

Date Printed: 11/06/2008

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JTS Box Number: IFES\_7  
Tab Number: 9  
Document Title: Pre-Election Technical Assessment of the  
Former Yugoslav Republic of Macedonia  
Document Date: 1994  
Document Country: Macedonia  
IFES ID: R01728



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**PRE-ELECTION TECHNICAL  
ASSESSMENT OF:**

**THE FORMER YUGOSLAV  
REPUBLIC OF MACEDONIA  
(FYROM)**

**June 15 - 29, 1994**

**(background sections included)**

**Ms. Linda Edgeworth   Dr. Eran Fraenkel   Mr. Scott Lansell**

**This Report was made possible by a grant from the United States Agency for International Development (USAID). The opinions expressed in this Report are solely of the International Foundation for Electoral Systems (IFES). This material is in the public domain and may be reproduced without permission, citation is appreciated.**

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MACEDONIA PRE-ELECTION ASSESSMENT

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## I. EXECUTIVE SUMMARY

From 16 - 24 June, after a request from A.I.D. Washington, the A.I.D. Representative to Macedonia, Ms. Linda Rae Gregory in Skopje, and a number of requests from Macedonian government ministries and political parties, IFES sent a Pre-Election Assessment Team to Skopje, financed by the United States Agency for International Development (USAID). The purpose of this mission included: (1) an analysis of the current political and election climate with regard to the new Election Law and the legitimacy of the administrative electoral structure; (2) political party organizations and their activities prior to the official campaign period; (3) study of the status of independent and government-subsidized media institutions and their specific involvement in the pre-election period; (4) gaining a more complete appreciation of the country's ethnic divisions and their effects on the formation of a stable nation-state; and (5) assessing needs and priorities that should be addressed by the international donor community with regard to democratization assistance efforts.

The IFES Assessment team included Ms. Linda Edgeworth, a former Election Administrator for the State of Alaska, and frequent consultant for IFES throughout the former Soviet Union and Africa; Dr. Eran Fraenkel, a professor from Boston, Massachusetts with a specialty in Macedonia and the Balkans and current Executive Director of Search for Common Ground in Macedonia; and Mr. Scott Lansell, Program Officer for the former Soviet Union and Central & East Europe at IFES/Washington.

On the first day of the team's visit the 1994 Election Law came up for a vote in the Assembly, but due to lack of a quorum, it was not voted upon. It should be noted that under the current legal structure, the election law cannot be amended or return for a new vote for a period of six months should it fail to pass. This time constraint left the *Sobranje* (also referred to as the Assembly) only the time prior to the end of their summer session, which has lasted to mid-August due to extensions, to decide on this issue.

Since the 1990 elections, a number of organizations have commented on the weaknesses and significant flaws in the 1990 law and it is anticipated that if this Law is used in October, a number of its flaws may become even more conspicuous. As one prominent Parliamentarian commented during our June visit, "If we don't pass this (the 1994 version) new law, which includes a number of comments and suggestions from western organizations, it will be difficult to explain to them why we have wasted their time and money."

USAID asked IFES to prepare an assessment of the current election environment and ascertain how the international donor community could best assist this fledgling democracy during this critical period.

The IFES Pre-Election Technical Assessment team returned with seven general areas which need to be addressed by assistance groups who have the technical expertise to support this ethnically-diverse nation including:

1. A well-developed and consistent promotion of significant symbolic or actual confidence measures in the administration of free and fair elections should be continued.
2. There is a considerable need to diminish opportunities for allegations of impropriety in the administration of an election.
3. Significant assistance should be aimed toward an ineffective, although seemingly extensive, public information campaign on issues including, but not limited to, citizenship, census, and election procedures.
4. Continued pressure should be brought on the promotion of significant laws either pending or non-existent legal processes including a Law on Assembly Elections, Law on the Independent Media, and Law on Local Elections.
5. Updated and more-complete poll worker training materials and procedures should be available and developed prior to the October 16 elections.
6. Macedonians, including representatives from the government and non-government, must continue to take advantage of Western exchange programs such as educational and technical activities.
7. De-politization of the civil service must be promoted and continued throughout the government.

Macedonia has many significant obstacles to overcome to accomplish a stable democracy. Serious ethnic and nationalistic biases are prevalent throughout the political and social strata. Even the most well-intentioned administration and observation of established democratic activities receives an either perceived or actual reaction from the public - "any action taken tends to be viewed in Macedonia through an ethnic filter".

## II. COUNTRY BACKGROUND

### A. Introduction to Macedonia

The Former Yugoslav Republic of Macedonia (henceforth FYROM, or Macedonia) has in the past several years become the center of attention as one of the few post-communist country in the Balkans that has thus far avoided the violent transition from totalitarianism to democratization. And yet, the absence of outright conflict has not spared Macedonia from intense rivalries, ethnically based but politically expressed, that could ignite a civil or possibly an international war. World interest in Macedonia has focused largely on its institutions such as how to improve the election process or how to conduct an equitable census. As important as these and other related issues are to the reform of Macedonia's political system, attempts to alter surface manifestations without penetrating the underlying structures and attitudes can only have limited, if any, success. Simple definitions couched in terms of "ethnic rivalries" of the social, cultural, and political cleavages that condition Macedonia's current situation do a disservice to the complexity of the problem. These cleavages, however, are central to Macedonia's dilemmas--indeed, are Macedonia's dilemmas--and must be examined in terms of the experiences from which they arise.

### B. Historical Geography

#### 1. Territorial vs. Cultural Borders

One cleavage characterizing Macedonia and its history is the discrepancy between its geographic and cultural borders. As a name, Macedonia has applied historically to the territory that lies roughly between the Aegean Sea to the south, the Pirin Mountains to the east, the Sar Mountain to the north, and the Albanian border to the west. Since the end of the 19th century when the Great Powers drew political boundaries that still demarcate international borders, the territory of Macedonia has been divided among three countries: the largest area belongs to Greece (Aegean Macedonia), the second largest is the Former Yugoslav Republic of Macedonia (Vardar Macedonia), and the smallest belongs to Bulgaria (Pirin Macedonia). The principal discrepancy between Macedonia's geographic and cultural borders lies in the historical denial by Macedonia's neighbors that Macedonians constitute a separate people and the subsequent denial of cultural or political communication across the borders that have separated the three segments of territorial Macedonia.

Culturally, a popular Greek claim is that northern Greece's Macedonians are Slavicized Greeks who need to be reabsorbed into the Greek nation and who therefore do not merit recognition as a national minority. Alternately, the Greek government had designated the Slavs of Macedonia as Bulgarians. This policy culminated in the 1920s with the forced expulsion of the Slavs from northern Greece and their resettlement in Bulgaria. Clearly, this position has benefited both Greek and Bulgarian claims that Macedonian Slavs do not constitute an ethnos. The ethnic

composition of Aegean Macedonia was further altered in the 1920s when Greece's Muslims were "exchanged" for Turkey's Greek community, which was resettled throughout Greek Macedonia.

Politically, the Athens government maintains that the word Macedonia is an exclusively Greek name and that it should not be recognized as pertaining to any territory falling outside Greece's borders. On this basis, Athens has refused to recognize either the Socialist Republic of Macedonia within Yugoslavia (references to the SRM were to the Republic of Skopje or to Serbia) or the subsequent independence of the FYROM based on its continued insistence in using the name of Macedonia. Greece has exerted considerable leverage on its Western allies, especially the United States, to withhold recognition of the Republic of Macedonia until the country agrees to change its name, something that Macedonia has categorically refused to do.

