

# **LAW ON LOCAL ELECTIONS**

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## **INTEGRATED TEXT**

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**UNOFFICIAL TRANSLATION BY: IFES MACEDONIA**  
**ACCORDING TO THE LAW PUBLISHED IN OFFICIAL GAZETTE**  
**NO. 45/2004**

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**REPUBLIC OF MACEDONIA**

**July 2004**

Pursuant to Article 76 of the Law on Amending and Supplementing the Law on Local Elections (Official Gazette of the Republic of Macedonia no.35/2004), the Legislative Committee of the Parliament of the Republic of Macedonia, at its session held on June 25, 2004, determined the integrated text of the Law on Local Elections.

The integrated text of the Law on Local Elections incorporates: the Law on Local Elections (Official Gazette of the Republic of Macedonia no.46/96), the Law on Amending and Supplementing the Law on Local Elections (Official Gazette of the Republic of Macedonia no. 12/2003), and the Law on Amending and Supplementing the Law on Local Elections (Official Gazette of the Republic of Macedonia no. 35/2004), which contain an indication of the time these laws enter into force, Correction to the Law on Law on Local Elections (Official Gazette of the Republic of Macedonia no. 48/96), Correction to the Law on Law on Local Elections (Official Gazette of the Republic of Macedonia no. 56/96), Correction to the Law on Amending and Supplementing the Law on Local Elections (Official Gazette of the Republic of Macedonia no. 42/2004), the Decision of the Constitutional Court of the Republic of Macedonia (Official Gazette of the Republic of Macedonia no. 17/97), Decision of the Constitutional Court of the Republic of Macedonia (Official Gazette of the Republic of Macedonia no. 31/2002), as well as Article 18 of the Law on Polling Stations (Official Gazette of the Republic of Macedonia no. 50/97).

No. 10-2567/2  
June 25, 2004  
Skopje

President of the  
Legislative Committee of the  
Parliament of the Republic of Macedonia,

**Cvetanka Ivanova**

# **LAW ON LOCAL ELECTIONS**

## **(Integrated text)**

### **I. BASIC PROVISIONS**

#### Article 1

This Law stipulates the procedure and the conditions for election of members of the councils in the units of local self-government (hereinafter: municipalities), the Council of the City of Skopje, and the election of mayors of municipalities and a mayor of the City of Skopje.

#### Article 2

The citizens, in general, direct and free elections, by secret ballot, shall elect members of the councils of the municipalities and the Council of the City of Skopje (hereinafter: councils), as well as mayors of municipalities and a mayor of the City of Skopje (hereinafter: mayor).

The members of the councils shall be elected according to a proportional model.  
The mayor shall be elected according to the majority model.

#### Article 3

Each citizen of the Republic of Macedonia who has turned 18 years of age, has working abilities and permanent residence in the municipality and/or in the City of Skopje where elections are held, shall have a right to elect.

Each citizen of the Republic of Macedonia who has turned 18 years of age, has working capacity, is not in prison for a crime committed, and has a permanent residence in the municipality and the City of Skopje where the election is conducted, has a right to be elected for a council member and mayor.

#### Article 4

Freedom and privacy in casting the vote is guaranteed.

No one is entitled to call a voter to account for the voting, or to compel a voter to reveal for whom one has voted or why one has not voted.

#### Article 5

The office of mayor is incompatible with the office of President of the Republic of Macedonia, President of the Government of the Republic of Macedonia, Member of Parliament, minister, judge, judge of the Constitutional Court of the Republic of Macedonia, public prosecutor, ombudsman and with other holders of offices elected or appointed by the Parliament and the Government of the Republic of Macedonia.

The office of mayor is incompatible with the performance of expert and administrative matters in the bodies of the state administration.

The office of mayor is incompatible with the performance of economic or other for-profit activities.

The office of mayor is incompatible with membership in management bodies of public enterprises, public institutions, funds, agencies, bureaus and other legal entities,

as well as election as representative of the state and social property of trading companies.

The office of mayor is incompatible with the office of a council member.

The offices of mayor of the City of Skopje and member of the council of the City of Skopje are incompatible with the offices of a mayor or council member of the municipalities within the City of Skopje.

The office of a council member is incompatible with the office of President of the Republic of Macedonia, President of the Government of the Republic of Macedonia, Member of Parliament, minister, judge, judge of the Constitutional Court of the Republic of Macedonia, public prosecutor, ombudsman and with other holders of offices elected or appointed by the Parliament and the Government of the Republic of Macedonia.

The office of the holders of offices under paragraph 1 of this Article shall terminate on the day of verification of the mandate as mayor.

The employment of the persons, referred to in paragraph 2 of this Article shall be suspended on the day of verification of the mandate as mayor.

The economic or other for-profit activity of the persons referred to in paragraphs 3 and 4 of this Article shall be suspended, while the membership in management bodies of public enterprises, public institutions, funds, agencies, bureaus and other legal entities, as well as representative of the state and social property of trading companies, shall be terminated on the day of verification of the mandate as mayor.

The office of the holders of offices under paragraph 7 of this Article shall terminate on the day of verification of the mandate as council member.

The employment of the persons employed in the municipal administration of the municipality shall be suspended on the day of verification of the mandate as council member, in accordance with law.

#### Article 6

The office of the mayor shall be performed professionally.

#### Article 7

The activities, acts, submissions, and other documents related to the conduct of the elections for members of the councils and mayor shall not be subject to fees, and all the activities related to the election procedure, shall be exempt of all taxes.

## **II. ANNOUNCING AND CONDUCTING ELECTIONS**

#### Article 8

The regular elections for members of the councils and mayors shall be held each fourth year simultaneously in all municipalities, on the day of Sunday in the third week of the month of October.

The regular elections for members of the councils and mayor shall be announced by the President of the Assembly of the Republic of Macedonia.

The region of the municipality and/or the City of Skopje, for the purposes of electing council members and mayors, shall represent one election unit.

The Election Announcement Act shall be submitted to the State Election Commission and the state administration body responsible for election systems.

The Election Announcement Act shall be published in the “Official Gazette of the Republic of Macedonia.”

The Election Announcement Act shall specify the day on which the deadlines for performing election activities begin and the Election Day.

From the day of announcement of the elections until the Election Day not more than 90 nor less than 70 days may pass.

#### Article 9

Early elections for council members and mayor shall be announced and conducted in accordance with the provisions of this law, within 70 days of the day the conditions for cessation of the mandate have occurred, as determined by law.

Early elections for council members and mayor shall not be conducted if the regular elections are less than six months away.

### III. BODIES FOR CONDUCT OF THE ELECTIONS

#### Article 10

Election management bodies are the following:

- - State Election Commission;
- - Municipal Election Commissions and the Election Commission of the City of Skopje (hereinafter: Election Commissions) and
- Electoral Boards.

The Election Commission shall be composed of a president, four members and their deputies, appointed for a period of 4 years.

Two members of the Election Commission and their deputies shall be appointed upon a proposal of the ruling parties, which won most of the votes in the last parliamentary elections.

Two members of the Election Commission and their deputies shall be appointed upon a proposal of the parties in opposition, which won most of the votes in the last parliamentary elections.

The Election Commission has a secretary who is not a member of the Election Commission.

