parliamentary elections, it might be useful to ask a series of questions about information sources and trust levels. An effort also needs to be made to find out the sources of information IDPs seek out and trust.

This lack of trust in information sources, if taken in tandem with over-saturation of the media market by campaign advertising, might cause voter's to tune out both with respect to communication media and messages. During the local election cycle, there was a comparatively high level of high end campaign advertising in the form of television and radio spots, posters, billboards, flags, collateral materials (t-shirts, caps, pens, pins, stickers, calendars, lighters, and so on), and special events (such as live concerts). An informal review of creative, concept testing, production, and ad placement/airtime costs suggests that the market value of media products and services rendered was significant.<sup>4</sup>

Given that the stakes in the parliamentary elections will be even higher, it is reasonable to expect that the scope and frequency of campaign advertising will intensify and certainly outpace actual financial resources. One of the concerns here is that voters will be so inundated with campaign advertising that they will either turn off or tune out. The challenge then, will be to develop and deliver messages in a unique way that can attract and maintain the attention of voters. As such, voter educators will have to be increasingly creative in order to complete.

#### H. Types of Information

At least among politicians and administrators in Macedonia, there continues to be a poor appreciation of the difference between campaign propaganda and non-partisan voter education. This tendency may stem, in some measure, from a failure to make any differentiation between the functions of political parties and of Government. It is likely further exacerbated by the lack of clear definitions and consistent distinctions in the law. A cursory review of draft law on parliamentary elections suggests that language contained therein may be just as problematic, if not more so, than existing legislation.

For example, Article 71 of the draft law (version submitted to Parliament on 12 September 2001) states:

*The members of election commissions and election boards, representatives of list submitters [political parties, coalitions, and groups of voters], and observers are not allowed to have many marks or symbols of a political party or candidate at the time and place of voting.*

*No election propaganda is allowed on Election Day.*

*The election board in cooperation with the competent bodies is obligated to remove propaganda material in the room where the voting is taking place and within a radius of 100 meters.*

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<sup>4</sup> Although the extent to which these services and products were ultimately paid for remains in question. As the President of the Broadcasting Council noted: *There was a lot of sold advertising during the local elections, but there was very little paid advertising.*

It seems clear to outsiders that the restrictions are meant to apply to campaign propaganda - and appropriately so. The term used, however, is *election propaganda* which is the source of some confusion.

Such confusion is only exacerbated by such clauses as Article 49 of the draft election law which deals with the hanging of posters within the city of Skopje. It does not differentiate between campaign posters and voter education posters. It further states that it is not allowed to display *election* posters on objects where the polling station is situated or in premises where voting is performed.

If interpreted restrictively or manipulated for political purposes, such provisions could present problems for some voter education undertakings, for example official voter education efforts to place multi-lingual information materials on the method and process of voting and on voting rights proximate to or in election commissions and polling sites. And, local officials in their zeal to quash any message that might need to be defended (even if legitimately so), may be inclined to remove non-partisan voter education posters.

Such concerns are not theoretical. During the local election process, there was considerable debate within the State Election Commission (SEC) about whether official voter education products were, in fact, *election propaganda*. While this was considered generally, the discussion became particularly heated with respect to posters and hand-outs within polling sites. It is also an unfortunate reality that some stakeholders in the campaigns and elections process do not perceive it to be in their own best interests for voters to be informed of their rights and about how the process should work.

## VII. PROGRAMMATIC OPTIONS

A menu of programmatic options is presented below. These are based both upon indigenous needs and requests as well as IFES' capabilities in the sphere of information and education. Other program activities, for example with respect to election administration and infrastructure support, will be addressed separately once the next phase of the assessment is completed.

Activities are organized according to the amount of time required for realization. Any, but not necessarily all, activity(ies) could be conducted within the timeframe listed. The scope and complexity of any activity would obviously be affected by the amount of time available for programming, budgetary allocations, and available human resources as well as the mindset and capabilities of local cooperating partners.

### A. Short Timetable for Planning and Implementation (60 – 90 days minimum)

#### 1. *Publication and Distribution of New Election Law*

Given the distinct possibility that a new election law will not be adopted until immediately before the calling of elections, it is possible that election contestants, campaign monitors, election administrators, voter educators, journalists, and judges may

need to proceed with their duties absent a copy of the new legislation. To ensure broad-based awareness of and compliance with the law, efforts should be undertaken to ensure its mass publication and rapid distribution.

## *2. Frequently Asked Questions Document*

There would be considerable value in the development of a frequently asked questions (and answers) document presented in an organized, concise, and user-friendly format. Such a FAQs document could address an array of campaign and election issues of interest to voters, NGOs, journalists, election observers, election contestants, and even election practitioners. Beyond its direct utility as a voter information document, it could also be used as a source of reference or a boiler-plate by NGOs, journalists, or administrators in the development of voter education materials, training programs, or news articles.

## *3. Legal and Electoral Training Program*

There remains a very poor awareness of - and sometimes limited respect for - laws governing campaigns and elections among election contestants as well as those charged with administering elections, resolving disputes, and informing the public. Training needs to be provided to a host of stakeholders to ensure accurate and current knowledge of the laws and appreciation of administrative issues as well as to counter politicization of every aspect of the process. In Particular, training should be conducted for the following groups:

- Election Officials
- Political Party Representatives
- Judges
- Journalists
- NGOs

Training could be jointly sponsored by IFES and appropriate implementing partners including IRI, NDI, ABA, IREX Pro-Media, and ISC. A local entity should also be identified to host the events. Given the subject matter, the Law School seems like an ideal locale. With more-time, this initiative could be further expanded (see short course on election law and practice).

## *4. Voters' Guide*

For the 2000 local elections, IFES and the SEC prepared a leaflet detailing voters' rights, the voter registration process, special voting services, how to correctly mark one's ballot, what to expect inside the polling site on Election Day, and how to file a complaint. Given likely changes to the law that will impact voters' participation and confidence in the electoral process, more detailed information may be required. In this case, a Voters' Guide, in the form of a booklet, may be most appropriate. Topics to be addressed in the Voters' Guide would likely include

- Voter Eligibility Requirements;
- Voters' Rights and Responsibilities;
- When and Where to Review the Voters' List and How to Request Change;
- Necessary Proof of Identification/Residence;
- Information on Signing a Petition in Support of a Candidate/Party List;
- Information on Changes in the System of Representation;
- Information on Re-Districting;
- Special Voting Services (mobile, military, assisted);
- How to Properly Mark One's Ballot;
- What to Expect Inside the Polling Site on Election Day;
- Precautions Being Undertaken to Ensure Voters' Physical Security on Election Day;
- Precautions Being Undertaken to Ensure Ballot Security and Deter Fraud on Election Day;
- How To File a Complaint or Appeal a Ruling;
- How Votes Translate Into Seats; and
- When Will Election Results Be Announced

Such a guide could probably be prepared jointly with the SEC as was done previously.