Bulgaria has also vacillated in its policy to some extent. Before the rift between Yugoslavia and the Comintern in 1948, Bulgaria was, if reluctantly, working with Macedonia on a joint linguistic and educational program aiming at uniting the populations on both sides of the border in a common cultural zone. Yugoslavia's ouster from the Soviet bloc and the death of Bulgaria's leader, Georgi Dimitrov, however, led to the resumption of the traditional Bulgarian claim that Macedonia, its people, and its language are respectively western Bulgaria, Bulgarians, and a Bulgarian regional dialect. It is thus particularly ironic that Bulgaria was one of the first countries to accept Macedonia's declaration of independence in 1991. While recognizing the political borders of the Former Yugoslav Republic of Macedonia (FYROM), however, many Bulgarians still maintain that its inhabitants are historically Bulgarians who live in the country of Macedonia.

Macedonia's northern neighbor, Serbia, has also renewed its claim to Macedonia as "South Serbia" or Juzna Banovina. This position is based on Macedonia's status as part of the old Yugoslavia between the world wars before Serbia was obligated to recognize a distinct Macedonian identity within Tito's socialist Yugoslav context. Unlike Bulgaria and Greece, whose territorial claims are based on 19th-century or earlier conditions, Serbia bases its position on its 20th-century possession of Macedonia.

Finally, Macedonia's western border with Albania is also an issue, though for internal demographic rather than external, historical/political reasons. Neither Albania nor Macedonia has demanded changes in their political borders, but each country has expressed concern for its respective community living within the other country's borders. As will be discussed, the presence of a large Albanian population in western Macedonia is the source of numerous tensions. Thus, in every direction, Macedonia's geography is a political or cultural bone of contention.

## 2. Political Geography

The politics of geography are based on numerous historical conditions that can be traced to the Ottoman Empire and its dissolution. As a Muslim empire with the institutions and attitudes of

an Islamic state, the Ottoman Empire administered its territories as areas corresponding to ecclesiastic divisions. Generally speaking, the Ottomans viewed the southern and eastern Balkans as one Eastern Orthodox region which they called Rumeli. This name derives from the word the Ottomans used for "Greek," (Rum), which they applied to all Orthodox inhabitants of the region who belonged to the Greek Orthodox Church. In other words, in the Ottoman system geography was equated with religious affiliation and not with territory, language, or any other distinguishing characteristics.

This view of political geography began to change beginning in the 18th century and culminating in the late 19th century, with the intervention of Western European powers in the internal affairs of the empire and the concomitant growth of national churches in the Balkans. On the one hand, Russia, Austro-Hungary and other European states carved out individual spheres of influence within the empire, diminishing or eliminating the role of the Eastern Orthodox Church. On the other hand, newly formed national churches demanded direct authority over populations falling within their jurisdictions. An ever-weakening Ottoman Empire vacillated between accepting national churches as legitimate (either as patriarchates or exarchates) or rejecting them. Macedonia thus became an area disputed by the Greek, Serbian, and Bulgarian churches, all of which demanded control of the priesthood, the churches, and the local educational system. By the turn of the 20th century Macedonia had been divided into territories each having differing liturgical, educational (including language), and administrative experiences depending on which national church had had the greatest and most enduring influence.

The settlement of the Russo-Turkish war through the provisions of the Treaty of San Stefano in 1878 at first affirmed the Bulgarian church's claims to Macedonia. Only the objections of European powers and the drafting of the subsequent Treaty of Berlin divided Macedonia among the three historical claimants. The two Balkan wars fought among Serbia, Greece, and Bulgaria in 1912 and 1913 ultimately set the borders that have remained through the present.

From 1913 to 1944, Macedonia was a part of Serbia within the old Yugoslavia and belonged to the Serbian Orthodox Church. The ascendance of the partisans and the creation of socialist Yugoslavia gave Macedonia recognition as a separate nation with internal borders that demarcated Macedonia from Serbia. This recognition included the establishment of an autocephalous Macedonian Orthodox Church. Since the end of World War II, Macedonia's borders twice have been subject to potential change: once in the late 1940s, during the unsuccessful attempt to create a Balkan Federation between Yugoslavia and Bulgaria, which would have joined Pirin and Vardar (Yugoslav) Macedonia; and once during the unsuccessful (from the communist point of view) Greek civil war (1946-1948), which could have brought Aegean and Vardar Macedonia together. The borders drawn in 1941, therefore, are still the territorial limits within which the FYROM is now operating.

## C. Demography

### 1. Historical Geography

The Former Yugoslav Republic of Macedonia has a population of approximately 2.2 million inhabitants occupying an area approximately the size of Vermont. Population figures are approximate because the data from the most recent census (July-August 1994) have not yet been analyzed. Furthermore, and in reference to the cleavages characterizing Macedonia today, the ethnic composition of the country's population is a matter of ongoing debate and dispute; indeed, possibly the topic of greatest dispute.

Standard histories present the Balkans as having been inhabited by various tribes such as the Hellenes, Macedons, Thracians, Dacians, etc. in pre-Slavic times. The Slavs arrived from east of the Volga and Dnieper rivers and as of the fifth century a.d. began their settlement in the Balkans, where they eventually became the dominant population. As a consequence of this inundation, a major population transformation took place with the Slavs largely occupying the agricultural lowlands and the tribes they displaced being pushed to the coastal or mountainous peripheries.

The pre-Ottoman southern Balkan demographic universe consisted of Slavs, Greeks, Vlachs (Arumanians), Albanians, and Jews. Vlachs are considered to be the indigenous East-Latin-speaking population that was displaced into the mountains, whereas Albanians are the descendants of one or more indigenous Balkan groups, including the Illyrians, who also were moved into the highlands as the Slavs settled the valleys. With the Ottoman conquest of the late 14th and early 15th centuries came Turks--urban, rural, and nomadic--as well as Gypsies (Rhoma). The Slavs, be they Macedonian, Bulgarian, Serbian, Croatian, or Slovene, have traditionally been categorized as one large linguistic family having subdivisions within it. Some scholars have tried to identify the Serbs and Croats as Iranian peoples who became Slavicized only upon their settlement among the Slavs in the Balkans. The importance of this theory lies in the growth of an ideology that strives to trace Macedonian history to pre-Slavic times. In some cases Macedonians make an implicit, or explicit, connection between them and Alexander the Great, son of Philip of Macedon. Thereby they disclaim kinship to the neighboring Serbs and Bulgarians who have consistently claimed Macedonia as their own.

Most experts on Macedonia agree that the majority population (usually projected at ~60 percent) consists of Macedonian Slavs whose native language is Macedonian (a South Slav language closely related to Bulgarian) and who are Eastern Orthodox Christians belonging largely to the Macedonian Orthodox Church. The largest non-Macedonian population are the Albanians, whose numbers have been calculated between 20 and 30 percent: Albanian politicians tend to push their estimates as high as 40 percent (The reasons for this range will be addressed below in the discussion on the politics of demography). In Macedonia, as in the Balkans generally, Albanians are the single largest Muslim population. They constitute a group distinct from the Slavs in their



language, religion, and race. Turks and Rhoms (Gypsies) are likewise by and large Muslim--each has a statistically insignificant Christian minority within the community--but comprise only ~3% of the population each. The other communities in Macedonia include Vlachs (Aromun), Serbs, Bulgarians, the small number of Jews who survived World War II, and tiny vestigial populations such as Circasians or Cumans, most of whom have been assimilated.