The State Election Commission shall appoint the Election Commissions within 15 days from the day of announcement of the elections.

#### Article 11

The political parties shall propose to the State Election Commission persons for members of the Election Commissions and their deputies within 10 days from the day of announcement of the elections.

If the political parties do not submit their proposal within the deadline determined in paragraph 1 of this Article, the members of the Election Commission and their deputies shall be nominated by the president of the Election Commission.

The president of the Election Commission and his deputy shall be appointed from among the judges of the Primary Court, which covers the region for which it is established, and the secretary of the Election Commission, shall be a law graduate.

In municipalities where there are no law graduates among the voters, the secretary does not have to be a law graduate.

The decisions for appointment of the Election Commissions shall be published in the Official Gazette of the Republic of Macedonia.

#### Article 12

Electoral Board shall be formed for each polling station.

The Electoral Boards shall be composed of a president, four members and their deputies.

The president of the Electoral Board and his deputy are citizens with place of residence in the municipality and the City of Skopje where the appropriate polling station is located and they cannot be candidates for council members or mayor.

#### Article 13

The Electoral Boards for the polling stations of the municipality and the City of Skopje shall be Electoral Boards for election of council members and mayor of the City of Skopje.

#### Article 14

The president, members of the Electoral Boards and their deputies shall be appointed no later than 20 days prior to Election Day.

Two members of the Electoral Board and their deputies shall be appointed upon a proposal of the ruling political parties which won most of the votes in the last parliamentary elections.

Two members of the Electoral Board and their deputies shall be appointed upon a proposal of the political parties in opposition, which won most of the votes in the last parliamentary elections.

The political parties, referred to in paragraphs 2 and 3 of this Article, shall propose the candidates for members of the Electoral Boards and their deputies, no later than 25 days prior to Election Day.

If the political parties fail to submit a proposal within the deadline determined in paragraph 4 of this Article, the members of the Electoral Boards and their deputies shall be appointed by the Election Commission.

The president of the Election Commission shall appoint new members to the Electoral Board and their deputies, in cases of unjustified abandoning of the polling station on Election Day with a decision, which is submitted to the members of the commission.

#### Article 15

Each proposer of a list of candidates for council members and mayor may delegate a representative and his deputy to the Election Commissions and Electoral Boards, who shall have a right to follow the work of the Election Commissions and Electoral Boards from the beginning of the elections until determining and announcing the election results.

The representatives of paragraph 1 of this Article undertake activities regarding the work of the Election Commissions and the Electoral Boards only in cases determined by this law.

The proposers of lists of candidates for council member and mayor shall issue authorizations to the individuals mentioned in paragraphs 1 and 2 of this Article and shall notify the Election Commission and the Electoral Board thereof.

At an Election Commission's session the representative of the candidates' list submitter and/or candidate list for mayor may warn against irregularities in its work, and if the warning is not accepted, may require that the warning be entered in the minutes.

## Article 16

The State Election Commission shall:

1. take care of the legality in the preparation and conduct of the elections, and give instructions and clarifications for the implementation of this Law;
2. appoint the composition of the Election Commissions;
3. educate Election Commission members;
4. announce the total results of the elections for council members and mayor within 3 days following election day;
5. submit a report to the Parliament on the elections conducted;
6. form assisting bodies to carry out organizational and technical matters;
7. establish common standards concerning the election material;
8. prescribe forms for conducting elections and publish them in the "Official Gazette of the Republic of Macedonia";
9. hand over the election material to the Election Commissions;
10. determine the way of handling and securing the election material;
11. organize the printing of ballots;
12. determine the form, size, color and serial numbers of the ballots;
13. perform the duties provided by the Law on Voters' List;
14. prescribe the type of device for marking and controlling the persons who have voted (UV lamp, spray, graphite pad);
15. publish the descriptions of the polling units for the appropriate municipality in the daily press;
16. inform the public of the way of voting and of the exercise of the right to vote;
17. adopt a code on the rules for the monitoring of elections by domestic and foreign observers, in accordance with international standards, and provide them with identification documents;

18. pass a Rulebook and Guide for the compensation of the election management bodies;
19. inform the public on the course of the elections;
20. submit a financial report on its activities for the conducted elections to the Parliament of the Republic of Macedonia; and
21. perform other duties provided by law.

The forms of the minutes in the local self-government units where at least 20% of the citizens speak an official language different from Macedonian, shall be printed in addition to Macedonian and its Cyrillic alphabet, also in the official language and alphabet spoken by at least 20% of the citizens in the pertinent local self-government unit.

#### Article 17

The Election Commission shall:

1. take care of the legal conduct of the elections in the municipality;
2. appoint the members of the Electoral Boards and give instructions for their work;
3. organize and implement education of the Electoral Board members;
4. determine if the proposed candidates' lists for election of council members and the candidate list for mayor are submitted in accordance with this Law;
5. confirm the lists of the proposed candidates and determine the order on the general list of candidates by drawing lots;
6. post the determined candidates' lists;
7. undertake technical preparations for conducting the elections in accordance with the guidelines and instructions of the State Election Commission;
8. inform the citizens on the way and technique of voting;
9. register the authorized representatives of the candidates for monitoring the work of the Election Commission and the Electoral Boards;
10. hand over and retrieve the election materials to and from the Electoral Boards in a manner determined by this Law;
11. determine the results of the voting in the municipality and the City of Skopje, within 24 hours following the closing of the polling stations;
12. calculate and announce the results for election of municipal council members and mayor of the municipality and the City of Skopje and submit them to the State Election Commission and the municipality and the City of Skopje;
13. decide upon complaints;
14. fill in and submit statistical data for the needs of the State Bureau of Statistics; and
15. perform other duties, as provided by law.

The work of the Election Commission shall be public.

#### Article 18



The Electoral Board shall directly manage the voting at the polling station; insure regularity and secrecy of the voting; provide free and peaceful conduct of the voting; and sum up the voting result at the polling station and post in the place where the voting was conducted.

Voting for another person is prohibited, except in the cases set forth in Article 60 of this Law.

#### Article 19

The president and the members of the election management bodies shall perform their duties impartially, conscientiously and responsibly, in accordance with the authorities determined by law.

The members of the election management bodies shall receive compensation for the work done, the amount of which is determined on the basis of the criteria set forth by the Minister of Finance.

The election management bodies may work and reach decisions if a majority of the members are present.

The election management bodies shall reach their decisions with a majority of votes of the total number of members.

During the work of the Election Commissions and Electoral Boards in the local self-government units where at least 20% of the citizens speak an official language different from Macedonian, in addition to Macedonian language and its Cyrillic alphabet, the language and the alphabet spoken by at least 20% of the citizens in the pertinent local self-government unit shall also be in official use.

#### Article 20

The organs of the state administration are obliged to provide full technical and other conditions for work of the election bodies, and on their request to submit the necessary data.

The state administration and the State Election Commission shall be allocated financial means from the Budget of the Republic of Macedonia for performance of the work referred to in paragraph 1 of this Article.

### **IV. PROPOSING CANDIDATES FOR COUNCIL MEMBERS AND MAYOR**

#### Article 21

Proposing of candidates for members of the council and mayor shall be done by submitting a list of candidates and/or a candidate for mayor.