#### *5. Supplementary Voter's Guide for Special Circumstances*

In some areas, however, there will be special services and alternative arrangements due to the presence of IDPs, the destruction of infrastructure, or security concerns (for example due to the presence of land mines). In these cases, affected voters will need additional and specially tailored information on such issues as where they will be registered to vote,<sup>5</sup> how to ensure that they are registered to vote, what forms of documentation may be accepted (in case their primary documents were taken or lost), where they will need to go to vote on Election Day, and so on. Because this information will be unique to each locale, it makes sense to bypass the SEC on such an activity and work directly with the election commissions, which do have a legal mandate to inform voters, in affected areas. It might also be possible, and necessary from a human resources perspective, to work through local NGOs acting in coordination with respective election commissions.

#### *6. Leaflet for Refugees*

If legal and administrative provisions are made for out of country voting or return of refugees to Macedonia to vote on Election Day, a special voter education program for refugees in neighboring countries would be required to explain how this process would work. While PSAs through the electronic media would be necessary to alert refugees to voting opportunities, some form of printed material would be necessary to provide more detailed information, repeated reference, and circulation within the refugee community.

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<sup>5</sup> Any movement away from one nation-wide electoral district for parliamentary elections may complicate the plight of IDPs provided that they are unable to return to their primary residences by the time of elections.

## 7. Press Kit

In a dual effort to improve the SEC's press relations and journalists' accuracy in reporting on campaigns and elections, a press kit should be developed that includes:

- Current copies of all laws governing campaigns and elections;
- SEC regulations and instructions;
- SEC press releases (if any);
- An election calendar;
- A map of electoral districts;
- Official voter education, candidate information, and poll worker training materials including the FAQs document; and
- SEC and election commission contact information.

## 8. Publicizing Stakeholders' Rights and Responsibilities<sup>6</sup>

Beyond providing information to the general electorate or targeting special interest groups, a public information campaign should be conducted that highlights the rights and responsibilities of each stakeholder for all the others to see. These stakeholders include:

- Voters;
- Election administrators;
- Political parties and their candidates;
- The police;
- The courts;
- The mass media;
- Domestic NGOs; and
- International observation and peace-keeping missions.

The point here would be to make certain that everyone understands his/her respective roles and functions in the process. The extent to which each stakeholder can positively affect the efficacy and legitimacy of the elections needs to be made clear as well as the ramifications of any one stakeholder failing to uphold his/her legal responsibilities or choosing to opt out of the process. Ideally, such a public information campaign would not only raise awareness levels but also expectations about what constitutes appropriate behavior and constructive political participation. This could, in turn, reinforce watchdog functions within and between stakeholders.

A similar motivation would be behind any public information campaign built around a political party code of conduct, if one were to be negotiated and agreed to by all election contestants and monitored at an appropriately high profile manner, i.e. raise public expectations of and pressures on the election contestants to abide by all laws and regulations governing elections, ethical standards, and democratic practices.

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<sup>6</sup> Only if carried out in cooperation with an NGO.

### *9. Election Website*

During the local elections, the Macedonian Information Agency, in cooperation with the State Election Commission, created an official website on elections. This included information on the SEC, the political parties, news articles, some voter education and election official training documents, and ultimately the election results. This was a very good site and should be revamped for parliamentary elections. Ideally, it would include an election calendar; all pertinent laws, regulations, and instructions; and all official voter education and training documents. This would allow anyone with internet access to view such items as a Voter's Guide, a Candidate Handbook, or a Poll Worker Training Manual. To build a comprehensive site, however, more time would be required than was available during the local election campaigns and some outside financial assistance would be necessary.

### *10. Information Hotline*

Information hotlines were used successfully by some NGOs and ad agencies during the conflict and subsequent peace negotiations to collect citizen commentary and input (in various languages). This information was subsequently used to develop public information campaigns. As such, it appears that both public attitudes and existing technologies might make possible the creation of an election information hotline to provide callers with information on the date, time, and type of election; voter eligibility; the period of public scrutiny of the voters' lists and how to request changes; acceptable forms of voter identification; how to file a complaint; special security measures, and so on.

### *11. Public Service Announcements*

Public Service Announcements (PSAs) on radio and television will be required to provide consistent information to a majority of the population and build nationwide momentum for elections. PSAs will need to address voting rights and procedures as well as voter motivation and confidence-building measures. State owned public media have an obligation to provide free airtime to the SEC for the purposes of informing voters. The Broadcasting Council has already expressed its support in endorsing the official public information campaign (once approved by the SEC) and encouraging state-owned media at every level to air the PSAs. This collaboration worked well during the local election cycle. State-owned media have no obligation to run PSAs that are part of a non-governmental voter education effort, although interest may be generated in high quality media products and through personal connections. A sense of public service is poorly developed within the private media and airtime will likely have to be purchased if PSAs are to receive wide airing during prime time.

### *12. Print Ads and Inserts*

Polls have shown that news readership is relatively high in Macedonia. As such feature articles on the elections, print advertisements, and magazine or newspaper inserts may be particularly effective. Print materials allow for greater detail, repeat reference, and

circulation among friends, family, and colleagues, all of which may be important given the prospects of changes to election law and practice. IFES used newspaper inserts in privately held publications with considerable success during the local election process. State-owned media, however, expected extortionist fees for questionable service.

### 13. Posters

Posters will also be needed to create a positive atmosphere for elections, motivate voters, build confidence, and convey information. The primary concern with posters to be displayed during the election campaign is the availability of space. The prospects are high that every flat surface will be plastered with campaign propaganda and that non-partisan voter education posters may be torn down or overhung to make way for political messages. Negotiations may need to be undertaken with election commissions and mayors offices to secure special locations for the hanging of voter education posters.

As for a polling site poster, which was produced by IFES and the SEC during the local elections, this is beneficial but problematic. The failure to distinguish between campaign propaganda and official voter information in or proximate to the polling site has been discussed in section VI.H this report. If the SEC can again be convinced to sponsor such a poster, some information efforts may need to be undertaken to alert voters, journalists, election contestants, monitors, and election administrators that such a poster is officially sanctioned and is permissible under the law.