## 2. Political Demography

Of all the republics of former Yugoslavia, Macedonia has the most heterogeneous population, as described above. Despite the equality guaranteed by law to all of Macedonia's communities, the non-Macedonian minorities, Albanians in particular, have felt treated as second-class citizens. In part this derives from long-standing antipathies between the Muslim and Christian communities in general. However, this stems from social policies Macedonia inherited from Tito's Yugoslavia. Within the Yugoslav context, each republic's constituent communities were classified hierarchically as a nation, nationality, or ethnic community. By definition, nations enjoyed constitutional privileges not shared by nationalities regardless of their actual size. Categorized as a nationality despite a population of nearly two million living in Macedonia, Kosova, and Montenegro, Yugoslavia's Albanians were constitutionally limited compared to the Montenegrins and Macedonians who numbered 500,000 and 1.5 million respectively.

Macedonia's transition from federated republic of Yugoslavia to a sovereign state has required redefining the legal and social status of the country's constituent communities. The constitution of 1990 echoed the Yugoslav model by referring to Macedonia as the country of Macedonians and all other nationalities living on its territory, something that the Albanians, especially, have found untenable. As a nascent multi-ethnic and multiparty democracy, Macedonia has adopted a parliamentary form of government in which direct majoritarian elections for representatives reflects the access to power by the country's various communities. Much in the way that the dissolution of the Ottoman Empire was paralleled by the growth of national churches, the collapse of the Yugoslav system has been paralleled by the growth of national (communal) political parties. As the majority population, Macedonian Slavs fall into numerous (perhaps as many as 60) parties with greater or lesser nationalist tendencies. Albanians, in contrast, generally belong to only two parties, both exclusively Albanian, whereas the Turks, Serbs, Vlachs, and Rhoms each have their own, communally defined parties [It should be noted that there are several parties that consist of multi-ethnic representation]. The contention for power in the new Macedonia is therefore tantamount to parsing the country's demography: The larger a particular community is (i.e., the greater its number of potential voters), the larger its potential share of the political pie.

The rise of ethnic nationalism and its interpretation by the Yugoslav authorities after World War II stood earlier ethnic and social notions on their heads. Under the Yugoslav system, communities were permitted, indeed encouraged, to define themselves by language, religion, and race. For instance, rather than learning at traditional centers, Albanians, Turks, and Macedonian

Muslim Slavs each attended their separate schools; they also tuned in to their own radio and television programs and read their own newspapers. Much like the United States in the 1950's, Yugoslavia attempted to create an educational and social system of separate-but-equal parts.

In the new Macedonia, these former Yugoslav divisions have taken on political significance. Albanians, Rhoms, and Turks are now political rivals whose leaders must establish the size and importance of their constituencies in order to claim their share of power. To political leaders it is now momentous whether an individual identifies him or herself as Turkish or Albanian. Indeed, accusations have been raised by all sides, especially by the Rhom leadership, that the dominant Muslim communities have resorted to coercive means to force entire regional populations to declare themselves something other "than what they really are." Just as these issues are important to intra-Muslim relations, Muslim-Christian (primarily Albanian-Macedonian) relations also turn on the contention that the Macedonians are unwilling to accept the true number of Muslims (Albanians) in the country in an attempt to diminish the Muslims' overall political potential. Clearly, the ability of an individual to decide what he or she "really is" has changed dramatically from the Ottoman and Yugoslav past to the Macedonian present.

The politics of demography have been played out in many arenas, but none as vivid as the recent census which was intended to put to rest the question of the size of Macedonia's various communities. Despite the efforts by the European Union to finance and administer a fair and equitable census, the politics of demography predicted that Macedonia's minority communities (primarily the Albanians and Rhoms) would not accept the results unless they met predetermined expectations. Beyond the actual size of the country's communities, there was also the correlate of where Macedonia's various populations are concentrated. This is of particular significance in western Macedonia, which borders Albania and is also most densely populated by Albanian-Macedonians. Political activism on the part of local Albanians is interpreted by Macedonians as veering toward irredentism, which some have argued has been countered by the government through artificially increasing the Macedonian presence in the census, organs of government, and the economy. In Tetovo, for example, the principle city of western Macedonia where roughly 80 percent of the population is Albanian, it was alleged to the IFES team that nearly 80 percent of employees in public enterprises, the police, and the government are Macedonians. In light of this, and although the census results have not yet been analyzed and published, few doubt that such alleged data may add to the demographic debate rather than helping to settle it.

#### **D. History as Politics/Politics as History**

Until its declaration of independence in 1991, Macedonia had not been an independent state. In the centuries they have been in the Balkans, Macedonian Slavs have lived within the borders of successive empires, beginning with the Byzantine (Eastern Roman), and continuing with the medieval Bulgarian and Serbian empires, until the country's conquest by the Ottomans in the 14th century. In the 20th century, following the final partition of the territory between Greece, Bulgaria and Serbia, Macedonia existed as South Serbia until the creation of the Socialist Republic



of Macedonia (SRM) within Yugoslavia in 1944. As one of the six official nations of Yugoslavia, Macedonians were granted political recognition and their language and culture were upheld as separate and distinct, not only from Bulgaria's but also from Serbia's. The Macedonian literary language, which had its roots in the late-19th century efforts of the authors Krste Misirkov and Vasil Vapcarov, was codified and made the country's standard language in the late 1940s and early 1950s. With the creation of Macedonian mass media, a Macedonian educational system, and Macedonian arts and cultural institutions, a national consciousness was cultivated among the post-war generations of Slav Macedonians.

Macedonia's minority communities within the Yugoslav context were accorded cultural rights paralleling those of the Macedonian majority, but their political implications were significantly different. Any nationality within Yugoslavia having a sovereign country outside Yugoslavia's borders (e.g., Albania exists as the sovereign nation representing Albanians), could not be accorded the status of a nation within Yugoslavia, nor could it engage in cultural activities that had any de facto implied irredentist political tendencies. Thus, whereas Macedonians were encouraged to develop tandem, indeed interlocking, cultural/religious and political streams, Macedonia's minorities under Tito were required to extricate politics from their culture. The ensuing social, cultural, and political policies amounted to a form of affirmative action for Macedonians while serving as a hinderance for the country's non-Macedonian communities.

Inequality in the application of social policies, in educational opportunities, and in other domains of public life quickly lead to feelings of disenfranchisement, and disenfranchisement, especially of a significant minority in the population of the country, virtually guarantees instability. Macedonians, Albanians, and other communities in Macedonia may dispute the roots of their political and cultural legacies and may make more or less convincing arguments of their separate, distinct, or unique past--indeed, the more similar contending groups are, the finer the points of contention between them tend to be since their commonalities outweigh their differences--but must acknowledge the current interdependence. Even if they do not admit to a shared past, they must share the future.