The list of candidates and the list of candidate for mayor are proposed by the registered political parties and a group of voters.

When a group of voters is a submitter of a list of candidates or a list of candidate for mayor, it is necessary to collect:

- in a municipality with up to 10,000 residents, at least 100 signatures of the registered voters in the excerpt of the Voters' List for the pertinent municipality;
- in a municipality with 10,001 - 30,000 residents, at least 150 signatures of the registered voters in the excerpt of the Voters' List for the pertinent municipality;
- in a municipality with 30,001 - 50,000 residents, at least 250 signatures of the registered voters in the excerpt of the Voters' List for the pertinent municipality;

- in a municipality with 50,001 - 100,000 residents, at least 350 signatures of the registered voters in the excerpt of the Voters' List for the pertinent municipality;
- in a municipality with over 100,001 residents, at least 450 signatures of the registered voters in the excerpt of the Voters' List for the pertinent municipality; and
- for the City of Skopje, at least 1,000 signatures of the registered voters in the excerpt of the Voters' List for the territory of the City of Skopje.

The submitters shall submit to the Election Commission the lists of candidates and/or the list of candidate for mayor no later than 35 days prior to Election Day.

#### Article 22

In the proposed candidates list for council members of the municipality and the City of Skopje, each gender shall be represented with at least 30%, both in the upper and lower part of the list.

#### Article 23

The election of members of the council of the City of Skopje and its mayor shall be carried out by the voters from the region of the City of Skopje determined by Law.

## Article 24

Registered political parties individually, two or more parties together, as well as a group of voters (hereinafter: list submitter) shall have a right to submit a list of candidates and/or a list of candidate for mayor.

Each voter may give his signature for only one list of candidates and/or list of candidate for mayor.

The voters' signatures in the nomination procedure shall be collected before the body responsible for maintaining records of the electoral right<sup>[1]</sup> on a form prescribed by the State Election Commission, which shall contain name and surname; permanent residence; occupation; job position; and the unique citizen registration number of the candidates nominated, as well as the name and surname and unique citizen registration number of the voter who is signing the nomination.

The collection of signatures before the body responsible for maintaining records of the electoral right shall begin the fifteenth day following the day of announcing the elections and shall last for 15 days.

The voters who are submitting the list should have electoral right and permanent residence in the municipality and/or the City of Skopje.

## Article 25

The list submitter may submit only one list of candidates for council members, as well as one list of candidate for mayor.

In the local self-government units where 20% of the citizens speak an official language different from Macedonian, the list submitter, referred to in paragraph 1 of this Article, shall submit the list of candidates and/or list of candidate for mayor in the official language and alphabet used by the citizens in the pertinent local self-government unit.

## Article 26

The candidate proposed for the list should have a permanent residence in the municipality and/or the City of Skopje in which elections are held, and can be proposed only on one list.

A written consent from the candidate is needed for each candidacy, which is irrevocable.

## Article 27

The list of candidates and/or the list of candidate for mayor shall be signed personally by the authorized representative of the list submitter.

The title of the list shall be marked according to the name of the list submitter.

If a submitter of candidates' and/or candidate list is group of voters, the title of the list shall be marked as "group of voters".

## Article 28

The submitter of the list of candidates for council members, and/or the list of candidate for mayor, shall submit the lists on forms prescribed by the State Election Commission.

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<sup>[1]</sup> Translator's note: This refers to the Ministry of Justice, in accordance with the Law on Voters' List.

The list of candidates and/or the list of candidate for mayor shall contain: indication of the council of the municipality and/or the City of Skopje for which the election is conducted; title of the list of candidates and a symbol of the party; name and surname of each candidate, with indication of his permanent residence; profession; job position; and unique citizen registration number.

When the list submitters, referred to in paragraph 2 of this Article are political parties, they shall submit a certificate for registration from the competent court.

When the list submitters, referred to in paragraph 2 of this Article are groups of voters, the required number of signatures shall be obligatorily submitted, in accordance with Article 21 paragraph 3 of this Law.

A written consent (statement) by the candidate shall be required for each candidate, which is irrevocable.

The list of candidates for council members shall contain as many candidates as there are council members elected.

The list of candidate for mayor shall contain the nominated candidate for mayor.

The order of the candidates on the list of candidates is determined by the list submitter.

The list submitters, referred to in paragraph 2 of this Article, shall submit to the Election Commission a request for issuing a certificate to open a bank account for the election campaign along with the lists.

The Election Commission shall, immediately after the receipt of the lists and the request referred to in paragraph 9 of this Article, issue a certificate for opening a bank account for election campaign.

The list submitters, referred to in paragraph 2 of this Article, shall submit to the Election Commission proof for an election campaign bank account opened, within 24 hours following the receipt of the certificate referred to in paragraph 10 of this Article.

## Article 29

Once the Election Commission receives the list of candidates and/or the list of candidate for mayor, it determines whether the lists are submitted within the deadline determined in Article 21 of this Law, and whether they are composed in accordance with the provisions of this Law.

If the Election Commission determines that the lists of paragraph 1 of this Article have been submitted within the deadline determined, and have been composed in accordance with the provisions of this Law, it shall confirm them with a decision within 48 hours.

Should the Election Commission determine that there have been some omissions or irregularities made in regard to the lists of candidates and/or list of candidates for mayor, it shall call the submitters thereof immediately, but within no more than 48 hours following the receipt of the list, to eliminate the omissions or irregularities found.

If the Election Commission determines that the lists of candidates have not been submitted in a timely manner, or the submitters have not eliminated the irregularities found within the deadline set forth in paragraph 3 of this Article, it shall reject the list of candidates with a decision.

If the Election Commission determines that the submitter, when submitting the list of candidates and/or the list of candidates for mayor, did not submit proof for an opened bank account for election campaign within the deadline set forth in Article 28 paragraph 11 of this Law, it shall reject the list with a decision.

The Election Commission shall reach the decisions referred to in paragraphs 4 and 5 of this Article within 48 hours following the receipt of the list.

If the Election Commission determines that the lists have been submitted within the deadline determined and have been composed in accordance with the provisions of this Law, i.e., the list submitters have removed the omissions and irregularities found within the deadline set forth in paragraph 3 of this Article, it shall confirm the lists submitted with a decision within 48 hours following the receipt of the lists.

An appeal against the decisions referred to in paragraphs 4 and 5 of this Article may be submitted to the Court of Appeals within 24 hours following the receipt of the decision.

The competent Court of Appeals shall be obliged to reach a decision within 48 hours following the receipt of the appeal.

#### Article 30

The Election Commission shall make a register of all lists of candidates and/or list of candidate for mayor proposed by the political parties or group of voters no later than three days following the expiry of the deadline referred to in Article 21, paragraph 4 of this Law.

The order of the lists in the register shall be determined by drawing lots.

The Election Commission shall inform the representatives of the proposers of the lists of candidates for council member and a mayor when the activities referred to in paragraphs 1 and 2 of this Article take place.

#### Article 31

The Election Commission shall announce the lists of candidates and the list of candidate for mayor within the deadline determined in Article 30 of this Law, that is no later than 20 days prior to Election Day.

