

LAW
ON REFERENDUM AND CIVIL INITIATIVE

(Official Gazette of RM no. 24/98)

I. GENERAL PROVISIONS

Article 1

This Law stipulates the issues for announcing referendum, the way of announcing and implementing the referendum, as well as the way of fulfilling civil initiative.

Article 2

Referendum shall be announced by the Assembly of the Republic of Macedonia (hereinafter: Assembly).

Article 3

Referendum shall be mandatory announced for adopting a decision of the Assembly for changing the border of the Republic and the decision for joining or abandoning an alliance or unity with other states.

Article 4

Referendum may be announced for passing laws, need of ratification of international agreements and other issues that are competence of the Assembly (previous).

Article 5

Referendum may be announced for re-estimation of laws and decisions passed by the Assembly by the electors or for giving the opinion of the electors for other issues decided by the Assembly (additional).

Article 6

For issues of broader significance to the citizens and the Republic a consultative referendum may be announced.

The decision made on the consultative referendum shall not oblige the Assembly.

Article 7

Referendum may not be announced for issues related to the Budget of the Republic and the final closing account of the Budget, for public fees, for the reserves of the Republic, for the issues related to elections, appointments and dismissals and for amnesty.

Article 8

Referendum may be announced also in the units of the local self-government for issues that have local significance and which are under the authority of the units of the local self-government.

Article 9

Civil initiative is raised for submitting a proposal for changing the Constitution of the Republic of Macedonia, for proposing for passing a law and for passing decisions and other issues that are under the authority of the Assembly.

Civil initiative may be raised for announcing referendum, for expressing the opinion of the citizens upon certain issues that are under the authority of the Assembly.

Article 10

Initiative for collecting signatures of voters for submitting a proposal for changing the Constitution of the Republic of Macedonia, for proposing a law and passing decisions and resolving other issues that are under the authority of the Assembly, may be raised by the citizens, the registered political parties and the associations of citizens.

Article 11

For the activities, acts, submissions and other documents related to the conducting of a referendum tax shall not be paid and all activities in the procedure shall be exempt from paying all kinds of taxes.

II. REFERENDUM

1. Referendum on adopting and decisions for changing the border of the Republic and for joining or abandoning an alliance or unity with other states

Article 12

By reaching a decision for changing the border of the Republic and the decision for joining or abandoning an alliance or unity with other states, the Assembly shall announce a referendum for adopting the decision.

Article 13

The decision for changing the border of the Republic and the decision for joining or abandoning an alliance or unity with other states shall be considered adopted on

referendum if majority of the total number of voters registered in the General Voters' List voted for that on the referendum.

Article 14

The decision for changing the border for joining or abandoning an alliance or unity with other states adopted on referendum shall be considered compulsory.

2. Legislative Referendum

Article 15

A legislative referendum may be announced for issues that need to be regulated by law (previous referendum) or for re-estimating a law that has previously been passed (additional referendum).

Article 16

A previous legislative referendum may be announced for the following:

- a certain issue that needs to be regulated by law;
- the proposed law that regulates a certain issue in a way it has been proposed and
- with the proposed law to establish a certain issue that has not been regulated by law.

Article 17

A proposal for announcing a legislative referendum may be submitted by the Government of the republic of Macedonia, every Member of the Parliament or at least 10,000 voters.

The proposal referred to in paragraph 1 of this article in the name of the voters shall be submitted by the authorized representative. The signatures of the voters shall be submitted together with the proposal.

The procedure for collecting signatures of the voters for announcing a legislative referendum shall be conducted in a way determined by law.

Article 18

The issue for which announcing a legislative referendum is proposed, needs to be formulated precisely and unambiguously.

Article 19

The proposal for announcing a legislative referendum shall be submitted to the Assembly.

The proposal for announcing a legislative referendum needs to be explained.

After receiving the proposal, referred to in paragraph 1 of this article, if estimated that the above mentioned issue, which is a subject of the referendum, is not clear and the proposal is not explained, the proposer shall be called to clearly determine the question or to supplement the proposal with an explanation.

Article 20

The Assembly shall be obliged to decide within 30 days of submitting the proposal for announcing a legislative referendum.

The decision for announcing a legislative referendum shall be passed with majority of votes out of the total number of Members of Parliament.

Article 21

The Assembly may reject the proposal for proposing a legislative referendum, if the proposer does not act as stated in article 19 paragraph 3 of this Law.

The Assembly shall reject the proposal for announcing a legislative referendum, if it estimates that the contents of the proposal is not in accordance with the Constitution of the Republic of Macedonia and this Law.

Article 22

The Assembly is obliged to announce a legislative referendum, when the proposal is submitted by at least 150,000 voters, on issues that are under the authority of the Assembly, in accordance with the provisions of this Law.

Article 23

The decision for a legislative referendum shall be considered adopted, if majority of the voters that voted, voted for that, if more than half of the total number of voters registered in the General Voters' List voted.

The decision reached on a legislative referendum shall be compulsory.