### 14. Collateral Materials

Collateral materials such as pens, lighters, t-shirts, caps, pins, stickers, mugs, and coasters tend to be very popular with voters. These have been used both by NGOs and political parties. Collateral materials are particularly useful in creating a positive atmosphere for elections, raising awareness of a particular public information campaigns (essentially building a brand identity), and motivating voters to participate.

### 15. Poll Worker Training Program

Due to the limited capacity of polling boards and probably changes to election law and traditional practice, poll worker training will be essential. The relatively late appointment of polling boards does make training of trainers programs more difficult. However, a collapsed pyramid of training (to accommodate a shortened timeframe) and a poll worker manual would be well advised. Some consideration might also be given to the production of a poll worker training video to be aired periodically on state-owned television. IFES has done this with positive results in several other countries. The video would demonstrate each step in the opening of the poll, processing of voters, closing of the poll, counting of ballots, completion of the protocol of results, and delivery of election materials. Poll workers can be provided with a television schedule and arrange to independently - or as a group - view the video. Because the video would air on state-television, it would also serve as a form of voter education. The main limitation with poll worker training videos broadcast in such a way is there is no opportunity to ask questions.

## 16. *Quick Reference Guide for Solving Problems at Polling Sites*

Depending upon the inclination of the SEC, a quick reference guide on how to deal with problems in the polling site might be developed as a supplement to or in place of a poll worker manual. Such guides of provide particular useful elsewhere. Topics to be addressed by such a quick reference guide might address such issues as:

- The polling board does not have the sufficient number of ballots;
- Necessary election supplies are missing;
- Ballots are not of standardized form;
- Voter shows up at polling site without necessary ID;
- Voter shows up at polling site with multiple IDs and requests several ballots;
- Voters name does not appear on the extract of the voters' list;
- Someone claiming to be an IDP shows up at the polling site and demands to vote;
- Voter attempts to vote with another person in the secrecy booth;
- Voter attempts to vote in the open;
- Voter spoils his or her ballot and requests a new one;
- Person shows up with a request to vote by the mobile ballot box on Election Day;
- Voter shows up to vote but his finger has already been inked;
- Election observer or party agent attempts to influence voter;
- Campaign propoganda is present in the polling site;
- Unauthorized persons are lingering at the polling site;
- Election observer shows up without necessary accreditation;
- There is a disruption at the polling site;
- Violence breaks out either within or proximate to the polling site;
- Members of the polling board do not agree about what constitutes an invalid ballot;
- There are more ballots in the ballot box than the number of ballots issued; and
- There are fewer ballots in the ballot box than the number of ballots issued.

In order for such a guide to be prepared, however, the answers about how to deal with these questions need to be determined and agreed to by the SEC. This is not an insignificant task.

### **B. Intermediate Timetable for Planning and Implementation (3 - 6 months minimum)**

#### *1. Short Course for Professionals on Election Law and Practice*

As an extension of the legal and electoral training program outlined in the previous section, a short-course on election law and practice might be developed and offered several times a year at the Law School. It should be touted as a professional development opportunity. A standardized curriculum, including lesson plans, reference materials, and inter-active exercises, should be developed. Once the curriculum is in place and a training team prepared, the course could then be updated as necessary and executed on relatively short notice.

Such a course offering would need to be an on-going activity to build knowledge and sophistication levels and to cultivate greater commitment to such values as respect for the rule of law, non-partisan election administration, accuracy in reporting, and so on. It cannot be left until elections are announced as stakeholders will be in the midst of the campaign and election preparations and will not have sufficient time to devote to such a course

## *2. Creation of an Indigenous Training Team on Electoral Issues*

If such a short course were to be introduced, an indigenous training team would be needed to implement it. Trainers would need to be assembled and provided with instruction. The team should ultimately be well-versed in both election law and practical aspects of administration, adult-education and training techniques, and be able to conduct simulations and other interactive learning activities. To the greatest extent possible, the training team should be ethnically diverse, multi-lingual, and gender balanced. Initial instruction of the training team would need to be undertaken by expatriates who should continue supplement and support the team once short courses are initiated.

IFES' experience on the ground suggests that finding persons with the right skills, both in terms of content and training capability, will be difficult. A significant investment of time would likely be required to identify the right people, provide them with comprehensive instruction, conduct mock training exercises to test and refine their skills, build their confidence levels, and adequately network them - thereby building trust and respect - with stakeholders.

In the short term, such a training team would likely be dependent upon remuneration from an international NGO. A variety of longer term sustainability models have been used by IFES, among others, including bringing the training team under the auspices of a local NGO or educational/training institution or maintaining an informal structure whereby trainers work on a "for fee" basis as needed.

In the scenario outlined above, the training team might initially be used to conduct short courses for professionals through the Law School. Their work could incrementally expand to include crafting and delivering similar training programs at the request of NGOs, election commissions (for example poll worker training programs), local government bodies and so on. Once trainers become familiar with adult education and interactive training techniques, new training modules could be added to the menu of services, for example training on civic education issues, local government reform, privatization, land reform, and so on. Given the number of reforms mandated by the Framework Agreement, there appears to be no shortage of topics upon which both public servants and citizens will need to be informed. In this case, on-going instruction for the training team would be required to expand and update their skill set.

IFES has successfully used this progressive approach elsewhere in the Balkans and the Caucuses. In some cases, training teams have tailored their programs to practitioners and in others have provided information and even advocacy coaching directly to citizens.

### *3. Special Events*

Special events have been used effectively to create a positive atmosphere for elections and build momentum and motivation. Because they tend to attract crowds, they also prove to be valuable venues at which to distribute printed and collateral materials. Concerts, dance parties at local clubs, community fairs, cultural activities, sporting events can all be used to attract voters and convey campaign or election themes. Significant logistical planning is required to pull off such events throughout the country.