The posting of the lists of candidates and/or the list of candidate for mayor shall be done by putting them up in a common way in all settlements and polling stations in the municipality and/or the City of Skopje.

In the local self-government units, where 20% of the citizens speak an official language different from Macedonian, the posting of the list of candidates and/or the list of candidate for mayor shall be done in addition to Macedonian language and its Cyrillic alphabet, also in the official language and alphabet used by the citizens in the pertinent local self-government unit.

### **V. ELECTION CAMPAIGN**

#### Article 32

A political party, two or more political parties together, or a group of voters, whose lists of candidates for election of council members and/or list of candidate for mayor have been confirmed by the Election Commission, shall have the right to organize an election campaign (hereinafter: election campaign organizers).

The election campaign organizers shall have the right to equal access and under the same conditions to use all forms of political propaganda, information and other forms of propaganda whose aim is to influence the voters' decision when voting for candidates for council members and/or mayor.

Foreign legal entities and natural persons may not organize an election campaign.

#### Article 33

The election campaign shall begin 20 days prior to the Election Day and may not last 24 hours prior to and on Election Day.

The Broadcasting Council shall follow the programs of the electronic media in the Republic of Macedonia for the duration of the election silence and on Election Day.

After determining the irregularities (agitation, information connected to the election campaign, advertisements, which present party programs and party symbols), the Broadcasting Council shall immediately inform the state administration body responsible for activities in the field of telecommunications i.e. the Telecommunication Office.

The Telecommunication Office shall reach a decision for closing the radio station of the holder who committed the irregularity for a period of 48 hours, immediately after the receipt of the notification.

#### Article 34

The election campaign organizer is responsible for the legitimacy of the conduct of the election campaign.

The election campaign organizer is also responsible for the election campaign activities for which it will authorize other persons.

#### Article 35

If during the election campaign, or during the presentations or propaganda information of certain organizers of election campaigns, the rights of candidates are being violated (by preventing and disturbing the opponents' campaign), they have the right to immediately initiate a procedure before the competent Primary Court with a view to protecting their rights.

The Primary Court shall decide upon the request for rights' protection within 48 hours after the request has been submitted.

An appeal against the decision of the Primary Court may be lodged before the competent Court of Appeals within 48 hours after it has been received.

The competent Court of Appeals shall decide within 48 hours of the day of submitting the appeal.

The final decision shall immediately be announced in the media.

#### Article 36

The media in the Republic of Macedonia are obliged to provide under equal conditions equal access on their programs in the presentations of the election programs of the candidates for council members and/or mayor, political parties and groups of voters.

The duration of the election presentation, methods of advertising and terms for the use of air-time, or the space in the media for the presentation of the candidates, political parties and the group of voters and their programs, shall be determined by a decision on the rules for equal access to the media presentation.

The decision on the rules for equal access to the media presentation shall be reached by the Parliament of the Republic of Macedonia, upon a proposal by the Broadcasting Council, while the Broadcasting Council shall be obliged to submit the proposal for the decision, referred to in paragraph 2 of this Article to the Parliament of the Republic of Macedonia no later than 60 days prior to Election Day.

The decision on the rules for equal access to the media presentation shall be published no later than 40 days prior to Election Day.

#### Article 37

Public opinion polls shall be announced no later than 5 days prior to Election Day.

When public opinion polls on candidates, political parties and groups of voters in the election campaigns are announced, the name of the institution or head of the institution that organized the poll, the date, methodology, size and structure of the sample, and the name of the person who commissioned the polls, shall be given.

Public opinion polls may be conducted on the actual Election Day, and the results thereof shall be announced no sooner than immediately after the close of the polling station.

#### Article 38

When broadcasting election propaganda in the information part of their program, the media shall be obliged to state that it is a paid advertisement and it shall indicate the political subject.

#### Article 39

The media, whose founder is the Parliament, in cooperation with the State Election Commission, shall have an obligation to inform the citizens of the way and technique of voting without compensation.

#### Article 40

Displaying election posters free of charge is allowed only at places determined by the municipality, and the City of Skopje.

The municipality and the City of Skopje have an obligation to mark the places of paragraph 1 of this Article for each submitter of lists of candidates and/or list of candidate separately.

The municipality and the City of Skopje may determine additional places for a charge for displaying election posters.

The municipality and the City of Skopje immediately after the end of elections are obliged to utilize part of the funds referred to in paragraph 3 of this Article in order to eliminate the waste left during the election campaigns.

The municipality and the City of Skopje shall announce the conditions for obtaining the right to use the places for displaying election posters no later than 50 days prior to holding the elections.

The municipality and the City of Skopje shall ensure equal conditions for all election campaign organizers when displaying posters at the designated places.

Election posters may also be displayed on private buildings having the prior consent of the owner of the facility.

It is not allowed for the campaign posters to be displayed on facilities where the polling station is located or in the premises where the voting is performed.

#### Article 41

Posting over other posters or destroying posters of other election campaign organizers is forbidden.

Posting of new posters after the ending of the election campaign is forbidden.

The organizer of the campaign is obliged to remove the waste caused by the posters within 30 days after the end of the elections.

#### Article 42

Pre-election rallies are public.

The organizer is responsible for keeping order at the rallies.

The election campaign organizer shall notify in writing the state administration body responsible for internal affairs through its District Ministry about organizing a pre-election rally in public places and in places used for public traffic no later than 48 hours prior to its holding.

#### Article 43

Pre-election rallies may not be held in military buildings, religious buildings, hospitals, homes for old people, schools, kindergartens, and other public institutions.

As an exception, the organizers will be allowed to hold pre-election rallies in schools, or cultural centers if there is no other facility in the municipality where the rally could be held.

The permit for holding pre-election rallies is given by the person in charge at the institution, under equal conditions for all election campaign organizers.

The facilities, equipment or other property intended for work of the state bodies and the bodies of the municipality and of the City of Skopje may not be utilized for the purposes of election campaigns.

As an exception, the premises of the bodies referred to in paragraph 4 of this Article may be used, if there are no other appropriate facilities in the place that may be used for the purposes of election campaigns.

The permit is given by the person in charge of the body, under equal conditions for all election campaign organizers.

### **1. Financing election campaign**

#### Article 44

An election campaign organizer shall open a bank account with reference "for election campaign" no later than 34 days prior to Election Day based on a certificate for submitted list of candidates and/or mayoral candidate issued by the Election Commission.

In case an election campaign organizer is a group of voters, the authorized representative of the list submitter is the signatory of the bank account.



The election campaign organizer shall deposit all funds received from legal or natural persons intended for financing the election campaigns in the bank account, referred to in paragraph 1 of this Article.

All campaign expenses are to be covered solely with the funds from the bank account for the election campaign.

#### Article 45

An election campaign organizer shall submit a financial report on the election campaigns.

The financial report on the election campaign shall contain data on the total amount of the funds and expenses incurred.

The financial report shall be submitted to the municipal council and the Council of the City of Skopje no later than 3 months after the elections are finished.

Excess funds shall be donated to charity by the election campaign organizer that is a group of voters.

