

# **MACEDONIAN LAW ON LOCAL ELECTIONS**

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Based on Article 75, paragraphs 1 and 2 of the Constitution of the Republic of Macedonia, the President of the Republic of Macedonia and the President of the Assembly of the Republic of Macedonia issue a

Passed in the Assembly of the Republic of Macedonia at the session held on September 5 and 6, 1996.

## **I. GENERAL PROVISIONS**

### **Article 1**

The Law regulates the procedure and the conditions for elections of members of council in the units of local government (hereinafter: municipalities), the Council of the City of Skopje, and the election of mayors of municipalities and of the city of Skopje.

### **Article 2**

During the general, direct and free elections, the citizens cast their votes through secret ballot to elect members of municipal councils and of the Council of the City of Skopje (hereinafter: councils), as well as mayors of municipalities and the mayor of Skopje (hereinafter: mayor).

The members of the councils are chosen by a proportional method, according to which the list of candidates in municipalities, i.e. in Skopje are voted for, whereby the voter casts his/her vote for one list of candidates.

The Mayor is elected according to the principle of majority through a list of candidates for mayor.

### **Article 3**

Every citizen of the Republic of Macedonia who is 18 years of age, with working, abilities, and who is a permanent resident in the municipalities, i.e. the city of Skopje where elections are held, has the right to vote and be elected as mayor.

### **Article 4**

Freedom and privacy in casting the vote is guaranteed.

No one is entitled to summon a citizen to account for the voting, nor to compel a citizen to reveal the name of the elected candidate or the reason why the citizen did not choose to vote.

### **Article 5**

The positions "members of the council" and "mayor" are incompatible with the positions of president of the Republic of Macedonia, member of

Parliament, Prime Minister of the Republic of Macedonia, minister, judge in the Constitutional Court of the Republic of Macedonia, judge, public prosecutor, or of other positions that are elected or appointed by the Assembly of the Republic of Macedonia and the Government of the Republic of Macedonia, and employees working in the state administration bodies, in the administrative organs of the municipalities, i.e., the city of Skopje.

The position of mayor is also incompatible with the position member of a council. Members of the armed forces of the Republic of Macedonia members of the uniformed allotment of the police of the Republic of Macedonia, official of the Ministry of interior and the Intelligence Service are not to be proposed and elected for members of council and city mayor.

The functions listed in paragraphs 1 and 2 of this article shall discontinue on the date of the verification of the mandates member of council and a city mayor.

### **Article 6**

The activities, acts, applications, and other documents related to the implementation of the elections for members of the council and mayors are not submitted to fees and all activities related to the election procedure are exempt of all taxes.

## **II. ANNOUNCEMENT AND HOLDING OF ELECTIONS**

### **Article 7**

Regular elections of members of council and mayors are held simultaneously every for year in all municipalities 90 days the earliest and 60 days the latest before the four y mandate expires. Regular elections for members of the councils and for city mayor are declared by the Speaker of the Assembly of the Republic of Macedonia.

The region of the municipality i.e. the city of Skopje in which members of councils and city mayor are elected is called constituency.

The announcement act is published in the "Official Gazette of the Republic of Macedonia."

The announcement act on elections determines the date on which election activities begin as well the election day.

No longer than 90 days or less than 60 days can pass from the announcement day to the elections.

### **III. BODIES FOR IMPLEMENTATION OF THE ELECTION**

#### **Article 8**

The bodies for implementation of the elections are as follows: municipal electoral committee, electoral committee of the city of Skopje (hereinafter: electoral committees), and the electoral boards.

Electoral committees are appointed by the Republic (state) electoral committee and has four year mandate. They are composed of a president and four members with their deputies of which two are members of the opposition parties that have won at least 5% of the votes at the last elections in 1994 for Members of Parliament, and the other two are of the ruling parties.

The electoral committee has a secretary who is not a member of the electoral committee.

The Republic's (state) electoral committee is to constitute the electoral committees within 15 days from the day of the announcement of the elections.

#### **Article 9**

Political parties propose potential members of the electoral committees and their deputies to the Republic's (state) electoral committee within 10 days from the day of announcement of the elections day.

If the political parties fail to voice their proposal within the deadline determined in paragraph 1 of this article, members of the electoral committee and their deputies are proposed by the president of the electoral committee.

The president of the electoral committee must be a judge at the Trial Court that the region is under court's jurisdiction, and consequently the secretary of the electoral committee should be an attorney.

In municipalities where there is not a single attorney among the voters, the secretary might not be attorney him/herself.

## **Article 10**

Electoral board is appointed by the electoral committee at least 15 days before the election day, and is consisted of presidents and two members, with their deputies. Candidates for members of the electoral boards are proposed by the political parties, ten days prior the election day, whereas the two parties` members are chosen from political parties, one of the opposition and one of the position party.

When political parties do not give proposal within the deadline stipulated in paragraph 1 of this article, members of the electoral boards and their deputies are proposed by the president of the electoral committee.

Members of the electoral committees and boards, and deputies, must be individuals with a right to vote and with permanent resident status in the area of that municipality i.e. the city of Skopje, whereby they cannot be simultaneously candidates for members of council or mayor.

The electoral boards of the electoral committees of municipalities in the region of city of Skopje present the electoral boards of the electoral committee of the city of Skopje.