### *4. Candidate Handbook*

Despite their protestations to the contrary, many political candidates and activists as well as their campaign lawyers have been quite poorly versed in and disrespectful of the laws and regulations governing campaigns and elections. In an attempt to improve their "legal IQ" and compliance with the law, some consideration should be given to preparing a Candidate Handbook. Even if the election law is not well structured, such a handbook could organize topics and present them in a user-friendly manner. The handbook should include:

- An election calendar which includes all pertinent deadlines for election contestants;
- Glossary of terms;
- Information on filing requirements (signature petitions and other documentation) to contest the elections;
- A listing of the rights and responsibilities of certified candidates and their campaign agents and representatives;
- Information on how to set up a special campaign account, restrictions on contributions, and required documentation of and reporting on all contributions and expenditures;
- Information on the provision of free airtime and advertising space in state-owned media and opportunities for and restrictions on paid media advertising;
- Other campaign activities and allowances and corresponding regulations or administrative requirements, for example the holding of public rallies, placement of posters, use of public places and public transport;
- Requirements for the appointment of party agents to election commissions and polling boards;
- Procedures for filing a complaint with a polling board or election commission and appealing decisions to superior election commissions or the courts;
- Allowable and disallowed activities by political parties and candidates on Election Day;
- Information on the determination of results, award of mandates, and certification of results;
- Sample forms;

- Contact information for election commissions; and
- Contact information for international observation missions and domestic monitoring organizations.

Such handbooks have been prepared by IFES and met with success in Russia and Montenegro, for example. However, the election law must be finalized sufficiently in advance of the beginning of the election campaign to ensure that it can be drafted, reviewed, approved, printed, and distributed to all prospective election contestants at the point that they declare an intent to collect signatures in support of their party or candidate lists.

## C. Long Term Planning and Implementation (Greater than 6 Months)

### *1. Special Programming*

Given the number of legal, institutional, and procedural reforms mandated by the Framework Agreement, there will be a wide array of issues about which the public will need to be informed. To meet this need, consideration should be given to special programming on television and radio. This might include a weekly public affairs program featuring interviews with policy makers, opinion leaders, NGO activists, and ordinary citizens on current events and legislative initiatives. Viewer call-ins, interviews on the street, and video links with alternate locales (or broadcasts originating on a periodic basis outside of Skopje) could be used to increase audience involvement and highlight regional perspectives. Some form of civic education program addressing the pillars of democratic societies is also needed.

### *2. School Based Program to Prepare First Time Voters*

In the longer term, one of the best ways to produce a well informed and engaged electorate is to conduct nationwide programs for the preparation of first time voters. This is typically done through the public school system in cooperation with the election authority although NGO involvement is also a possibility. In some countries where IFES has worked, such programs have been integrated into the curriculum and made a requirement for graduation. The duration of the program would be up to teachers and school administrators to decide. A short course could be factored easily into a civics or citizenship class. This approach also has the advantage of discouraging bad habits, such as family or proxy voting, before they are established. In addition to informing students about their rights once they become eligible to vote, such programs help de-mystify the electoral process for first-time voters. Mock campaigns and elections can help to stimulate the process and, depending upon their complexity, introduce students to the roles of various stakeholders: contestants; election administrators; campaign workers; special interest groups; watchdog and monitoring groups; journalists; judges; police; and voter educators. Guest lecturers representing these stakeholders and educational forays beyond the classroom can also serve to stimulate interest and enthusiasm and present students with a range of opportunities for political participation.

### 3. NGO Capacity Building

Considerable work remains to be done to build up the capacity of indigenous NGOs to carry out voter, civic, and legal education; public advocacy; and watchdog functions whether within the sphere of campaigns and elections or beyond. While there is a resistance to "telling NGOs what to do," the reality is that many NGOs in Macedonia do not have the knowledge, experience, and in some cases the commitment to perform these functions well. As such, the provision of grants combined with a hope that NGOs will learn as they go along is not an effective use of resources. The development of substantive competencies within the area of activity need to be treated just as other capacity building efforts, for example proposal writing, budget development, fund-raising, financial management, public relations and so on. That is to say that they need to be treated in a pro-active and directed manner. IFES would strongly encourage and is willing to assist in the building of such skills.

## VIII. POSSIBLE INSTITUTIONAL PARTNERS

### A. The State Election Commission

To date, IFES has conducted voter education jointly with the State Election Commission (SEC).

Article 27 in the draft law (version submitted to Parliament on 12 September 2001) reaffirms the right of the State Election Commission to conduct what is traditionally considered voter education:

*The State Election Commission shall ... inform the public of the way of voting and of the exercise of the right to vote.*

Under the present circumstances SEC is a necessary but not sufficient partner in the conduct of voter education. There are several reasons for this:

- The SEC while appointed for a period of 5 years, does not currently operate on a permanent and professional basis;
- It does not have the resources, professional capability, or political will to conduct protracted voter education;
- The SEC is unlikely to tackle voter education messages that are not firmly grounded in law, for example necessary conceptual, motivational, and confidence-building themes. It is likely to do what is easiest and what can be agreed upon rather than what most needs to be done;
- It is also unlikely to conduct voter education activities outside of the official election campaign period;

- The political parties, which currently constitute the majority of members on the SEC, do not appear particularly committed to providing accurate and objective information or raising voter awareness levels;
- It is not clear whether the existing SEC will be the same SEC responsible for managing the parliamentary elections;
- If a new SEC is appointed, there is no guarantee that IFES could build a new relationship of trust and execute joint activities within a 70 to 90 day period especially given prevailing anti-Western sentiments;
- Even if the existing SEC is retained, the reduced role of deputy members may tilt the balance against IFES. During the local elections, the deputy members were the most likely to support, advocate, and vote in favor of joint efforts. Those with member-status played a much less constructive role;
- The SEC is not currently responsible for informing voters about the public scrutiny period for the Voters' List and procedures for requesting additions, deletions, or changes to the list. This falls under the purview of the Ministry of Justice; and
- The SEC may not be the appropriate partner for specially tailored voter education programs that will be required in select areas based on variable circumstances including the presence of IDPs, infrastructure damage, security concerns, and restrictions on freedom of movement. In these instances, election commissions will play the key role. According to Article 28, electoral commissions also bear some responsibility for *inform[ing] citizens of the way and technique of voting.*

#### B. The Ministry of Justice

The Ministry of Justice is responsible for informing voters of the public scrutiny period for reviewing the Voters' List and requesting additions, deletions, or other changes. If IFES were to conduct voter education on this topic, it would likely need to coordinate with the Ministry of Justice. IFES could also coordinate with the Ministry of Justice to explain to the public any new legislation that is enacted.

#### C. The Law School and the Student Lawyers' Association

Given IFES' emphasis on legal education and compliance, there is an ideal institutional fit with the Law School and the Student Lawyer's Association (ELSA). Since curriculum includes classes on Constitutional law, the Macedonian political system, comparative political systems, political parties, and special interest groups there seems ample opportunity to pursue campaigns and elections programming and to draw upon a relatively informed cadre of people.