#### Article 46

The election campaigns shall not be financed from:

- - funds from the Budget of the Republic of Macedonia;
- - funds from the budget of the municipalities and the City of Skopje, except for the funds set forth in Article 48 paragraph 2 of this Law;
- - funds from public enterprises and institutions;
- - funds from citizens' associations, religious communities, religious groups, and foundations; and
- - funds from foreign governments, international institutions, bodies, and organizations of foreign states and other foreigners.

#### Article 47

When financing the election campaign, an election campaign organizer may spend no more than 15 denars per registered voter in the municipality and the City of Skopje for which a candidates' list and/or list of candidate for mayor have been submitted.

#### Article 48

The election campaign organizers whose candidates have been elected council members and/or mayor have the right to reimbursement in the amount of 15 denars per vote won.

The reimbursement of election expenses referred to in paragraph 1 of this Article shall be paid from the Budget of the municipality and the City of Skopje within 3 months following the submission of the financial report on the election campaign.

If two or more political parties are the submitter of the list of the elected council member and/or mayor, the funds shall be divided between or among them in equal shares, unless the parties have agreed otherwise.

The reimbursement of the election expenses is determined by a decision of the council of the municipality and the City of Skopje.

#### Article 49

The Election Commission shall make a decision to annul the election of council members and/or mayor, if with a final<sup>2[2]</sup> court decision it has been established that funds obtained on the basis of actions subject to penalty have been used by their proposers during the election campaign.

## VI. CONDUCTING ELECTIONS

#### Article 50

The conduct of the elections for council members and mayor shall be done through public announcement to the citizens, i.e. by displaying posters on visible places by the Election Commissions.

The public announcement i.e., the posters for notifying the citizens for the conduct of the elections in the local self-government unit in which at least 20% of the citizens speak an official language different from Macedonian, shall be prepared and posted in Macedonian and its Cyrillic alphabet and in the official language and alphabet used by the citizens in the pertinent local self-government unit.

#### Article 51

The election material for conducting the elections for council members and mayor consists of:

- - ballot boxes and voting screens;
- - forms for minutes;
- - ballot booklets for voting for lists of candidates for council members and list of candidates for mayor according to the excerpt of the Voters' List;
- - lists of candidates for council members and list of candidate for mayor;
- - certified excerpt from the Voters' List;
- - devices for marking and controlling the persons who have voted (UV lamp, spray, graphite pad ) and;
- - other material necessary for voting.

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<sup>2[2]</sup>Translators' note: "Final" means that no further legal remedies are available to challenge such a decision.

## Article 52

The State Election Commission shall hand over the election material to the Election Commissions no later than 72 hours prior to Election Day.

Minutes shall be prepared for handing over the election material, in which the total number of ballots with the related serial numbers, the required number of lists of candidates to be displayed in the voting facilities, and other material necessary for voting, shall be indicated.

## Article 53

The Election Commission shall hand over the election material to the Electoral Boards one day prior to Election Day.

Minutes shall be prepared for handing over the election material from the Election Commission to the Electoral Boards in which the total number of ballots with the serial numbers and the rest of the necessary voting material shall be indicated.

In the minutes on the handover of the election material, the Electoral Board shall determine if the room in which the voting will take place meets the prescribed voting conditions.

The president, Electoral Board members and a member of the Election Commission, who is handing over the material, shall sign the minutes.

Should the representatives of the list submitters present have some comments on the handing over of the election material, they have the right to request that those comments be entered in the minutes, and only the comments entered in that way may be invoked in the objections and be the subject of an assessment in the appellate proceedings.

If the comments by the representatives of the list submitters present, referred to in paragraph 5 of this Article, are not entered in the minutes, they have the right to submit the comments to the Election Commission within 5 hours of the signing of the minutes.

## 1. Ballot and Voting

### Article 54

The ballot for election of council members shall contain:

- 1) 1) the ordinal number, name and symbol (if any) of the list submitter;
- 2) 2) the name and surname of the carrier of the list<sup>3[3]</sup> based on the data from the official records, and
- 3) 3) the serial number of the ballot in the part remaining on the ballot stub of the booklet.

If there are list carriers with the same name and surname, then the initial letter of their middle name shall also be given.

The voter shall cast the vote on the lists of candidates by circling the ordinal number of the list submitter he has decided to vote for and putting the folded ballot in the ballot box for the lists of candidates for council members.

The ballot shall be removed in numerical sequence from the stub of the booklet and given to the voter, while the serial number remains on the stub.

The ballot for election of mayor shall contain:

- 1) 1) the name and symbol (if any) of the list submitter;
- 2) 2) the ordinal number, name and surname of the candidates based on the data from the official records, and
- 3) 3) the serial number of the ballot in the part remaining on the ballot stub of the booklet.

The candidates on the ballot are listed in the order determined in the unique candidate list.

If there are candidates for mayors with the same name and surname, then the initial letter of their middle name shall also be given.

The voter shall cast the vote for a candidate by circling the ordinal number before the candidate he has decided to vote for and putting the folded ballot in the ballot box for election of mayor in the municipality and/or the City of Skopje.

The ballot shall be removed in numerical sequence from the stub of the booklet and given to the voter, while the serial number remains on the stub.

The title of the ballot for electing council members and mayor shall contain the name of the municipality and/or the City of Skopje, for which the election is conducted.

The ballot shall be printed in the Macedonian language and its Cyrillic alphabet.

For the local self-government unit in which 20% of the citizens speak an official language different from Macedonian, in addition to the Macedonian language and its Cyrillic alphabet, the ballot shall also be printed in the official language and alphabet used by the citizens in the pertinent local self government unit.

In the City of Skopje, as a separate unit of the local self-government, if paragraph 12 of this Article cannot be applied for election of council members and a mayor of the

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<sup>3[3]</sup> Translator's note: *carrier of the list* refers to the first person on the list.

City of Skopje, then on the ballot the name of the list submitter, name and surname of the list carrier, as well as the name and surname of the candidate for mayor shall be printed in Macedonian and its Cyrillic alphabet, as well as in the language and alphabet of the community to which they belong.

The voting instructions shall not be part of the ballot.

The instructions shall be posted in a noticeable place on the voting screen and in other noticeable places of the polling stations, in accordance with the Instruction issued by the State Election Commission. The instructions shall be printed in the Macedonian language and its Cyrillic alphabet and in the languages and alphabets of the other communities listed in the Preamble of the Constitution of the Republic of Macedonia.

The candidate lists shall be posted in the voting room.

#### Article 55

No later than one hour before the voting, the president and the members of the Electoral Board, in presence of the representatives of the list submitters inspect the voting premises, to determine whether the premises and the election material are in the same condition as they were the day before the elections and to see whether the ballot box is empty. The Electoral Board shall prepare minutes for the condition determined, which is signed by the president and the members, while if the representatives of the candidates have comments, they enter them in the minutes in their own handwriting.

If the comments of the representatives of the list submitters present are not entered in the minutes, they shall have right to submit the comments to the Election Commission within 5 hours following the signing of the minutes.

The voting begins at 7 a.m. and lasts until 7 p.m.

The Electoral Board shall stop the voting if the facility in which the polling station is located is not secured by the police, while there was a need for that, or if the police were called but did not respond to the call.

The Electoral Board shall also stop the voting in cases when the police cannot maintain order at the polling station and are not complying with the provisions of this Law.