#### **E. The 1994 National Census and its Relevance to the Elections**

The Minister of the Interior, Dr. Ljubomir Frckoski, a highly visible and controversial figure in Macedonia, is a key figure in the administration and oversight of the 1994 National Census. In his words, the census is an attempt to show to the nations of western Europe and the United States that Macedonia is capable of initiating and completing its own count with access to, and assistance from, international monitors. It is also an expression of Macedonia's ability to define its borders and its constituency. He rightly suspected that several minorities would boycott the count in an attempt to disrupt the project and to encourage disputes on the accuracy of the census. It was his hope, and the plan of the European Council, that the thirty-five (35) to seventy (70) international observers would prove to actively serve as enumerators and count regulators from the interview through the counting stages. PDP-MA and the Vice President of Parliament Murati

said that there would be approximately 14,000 electoral census groups, including 5000 Albanian enumerators, therefore about 25,000 enumerators would be included in the counting process. This would include about 2000 Turks and a fewer number of Rhoma (Gypsies), Vlachs and Serbians. The Minister of Interior stated that he anticipated that over 1.6 million adults were to be "polled" out of the general population of 2.5 million by the census enumerators.<sup>1</sup>

There are several significant changes initiated in this Census since the 1991 attempt which was mentioned in the previous chapter. Several of these changes include its delivery in 6 languages, including Macedonian, Albanian, Serbian, Gypsy, Bulgarian, and Vlach. In addition to this language agreement, the census allowed for minorities to be represented as enumerators should more than 50% of that minority be represented in the district. Should the minority population reach only 20% there is a formal contact person available in the district for questions and assistance. This percentage system did not seem to quell the feeling of distrust. Some Albanians feel it allowed Macedonian enumerators a free hand to commit intentional miscalculations in those areas where no minority enumerator was represented.

The argument continued during the team's visit that the actual population of each minority would be disputed regardless of the "legitimacy" of the counting and interview process. An interesting perspective by the Minister of Interior when he remarked that "...if I respected all of the claims of each minority on their actual population, Macedonia would have a population of 6 million people". According to Frckoski, "The census has become very politicized" -it is being performed for the international community with the hope of finally solving the question of the Albanian population and surrounding ethnically-related issues.

There have been who that believe that international involvement will not be able to prevent "domestic betrayal" of information gathered due to the fact that the international observers are focussing on the performance of the interview process more than the actual counting procedures. There is a feeling that there is no one accounting for "audit" authority to confirm the results upon their release. We were told that after the census interview stage had been completed the Interior Ministry would begin to focus on several issues prior to the elections including: 1) the completion of printing and delivery of official citizenship cards; (2) resolving issues related to the anticipated 100,000 individuals who may constitute "black numbers" in the citizenship process, (i.e. those that were not on the former ex-officio lists, did not return the required forms, or those that had moved or passed away); (3) researching the general ethnic context of the census; and (4) the final census calculations.<sup>2</sup>

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<sup>1</sup> According to FBIS-EEU, 15 September, unofficial census results state that in a population of "over two million" inhabitants, approximately 67-69% have declared themselves Macedonians, 17-22% Albanians, 5% Gypsies, 3.8% Turks, 2% Serbs.

<sup>2</sup> Reports have indicated that initial census results will be released on 15 October, the day prior to the scheduled elections.

The national census presented the team and the international community with a view of the level of training presented to the each of the enumerators. Such training, according to Frckoski was without much consideration for any civic training and it was added that the quality of the enumerators was generally low. When we spoke with local census administrators in Tetovo we were informed that enumerators met once for a couple of hours to go over the basic rules and regulations. In addition, a information manual (Appendix 1) was shared with each should additional questions be asked in the field.

An interesting occurrence was shared with the team by Faik Abdi, of the Rhom Party regarding the census count. He mentioned that in the past many Rhoms from the west of Macedonia had claimed themselves as Albanians, upwards of 68,000, and he hopes that now they will call themselves Rhoms. In addition to this interesting representation "in the books", a significant number of Rhoms have moved to eastern Macedonia and have declared themselves Turks. According to Abdi, only 5,000 of the 70,000 are actually Turkish. He also claims that there are several Muslim groups that have asked individuals to declare themselves Turks to gain representation. Assimilation has been less prominent in Macedonia as in other parts of Europe with exception of the Vlach population. Assimilation has been their only option to gain political influence due to their relatively small population.

#### F. Can There Be A Shared History?

Because of the various political entities that have ruled over Macedonia, the process of self-identification for the Macedonian Slavs has been a deductive one: They are those inhabitants of Macedonia who are Orthodox Christians but who are not Greek, Bulgarian, or Serb. In the Yugoslav context, such a deductive paradigm, though not ideal, was sufficient, since the criteria by which the country's various segments defined themselves were imposed, or suggested, from above by the federal political leadership. In the context of self-determination and sovereignty, however, Macedonian self-identification needs to be transformed from what some would consider an exclusionary to an more-inclusionary one: all of the inhabitants of Macedonia are equal Macedonian citizens; from a nationalist to a national one: Macedonia is a country of different peoples, languages, and cultures.

As Macedonia's political leadership stresses repeatedly, this is a young country facing serious threats to its very survival. Slav Macedonians also emphasize that they have been denied their sovereign rights throughout their history and that they are now due the opportunity to create their own state. Many believe that the solution to the country's immediate problems lies in solidarity behind the current government and its social and political policies. What some Macedonian Slavs do not realize very readily is the perception by the country's minority communities that as Macedonia faces the task of affirming its right to exist as a state within the international community of nations it must also find viable ways to define itself as a multi-cultural, multi-confessional society. In the team's opinion, it is the Macedonian Slavs' difficulty in separating the concept of state from the process of nation building that the country's non-Macedonians

perceive as a threat to their place within the new Macedonia.

For the Macedonian Slavs, this process involves an essential change in their perception of the Albanians as a threat to Macedonia's national existence: To cite but a few examples, Albanians may not feel they have a stake in Macedonia's future unless their knowledge of Macedonian is reciprocated by bi-lingualism on the part of Macedonians or, unless Albanians with requisite qualifications are given equal employment opportunities. For the Albanians, this same process requires their acceptance (as presented by several Albanian party leaders) of the empirical fact that they are a numerical minority within Macedonia together with everything that implies: for example, that Macedonian is the language of state and must be learned by all citizens; that citizenship supersedes other communal loyalties in a pluralistic society; and that their share of power at best can be proportional to the size of the community.

At present, inter-communal interaction is based largely on fear and mistrust. Mistrust pervades all levels of Macedonian society to the extent that virtually nothing can happen without being given an "ethnic" interpretation. The census, cited previously, is but one highly visible example of how this mistrust can predetermine the course of public policy. As the experience of the American civil rights movement has illustrated, public policy in the form of legislation can have only a limited affect on public attitudes: No one can prevent your neighbors from selling their house to someone you cannot abide, but neither can a law can compel you to respect your new neighbors. The transition of Macedonia to a pluralistic democracy requires changes in both behavior and attitude, neither of which is easily accomplished but neither of which can be substituted for the other. The country will not progress as long as Macedonians and non-Macedonians interpret each other's disagreements as threats: In the words of one Albanian journalist, "Don't kiss me, don't kill me." This is of the essence for the state of Macedonia to exist as a tolerant multiethnic, multiparty society.