Members of the electoral committees and the electoral are to perform their function conscientiously and dutifully in compliance with the responsibilities determined within the scope of this law. Furthermore, the members of the electoral committee i.e. the members of the electoral board the right for appropriate compensation for the task performed.

## **Article 11**

Within electoral committees and electoral boards, each proposer of the candidate lists for member of council and mayor can appoint his/her representative and his/her deputy, who will have a right to participate in the work of the electoral committees and the electoral boards from the beginning of the elections to establishing and announcing the results of the elections.

Representatives of paragraph 1 of this article participate in the work of the electoral committees and the electoral bodies only in cases determined with this law.

Proposers of candidate lists for member of council and mayor authorise the individuals mentioned in paragraphs 1 and 2 of this article and they inform the electoral committee and the electoral board on their decision.

## Article 12

The electoral committee is responsible over the following:

1. To determine whether the proposed candidate lists for election of council members are processed in compliance with this law;
2. To determine the lists of the proposed candidates through a decision;
3. To appoint electoral bodies;
4. To act on technical preparations for the elections;
5. To determine and announce the results of the elections held in the municipality, i.e. the city of Skopje.
6. To decide on reproach made for irregularities over the work of the electoral boards;
7. To fill in and submit statistical data;
8. To perform other duties determined by this law.

Representatives of proposes of the lists are entitled to be present during the work of the electoral committee.

Electoral committees with the representatives of the lists maintain the following:

1. Determine the polling station and describe the borders of each polling station separately;
2. Receive the general voters` entry in voters registration list for a separate polling station, and note same in a record;
3. Give instructions and directions for the work of the electoral committees and supervise the legality of their work;
4. Monitor the legal implementation of the elections; and
5. Perform other duties as envisaged by this Law.

The electoral committee is obliged to inform the representatives of the lists for the session at which the polling stations and their borders will be determined, three days at the latest before the day of the session.

After the condition stipulated in paragraph 4 of this Law is fulfilled, the electoral committee can determine the polling stations and their borders, without being obliged to call for the presence of the representatives of the candidate lists.

The electoral committee proceeds with its work when majority of its members are present.

The work of the electoral committee is public.

### **Article 13**

The president of the electoral committee convenes a session of the committee, within three days from the day the candidates are proposed for representatives electoral committees. Individuals mentioned in article 11 of this law are also invited to be present at this session, and after being fully identified (names and surnames) they are given decisions by the president of the electoral committee on being nominees for representatives of the electoral committee.

### **Article 14**

Bodies of the state administration are obliged to provide full technical and other required conditions for work of the electoral bodies, and on their request to submit the data required.

The state administration and the Republic's (state) committee are allotted financial means from the Budget of the Republic of Macedonia for performance of the work mentioned in paragraph 1 of this article.

## **IV. PROPOSING CANDIDATES FOR MEMBERS OF COUNCILS AND MAYORS**

### **Article 15**

Proposals for candidates for council members and mayor are performed through candidate list that is candidate list for a mayor.

The candidate lists i.e. the candidate list for mayor are proposed by registered political parties and group of voters.

The candidate list for member of the council and mayor can be proposed by 200 voters.

The candidate lists, i.e. mayor are to be submitted to the electoral committee 30 days the latest before the day of the elections.

## **Article 16**

The elections for council members and a mayor of the city of Skopje, are performed by voters from the region of city of Skopje, determined with the Law on city of Skopje.

## **Article 17**

One or few political parties together with the voters mentioned in article 15 paragraph 3 of this law are entitled to propose only one candidate list for council members and one candidate lists for mayor.

The number of candidates on the candidate list is equal to the number of the council members of municipalities that are to be elected.

A voter can be a signatory to only one candidate list i.e. the candidate list for mayor.

## **Article 18**

Candidate proposed for the list should have a permanent residence in the municipality i.e. city of Skopje in which elections are to be held, and he/she can be proposed only on one candidate list.

Approval in writing is separately requested from each candidate for his/her candidature and is treated as irrevocable.

## **Article 19**

Candidate lists and candidate list for mayor are signed by an individual authorised by the proposer of the list with authorisation issued by the political parties i.e. group of voters.

## **Article 20**

Candidate list i.e. candidate list for mayor is contained of: Designating the municipality council i.e. of the city of Skopje that are to be elected; name of the candidate list and the symbol of the party; name and surname of each candidate and his/her permanent address, profession, position, and identification number. As an addition to the list of the forms required, further to the written approvals signed by the candidates, the political parties should submit their certificates issued by the appropriate court in which they are

registered, and for the group of voters to submit the smallest number of voters' signatures as required by a law.

As an addition to candidate lists i.e. candidate list for mayor, also a document is required that confirms an existence of a giro-account opened for the purposes of the electoral campaign.

The name of the lists is determined with the name of the political party that submits the list. If the proposer of candidate lists in fact is group of voters, the name of the list is recognised under the annex "group of voters".

### **Article 21**

The group of voters as mentioned in Article 15 of this Law, collect signatures in presence of a relevant state body on a form stipulated by the Republic's (state) electoral committee.

### **Article 22**

Once the electoral committee receives the candidate lists i.e. the candidate list for mayor, it reviews whether the lists are submitted within the deadline determined in article 15 of this law, and also whether they are composed in accordance with the provisions of this law.

The electoral committee will give its approval when it will positive that the lists mentioned in paragraph 1 of this Article are submitted within the determined period and are composed in compliance with provisions of this law.