Article 24

The Assembly shall be obliged to pass a law, if on a legislative (previous) referendum the voters decided for passing a law.

The Assembly shall not pass a law, if on a legislative (previous) referendum the voters decided against passing a law, or against the method of regulating certain issue, which would be contrary to the results of the referendum, nor it shall repeat the referendum on the same issue before the expiration of one year from the referendum.

Article 25

The Assembly shall be obliged within 60 days from holding the legislative (additional) referendum to regulate the issue or the law that has been decided about on the referendum, in accordance with the results from the referendum.

3. Referendum for ratification of international agreements

Article 26

Referendum may be announced for the need of ratifying international agreements.

The provisions of this Law related to legislative referendum shall accordingly be applied to the referendum for ratifying international agreements.

4. Referendum on other issues that are under the authority of the Assembly

Article 27

Referendum may be announced also for other issues that are under the authority of the Assembly.

The provisions of this Law related to legislative referendum shall accordingly be applied to the referendum for other issues that are under the authority of the Assembly.

III. PROCEDURE FOR CONDUCTING A REFERENDUM

1. Announcing a referendum

Article 28

The referendum shall be announced by the Assembly with the decision.

The referendum shall be announced for the entire territory of the Republic of Macedonia.

Article 29

The decision for announcing a referendum shall establish the following: the type of referendum, the decision for which it will be decided, the text of the question that will be put on referendum, the day of announcing the referendum and the day of its holding.

Article 30

The decision for announcing referendum shall be published in the Official Gazette of the Republic of Macedonia.

From the day of announcing the referendum until the day of holding the referendum it may not pass less than 60 nor more than 90 days.

Article 31

Sunday or other non-working day shall be determined as day for holding a referendum.

Two or more referendums may be held in the same day.

Article 32

The decision for announcing a referendum shall be announced in the media no later than 15 days before the day of holding the referendum.

The text of the decision upon which it will be decided on the referendum shall also be announced in the media.

Article 33

The citizens shall be informed about the referendum through a public appeal and putting posters on perceptible places.

2. Bodies for conduct of referendum

Article 34

The referendum shall be conducted by:

- The State Election Commission;
- The electoral commissions of the electoral units (hereinafter: electoral commissions) and
- The electoral boards.

Article 35

The State Election Commission during the conduct of the referendum:

- Sees to the legitimacy in the preparation and conduct of the referendum;
- Coordinates the work and gives instructions to the electoral commissions;
- Prescribes the forms for the conduct of this law;
- Determines the unique standards for the conditions for conduct of the referendum;
- Determines and announces the result of the referendum and
- Performs other works.

Article 36

The electoral commission during the conduct of the referendum:

- Appoints the composition of the electoral boards and issues instructions for their work;
- Sees to the legitimate conduct of the referendum;
- Determines the results for the electoral unit and
- Performs other works.

Article 37

The electoral board shall be composed of a president, two members and their deputies.

Article 38

The electoral board shall directly run the voting at the polling stations, provide for regularity and secrecy of the voting, provide for free and peaceful holding of the voting, determine the result of the voting in the polling stations and perform other matters.

3. Right to vote on the referendum

Article 39

A right to vote on the referendum shall have every citizen of the Republic of Macedonia who has turned 18 years of age and has working ability.

Article 40

The citizens, who on the day of referendum are not in their place of residence due to serving military duty or military drill, shall vote in the military unit.

For the voters of paragraph 1 of this article, the referendum shall be conducted by the electoral board from the closest polling station.

The provisions from paragraphs 1 and 2 of this article shall also apply to the persons who are in custody or sentenced to imprisonment.

The voters who are temporarily working or staying abroad shall vote in the polling stations in the place of their last residence.

4. Conduct of the voting

Article 41

The referendum shall be conducted in a polling stations determined by law.

The provisions from the Law on Election of MPs in the Assembly of the Republic of Macedonia shall be applied for the conduct and the way of voting on the referendum, unless otherwise determined by this Law.

Article 42

The public propaganda on the referendum shall end no later than 48 hours prior to the day of voting.

Article 43

The referendum shall be conducted from 7.00 until 19.00.

The polling station where all citizens registered in the excerpt from the General Voters' List voted may be closed before the expiration of the time determined for voting.

Article 44

The decision for announcement of the referendum and the text of the question put on referendum shall be post in the polling station.

Article 45

On the referendum one shall vote with a ballot.

The ballots for the referendum shall be printed in the same size, color and the same type of paper.

Article 46

The ballot shall contain the question put on referendum and instructions on the way of voting.

If it is voted for more issues, each issue shall be voted for on a separate ballot.

The question on the ballot must be formulated precisely and unambiguously, so that the citizen on the referendum can answer with “FOR” or “AGAINST”.

Article 47

The citizen on the referendum shall express himself/herself by circling the word “FOR” or “AGAINST”.

5. Way and voting on a referendum

Article 48

The voting on the referendum shall be secret.

The citizen cannot be called for on responsibility for voting on a referendum.

Article 49

Each citizen shall have a right to only one vote on the referendum.

The citizen may vote only in person.