If order at the polling station is disturbed, the Electoral Board may interrupt the voting until order is re-established. The voting may be interrupted in cases of occurrence of natural disasters or emergency. If the voting has been interrupted for more than an hour, it will be prolonged for as much time as the interruption lasted, but no longer than three hours. If the interruption was longer than three hours, the voting shall be repeated. The reasons for the interruption of the voting and duration of the interruption shall be entered in the minutes.

The polling station shall be closed at 7 p.m., and voters who happened to be in the polling stations will be allowed to cast their vote.

The Electoral Board may close the polling station before the end of the period set forth in paragraph 3 of this Article, provided that all voters registered in the excerpt of the Voters' List have cast their votes.

#### Article 56

The facility in which the polling station is located shall be secured by the police during the conduct of voting.

After closing the polling station, the police shall secure the facility in which the polling station and the Electoral Board are located, and shall remove all unauthorized persons from the facility.

The police shall also secure the Electoral Board until the handover of the minutes and the election material to the Election Commission.

## Article 57

If the representatives of the submitters of lists have any comments concerning the work of the Electoral Board during the voting, they can point out the irregularities, so that they can be corrected.

Comments made are entered in the minutes in writing, and only comments entered in such a way can be pointed out in complaints and be subject of evaluation in appellate proceedings.

If the comments of the representatives of the list submitters are not entered in the minutes as referred to in paragraph 2 of this Article, they have the right to submit them to the Election Commission within 5 hours of the signing of the minutes.

The president, members of the Election Commissions and the Electoral Boards and their deputies, as well as the representatives of list submitters, and the observers are not allowed to have any marks or symbols of a political party or candidate at the time and place of the voting.

No campaigning is allowed on Election Day.

The Electoral Board in cooperation with the competent bodies, is obliged to remove propaganda material in the facility and room where the voting is taking place and within a radius of 100 meters.

## Article 58

The voting is carried out in person at the polling stations determined in the municipality and/or the City of Skopje.

The voters approach to vote one by one. One of the members of the Electoral Board checks if the voter is at the appropriate polling station.

When the voter approaches to vote, the Electoral Board verifies through the use of an ultra-violet detection lamp if the voter has an indelible mark on the thumb of his right hand, making sure to check the nail of the thumb of the voter.

When the voter approaches to vote, the Electoral Board checks his personal identity.

The voter shall prove his personal identity with an ID card or passport.

After the identification of the voter, the Electoral Board circles his ordinal number in the excerpt of the Voters' List and the voter places his signature, while if he is illiterate, he shall put his right index finger print. If the voter does not have a right index finger then he shall put a print of his left index finger, and if he does not have a left index finger as well, then putting a print shall not be needed.

After the identification, the voter shall receive a ballot and shall have his right thumb, or left thumb if he does not have a right thumb, marked with invisible marking ink, making sure that the application covers the nail of the thumb. If the voter does not have a thumb on either hand, then marking shall not be done.

## Article 59

The voter who is unable to vote at the polling station (disabled or ill person) but wants to vote, shall notify the Election Commission thereof no later than 3 days prior to Election Day.

The notification referred to in paragraph 1 of this Article may be made through a proxy.

The Electoral Board enables the person referred to in paragraph 1 of this Article to vote in his home or the hospital he is in, one day prior to the elections in such a way that the secrecy of the voting is guaranteed.

The Electoral Board shall provide a special ballot box for the voting referred to in paragraph 3 of this Article, which is taken empty to the home or hospital where the voter is.

The voting, referred to in paragraph 3 of this Article, shall be recorded in the minutes of the Electoral Board.

For the date and time of voting, referred to in paragraph 3 of this Article, the president of the Election Commission shall notify the representatives of the list submitters.

#### Article 60

The voter, who due to a physical disability or illiteracy is unable to vote in the manner defined by this Law, has the right to have a person to help him with voting.

If the voter referred to in paragraph 1 of this Article does not have a person to help him with the voting, the Electoral Board shall appoint another person from among the voters.

The person helping another person with voting may not be from among the Electoral Board members, representatives of the list submitters or observers.

The same person may assist not more than two voters, referred to in paragraph 1 of this Article, with the voting.

The Electoral Board shall instruct the person referred to in paragraph 3 of this Article that he may not influence the voter's choice with his help.

The voting referred to in paragraph 1 of this Article shall be recorded in the minutes by the Electoral Board.

#### Article 61

Voters who are not at their place of residence on Election Day due to their military service or military drills shall cast their vote at their military unit, organization, institution or unit.

Voters who on Election Day are serving a prison sentence or are in custody shall vote in the penitentiary institutions.

Having received the lists of voters referred to in paragraphs 1 and 2 of this Article, the Election Commission is obliged to send them immediately to the military units, organizations, institutions, unit where the voters are serving their military service or doing their military drills, as well as the penitentiary institutions where the voters are serving their prison sentences or are in custody.

The elections for the voters referred to in paragraphs 1 and 2 of this Article shall be carried out by the Electoral Board of the nearest polling unit, one day before the Election Day, and the representatives of the list submitters are notified thereof with a view to their being present at the voting.

The Electoral Board shall prepare separate minutes for the voting referred to in paragraph 4 of this Article.

The minutes and election material shall be submitted to the corresponding Election Commissions after the completion of the voting.

## **2. Determining Results from the Voting at the Polling Stations**



## Article 62

The results of the voting at the polling station shall be determined in the following manner:

- - the unused ballots shall be counted and put in a special envelope that is closed, sealed, and the number of the polling unit and the total number of unused ballots are written down on it;
- - the total number of voters registered in the excerpt of the Voters' List, who have cast their vote and have placed their signature or fingerprint only, shall be determined;

After the completion of the activities referred to in paragraph 1 of this Article, the ballot box shall be opened and the counting of votes shall begin.

One member shall be selected by the Electoral Board, by drawing lots, to take out and open the ballots from the ballot box one at a time, and hand them over to the president of the Electoral Board.

The ballot is shown to all Electoral Board members, to the representatives of the submitters of lists present, and to the observers.

The Electoral Board shall determine whether or not the ballot is valid and for which list of candidates and/or mayor the vote has been cast.

The vote cast shall be recorded, the ballot shall be put in the corresponding place and a new ballot shall be taken out of the ballot box.

## Article 63

The ballot is valid if it has been circled in the way prescribed in Article 54 of this Law.

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

The ballot shall be invalid should it not be completed, or should there be more than one list of candidates or mayoral candidates circled.

## Article 64

The Electoral Board shall prepare minutes of its work.

Information entered in the minutes shall include: the ordinal number of the polling unit; the time of beginning and concluding the voting; the total number of voters in the polling unit according to the excerpt of the Voters' List; the total number of voters who have voted; the total number of ballots put in the ballot box; the total number of ballots that have not been put in the ballot box; the total number of invalid ballots and the total number of votes each list of candidates has won individually.

## Article 65

Possible comments by the president and the members of the Electoral Board shall be entered in the minutes as well.

The president and Electoral Board members shall sign the minutes.

The minutes are valid if signed by the majority of the Electoral Board members.

The president of the Electoral Board should state the reasons for the minutes not being signed by a member of the board.