If certain defaults of irregularities are detected on the candidate lists i.e. candidate list for mayor, the electoral committee will call the proposers to remove such irregularities immediately or in the next three days the latest.

In cases when it has been established that the candidate lists have not been submitted on time or the indicated irregularities have not been corrected within the determined period mentioned in paragraph 3 of this article, the candidate lists be considered as invalid followed by a decision.

If the electoral committee determines that the proposer of the candidate lists i.e. candidate list for mayor has not submitted a document confirming existence of a giro-account opened for the purposes of the electoral campaign, a decision will be issued for the lists to be considered as invalid.

## **Article 23**

Three days the latest after the period determined in Article 15 paragraph 4 of this Law expires, the electoral committee will compose register listing all the candidate lists i.e. candidate list for mayor proposed by political parties and group of voters.

The order in the register will be determined through drawing of lots.

The electoral committee is obliged to inform the representatives of proposers of candidate lists for council members and a mayor on the time when the activities mentioned in paragraphs 1 and 2 of this Article are envisaged to begin.

## **Article 24**

The electoral committee will announce the candidate lists i.e. candidate list within the time determined in Article 23 of this Law, that is 20 days the latest prior to the day of the elections.

The publication of candidate lists i.e. mayor are made public in the usual manner in all settlements and polling stations of the municipality i.e. city of Skopje.

## **V. ELECTORAL CAMPAIGN**

### **Article 25**

Political parties, group of voters, and candidates for council members and a mayor (hereinafter: organisers of the electoral camping) have a right to present various kinds of politically informative propaganda and other kinds of political propaganda, under same conditions and equally, with an aim to influence upon the decision of the voters whilst casting their votes for candidates of council members and mayor.

Organisers of the electoral campaign can present their programs and candidates of their electoral campaign through the mass media, posters, and pre-electoral gatherings.

## **Article 26**

The electoral campaign begins 30 days before the elections` day, and it should not be performed in the last 48 hours before the beginning of the elections` day and on the day itself.

Foreign legal and physical entities are not entitled to organise an electoral campaign.

## **Article 27**

The organiser of the electoral campaign is responsible for securing legal implementation of the electoral campaign.

The organised of the electoral campaign is also responsible for the activities of individuals during the electoral campaign who are given the special authorisation.

## **Article 28**

If separate organisers of the electoral campaign violate the rights of separate candidates during the electoral camping, public appearances, or informative propaganda, the candidate at stake has the right to lodge a complaint to the relevant Trial Court to seek protection for his/her rights legally.

The legal procedure against violation of the rights of candidates is treated with urgency, and after the complaint has being submitted to the Trial Court a decision will be issued in three days from the day of receiving the complaint.

The court`s decision will be made public immediately.

## **Article 29**

In cases when a poll on candidates, political parties and group of voters of the electoral campaign is published, the names of the analysts that have carried out the survey should be stated with the methods used in it and, the name of the person who asked for the survey.

Polls on candidates, candidates lists, political parties, and group of voters are not to be published 15 days prior the elections day.

### **Article 30**

Length of time envisaged for electoral presentation, and the terms and methods for TV advertisements, space in the press for presentation of candidates, political parties, and group of voters and their programmes are determined by the Assembly of the Republic of Macedonia and it is based on a decision on rules for balanced presentation through the mass media that is to be announced 40 days the latest before the elections day.

Balanced presentation of candidates and the proposer of candidates through the mass media is secured with the regulation determined in paragraph 1 of this Article.

### **Article 31**

Municipality i.e. city of Skopje designate places where posters conveying informative electoral propaganda are allowed to be exposed and it is obliged to provide same conditions to all organisers participating in the electoral campaign whilst exposing the posters with no fees to be met.

Additional spots for posters` exposure are possible to be provided through a separate condition and appropriate fees.

Municipality i.e. city of Skopje are constrained to voice the conditions on gaining rights for posters` exposure within 50 days before the elections day.

Posters can be exposed on block of flats or other private property, after an agreement (approval) from the owner of the property is obtained.

### **Article 32**

Destroying posters or placing new ones over the existing by other organisers of the electoral campaign is not allowed.

### **Article 33**

Pre-electoral rallies are not to be held in holy or other premises used by religious group in hospitals, old folks houses, kindergartens, and other public institutions.

Exemptions are possible and organisers will be allowed to have their pre-electoral rall in schools, kindergartens, and cultural institutions in cases

when there are no other appropriate premises in the municipality for the rally to be held. The permit is issued by an individual authorised by the institution at stake.

Premises, equipment and other property that are in use by the state bodies must not to used for the needs of the electoral campaign.

If other appropriate premises do not exist in the place to meet the needs of the electoral campaign, exemptions are possible for organisers to use premises of the state bodies under conditions that imply to all of them equally. Conditions are set by the authorised individual of the body.

## **1. Election campaign funds**

### **Article 34**

The election campaign is financed in compliance with the funding regulations stated in the Law on political parties, if in this Law is not said differently.

### **Article 35**

Organisers of the election campaign must open a giro-account under the name “for election campaign”, 45 days earliest before the elections day. Organisers of the election campaign should deposit all the funds received by legal entities or individuals willing to fund the electoral campaign to the account, and to register the type, amount, and the source of the deposit. All expenses of the campaign are to be covered only through this account. Organisers should close this account in three days after the end of the elections day.