To date, the Law School and ELSA have been working with ABA-CEELI, which has provided assistance focused on court administration, assisted in the development of a

legal curriculum, supported law students and linkage programs. Discussions have already been held among the Law School, ELSA, ABA-CEELI, and IFES to discuss common interests, opportunities for cooperation, and mutually reinforcing activities. At present, ELSA, in cooperation with the Law School has a number of program concepts with which IFES could assist. These include:

- Voter education and motivation activities aimed at the student body;
- The establishment of a legal clinic during elections and the provision of free legal services to voters whose rights have been violated;
- The conduct of public hearings on draft election legislation;
- The conduct of simulations designed to illustrate the efficacy of various reform proposals;
- The development of voter's guide;
- The preparation of a candidate handbook; and
- Election observation.

It is clear from this listing that the Law School and ELSA's ideas intersect with those of IFES. In addition, the Law School might be an ideal partner for the legal and electoral training program outlined elsewhere in this section. In the long term, there is also a tremendous opportunity to impact the thinking and behavior of the law students who will some day be candidates, political party leaders, campaign lawyers, election administrators, and judges.

#### D. NGOs

In order to adequately meet voter, civic, and legal education needs in Macedonia and promote public advocacy and watchdog functions in the area of campaigns and elections, it is clear that IFES will need to work with the NGO sector. It is also the case that the capabilities of NGOs in this area remain limited. IFES could assist key NGOs in capacity building, skill-set and professional development, training, expert advising, the formation of strategic partnerships, and the provision of small-grants. In the interests of sustainability, efforts should also be undertaken to prepare a successor organization to ultimately assume IFES functions in Macedonia.

#### IX. CONCLUSION

Based upon the findings on this assessment, the consultant can only conclude that the prospect of early elections in Macedonia is totally unrealistic. It is likely that elections will be postponed from January to Spring 2002 and then again to the normally slated election schedule of Autumn 2002.

Opposition calls for elections in April 2002 and the ruling parties' response that this demand will only be met if the opposition rejoins the Government of National Unity is likely deft political posturing that will allow each side to blame the other for any delay in calling new elections.

The prospects for poorly conducted elections at any time in 2002 under the current circumstances are likely to upset the fragile peace in the country, lead to a dangerous power vacuum, and undermine the realization of the Framework Agreement.

As a result, the international community must commit itself in a significant way and in the nearest future to helping Macedonia conduct proper elections in accordance with the law, democratic practice, and international expectations. As such, a process rather than an event orientation is essential and work must begin immediately.

**APPENDIX 10**

**Pre-Election Technical Assessment- Phase 2**



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**PRE-ELECTION ASSESSMENT  
IN MACEDONIA**

**PHASE II  
ELECTION OPERATIONS**

**Prepared by Bruce Hatch  
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## 1. INTRODUCTION

The objectives of the IFES Macedonia Technical Assistance Project are aimed at addressing the technical problems of the 1998 parliamentary elections, the 1999 presidential election, and the 2000 local elections as reflected in the OSCE/ODIHR observation reports.

Phase I of the IFES pre-election assessment dealt with voter information and education.

A primary objective of Phase II of the IFES Pre-Election Assessment is an improvement of overall electoral standards through the refinement of existing, and introduction of new operational processes and procedures. Accordingly, Phase II focuses on:

- a review of current electoral operations affected by the additional complicating factors of infrastructure damage and population displacement resulting from the conflict of 2001;
- the potential changes in electoral legislation as they impact on election operations and procedures; and
- recommendations on operations and procedures that the Ministry of Justice and State Election Commission can utilize in order to enhance the operational integrity and credibility of upcoming elections.

## 2. POLLING STATIONS

### 2.1 Assigned Voters

There are currently 2,973 Polling Stations (PS) within what are expected to be 6 Electoral Districts covering a voting population of about 1.6 million.

Of these polling stations,

- 416 cover fewer than 100 voters,
- 891 cover between 100 and 550 voters,
- 1,620 cover between 551 and 1,100 voters, and
- 46 cover over 1,100 voters, with the largest catering to 1,467 (attached Annex 1).

### 2.2 Zone of Conflict: Municipalities and Critical Areas

Of the total of 2,973 Polling Stations, approximately 507 will be operated within the former zone of conflict covering a total voting population of about 341,585.

Further analysis of critical areas within specific municipalities most affected by the conflict of 2001 however, suggests that this number is reduced to about 200 polling stations covering approximately 130,000 voters (attached Annex 2).

Numerous field visits to those villages most damaged by the conflict indicate that, although in some cases difficult, there should not be any significant physical impediment to locating and operating polling stations. Most PS are located within schools which, if

damaged, have been granted priority in local rehabilitation programs and will most likely all be usable by autumn of 2002.

In exceptional cases of particular difficulty, the relocation of even multiple polling stations operating for one day should not be an insurmountable problem either for voters or election administrators.

### **3. VOTING BY INTERNALLY DISPLACED PERSONS (IDPs)**

Current estimates of individuals internally displaced by the conflict amount to approximately 17,000, with the vast majority located in Kumanovo, Tetovo, and Skopje.

Various sources (including the Macedonian Red Cross, OSCE and UNHCR) indicate that these numbers will drop significantly based on the assumption of a successful police re-deployment and no breakdown in security over the summer period. With few exceptions, displaced voters will either be back in their home villages or be able to travel safely to their home villages and polling stations on election day.

If the issues of displacement and security are of sufficient significance to warrant the provision of a mechanism by which eligible IDPs can vote, a suggested method follows.

#### **3.1 Methodology**

The simplest voting method is to locate one or two 'absentee' polling stations (based on displaced voter estimates) reserved for displaced voters in each of the six electoral districts, requiring that the displaced voter at least return to his or her voting district in order to vote.

#### **3.2 Eligibility**

The issue of eligibility can be dealt with by equipping each district 'absentee' polling station with the excerpts of the voter's list for all polling stations of municipalities within the district, fulfilling the usual requirement of proof of identity (through EMBG and photo identification or passport), and presentation of the IDP card issued by the Macedonia Red Cross.

An 'absentee' voters' list of eligible IDP voters would be compiled at absentee polling stations throughout election day, while the use of an electoral marking ink would ensure that eligible displaced voters could, in fact, vote in one location only.