### III. STATUS OF LAWS RELATED TO ELECTIONS

Fundamentally, an adequate structure exists under which an orderly election can be held in 1994. The Constitution of the Republic of Macedonia (Appendix 2) adopted on November 17, 1991 provides a sound foundation based on democratic principles. The existing election law is adequate to facilitate the conduct of an election which is efficient and accountable, although an improved law which provided a number of significant enhancements waited in the wings in vain for a full vote and passage in the Assembly. A Law on the Election of President (Appendix 3) has been adopted which, for the first time, gives citizens the right to elect the president by a direct vote. Subsequent to the team's visit the Law on Political Parties was also adopted.

#### A. Companion Laws Not Yet Adopted

Although it will be possible to conduct an election which is generally free and fair under the laws that are currently in effect, administrators and government officials responsible for preparing for the fall elections will no doubt be challenged by the fact that a number of laws normally associated with the conduct of elections remain in the backlog of statutes that still need to be developed and passed. Specifically, officials advised the IFES team that the following laws fall into that category.

1. There are no drafts on the table for the realigning of electoral district boundaries.
2. No comprehensive law on political campaigns, financing and disclosure is being contemplated at this time.
3. The independent media is currently operating with no legal framework whatsoever.
4. A new law on local government has not been adopted.

This final point will prove to be the next bridge to cross after the October elections. Local elections are to be scheduled six months after the parliamentary elections. Unfortunately, no law covering such elections has been passed as of the date of this writing. Nor has there been an adequately updated law passed to cover local government, local administrative or regulatory authority, or separation of powers. The team was advised that as a result, local officials are working without a sufficient legal framework to conduct local affairs or find themselves burdened by federal authority intruding on the administration of local activities.

While the legislative process has not been successful in developing the full body of law which will ultimately be necessary to support the broad based democratic reforms that are underway, there is enough substance that the October elections for a new Assembly of the Republic of

Macedonia should be conducted in an orderly and reliable manner.

## **B. Status of the Election Law**

At the time of the IFES team's visit opposing forces within the National Assembly of Macedonia were still at an impasse as to what it would take to bring together a sufficient number of members to hold a legitimate vote on passage or rejection of the new election law (Appendix 4). Article 69 of the Constitution stipulates that the Assembly can only conduct business if a majority of all representatives are present. Additionally, under Article 63 of the Constitution, the law governing elections must be adopted by a simple majority of the total number of representatives. Even during the period of the team's 10 day stay, a vote on the election law was scheduled on the agenda for two separate sessions. On both occasions opposition members, led primarily by Albanian leaders avoided the sessions leaving an insufficient number of members to constitute the required quorum. By the time of the team's departure, the Election Law still remained tabled and the stalemate persisted.

Work on formalizing proposed changes to the Election Law had been an ongoing effort, virtually from the beginning of Macedonian independence. With the adoption of the new Constitution in November of 1991, lawmakers contemplated the necessity of creating a new election law. Included in the Constitutional Law on the Entry Into Force of the Constitution of the Republic was a specific reference to such a need. In Article 10 of that document stipulations were expressed that "the Law on the Election of Representatives to the Assembly of the Republic of Macedonia, the Law on the Election of President of the Republic of Macedonia, and the Law on Political Parties (Appendix 5 - Draft) must be passed no later than three months before the holding of new elections."

A concentrated effort to redesign the election process was culminated a year prior to the IFES team's mission when a substantive draft of proposed changes in the law was submitted to the President in July of 1993 (Appendix 6). In the ensuing months the debate was broad in scope and intensity. The Republic Vote Counting Commission (RVCC) submitted an extensive report on its recommendations for improvements to the legal foundation for the election process (Appendix 7). Input was accepted from a number of international delegations as well, including participation by the Council of Europe Parliamentary Assembly and representatives of the International Republican Institute and the National Democratic Institute. A number of recommendations stemming from their analyses were actually incorporated into the formal proposal which eventually became the version of the law put before the full Assembly for a vote.

The proposed 1994 law was not a total re-invention of the wheel. Rather, the proposal attempted to build on the foundation of the existing election law passed in 1990 (Appendix 8). However, a number of notable amendments to existing provisions were introduced. New provisions would have also paved the way for some significant departures from traditional practices. A general review of the bill that ultimately emerged reflects a number of compromises which were



ostensibly designed to:

1. respond to the demands of the Republic's diverse minority interests;
2. accede to the requirements inherent in strengthening meaningful multi-partyism and political diversity;
3. remedy administrative problems experienced in past elections; and,
4. fulfill fundamental standards generally accepted by the international community in the promotion of democratic, free and fair elections.

More specifically, the proposed law contained several key substantive changes.

1. The proposal introduced a mixed system of election: it maintained the majority system for the election of the existing 120 members of the Assembly' and, it called for the election of an additional 20 members based on proportional representation.
2. The rights of recall established in the 1990 law would have been eliminated.
3. The proposal would have limited the rights for proposing candidates exclusively to political parties and to citizens who nominate independent candidates. It eliminated such opportunities for other forms of organizations allowed under the current law.
4. Under the proposal a member of the Assembly would have been restricted from holding the office of president, head of state, minister of government, judge, public defender or any other function chosen by the Assembly, the government of the Republic or employees of the government.
5. The proposal provided for the presence of international organizations to observe the elections and also allowed such rights for domestic organizations who registered themselves for this purpose.

Overall, the proposed bill enhanced what is fundamentally a fairly solid foundation on which the potential for free and fair elections already exists. Since the proposed bill was ultimately rejected after the team's departure, the existing electoral law which was passed in 1990 will remain in effect for the new elections which are to take place in October 1994. However, virtually all legislators, representatives of the full spectrum of political parties, election administrators and government officials with whom the IFES team met seemed to be of the shared opinion that

failure to pass a new election law is an unfortunate blow to the advancement of Macedonia's reformation as a democratic state. On a number of occasions an opinion was also expressed that the fact that the proposed bill could have died by default simply by the Assembly's inability to gather a quorum would have represented a fundamental failure of the legislative system in the eyes of the public and the international community.

The fact that the proposed amendments ultimately failed to be passed in spite of the positive work which had been accomplished toward developing resolution of political and philosophical differences, points to serious undercurrents that continue to flow unabated. As one official put it, the stalemate underscores the fact that "compromise" continues to be fundamentally without consensus, and without concession.

While there are a number of issues which could not be adequately resolved, two key elements illustrate the critical nature of the conflicts which more than likely led to the bill's failure, and which will no doubt continue to be subject to debate and controversy in a newly elected Assembly.

1. System of Representation: Opposition parties with smaller representation continue to protest the majority system of election which exists in the current law. Nor are they satisfied with the attempt at compromise put forward in the proposed law which set aside 20 seats out of the total of 140 seats for election by proportional representation. Dissenters argued that neither of the systems provide a remedy which would allow smaller parties with large but diffuse numbers of supporters to gain adequate representation in the Assembly. Among the opposition's ranks, some promoted a fully proportional representation system, while others supported the concept of the mixed system. In particular, the Albanian National Democratic Party (NDP) spoke in favor of an Assembly elected exclusively on the basis of proportional representation. Among those promoting a mixed system, the primary demand has been that the mix be more evenly divided even to the extent of a 50/50 split.
2. Delimitation of Election Districts: Another major point which caused dissension centered around the issue of election district boundaries. Minority groups, particularly the Albanians, alleged that the drawing of constituent boundaries has historically been done in such a way as to diffuse the power of their vote through gerrymandering. Their contention is that any new election law should require the redrawing of district boundaries as part of the preparation in advance of the next elections. Majority members were not willing to concede on this issue, arguing that without an updated and accurate census and due to time limitations it would be impossible to accomplish a redistricting properly in time for the 1994 elections. Data from the 1991 census is not considered reliable in view of the fact that the Albanians boycotted that enumeration process. At the time of the team's visit it

appeared that the June/July 1994 Census could face similar jeopardy in spite of financial support and oversight by the European Union. Even if the 1994 census efforts experienced 100% participation, census officials reported that the final results would most likely not be summarized and ready for official publication until 1996.