### **Article 36**

Organisers of the electoral campaign should a comprehensive report to municipality council on all expenses for the election campaign three months the latest after the election day.

If the organiser of the election campaign is not a political party, the report mentioned in paragraph 1 of this article should have the information on all the deposits received for the election campaign and, the additional information which the political parties produce in their annual reports on finance following the Law on political parties.

In cases when organiser of the election campaign is not a political party, the surplus of the deposited funds is to be used for humanitarian assistance.

### **Article 37**

To finance an election campaign for member of municipality council and a mayor, the organiser of the electoral campaign is limited to 10,00 denars per voter and 60.000,00 denars per candidates list for council members i.e. 10,00 denars per voter and 100.000,00 denars per mayor candidate.

If the election committee establishes that the organiser of the election campaign used sums significantly higher than the ones stated in paragraphs 1 and 2 of this article, through which the opportunity and equality are unbalanced for the other participants in the elections, the election committee will issue a decision on rejecting the candidate list and the list of mayor candidate.

If through judgement in effect is established that during the election campaign a political party i.e. group of voters used funds for election campaign obtained illegally, the electoral committee will issue decision for annulment of the election of council members i.e. mayor of the political party at stake i.e. group of voters.

### **Article 38**

Organisers of the election campaign whose candidates won mandates for council members and a mayor have a right on compensation for the election expenses amounting 10,00 per a vote received. The amount of the compensation should not be higher than the used funds that present the figure determined from the report mentioned in paragraph 1 of article 36 of this law, although it is permitted due to the results achieved of the elections.

### **Article 39**

Knowing the decision of the municipality council, organisers should be paid their compensation for the election expenses from municipality budget funds three months the latest after submitting the campaign finance report mentioned in Article 36 of this Law.

## **VI. IMPLEMENTATION OF ELECTIONS**

### **Article 40**

Implementation of elections for council members and mayor is conducted through public appeal to citizens i.e. exposing posters on visible places which done by electoral committees.

### **Article 41**

The ballot for electing council members and mayor is done at polling stations.

Each polling station is registered under ordinal number.

Twenty days prior to the elections day the electoral committee shall announce and expose on visible places lists of the designated polling stations that would also denote the area to ensured that voters will cast their votes at the right places.

Electoral committees will issue decisions describing the each border of a polling station separately with emphasis on districts i.e. streets and the houses` number i.e. flats that are enclosure within a polling station.

Polling stations determined by the electoral committees for the area of the city of Skopje are polling places for election of council members and a mayor of Skopje.

Electoral committees simultaneously distribute copies of the decision stipulated in paragraph 4 of this article to the authorised body that maintains the united voters registration list, who is obliged to prepare and submit the voters` entry of the united voters registration list to each polling station separately. The body authorised to maintain the united voters registration list submits the voters` entry of the united voter registration list ten days the latest before the elections day, to prevent new entries, corrections, or supplements.

Changes in the voter` entry of the voters registration list are possible only through decision issued by relevant court that decides within 48 hours after the time of the received appeal.

## **Article 42**

Polling stations are designated by the number of voters and their distance from the same envisaging to enable potential voters to cast their votes on time without facing certain difficulties.

Each polling station has a specially designed premise with two polling places, one for council members and the other for mayor, with a sign saying “vote for council members” on the first and “vote a mayor” on the latter.

The premise is equipped with cabins i.e. partitions to enable voter to cast his/her vote in privacy.

Further, the premise has polling-boxes made of hard and transparent substance that are handed to electoral boards signature sealed and with a record.

## **Article 43**

A day before elections day, electoral committee with representative of candidate lists hands over the voting material to the electoral board which is consisted of: required member of polling-boxes, application and the final number of ballots for council members, application and the final number of ballots for a mayor, verified voters` entry of the relevant polling station, record on the work of the electoral board, and other relevant material.

The number of ballots that electoral board receives from the electoral committee equals with the number of voters at a polling station in conformity with the voters` entry of the voters registration list. The electoral board notes the ballots` series numbers for the polling station at stake.

The electoral board is hander ballots in a limited number, in a closed envelope with their number written on the outside. These ballots are used only when citizen`s name is not registered on voters` registration list of a polling station and which is entered on the voters` entry additionally.

In presence of the representatives of candidates while receiving electoral material mentioned in paragraphs 1, 2 and 3 of this article, the electoral board composes a register signed by the president and all the members of the electoral board.

Each candidate member of candidates receives copy of the register mentioned in paragraph 4 of this article.

The same day the electoral board examines whether the premise is appropriate for the ballot, and the observation is noted in the same register where the receiving the electoral material mentioned in paragraph 4 of this article was also noted.

## **1. Voting**

### **Article 44**

Voting is done in person.

Voting is performed with a ballot.

Ballots are printed in same sizes, paper, and are numerated.

Ballots are printed by the Republic's (state) committee.

Ballots are handed by the Republic's (state) committee to election committees with voters' entry enlisting the number on the ballots.

### **Article 45**

The ballot for election of council members contains the following information:

1. Designates the council that is to be elected;
2. The final number of members to be elected for the municipal council i.e. city of Skopje;
3. The title of the candidate list printed in capital letters and names and surnames of all the candidates in ordinal numbers;
4. The title of the political party and its symbol or of the "group of voters" that proposed the candidate list;
5. The ordinal number of the candidate lists;
6. Instruction for voting.