More complex absentee voting models, such as allowing displaced person voting in any absentee polling location in Macedonia through the provision of all six district ballot types, introduce additional complications in ballot reconciliation, transfer, and counting and are not advised.

In addition, anything other than simple in-person absentee voting, such as a voting program for refugees or citizens of Macedonians residing outside the country would be beyond the current capacity of the Government and State Election Commission, and is not advised.

#### **4. ELECTION OPERATIONS**

One of the most significant challenges of any election operation is the requirement of instilling public confidence in the process itself. Unfortunately, this is something commonly believed not to have been achieved in more recent elections held in Macedonia. In fact, discussions with various participants and responsible authorities suggest that confidence in the impartiality, objectivity, and integrity of the electoral process is strikingly lacking, both on the part of the public as well as within electoral bodies themselves.

Electoral processes and procedures, although independently incapable of ensuring electoral integrity, can accomplish much in regulating behavior, instilling professionalism, minimizing fraud, and shielding electoral authorities from unfounded claims of outright manipulation by political parties as well as the public.

Issues such as ballot box stuffing, multiple voting, and results manipulation can be partially addressed through improved procedures. Of critical importance however, is the objective non-partisan participation of election officials, including Electoral Boards (polling station staff).

##### **4.1 Election Officials**

For all election officials, any evidence of political or social bias will jeopardize the integrity of the election and undermine public confidence in the results.

##### **4.1.1 Codes of Conduct**

Codes of Conduct covering the behavior of all election officials, including Electoral Boards, should be developed, endorsed by all political parties, enacted into law, and strictly enforced by the State Election Commission.

Suggested references that could be applied to govern the conduct of officials are listed in the table on the following page.

Penalties for contravention of the Code of Conduct should be included in the Law on Election of Members of Parliament, and the authority to impose the penalties vested in the State Election Commission.

#### **General Conduct of Election Officials:**

- Election officials are required to conduct themselves in a fair and impartial manner in compliance with the Electoral Law.
- Election officials may not use their position to influence voters or to engage in an activity that benefits any particular political party to the disadvantage of any other political party while performing their duties in relation to the election. Nor may an election official in his or her official capacity indicate or imply support for any political party by virtue of any action, attitude, manner or speech.
- The acceptance of any personal or monetary benefit, other than established fees for the performance of duties, as a result of working as an election official is strictly forbidden.
- Election officials are bound to ensure the secrecy of every voter's vote. In addition, an election official must protect the privacy of the voters he or she serves. The personal voter details to which the election official has access are to be used exclusively for the purpose of assisting voters in exercising their right to vote. This information may not be copied, reproduced or shared with any other person, political party or organisation.
- Election officials are not only expected to maintain strict political neutrality and provide professional voter services to the electorate, they must also be recognised as having done so with the highest level of integrity, objectivity and impartially.

#### **4.1.2 Partisan Members of Electoral Boards**

While an obligation rests on every election official to set personal views and political opinions aside and to serve all voters equally and impartially, these principles have special importance among officials nominated by political parties.

That Electoral Boards are nominated by political parties adds an additional challenge to ensuring the non-partisan application of the electoral law. Serious fraudulent practices, such as ballot-box stuffing and results manipulation, can only be successfully undertaken through the complicity of Electoral Board members.

In the case of partisan members of the Electoral Board, misconduct should result in suspension of the board member and the imposition of penalties against the member's political party. Again, penalties should be defined by the Law on Election of MP's, made clear to all through a Political Party Code of Conduct, and imposed by the State Election Commission.

While IFES does not specifically recommend all penalties below, possible penalties might include:

- Removal of a member or employee of any election administration body, including an Electoral Board;
- Prohibition of an individual from becoming a member of any election

administrative body, from participating in the elections as a candidate or otherwise, from registering as a candidate for a specified period, if it is established that he or she has violated an applicable procedure or the Electoral Law;

- Prohibition of any offending political party, coalition, or candidate from participating in elections for a specified period, if it is established that they have violated an applicable procedure or the Electoral Law;
- Removal of a candidate from a candidate's list when it is determined that the candidate was responsible for violation of the Election Law; and
- Removal of a candidate or candidates from a political party or coalition from the candidates' list and prevention of the political party or coalition from replacing the removed candidates when it is determined that the political party or coalition was responsible for violation of the Election Law.

## **4.2. Material & Procedures**

### **4.2.1 Ballots**

- Currently polling stations are supplied with an equal number of ballots as assigned voters, with no provision made for spoiled ballots.
- Ballots are loose (not bound in booklets) and bear a serial number.
- Ballots are packed to the requirements of specific polling stations, meaning that each of the 2,973 different ballot packs must be delivered to a specific location.

It is uncommon that polling stations are not supplied with spare ballots, that a serial number appears on the ballot itself, and that ballots are loose.

Voters should be given the opportunity of having a spoiled ballot replaced and be assured that their vote is secret and not traceable due to the presence of a serial number. In addition, the task of packing the 2,973 different ballot packs and delivering each to a specific polling station seems needlessly onerous.

### **4.2.2 Ballot Security Features**

Currently, the only security feature incorporated into Macedonian ballots are ultra-violet marks visible under UV light.

Other common security features that can be incorporated in ballots include:

- Micro-lettering appearing as black lines under headers, instructions, and between the instruction texts;
- Rainbow print;
- Watermark (least expensive, the printer's generic watermark);

- Eraser sensitive paper (if attempts are made to erase the voter's mark, the print ink will also erase);
- Techno-chromic temperature sensitive marks which fade from color to white;
- UV dull paper; and
- Intentional errors in a background screen.

#### **4.2.3 Recommendations on Ballot Production**

In order to minimize irregularities through ballot manipulation and improve overall ballot quality, it is recommended that:

- ballots be produced on minimum of 95 gsm paper;
- ballot production incorporate an additional security feature (such as a watermark);
- ballots be bound in booklets with a perforation between the ballot and counterfoil;
- the serial number appear on the counterfoil (stub) only and not on the ballot itself;
- booklets of ballots be shrink-wrapped to prevent easy access for fraudulent purposes;
- a standard ballot pack that includes spare ballots be used for all polling stations; and
- ballot packs be labeled by district, sealed, and shrink wrapped.

#### **4.2.4 Ballot Packs**

Given that there are 1,307 Polling Stations with under 550 voters, 1,620 with between 500 and 1,100 voters, and 46 with over 1,100 voters, it is further suggested that:

- ballots be bound in booklets of 100 and packed in a standard ballot pack of 6 booklets (or 600 ballots); and
- each polling station be supplied with either 1 or 2 (if necessary 3) standard ballot packs depending on the size of the polling station.