If the majority of members of the Electoral Board do not sign the minutes, the minutes shall be done and signed by the Election Commission, based upon the entire election material.

In case the representatives of the list submitters present have comments, they have the right to enter them in the minutes, and only the comments registered in that way may be invoked in the complaints and be the subject of an assessment in appellate proceedings.

If the comments by the representatives of the list submitters referred to in paragraph 6 of this Article are not entered in the minutes, they shall have the right to submit them to the Election Commission within 5 hours following the completion (signing) of the minutes.

#### Article 66

The minutes and the rest of the election material shall be submitted to the Election Commission by the Electoral Board within five hours following the completion of the voting.

Each representative of the list submitter shall receive a copy of the minutes.

Upon the completion of the activities described in paragraphs 1 and 2 of this Article, the Electoral Board shall immediately announce and post the results summed up from the voting carried out at the polling station.

The election material shall be submitted to the Election Commission by the president of the Electoral Board accompanied by interested Electoral Board members or representatives of the submitters of lists and representatives of the police, if necessary.

Separate minutes shall be prepared for the handover of the material of paragraphs 1 and 4 of this Article.

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

#### Article 67

The Election Commission shall calculate the total results of the voting in the municipality.

The Election Commission shall calculate the voting results based on the minutes of the results summed up by the Electoral Boards and the entire election material.

The Election Commission shall establish the results according to the votes won by each individual list of candidates for council members, based on the summarized results of the Electoral Boards.

When establishing the election results, the D`Hondt's formula shall be applied.

Having established the total number of votes cast for each list of candidates (so called electorate), each individual list is divided by the sequence of divisors 1, 2, 3, 4, etc., until the number of council members elected in the municipality and the City of Skopje.

The quotients of the division, referred to in paragraph 5 of this Article, are classified by size, whereby as many of the largest quotients as there are council members elected shall be relevant.

A list of candidates for council members shall obtain as many council seats as there are largest quotients out of the number of quotients referred to in paragraph 6 of this Article.

In the case that for the last council seat, two identical quotients appear to exist, the mandate shall be allotted by drawing lots.

When allocating council seats, as many candidates as seats won by the list, shall be considered elected.

Candidates are elected from the list of candidates for council members according to the established order.

## Article 68

The Election Commission shall prepare minutes for establishing the results of the voting.

The minutes shall contain information on the voting results, as follows:

- - the total number of polling units in the municipality and the City of Skopje;
- - the total number of voters registered in the excerpts of the Voters' List for the municipality and the City of Skopje;
- - the total number of voters who have cast their vote;
- - the number of invalid ballots;
- - the total number of votes that each individual list of candidates won;
- - the number of council seats won by the list of candidates; and
- - the name and surname of the candidates elected.

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

## Article 69

In the first round of voting for mayor, the candidate who won the majority of votes of the voters who voted shall be elected, provided that one third of the total number of voters registered in the excerpt of the Voters' List for the pertinent municipality voted.

If only one candidate is nominated for a mayor and he did not receive the required majority of votes, as referred to in paragraph 1 of this Article, the entire procedure shall be repeated.

## Article 70

If in the first round neither of the mayoral candidates won the required majority of votes, in accordance with Article 69 paragraph 1 of this Law, the two candidates who won most of the votes in the first round shall stand for election in the second round.

The second round of voting shall be held within 14 days following the completion of the first round of the voting.

The candidate who won the larger number of votes in the second round of voting shall be considered elected as mayor.

## Article 71

The Election Commission shall announce the initial results of the elections for council members and/or mayor within 24 hours following the receipt of the election material from the Electoral Boards and post them on a billboard in the municipality and the City of Skopje, and announce them in the media.

## Article 72

If a mayor is not elected after the second round for whatever reasons, the Election Commission shall notify the Government of the Republic of Macedonia within 15 days following the completion of the elections.

The Government of the Republic of Macedonia shall appoint a trustee to perform the duties of a mayor within 15 days following the receipt of the notification referred to in paragraph 1 of this Article.

The Government of the Republic of Macedonia shall notify the Speaker of the Parliament of the Republic of Macedonia no later than 15 days following the appointment of the trustee, in order to announce mayoral elections.

## Article 73

The official results from the elections that contain the final information for the total number of voters who voted in the municipality and/or the City of Skopje, the number of votes cast for the lists of candidates and the number of mandates won by the political party and/or the group of voters, determined according to the D'Hondt model, shall be announced by the Election Commissions no later than three days after the elections were finished.

The official results of the election of mayor shall be published within three days after completing the elections for mayor.

The Election Commission shall give certificates to the elected candidates for members of the Council and/or the mayor elected.

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

### **1. Reruns for Council Members and Mayor**

## Article 74

The Election Commission shall, with a decision, annul the voting at the polling station in the following cases:

- - if the secrecy of voting has been violated;
- - if there is a voting disruption of longer than 3 hours;
- - if the police do not respond to the intervention request by the Electoral Board, while there was a need for that and it influenced the conduct of the voting at the polling station;
- - if the number of ballots in the ballot box is larger than the number of voters who voted, and that number affects the results of the voting at municipal or City of Skopje level; and
- - if some person or persons vote for other person(s), and that number affects the results of the voting at the municipal and City of Skopje level.

An appeal against the decision of paragraph 1 of this Article may be lodged with the Supreme Court of the Republic of Macedonia through the Election Commission within 24 hours.

The Supreme Court of the Republic of Macedonia shall be obliged to act upon the appeal within 48 hours following its receipt.

If the voting at a given polling station has been annulled, it shall be repeated after 14 days of the day of voting.

If the council session does not take place until the 31<sup>st</sup> day following the completion of the elections, in accordance with Article 37 paragraphs 2 and 3 of the Law on Local Self-Government, reruns for council members shall be conducted.

#### Article 75

The reruns, set forth in Article 74 paragraph 1 of this Law, shall be announced by the Election Commission, while the reruns set forth in paragraph 5 shall be announced by the Speaker of the Parliament of the Republic of Macedonia.

The decision for announcing reruns shall also determine the date when they would be held.

#### Article 76

If the mandate of a council member is terminated or revoked pursuant to one of the reasons set forth in the Law on the Local Self-Government and this Law, then a member of the council for the rest of the mandate shall be the next candidate on the list.

The Election Commission shall notify the next candidate on the list in the cases referred to in paragraph 1 of this Article, within 3 days of the termination of the mandate of the council member.

The candidate referred to in paragraph 1 of this Article shall notify the Election Commission in writing if he accepts the mandate within 8 days of receiving the notification referred to in paragraph 2 of this Article.

If the candidate in accordance with paragraph 3 of this Article does not accept the mandate, this right shall be transferred to the next candidate on the list.

## **2. By-elections**

#### Article 77

If a member of a Council resigns six months before the expiration of the confirmation (verification) of the mandate and if there is no other candidate on the list, as set forth in Article 76 of this Law, by-elections for a council member in the municipality and/or the City of Skopje shall be conducted. By-elections shall be announced by the Speaker of the Parliament of the Republic of Macedonia, within 15 days after the termination or revoking of the mandate.

If with a final court decision it is determined that during the election procedure the political party or the group of voters used corruption as means for getting more votes, the seats (the mandates) won by this political party or group of voters shall be annulled by the Election Commission and by-elections shall be held.