After being given ballot, the voter decides which list to vote and then circles the ordinal number on the candidate list.

The ballot for mayor elections contains the following:

1. Designated municipality i.e. city of Skopje for which elections are held;

2. The title of the candidate list and the political party with the symbol of the party or the title of “group of voters” that proposed the lists;
3. The ordinal number and the name and surname of the candidate;
4. Instruction for voting.

The voter circle the ordinal number before the name of the candidate he/she wishes to vote.

The ballot is considered as invalid if is filled in differently but as mentioned in paragraphs 2 and 4 of this article, or circles are also put on other lists i.e. candidates.

### **Article 46**

An hour the latest before the voting, the president and members of the electoral board with the representatives of candidates inspect the premise together to determine whether the premise and the electoral material are in same condition as they were day before the elections, and to see whether the polling-box is empty.

The observed condition is registered by the electoral board and the record is signed by the president and the members, and if happen representatives of candidates to have remarks then they write in one’s own hand.

The hour determined for voting are from 7 am to 7 p.m.

If the order at a polling station is jeopardised, the electoral board may discontinue the voting until the order is re-established. The voting may be discontinued in cases of occurrence of natural disasters or other outstanding circumstances. Should the voting be discontinued for more than an hour, it will be prolonged for the same amount of time as the break lasted but not to be longer than three hours. If the break was longer than three hours, the voting will be repeated. The duration of the break of the voting and the cause for the same need to be recorded in a report.

The polling station closes at 7 p.m., and voters who happened to be there at that time will be enabled to cast their votes.

### **Article 47**

All members of the electoral board or their temporary substitutes, and representatives of candidates must be present during the voting procedure to

object if irregularities are detected during the voting, and for the representatives of candidates to put his/her signature on the record.

Objections mentioned in paragraph 1 of this article are submitted by the representatives of candidates to the electoral committee that is obliged that is obliged to review it and reply to it within 24 hours.

The electoral board is responsible to maintain the peace and order at the polling station.

The electoral board is entitled to remove individuals who are creating disorder at the polling station.

If necessary, the electoral board can ask the police for an assistance.

No one should appear at the polling station with any kind of weapon except the members of the police as mentioned in paragraph 5 of this article.

### **Article 48**

Voters casting their votes, need to say their names and surnames to the electoral board, to verify the received request for voting, and to present their 1Ds or passports if requested.

Once the identity of the voter is determined, the president or a member of the electoral board is to determine the voter's entry in the voter registration list for that polling station by circling the ordinal number in front of the voter's name, hand the ballot over for election of council members, explains how to vote, and authorise him/her to vote. The voter fills the ballot in, and then folded drops it in the polling-box for election of council members. The voting procedure for a mayor is the same.

### **Article 49**

Voter who due to his physical disability is precluded to cast his/her vote, although is willing to do so, will notify the electoral board three days maximum prior to the election day. The election board will assist such voter to cast vote in his/her home or wherever he/she is in a way that will ensure the secrecy of the ballot.

For a case stipulated in paragraph 1 of this article the electoral board provides separate voting box that is carried to the place where the voter is, empty.

Voter who is unable to vote due to being disabled or illiterate, can not vote in the manner determined with this law, therefore is entitled to be with an individual who is willing to assist him at the voting procedure.

Each of the cases stipulated in paragraphs 1,2 and 3 of this article are noted in the record made by the electoral board.

If cases mentioned in paragraph 1 and 3 this article, the president of the electoral committee informs the representatives of candidates in writing of the day and time of the voting to ensure their presence at the voting.

## **Article 50**

Voters who are outside their places of residence on the date of election due to military service or military training exercise, will cast their votes in the military unit. An electoral board is determined for such places, and the representatives are notified beforehand to ensure their presence at the military unit.

Citizens who are temporarily employed or residing abroad shall cast their votes for polling stations of their latest former place of residence on the territory of the Republic of Macedonia prior to their departure abroad or in the diplomatic and consular missions of the Republic of Macedonia abroad.

The electoral committee shall immediately submit the voters registration lists stipulated in paragraph 1 and 2 of this article to the military units and institutions, i.e. to the election boards and to the diplomatic-consular missions of the Republic of Macedonia abroad where the voters are currently and mentioned in paragraphs 1 and 2 of this article, with the list of the citizens, the required number of ballots, and envelopes.

## **Article 51**

The voters under paragraph 1 and 2 of article 38 of this law, having cast their votes on the ballots they place them in sealed envelopes and submit them to the administrative authority in charge in the diplomatic-consular mission, whereas the diplomatic-consular mission place all the ballots sealed in a special polling-box and mail the same to the relevant electoral committee.

The voting of citizens mentioned in paragraph 2 of article 50 of this law should be on time to secure the completed ballots to arrive at the relevant electoral committee the latest before the election results are to be established.

Should the electoral material stipulated in paragraph 2 of this article arrive before the election day or on the day itself, the box with the electoral material is kept sealed by the public's (state) electoral committee to be opened when the procedure to determine the election results begins.

## **2. Determining voting results at the polling stations**

### **Article 52**

Following the completion of the procedure, without discontinuation, the electoral board in presence of the representatives of candidates immediately starts to establish the voting results and to compose a record.