It is understood that the use of a standard ballot pack will result in some polling stations being supplied with many more ballots than required to service the number of assigned voters. However, procedures such as the application of voter marking ink to prevent multiple voting and a ballot reconciliation following the close of polls to determine the number of ballots to be counted and prevent subsequent ballot box stuffing, will prevent the misuse of unused ballots.

#### **4.2.5 Language**

All electoral materials, including instructions, signage, and ballots, must conform to the Constitutional Amendments regarding the use of language.

#### **4.2.6 Voters' List and Voter ID**

The voters' list is generally considered to be accurate and the process of regularly updating the voters' list to accommodate movement and age appears to function efficiently.

However that some 150,000 voter identification cards issued by the Ministry of Justice remain unclaimed by voters suggest that the list may contain an indeterminate number of duplicate entries. Interestingly, various political parties, although confirming the possibility of duplicates, have not seemed overly concerned with the implications of this issue.

The issue of duplicate entries on the voters' list, and resulting possibility of multiple voting, will be minimized or eliminated through the Draft Law on Voters' List which eliminates the use of the voter identification card and introduces the use of indelible marking ink to mark each voter's finger.

#### **4.2.7 Voter Marking Ink**

The Proposed Law on the Election of MPs grants the SEC the authority to 'prescribe the type of device used for marking and checking the persons who voted'. This is most likely interpreted as being indelible marking ink, visible under ultra-violet light. This is commonly used as an effective mechanism to prevent multiple voting.

Ink application instructions must be explicit and make reference to applying the ink to the fingernail where it is most effective (as referenced in Section 5.1, Article 73 below).

#### **4.2.8 Voter Secrecy**

In order to enhance the secrecy of voting, it is recommended that the SEC utilize standard full-height voting screens at all polling stations. Inexpensive self-standing cardboard screens of at least 1.5m in height are commonly used for this purpose.

#### **4.2.9 Material Distribution - Secure Items**

As per Article 63 of the Proposed Law of Election of MPs, polling station materials are transferred to Electoral Boards one day prior to election day. The voters' list, voter marking ink, ultra-violet lamps, and ballots are considered secure items without which the election could not be conducted. As such, it is recommended that these items be segregated and remain in the possession of the President of the Electoral Board until the polling station actually opens.

### **4.3 Draft Election Laws**

Articles of the Draft Law on Election of MPs and the Draft Law on Voters' List related to operations, procedural changes, material, and IFES recommendations, that require modification or addition include the recommendations that follow.

#### **4.3.1 Draft Law on Election of MPs :**

##### **Section VI**

##### **Article 61 – Ballots (Quantity)**

- “Election material for executing the elections for members of parliament consists of:
  - the necessary number of ballots for voting for candidates' lists according to excerpts of the voters' list”.

As per the recommendation of the use of standard ballot packs to service all polling stations, including a provision for spare ballots to replace ballots that may be spoiled by voters, the article should be modified to read:

- *“sufficient number of ballots for voting for candidates' lists as determined by the State Election Commission (SEC)”*

##### **Article 64 – Ballot (Serial Number)**

- “The ballot for the candidates' list shall contain:
  - 3) Serial number of the ballot”

As per the recommendation that ballots be bound in booklets with a perforation and numbered counterfoil (or stub) which remains as part of the booklet following the removal of the ballot, and that the serial number not appear on the ballot itself, the article should be modified to read:

- *“3) Serial number of the ballot on the ballot stub only”*

##### **Article 69 – Voting**

- “The voting at the polling station shall be terminated if during the voting the usage of beepers, cell phone and other devices is abused by Electoral Board Members”.

The intention of the article appears to be the prevention of an interruption of voting, and the elimination of undue interim reporting of election activities to political parties and subsequent partisan instruction to Electoral Board Members.

Conversely, intentional abuse of these devices by a partisan Electoral Board Member could result in the termination of voting.

It is suggested that the use prohibition be retained within the context of preventing the interruption and/or manipulation of voting, but that it not be related to the termination of voting.

As such it is recommended that this paragraph be removed from the Article on the termination of voting and placed in a separate article. It could be modified to read as follows:

- *“Electoral Board Members may not use beepers, cell phones and other devices for partisan and manipulative purposes that would interrupt or delegitimize the vote.”*

#### **Article 73 – Voting (Ink Detection)**

- “One of the members of the Electoral Board makes sure if the voter is at the appropriate voting place and if the voter has a mark on the fingers on the right and/or left hand.”

As per the introduction of the use of indelible (invisible) voter marking ink and the ultra-violet detection lamp, the article should be modified to read:

- *“One of the members of the Electoral Board makes sure if the voter is at the appropriate voting place and subsequently verifies through the use of the ultra-violet detection lamp if the voter has an indelible ink mark on the index finger of the right hand, making sure to check the fingernail. If the voter does not have a right index finger then the next available finger on the right hand will be checked. If the voter does not have fingers on the right hand then the index finger, etc. of the left hand will be checked.”*

#### **Article 73 – Voting (Thumbprint)**

- “After determination of the identity of the voter the Electoral Board circles his ordinal number in the excerpt of the voters’ list and the voter places his right thumb in the designated place in the excerpt. If the voter does not have a right thumb, then he will put a print of his left thumb and if he does not have a left thumb as well, then putting a fingerprint shall not be needed”.

The use of a thumbprint applied to the voters’ list, although perhaps a psychological deterrent to fraud, is not a common practice in elections and does not add a greater

degree of operational security than a signature. Fingerprints can be easily smudged, are difficult to accurately verify, and require the use of a fingerprint inepad.

It is recommended that the voter's signature or mark be applied to the excerpt next to the voters' name rather than the thumbprint. As such, the article should be modified to read:

- *"After determination of the identity of the voter the Electoral Board circles his/her ordinal number in the excerpt of the voters' list and the voter places his/her signature or mark in the designated place in the excerpt".*

#### **Article 73 – Voting (Ink Application)**

- "After the identification the voter approaches the member of the Electoral Board who will give him a ballot and will mark the knuckle of his right index finger with a device, if the voter does not have a right index finger, then he will mark his left index finger, and if the voter does not have a left index finger, then no marking will be needed"

The application of the indelible (invisible) voter marking ink should be explicit and include reference to the fingernail where it is most effective. As such, the article should be modified to read:

- "After the identification the voter approaches the member of the Electoral Board who will give him/her a ballot *and will mark his/her right index finger with indelible voter marking ink ensuring that the application covers the fingernail. If the voter does not have a right index finger, then the next available finger on the right hand will be marked. If the voter does not have fingers on the right hand, then the index finger, etc. of the left hand will be marked.*"

#### **Article 74 – Voting (Ballot Serial Number)**

- "The Voter is given the ballot for the candidates' lists in such a way, that the Electoral Board members do not see the serial number".