By-elections may not be announced six months prior to the expiration of the mandate for which the council has been elected.

The mandate of a council member, in accordance with paragraph 1 of this Article, who is elected in by - elections shall last for the period of time for which the council member, whose mandate was terminated or revoked, was elected.

### **3. Early Elections for Mayor**

#### Article 78

If the mandate of the mayor is terminated on the basis of one of the cases set forth in the Law on Local Self-Government and this Law, early mayoral elections shall be announced.

Early elections, referred to in paragraph 1 of this Article, shall not be announced if the new mayoral elections are less than 6 months away.

### **4. Announcing Early Elections for Council Members**

#### Article 79

Early elections for council members before the expiration of their mandate shall be announced if one of the conditions set forth in the Law on Local Self-Government and this Law occurs.

## **VIII. MEANS FOR CONDUCTING ELECTIONS**

#### Article 80

The means for conducting elections shall be provided from the budget of the municipality or the budget of the City of Skopje and shall be managed by the Election Commission.

Two thirds of the election funds shall be used for covering the expenses related to election activities of the election management bodies, while one third shall be used for covering part of the expenses incurred by the political parties and the group of voters whose candidates have been elected.

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

#### Article 81

Each submitter of a list of candidates for council members and list of candidate for mayor, as well as each voter, in the procedure for voting, summing up and determining the results of the voting, has the right to file a complaint with the Election Commission.

The objection referred to in paragraph 1 of this Article shall be submitted no later than 48 hours after determining the irregularity.

The Election Commission shall reach a decision within 48 hours following the receipt of the complaint.

Against the decision of the Election Commission, an appeal may be lodged with the Supreme Court of the Republic of Macedonia within 48 hours following the receipt of the decision.

The appeal shall be submitted through the Election Commission.

#### Article 82



The Supreme Court of the Republic of Macedonia shall decide upon the appeals in a council of five judges selected by drawing lots, within 48 hours following the receipt of the appeal.

The Supreme Court of the Republic of Macedonia may confirm or amend the decision.

## **X. MONITORING THE ELECTIONS**

### Article 83

The elections and the election procedure may be observed by:

- - registered domestic and foreign associations of citizens of the Republic of Macedonia and the registered associations of foreign countries, the statutes of which include the principles of democracy and the protection of human rights;
- - international organizations; and
- - representatives of foreign countries.

The State Election Commission shall determine the procedure for conducting an observation mission.

### Article 84

The organizations and persons referred to in Article 83 of this Law may observe after obtaining accreditations from the State Election Commission.

The requests for observation shall be submitted to the State Election Commission together with the necessary identification documents from the day the elections are announced until 10 days before voting day.

The State Election Commission shall issue authorizations to the observers no later than 7 days after the receipt of the request.

If the observers start to support some candidate or party, the State Election Commission may revoke the authorization to observe from the entities referred to in Article 83 of this Law.

## **XI. PENALTY PROVISIONS**

### Article 85

A person preventing the elections and voting, violating and misusing the right to vote, violating the voter's freedom of choice, bribing at the elections and voting, destroying electoral documents and committing election fraud, shall be punished pursuant to the provisions of the Criminal Code.

### Article 86

A political party committing the offence of not complying with the deadline referred to in Article 33, paragraph 1 of this Law shall be fined from 200,000 to 300,000 denars.

A candidate or any other natural person shall also be fined from 20,000 to 50,000 denars for the offence referred to in paragraph 1 of this Article.

#### Article 87

A natural person committing the offence of preventing and obstructing the campaign referred to in Article 35 of this Law shall be fined from 20,000 to 50,000 denars.

## Article 88

A fine of 200,000 to 300,000 denars shall be paid by the public medium that:

- - does not provide equal presentation of the candidates for council members of the municipalities and the City of Skopje and for mayors of the municipalities and the City of Skopje, political parties, group of voters and their programs referred to in Article 36, paragraph 1 of this Law;
- - does not accept and announce in a timely manner the rules of paragraph 2 of Article 36 of this Law;
- - publishes public opinion polls in a period of 5 days prior to Election Day, referred to in Article 37 paragraph 1 of this Law; and
- - announces the election propaganda information without stating that the information in question is a paid advertisement, referred to in Article 38 of this Law.

The editor-in-chief shall also be fined from 20,000 to 50,000 denars for the activities referred to in paragraph 1 of this Article.

## Article 89

A fine of 20,000 to 50,000 denars shall be imposed for the following offences:

- - for the editor-in-chief of the medium publishing a public opinion poll for the candidates without stating the information referred to in Article 37 paragraph 2; and
- - for the-editor-in chief of the medium if he publishes an election propaganda announcement without publishing the person who ordered it referred to in Article 37, paragraph 2 of this Law.

## Article 90

The person responsible for a municipality or the City of Skopje shall be fined from 40,000 to 50,000 denars for committing the offence of failing to determine places for displaying posters free of charge, and for not marking them for each list submitter separately, as referred to in Article 40 of this Law.

## Article 91

The organizer of the electoral campaign shall be fined from 40,000 to 50,000 denars for the offence of failing to remove the waste of the posters within the deadline determined in Article 41 paragraph 3 of this Law.

## Article 92

A natural person destroying or putting up election posters over other election campaign organizer's posters on places designated for their display shall be fined from 20,000 to 50,000 denars for the offence (Article 41 paragraph 1).

#### Article 93

A political party that:

- - fails to report an election rally at least 48 hours prior to its holding (Article 42 paragraph 3); and
- - organizes a rally contrary to Article 43 paragraphs 1 and 4 of this Law,

shall be fined from 200,000 to 300,000 denars for the offence.

#### Article 94

The responsible person of a competent state body, religious community or public institution allowing the election campaign organizer to organize pre-election rallies contrary to Article 43 paragraph 1 of this Law, shall be fined from 20,000 to 50,000 denars for the offence.

#### Article 95

A political party failing to submit a report on the election campaign financing, referred to in Article 45 of this Law, and/or when for the purposes of financing the election campaign funds have been used as described in Article 46 of this Law, shall be fined from 200,000 to 300,000 denars for the offence.

The responsible person of a political party shall also be fined from 20,000 to 50,000 denars for the activities referred to in paragraph 1 of this Article.

#### Article 96

A person referred to in Article 57 paragraph 4 of this Law, wearing any marks or symbols of a political party or a candidate during the time or at the place of voting, shall be fined from 20,000 to 50,000 denars for the offence.

#### Article 97

A natural person who votes for other persons or on behalf of another person, as well as one who prevents the presence of the police if there was a need for that (Article 18 paragraph 2, Article 55 paragraphs 4 and 5 and Article 56), shall be fined from 40,000 to 50,000 denars for the offence.

An official person (police officer) who abuses his position and causes disorder at the polling station (Article 18 paragraph 2 and Article 55 paragraphs 4 and 5) shall be fined from 40,000 to 50,000 denars for the offence.

## **XII. TRANSITIONAL PROVISION**

#### Article 98

The Minister of Finance shall bring the act, referred to in Article 19 paragraph 2 of this Law, within 30 days of the day this Law becomes effective.