The citizen who is illiterate or due to physical disability cannot vote in the way determined by this law or other law, shall have a right to bring a person who will help him/her during the voting.

The polling board shall assist the illiterate citizen in the voting.

6. Determination of the results on a referendum

Article 50

The polling board, after the end of the voting, without cease in the counting, shall determine the results of the voting in the polling station.

Article 51

The electoral board shall compose Minutes of its work.

The form and the contents of the Minutes shall be prescribed by the State Election Commission.

Article 52

The polling board shall deliver the Minutes on the result of the voting in the polling station and the other material for the conduct of the referendum to the electoral commission within 5 hours of the end of the voting.

Article 53

The electoral commission shall determine the result of the voting on the referendum in the electoral unit.

Article 54

The electoral commission shall compose minutes on its work.

The form and the content of the Minutes shall be prescribed by the State Election Commission.

Article 55

The electoral commission shall deliver the Minutes on the result of the voting on the referendum in the electoral unit and the other material for the conduct of the referendum to the State Election Commission within 24 hours.

Article 56

The State Election Commission shall determine and announce the result of the referendum within 48 hours of the receipt of the results of the voting on the referendum.

Article 57

The report on the results of the referendum shall contain data on:

- The number of the voters registered in the General Voters' List;
- The number of voters who have cast their vote;
- Invalid ballots;
- Valid ballots;
- Voters who have voted "FOR" and
- Voters who have voted "AGAINST".

Article 58

The State Election Commission shall publish the result on the referendum in the “Official Gazette of the Republic of Macedonia” within 15 days following the day of holding the referendum.

The State Election Commission shall submit the report on the result of the referendum to the Assembly of the Republic of Macedonia.

Article 59

The means for the conduct of the referendum shall be provided from the budget of the Republic of Macedonia.

IV. PROTECTION OF THE RIGHT TO VOTE ON A REFERENDUM

Article 60

Each citizen shall have a right to submit a complaint for irregularities in the procedure for voting in the polling stations and the work of the electoral board to the electoral commission within 72 hours of the day of holding the referendum.

The electoral commission shall be obliged to reach a decision within 24 hours of the receipt of the complaint.

Against the decision of the electoral commission an appeal may be submitted to the Appellate Court, which local authority is for the area of the electoral unit.

The Appellate Court shall be obliged to reach a decision on the appeal within 48 hours.

Article 61

Each citizen shall have a right to submit a complaint for irregularities in the work of the electoral commissions to the State Election Commissions within 72 hours of the day of holding the elections.

The State Election Commission shall be obliged to reach a decision within 48 hours of the receipt of the complaint.

Against the decision of the State Election Commission an appeal may be submitted to the Supreme Court of the Republic of Macedonia.

The Supreme Court of the Republic of Macedonia shall be obliged to reach a decision on the appeal within 48 hours of the receipt of the appeal.

V. CIVIL INITIATIVE

Article 62

Proposal for approaching to change of the Constitution of the Republic of Macedonia may be submitted by 150,000 citizens with a right to vote.

The proposal shall state how and where to amend the Constitution, as well as the reasons for it.

Together with the proposal 150,000 signatures of citizens with a right to vote shall also be submitted.

Article 63

Proposal for passing a law may be submitted by at least 10,000 voters.

The proposal for passing a law shall be prepared in accordance with the Journal of the Assembly.

Together with the proposal, 10,000 signatures of voters shall also be submitted.

Article 64

Civil initiative for announcing referendum may also be raised by 150,000 voters, on issues that are under the authority of the Assembly.

Article 65

Civil initiative is raised also for reaching decisions and resolving other issues that are under the authority of the Assembly.

In reference to the proposal from paragraph 1 of this article, the Assembly is obliged to decide within 60 days following the day of the submission, provided that the proposal is supported by at least 10,000 voters.

Article 66

Initiative for collecting signatures for proposing, for approaching towards amendment of the Constitution of the Republic of Macedonia, proposing of passing a law, as well as reaching decisions and resolving other issues that are under the authority of the Assembly, may be raised by 100 voters, a registered political party or an association of citizens.

The president of the Assembly shall be informed about the initiative.

The deadline for collecting signatures for submitting a proposal for approaching towards amendment of the Constitution of the Republic of Macedonia shall be six months following the day of starting the collection of signatures.

The deadline for collecting signatures for proposing of passing a law and reaching decisions and resolving other issues that are under the authority of the Assembly shall be three months following the day of starting the collection of signatures.

Article 67

The voter shall give his support to the proposal in a way determined by law.

Article 68

Any citizen, institutions and associations to the authorized proposers may give the initiative for approaching towards amendment of the Constitution and passing a law.

VI. FINAL PROVISIONS

Article 69

When this Law becomes effective, the Law on Republic Referendum (Official Gazette of SRM no. 29/73 and Official Gazette of the Republic of Macedonia no. 40/91) shall cease to be in effect.

Article 70

This Law shall enter into force on the eight day following the day of its publishing in the Official Gazette of the Republic of Macedonia.