As per the recommendation that ballots be bound in booklets and that the serial number appear on the ballot counterfoil (stub) and not on the ballot itself, the article should be modified to read:

- *"The ballot is removed in numerical sequence from the booklet and given to the voter".*

#### **Article 75 – Voting (Marking the Ballot)**

- “The voter shall cast the vote for the lists of candidates circling the ordinal number of the list submitter he/she has decided to vote for and putting the folded ballot in the ballot box for voting for the lists of candidates”.

The requirement of circling the ordinal number conflicts with Article 81 which states that “a valid ballot is considered to be one which in a reliable and unambiguous way may be established which candidate, that is list of candidates, the voter has cast his/her vote for”.

To minimize the number of invalid ballots due to ballot marking errors, the article should be modified to read:

- *“The voter shall cast the vote for the lists of candidates by circling the ordinal number of the list submitter he/she has decided to vote for or by otherwise indicating in a clear and unambiguous way which candidate the voter has cast his/her vote for. The voter will put the folded ballot in the ballot box”.*

#### **Article 80 – Voting Results (Unused Ballots)**

- “The results of the voting for the lists of candidates are defined in the following way:
  - the unused ballots are counted, the part of the ballot with the serial number on it is torn off and put in a special envelope that is closed, sealed, and the number of the polling station and the total number of ballots are written down on it”.

As per the recommendation that ballots be bound in booklets with a numbered stub only, the counting of unused ballots should be completed by counting the number of unused booklets in addition to the remaining ballots in the booklet currently in use.

The Article should be modified to read:

- *“The unused ballots are counted and the number entered on to the Ballot Account Form and recorded in the minutes of the Electoral Board.”*

(The Ballot Account Form is part of the ballot reconciliation process and records the use of ballots by the Electoral Board.)

#### **Article 80 – Voting Results (Ballot Reconciliation)**

It is common electoral practice to perform a simple ballot reconciliation immediately following the close of the polling station and prior to the counting of results.

This process can indicate errors or manipulation of the voters' list and ballots, and determines the number of votes to be counted. The reconciliation can also help prevent the subsequent addition of fraudulent ballots during the voting results count.

The ballot reconciliation involves the following:

1. counting the number of unused and spoiled ballots;
2. counting the number of entries on the excerpt of the voters' list (processed voters);
3. counting the number of ballots in the ballot box;
4. ensuring that the total is equal to the total number of ballots initially delivered to the polling station prior to opening; and
5. entering the results of the ballot reconciliation on to the Ballot Account Form and in the Electoral Board Minutes.

It is recommended that Article 80 be modified to include the ballot reconciliation.

In order to adhere to the additional provisions of Article 80, cast ballots would be re-deposited into the ballot box following the reconciliation then extracted one at a time for counting vote results.

#### **4.3.2 Draft Law on Voters' List:**

##### **Article 14 - Information**

As per the recommendation related to Article 73 of the Election Law (above), reference to the thumbprint in Article 14 of the Law on the Voters List would be replaced with a reference to the voter's signature or mark.

#### **4.4 Recommended Material and Equipment**

Additional electoral material and equipment required by the SEC to implement the proposed changes in the draft election laws, or procedural changes recommended by IFES to enhance general electoral standards include the following items.

#### 4.4.1 Voter Marking Ink

- Ultra-violet Electoral Stain, containing 2 to 3% silver nitrate, to mark voter's finger. Sufficient quantity in each spray bottle to cover a minimum of 500 voters.
- Quantity: 9,000 plastic spray bottles (3 per polling station)
- Estimated cost per unit: Euro 1.50
- Total Estimated Cost: Euros 13,500

#### 4.4.2 Ultra-violet (UV) Lamps

- Ultra-violet Lamp, hand-held, 'AA' battery powered, used to detect electoral UV stain.
- Quantity: 6,000
- Estimated cost per unit: Euro 6.50
- Total Estimated Cost: Euros 39,000

#### 4.4.3 Batteries

- Batteries 'AA', alkaline, to power UV lamps.
- Quantity: 6,000 packs of 4 batteries in each
- Estimated cost per 4-pack: Euro 1.50
- Total Estimated Cost: Euros 9,000

#### 4.4.4 Voting Screens

- Voting Screens, self-standing corrugated (cardboard), approx. 1.5 x .5m
- Quantity: 9,000 (3 per polling station)
- Estimated unit cost: Euro 5.50
- Total Estimated Cost: Euros 49,500

#### 4.4.5 Ballot Boxes

- Ballot Box, translucent plastic, attachable lid, sealable voting slot, approximately 40 x 40 x 40cm.
- Quantity: 3,000
- Estimated unit cost: Euro 16.50
- Total Estimated Cost: Euros 49,500

#### 4.4.6 Transportation

- Material transportation from UK or northern Europe
- Total Estimated Cost: Euros 15,000

**Total Estimated Material & Transport Cost = Euros 175,500**

#### 4.4.7 Ballots

##### **Recommended Ballot Enhancements**

- application of an additional security feature (watermark, etc)
- binding ballots in booklets of 100 ballots each
- perforating and sequentially numbering the counterfoil (stub) of each booklet
- shrink-wrapping the booklets
- packing ballots in standard packs of 600 ballots each (6 booklets)
- clearly labeling each ballot pack by electoral district and numerical sequence of ballots contained in the pack.
- sealing and shrink-wrapping the ballot packs

#### 5. CONCLUSION

This pre-election assessment has determined that the operational challenges anticipated in the post-conflict environment in Macedonia as they affect the conduct of an election are not insurmountable. What appears to be more at issue is the perceived lack of interest in improving the standards of election administration that will help to ensure an impartial and democratic process.

This document attempts to demonstrate that some simple yet fundamental changes can be made to bring the level of Macedonian elections up to an international standard. This would greatly enhance the integrity of the process and inspire both domestic and global confidence in a country that is making commendable efforts to advance.

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