There is no question that these issues deserve continued attention, even though further negotiations and resolution will fall on the shoulders of the newly elected Assembly after the next representative elections. The IFES team was advised that legislative work on the bill had advanced to the point that any further amendment or modification of the current proposal was no longer possible due to the parliamentary rules of order of the Assembly. The proposal had to live or die as it stood. At the time of the team's departure the only question that remained was whether the old law would continue to be in effect for the fall elections, or whether the proposal would ultimately be adopted to replace it. Ultimately, the question was clarified once and for all: the proposal was rejected, and the 1990 election law would remain in effect.

It is important to note that even though the current electoral law will be retained, there exists enough substance that equitable elections should be possible even though some deficiencies and inconsistencies remain. In addition, while the 1994 bill contained significant enhancements which clarified specific legal and procedural issues and which would have potentially advanced the principles of multi-partyism, some of the technical and logistic problems still would not have been altogether remedied. Therefore, it will be important for election administrators and lawmakers to continue to analyze the successes and failures of the process during these next critical elections. In virtually all democracies the electoral law does not remain static. The electoral system continues to evolve as difficulties or inequities make themselves evident.

Throughout this report various articles of the existing law are discussed in detail as they relate to specific aspects of the election process. In addition, a separate section is provided at the end of this report in which aspects of the defeated proposals are also discussed. As a new Assembly tackles the issues inherent in developing an improved election law much of the work which was accomplished in the 1994 proposal will more than likely be reconsidered. The team has therefore provided its comments on these prior amendments with the hope that they may prove helpful to new lawmakers in their future deliberations.

#### IV. TIMING OF THE ELECTION AND THE ELECTION CALENDAR

Beginning in April 1992, the Social Democratic Union (SDS-M) requested that early election be held, and to dissolve the current parliament due to its perceived, and understandably argued, inability to agree to basic legal measures. At the first attempt to hold early elections, in the summer of 1993, the Members of the Assembly clearly demonstrated they were not prepared to shorten their mandate. On July 20, 1994, the Socialist Party (SP) stated that since the Assembly was not capable of performing its duties, the best thing to do was to dissolve it and organize new elections.<sup>3</sup> According to members of the opposition, the ruling parties have been strongly in favor of such an early vote. VMRO-DPMNE Party President Ljupco Georgievski, "... considers this initiative for early elections ... is nothing but a pure pretense on the part of the ruling parties ... because [DPMNE] thinks that this period of the year is a favorable time for a preelection campaign".<sup>4</sup>

At the time of the IFES team's visit in June 1994, no date had been specified for the elections. However, based on the Constitution and stipulations made in the current election law there was a specific window during which they must be held in order to meet the established legal mandates. First, the legal foundation for the timing of the elections is set in Article 63 of the Constitution which was adopted in November of 1991. Notwithstanding special provisions which would prevail if the Assembly were dissolved, the Constitution requires that new elections must be held during the last 90 days of the current members' terms. Additionally, while the wording leaves a little room for questioning how it is to be interpreted, Article 6 of the current law requires that elections have to be held "at the latest within 15 days from the day of the expiration of the term of office of the Assembly."

By itself the vague wording of the existing Article could be argued to mean 15 days after the expiration of terms except as it is read to conform to the Constitutional provision. Remaining without amendment is the further stipulation in Article 6 of the election law that for this purpose, "the statute of limitations shall start with the verification of the election of representatives." According to the Constitution, "The mandate of a representative is verified by the Assembly."

Based on a review of these provisions, the team tried to determine the window within which new elections could potentially be scheduled. The last elections were held on November 11, 1990. Assuming that the constituent session for the verification of assembly members' mandates was held promptly 20 days after that election, the four year terms of the current Assembly members should expire by December 1, 1994. While such a move seemed unlikely at the time of the team's visit in June, in conformity with the parameters set by the Constitution the new elections

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<sup>3</sup> FBIS-EEU, [(22 July 1994), p.23]

<sup>4</sup> Ibid.

could legally be scheduled as early as September 1. With a December 1 date of expiration of terms, under the existing law the last day by which they could be scheduled would be November 15.

There might be some argument that in view of second round elections which are commonly required, the verification of those candidates would be twenty days after the run-off election. That could extend the entire calendar for the expiration of terms and the next elections by about 35 days. Some information suggested that elections could be held as late as January 1995. However, the IFES team had insufficient time to examine the basis for this contention which on its face does not appear to be supported within the context of the body of law as the team came to understand it.

In order to comply with Article 10 of the Constitutional Law on the Entry Into Force of the Constitution of the Republic, the Laws on the Election of Representatives to the Assembly of the Republic of Macedonia, Election of President of the Republic of Macedonia, and the Law on Political Parties were supposed to be passed not later than three months before the holding of new elections. As of mid-July the presidential election law and a new law on political parties had already been passed, but the vote on the law on election of representatives remained in limbo.

While there had been pressure calling for an early dissolution of the Assembly at the time of the team's visit such an option had not appeared likely. The team was also advised of concerns that in view of the impasse which was prevailing over the election law there might be a move to try to find a legal means of postponing the elections altogether. From the team's perspective, coming up with an adequate loophole, quite frankly would have proved difficult without entirely sidestepping the rule of law or attempting to amend the Constitution itself. Whether failure to pass appropriate laws in time as required by Article 10 of the constitutional enforcement law would be sufficient grounds for forestalling the election process seemed unlikely to the team. And, even though the Constitution contemplates the extension of terms, the only conditions provided for are in case of a state of war or emergency. Article 125 of the Constitution defines states of emergency in a way which limits their use to cases of major natural catastrophes or epidemics. Even in those circumstances a declaration of a state of emergency requires a 2/3 vote of the Assembly and limits the duration to no more than 30 days. The team believed that it was questionable that if a movement to forestall the elections indefinitely did emerge it would have gained sufficient momentum. Apparently, the wave of sentiment for early dissolution of the Assembly has prevailed making way for an election date earlier than would have been anticipated.

One issue on which everyone seems to agree is that the number of days allowed in the current law *between the call or scheduling of the election and election day* is too short. Under Article 6, the window is only 60 days. Problems occurred because of this short period were discussed as part of the recommendations made to lawmakers by the Republican Vote Counting Committee (RVCC). With passage of the proposed law, a significant benefit would be the extension of this window to 90 days which was recommended by the RVCC. The minimum period between the

call for elections and election day remains only 30 days as is stipulated in the current law.

At various points throughout this report references are made to the time constraints which will more than likely continue to cause difficulties for administrators, parties and candidates as they conduct their election activities. In some instances critical deadlines which should be stipulated are notable by their absence from the law.