Voting results are determined in way that the electoral board first counts the unused ballots that are after placed and sealed in a special envelope. Further, it determines the total number of voters referring to the voters` entry in voters registration list, followed by the opening of the polling-boxes and counting the votes.

In the record mentioned in paragraph 1 of this article the electoral board fills in the following information: the number of voters in the area of the polling station based on the voter's entry in voters registration list, the number of voters based on the number of ballots, the number of voters that identified themselves with Ids and/or travelling document, the number of the invalid ballots, and the number of votes on separate candidate lists i.e. candidate list for a mayor. The potential remarks given by members of the electoral board and representatives of candidates are also included on the record. The record is signed by the president and the members of the electoral board.

The electoral board submits the record and the other electoral material to the electoral committee within 5 hours after the end of the voting procedure, and each representative of candidates receives a copy.

Once the activity mentioned in paragraphs 2, 3, and 4 of this article are over the electoral board announces the initial results of the voting.

## **A. Determining the Results of the Elections for the Members of the Council (According to D`HONDT method)**

### **Article 53**

The Electoral Commission shall determine the results from the elections on the following way: after getting the transcripts from the voting places and all the ballots, the Election Commissions/shall firstly, determine how many voters cast their rights to vote for.

After determining the number of voters in accordance with paragraph 1 of this Article, the Electoral Commission shall determine the number of votes cast for each candidate from the list of candidates for the municipality, or the city of Skopje (i.e., the electoral body). This number (the electoral body) shall be divided with 1, 2, 3, 4, etc., according to the number of members of the Council to be elected.

Rations (quotients) calculated from that division shall be lined up according to their size. The number of the relevant quotients shall be determined according to the number of candidates to be elected in the municipality, or the city of Skopje.

The seats that each list of candidates shall win depend on the number of the biggest quotients set forth in paragraph 3 of this Article.

### **Article 54**

When giving the mandates, each political party or group of electoral for elected candidates shall be deemed to have as many candidates as they won seats in the Council.

The candidates that will be elected as members of a Council shall be the ones listed on the list of candidates according to their order.

When the elected candidate set forth in paragraph 2 of this Article withdraws, the next candidate on the list shall be deemed to be the elected candidate.

## **B. Determining the Results for the Election of a Mayor**

### **Article 55**

In the first round of the elections the candidate for whom the majority of votes were cast for shall be elected as a candidate, but only in case when half of all registered voters exercised their right to vote.

### **Article 56**

If none of the candidates for mayor did not receive the needed majority of votes set forth in Article 55 of this Law, the candidates who won at least 10% of the cast votes from voters who exercised their right to vote shall run for the elections in the second round.

When only one candidate won the needed majority of votes, set forth in paragraph 1 of this Article, the candidate who closest to 10% of the votes shall run for the elections in the second round.

When none of the candidates did not get the needed votes in the first round of the elections, set forth in paragraph 1 of the Article, two candidates who got the majority of votes shall run for the second round of the elections.

The second round of the elections shall be conducted 14 days after the first round of elections is completed.

All the candidates who ran for mayor and got at least 10% of the votes from the voters shall ran in the second round of the elections.

### **Article 57**

candidate who received majority of votes compared to the other candidates shall be the elected candidate.

When only one person is nominated as a candidate, and he/she does not get the needed majority of votes, the whole election procedure shall be repeated.

## **Article 58**

The Electoral Commission in the presence of the representatives of the candidates shall compose a transcript for its work containing: the number of voters registered in the municipality or the city of Skopje, number of the voters who cast their votes for, the number of nullified ballots, total number of votes cast for each of the list of candidates designating the name of the political party and the number of votes cast for that lists.

Each member of the Electoral Commission and representative of each candidate may-enter his/her remarks in the transcript by his/her handwriting.

The transcript shall be signed by the president and the members of the Electoral Commission, and all the representatives of a candidate shall be served with a copy.

## **Article 59**

he Electoral Commission within 24 hours after receiving the ballots from the Electoral boards shall announce the unofficial results of the elections and put them on public notice board in the municipality, or the city of Skopje and announce them through the media, on the basis of the total number of voters who cast their votes for and the number of votes cast for the each list of the candidates for members of a Council and a single candidate for a mayor.

The official results from the elections that contain the final information for the total number of voters who cast their votes for in the municipality or the city of Skopje, the number of the cast votes for the lists of the political parties or the group of electors determined according to D`Hondt method, shall be announced by the Electoral Commissions no latter than three days after the elections were completed.

Each proposer of the list of candidates for members of a Council or a mayor in the procedure for determining the results of voting for municipalities or the city of Skopje shall have a right to file a complaint with the Electoral Commission within 72 hours from the moment the Commission officially announced the election results.

The proposer has a right to lodge an appeal with the Republic (national) Electoral Commission against the decision of a Electoral Commission. The Republic (national) Commission shall render its decision within 48 hours. If the plaintiff is not satisfied with the decision of the Republic Commission he/she shall have a right to lodge an appeal with the Supreme court of the Republic of Macedonia within 48 hours from the moment the decision of the

Electoral Commission was received. Within three days from the completion of the elections for the mayor the official results of those elections shall be announced.

The elected candidates shall be served with certificates for being elected from the Electoral Commissions.