Based on a review of the legal structure for the elections, the team analyzed the prevailing laws as well as the proposed amendments to formalize a detailed election calendar outlining the legal deadlines which should be implemented for the October 16 election (Appendix 9). The calendar reflects the existing legal deadlines established in current law as well the changes which would have been defined under the 1994 proposal, as well as a schedule for activities which are prompted by other prior events or circumstances.

## V. DELIMITATION OF ELECTORAL DISTRICTS AND SYSTEM OF REPRESENTATION

One of the major issues which will more than likely continue to be heatedly debated by opposition parties and political organizations relates to the division of the Republic into equitable election districts. Curiously, the Constitution is silent on the matter and provides no guidance except to dictate that the Assembly consists of 120 to 140 representatives. Article 18 of the existing election law requires that electoral districts for the election of representatives for the Assembly be formed in a way which ensures that approximately the same number of voters elects one representative. Additionally the law, which would have remained without amendment in the proposed bill, stipulates that only one representative be elected in each electoral district. Under the current plan the Republic is divided into 120 electoral districts.

Article 19 provides that the electoral districts are determined by law thereby placing the responsibility for delimitation with the Assembly itself. It is possible that such guidelines are provided in another law with which the IFES team is not familiar. However, neither the Constitution nor the election law suggest criteria on which the Assembly's decisions should be made. For example, there is no directive that election districts conform with administrative or municipal boundaries or that the area within any district be contiguous. No requirements are made that the plan be open to public scrutiny or that there be a public comment period before the plan is made final. Nor are there any procedures set to provide an appeal process for individuals, groups, neighborhoods or communities who believe they have been aggrieved by the plan. The law is also silent as to which agency should be responsible for the providing the statistical data on which the Assembly can make its decisions. The same deficiencies exist in the guidance provided in Article 19 of the law for determining the district boundaries for local elections which are to be defined by the local assemblies.

With regard to the delimitation for Republican elections a number of political organizations have expressed their criticism that the current district boundaries are not in compliance with Article 18. The RVCC concurs with their allegations and has reported that the current election districts are so disproportionate that some representatives serve approximately 6,000 voters while others serve as many as 17,000. Not only are significant numbers of voters over and under represented under the current plan, candidates for election need significantly greater or lesser numbers of votes to be elected simply on the basis of the district in which they run. Although the IFES team was not in a position to investigate the legitimacy of the allegations, concern was expressed on numerous occasions that the deviations negatively impact certain minority groups and dilute their opportunities for equal representation in the Assembly.

In view of the fact that there are no plans to remedy the delimitation plan before the fall elections, a number of political organizations singled out this very issue as grounds for absenting themselves from the sessions during which a vote on the new election law has been scheduled. Undoubtedly this was one of the major factors that lead to the proposed bill's defeat. There is

no question that this issue will continue to be a point of friction and dissention until it can be adequately resolved. Equal representation is a fundamental ingredient to a free and fair democratic process. In order to lay a firm foundation in reaching that end, Macedonian lawmakers should aggressively seek appropriate solutions as soon as possible.

**A. System of Representation and Determining Results**

The existing law provides for election of 120 representatives by the majority system. Under the current system a candidate is elected if he receives the majority of the votes cast in his district as long as the number of votes he received is not less than 1/3 of the total number of voters on the registration rolls.

If no candidate receives the necessary number of votes a second round election is to take place 14 days later. Under the current law all candidates receiving at least 7% of the total number of votes cast in the first election advance to the second round. If no candidate meets the threshold in the first election the entire election process is repeated. In either case the candidate who garners the highest number of votes in a repeat election is elected. If the repeat election results in a tie, the winner is decided by drawing lots.

The proposed law would have retained this general procedure for direct elections in the districts. However, it raises the threshold for participation in the second round from 7% to 12% of the total votes cast. The proposal also stipulates that in the event only one candidate receives 12% or more of the votes in the first round the candidate receiving the next highest number of votes will also advance to the second round.



## VI. ELECTION ADMINISTRATIVE STRUCTURES

Responsibility for the conduct of elections in Macedonia rests with a hierarchy of electoral committees whose memberships combine a roster of seven "standing" members" and seven election specific "changeable" members. Under Article 10, the standing members of Vote Counting Committees include a Chairman, Secretary, 3 members and their deputies. A key feature of the administrative structure is that on committees at all levels the law guarantees participation by representatives of the political organizations and citizens' groups who have presented candidates as well as representatives of candidates who run as independents. These representatives make up the "changeable members" of the committees. The choice to include a cross section of party representatives on election committees is a positive one for it provides a greater degree of transparency in the election process and an opportunity for self-monitoring which can serve to promote public confidence. This provision of Article 10 of the current election law would have remained unchanged in the proposed law.

At the time of the IFES team's visit reports of the number of officially registered political parties ranged from 66 to 72. There is a legitimate concern which was expressed in the Republic Vote Counting Committees (RVCC) report to the Assembly that the size of each committee will make efficient organization and effective working conditions very difficult. This is one area which deserves continued attention as the legal framework continues to evolve. During the next elections it will be beneficial to review the impact of the very large numbers of members which could potentially serve on each committee. In the future it may be beneficial to reconsider options which maintain cross party participation on election committees while still limiting their size of committees within manageable limits. In some jurisdictions it is not uncommon for service of party representatives to be based on thresholds based on the percentage of votes received in the last election, similar to provisions which govern candidate participation in second round elections. At-large representatives could also be appointed who have no affiliation with any party or individual candidate to serve the interests of independent candidates.

Another key element in the statute is that lawmakers have emphasized the importance of legal experience in administering elections. At all levels the chairmen and their deputies are specifically required to have legal backgrounds. Chairmen on local and district vote counting committees are required to have a degree in law and work experience as judges. At the Republic (RVCC) level they are appointed from the Supreme Court of Macedonia.

The only restrictions regarding a person's eligibility to be a member of a vote counting committee are covered in Article 7 of the existing law which is not amended in the proposed law. In order to serve a person must be an eligible voter, and cannot be a candidate. If a person who has been appointed to a committee becomes a candidate, his or her duties on the committee are halted immediately and the person is replaced in the new draft.

**A. Republican Vote Counting Committee (RVCC):**

At the top of the hierarchy is the Republican Vote Counting Committee whose standing members are appointed by the Assembly to serve for a term of 4 years and are Justices of the Macedonian Supreme Court. The RVCC serves at the forefront of policy making and issues the instructions to lower committees on questions of administration. Under Article 15, they are also authorized to provide interpretations and explanations related to the legal requirements and to determine the uniform standards which are to be applied in the implementation of the election process. The RVCC designs the forms and protocols which are to be used through the conduct of the election and regulates the handling, storage and archiving of election materials (Appendix 10).

The current law delineates special responsibilities to the "changeable membership" which relate to more of a monitoring function. For example Article 15 charges the changeable membership with ensuring legal compliance and supervision over the work of district vote counting commissions. The changeable membership are also responsible to publish the official results of the election and submit a report to the Republican Assembly.