## **VII. NEW ELECTIONS, BY-ELECTIONS AND EARLY ELECTIONS**

### **1. New Elections of the Members of a Council and a Mayor**

#### **Article 60**

When the Electoral Commission cancels the elections due to irregularities in the voting procedure such as: bigger number of ballots in the voting box than voters; violation of the confidentiality of the voting procedure because of unjustified presence of the police; recess of the voting on the voting place longer than three hours; delivery of the transcripts and the ballots that last longer than five hours after the voting was fully completed; some of the voters did not carry document for identification; and in the case set forth in Article 37, paragraph 3 of this Law there shall be new elections held for the members of the Council, and the Mayor.

When the Council did not hold a session within the 31 day from the day the elections were completed according to the Article 30 of the Law on Local Self-government, new elections shall be conducted, but only for the members of the Council.

In case of Article 57, paragraph 2 of this Law, new elections shall be conducted, but only for a Mayor.

The new elections shall not be conducted for the members of a Council and a mayor in case when there are more ballots in the voting box, but such number is insignificant and does not effect the voting results.

#### **Article 61**

New elections set forth in Article 60, paragraph 1 of this Law shall be proclaimed by the Electoral Commission, and the new elections set forth, in

paragraphs 2, and 3 shall be proclaimed by the President of the Assembly of the Republic of Macedonia.

The decision proclaiming new elections shall designate the date when new elections will be held.

## **Article 62**

When the office of a member of a Council terminates or he/she is discharged because of the reasons enumerated in Article 38 of the Law on the Local Self-government as follows: if he/she resigns; if he/she dies; if due to an illness which took longer than a year the office can not be discharged; when he/she is convicted for a criminal offence with imprisonment of more than six months; when he/she is convicted for criminal or other offence that makes him/her incompetent to perform the duties of a member of a Council; in case of unjustified absence for longer than six months, in all cases the member of the Council shall be the next candidate on the list who should have been elected if the member of the Council whose office is terminated had not been elected, till his mandate expires.

When the candidate set forth in paragraph 1 of this Article does not notify the Election Commission within eight days after accepting the office, his right shall be transferred to the next candidate on the list.

## **2. By-elections**

### **Article 63**

When a member of a Council resigns six months before the time his/her election is verified and when there is no other candidate on the list set forth in Article 62 of this Law, by-elections shall be conducted in order to elect a new member of the Council of the Municipality or of the city of Skopje. By-elections shall be proclaimed by the President of the Assembly of the Republic of Macedonia within 15 days from the day the member's office is terminated.

When a political party or group of voters is convicted for corruption in order to get more votes; the offices that were by such political party or group of voters shall be nullified by the Electoral Commission and by-elections shall be held.

By-elections shall not be proclaimed six months before the mandate of the Council expires.

The mandate of a member of a Council according to the paragraph 1 of this Article, who is elected on the By-elections shall be carried out till the mandate of the member of the Council who was discharged expires.

### **3. Early Elections of a Mayor**

#### **Article 64**

Early Elections of the Mayor shall be conducted in the following cases:

- 1) if he/she submits his/her resignation;
- 2) in case of death;
- 3) due to illness longer than one year he/she is not capable of performing his/her duties;
- 4) when he/she has been convicted for criminal offence and imprisoned for more than six months;
- 5) when he/she has been convicted for criminal offence or felony that makes him/her incompetent to perform the Mayor's duties;
- 6) if he/she has been absent for more than six months without any justified reason; and
- 7) when the Mayor has been voted with mistrust in accordance with Article 47 of the Law on the Local Self-government.

The Government of the Republic of Macedonia shall assess the situation provided in the items of paragraph 1 of this Article, and shall notify the Assembly of the Republic of Macedonia to proclaim early elections for a Mayor.

### **4. PROCLAMATION OF EARLY ELECTIONS OF MEMBERS OF A COUNCIL**

#### **Article 65**

The Government of the Republic of Macedonia shall direct the President of the Assembly of the Republic of Macedonia to proclaim early elections for members of a Council prior to the expiration of the mandate in the following cases:

- 1) when the majority of the total number of members of the Council voted for Council dismissal;
- 2) when the Council did not held a session for longer period then six mounts;
- 3) when the Council did not held at least two sessions in the course of a year recess included; and
- 4) when the Council passed the decision which puts in jeopardy the sovereignty and the territorial integrity of the Republic of Macedonia.

### **Article 66**

When a Council did not enact the budget after the expiration of the period of time in which the temporary financing has been introduced, but only for no longer then six months, the Government of the Republic of Macedonia shall dismiss the Council and proclaim early elections.

## **VIII. FUNDS TO CONDUCT ELECTIONS**

### **Article 67**

The funds used for the elections shall be provided from the Municipal budged or the budged of the city of Skopje and shall be at disposal of the Electoral Commission.

For newly formed Municipalities the funds for the elections shall be provided from the budged of the Republic of Macedonia.

Two thirds of the election funds shall be used to cover the expenses insured by the electoral bodies for conducting the electoral activities. One third shall be used to cover a portion of expenses incurred by political parties and other groups of voters whose candidates has been elected.

The basis of the calculation of funds to be allocated among the elected candidates of the Council shall be the number of votes won by each candidate, or candidate for a mayor.

## **IX. PROTECTION OF THE RIGHT TO VOTE**

### **Article 68**

All of the candidates, proposers of a candidate and voters have right to file a complaint with the Electoral Commission against the violations in the nominating procedure of a candidate or the election procedure.

The complaint against the violations in the nominating procedure of a candidate and against composition of the list of candidates, shall be filed within 24 hours from the day when the violation in the opinion of the candidate occurred, or from the day that list was announced.

The complaint against violations in electoral procedure shall be filed within 48 hours from the day the actual voting took place.

The Electoral Commission shall pass a decision within 48 hours from the day the complaint was filed.

When the Electoral Commission during its deliberations about the complaint finds violations of the nominating procedure for the candidates or in the electoral procedure which significantly effects or could significantly effect the results of the elections, it shall invalidate all the actions undertaken in such procedure and decide that procedure to be repeated in determined period.

### **Article 69**

The plaintiff shall have a right to lodge an appeal against the decision of the Electoral Commission.

The appeal shall be lodge with a authorised Appellate Court within 48 hours from the moment the decision was received.

An appeal against the decision of the Electoral Commission for overspenditure of the resources shall be lodged within 48 hours from the day the decision was delivered.

The appeal shall be served trough the Electoral Commission.

The competent Appellate Court shall pass a decision within 48 hours upon the receipt.

## **X. MONITORING THE ELECTIONS**

### **Article 70**

The international associations and organisations, and all other registered associations and organisations in the Republic for the protection of the human rights and liberties shall be entitled to monitor the elections and the election procedure in consistency with undertaken obligations under the international treaties ratified by Republic of Macedonia consistent with the Constitution.

The Republic (national) Electoral Commission shall authorise the subjects enumerated in the paragraph 1 of this Article and the media to monitor the elections. Such persons shall be entitled freely to move on the territory of the Republic of Macedonia and to follow all the activities performed during the campaign and on the election day.

## **XI. PENAL PROVISIONS**

### **Article 71**

The person who tiers off or destroys the posters shall pay a fine from one fifth to one half of the average salary in the Republic paid in the last month (Article 32 of this Law).

### **Article 72**

- The responsible director of the press who published the research of the public opinion of the candidate without putting data set forth in paragraph 1 of Article 29 of this Law;

- The responsible director of the press who published the research of the public opinion of the candidate in the period of 15 days before the voting day (Article 29, paragraph 2 of this Law); and

- The responsible director of the press who published the election propaganda material without putting who ordered it (paragraph 1 of Article 29 of this Law) shall be charged with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month.

### **Article 73**

- Media which will not accept and publish on time regulation set forth in paragraph 1 of Article 30; and

- The published who participated in election campaign when he/she acted contrary to Article 30 of this Law shall be charged with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month.

### **Article 74**

The organisers election campaign who:

- puts posters contrary to Articles 31 and 32 of this Law;

- did not report the election gathering for 48 hours the latest before it was held; and

- organised the gathering contrary to the Article 33 of this Law shall be charged with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month.

A person who organised the election campaign shall be chaired with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month.

A responsible person of the competent state agency, religious community and public institution who enabled the organiser of the election campaign to organise the gathering contrary to Article 33 of this Law shall be charged with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month.

### **Article 75**

The organiser of the election campaign who did not submit the financial report of the election campaign (Article 36) or who did not collect the needed funds for financing the electoral campaign on the following account (Article 35) shall be charged with misdemeanour and shall pay a fine from 10 up do 20 average salaries paid in the last month.

The person in charge for a legal person, or a natural person of an organisation shall be charged with misdemeanour and shall pay a fine from

10 up to 20 average salaries paid in the last month in case he/she committed misdemeanour specified in the paragraph ` of this Article.

### **Article 76**

The organisation of the election campaign shall be charged with misdemeanour and shall pay a fine from 10 up to 20 average salaries paid in the last month in case he/she spends more money then the sum specified in the Article 37 of this Law.

## **XII. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 77**

The body in charge with keeping single election list shall control the single election list within 8 days from the day the elections were proclaimed with gathering information from the competent bodies of the state administration, of the courts, or obtained on any other way and shall correct the single election list ex officio.

After the correction has been made according to paragraph 1 of this Article the body in charge with keeping a single election list shall put it in the press and inform citizens about the places were the single election list was put for an inspection; about the deadlines; and recommend the citizens to examined it and to ask to be registered or ask for some corrections to be made.

The public inspection shall last 30 days.

### **Article 78**

Each citizen shall have a right to file a written or oral request if he/she has written evidences for registering or correcting the single election list. For oral request the body in charge shall make an official notice.

The body in charge with keeping single election list is obliged to examine the request within 2 days from the day the request was submitted and if the body finds that the request is justified, then it shall do the registration and correction the single election list, or in case of unjustified

request it will refuse the written request with the decision that will be delivered to the person who submitted it.

The person who submitted the request against the decision, set forth in paragraph 2 of this Article, shall a right to file a complaint within 24 hours.

The body in charge with keeping the single election list after the public inspection and after the registering or correction as completed shall finalise the single election list, within 20 days before the election day occurs.

### **Article 79**

For the first local elections that will be conducted according to this Law the voters hall not vote with voters identity document, but with their identity card or passport.

### **Article 80**

The members of the Election Commissions and boards, shall be consisted of members of the political parties who won at least 5% of the votes from the voters who voted in the elections for the Assembly representatives in 1994.

### **Article 81**

This Law shall come to its effect the 8 days from the days it was promulgated in the "Official Gazette of the Republic of Macedonia".