**B. District Vote Counting Committees (DVCC):**

Under Article 9 of the Election Law, District Vote Counting Committees are appointed to facilitate elections for representatives to the national Assembly. Under Article 2 of the Law on the Election of President the procedures for electing representatives apply to the presidential elections unless they are otherwise stipulated. Since no special language is provided it is presumed that DVCC's would also facilitate the elections for president in each of the electoral districts. Their members are appointed to four year terms by the Assembly and a committee can be established in each of the Republic's 120 election districts. Article 11 stipulates that in communities that have no more than two electoral districts, the Assembly may authorize the local vote counting committee to fulfill the functions of a DVCC. However, the RVCC reported that traditionally this option has not been exercised.

In its report to the Assembly the RVCC recommended that such options should be extended to communities with as many as 4 electoral districts. The RVCC expressed the concern that having a separate committee in each district represents an unnecessary burden requiring recruitment of staffing and incurring extra expenses that are not warranted by the workload in some of the smaller communities. Additionally, the exorbitant number of committees to be supervised stretches capabilities of the RVCC unnecessarily when the numbers of candidates to be processed and voters to be served in these areas can be handled by one committee rather than two.

Article 14 of the existing law combines the duties for both standing and changeable members. Each DVCC is responsible for ensuring that the administration of elections in their jurisdiction is carried out in compliance with the law. They also oversee the process of confirming candidates and prepare the joint list of candidates to appear on the ballot in their electoral district.



The district committee selects the polling sites and appoints the poll workers who will process the voters and oversee voting activity on election day. Each DVCC is also responsible to summarize the voting results reported from the polling stations and report the results to the appropriate republican statistical office. It is at the District level that materials and ballots are printed and technical preparations for the elections to the Assembly take place.

**C. Local Vote Counting Committees (LVCC)**

For the purposes of administering elections for assemblies of communities and municipalities, separate Local Vote Counting Committees are appointed by the local assemblies. Their standing members also serve for a term of 4 years. For their elections to local assemblies, these committees fulfill virtually the same duties as their counterparts in the District Electoral Committees for elections to the Republican Assembly.

**D. Polling Boards (PB):**

Article 16 in the current election law defines the role of polling boards which serve in each of the polling stations and directly manage the voting activity on election day. The polling boards are also responsible for counting the ballots and determining the results of the voting at their polling sites. Each polling board consists of a chairman, two members and their deputies. PB's for local elections are appointed separately from those appointed for Assembly elections even though both elections are held on the same day. The polling boards for each type of election are appointed separately by the relative vote counting committee responsible for their supervision. The team was advised that they serve at separate polling sites which are usually in the same building. Each PB will have its own materials, voter register, ballots, ballot boxes and voting booths. Voters who wish to participate in both elections are required to go to each station and complete the voting process twice.

One of the deficiencies noted in the election law that was not rectified in the proposed version is that Article 16 allows polling boards to be appointed as late as three days before the election. The concern is that appointments at this late a date provide inadequate time for all poll workers to be properly trained. Every effort should be made to ensure that polling boards are recruited as early as possible so that a strategy can be implemented to provide formal training to polling boards well in advance of election day.

As written, Articles 13 and 14 of the law assign separate and distinct authority for the selection of polling sites and appointment of polling boards to district and local vote counting committees individually. The IFES team appreciates the concerns expressed by the RVCC that officials should exercise the option to eliminate the duplication of vote counting committees in communities where there are fewer than 4 election districts. They made their recommendation in the interests of saving costs and improving overall efficiency. However, it is recommended that to further streamline the system, minimize duplication and reduce costs, officials and

lawmakers might consider another option. A common practice in many established democracies is to have both types of elections conducted by the same polling board at each polling site. The roles of the separate vote counting committees could remain the same in terms of confirming candidates in their jurisdictions and carrying out technical preparations for their elections. However, the management of election day activities could converge at the polling place level. The changes in basic procedures would be minimal. Using a single voter registration the verification of voters' eligibility could be handled in the same manner. However, instead of issuing only one type of ballot, the voter would receive the separate ballots at the same time. After the polling sites close, ballots for both types of elections could be sorted and counted by the polling board following consistent procedures. The results for each type of election would be recorded on separate protocols. A decision would have to be made as to where to place the authority and responsibility for direct supervision over the selection of polling sites and polling boards. This type of system works efficiently in a great number of established democracies. Not only would it eliminate a lot of duplication and reduce overall costs of elections, it would also provide greater convenience to the voters.

**E. General Observations:**

1. In a number of instances neither the existing law or the proposed law adequately defines the agency or authority responsible for key elements of the election process. A few examples illustrate this point:
  - a. Existing law does not stipulate the authority who is ultimately responsible for creating the voter registration lists. The proposed law does not improve the situation. All wording related to the preparation of the voter lists is extremely vague. For example, Article 24 requires that the signatures for proposing candidates by citizens be submitted on a form to "an authorized agency which maintains the register of citizens with the right to vote in a particular district."
  - b. Under Article 44 of the existing law a voter who is not on the registration list will not be allowed to vote unless he proves with a certificate of "an authorized agency " that he has the right to vote. Under the proposed law the amendment to this article is just as ambiguous. Under the new version this same voter cannot vote unless he possesses proper evidence from the "authorized body responsible for the election law" showing that he is on the registration list for the district.
  - c. The election law does not stipulate the agency or committee responsible for the registration of political parties. In Article 20 registered political organizations and other forms of organizations are required to prove the size of their membership with a copy of the application forms of their members or with a certificate of "an agency where a party is registered".

2. According to Nikola Koneski, the former President of the Republic Electoral Commission, the RVCC has no "official method" of disbursing information related to legal questions or inadequacies on election day to the Polling Boards. We were informed that if there were any such instances information would be telephoned or sent via fax to the Polling Boards or at the DVCC-level. It was quite unclear whether this action would be considered "official" from a legal sense and if it could be upheld in a court of law.<sup>5</sup>
3. The political parties had several comments regarding the administrative structure and the methods or means that they be regulated or comprised. The Socialist Party suggested that election results become public in an initial format, prior to their being processed through the DVCC to avoid any public doubts. VMRO-DPMNE had grave concerns that the ruling parties had too much control over the local-level commissions (DVCC) and such commissions have control over who is selected for the polling boards. Their suggestion was to have each party decide who they would want to represent them at the polling board level.
4. The IFES team met with Mr. Agi Muftari who was serving his second year as President of a District Court in which there are only two minority members. This level of minority representation at the court level could provide fodder for those who might argue that minority involvement in the DVCC's is lacking.

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<sup>5</sup> In September, IFES was informed that Mr. Koneski would not continue his appointment as REC Chairman and that Petar Najdanov, of the Supreme Court of Macedonia, would fill the position of Chairman. The two meetings which had transpired as of September 13 had included discussions on select technical procedures, candidate protocols, and considerable discussion on party membership rules.

## VII. POLITICAL PARTIES AND THE NOMINATION OF CANDIDATES

The process of obtaining party status seemed quite simple in comparison to other regulations in Eastern Europe in that only 1500 signatures are required to run candidates for Assembly seats, however these members must be able to provide identification. Only 500 are required to register a candidate for local assembly inclusion or to be a registered national party. A yearly official count is used to determine the party membership count, however, it was quite interesting to learn that this yearly "inventory of membership" occurs only at the end of the calendar year (31 December), which would essentially allow parties to run on the prior year's membership lists since the current Assembly election is scheduled prior to the end of December. There are two major reasons that a party can be denied certification: (1) proven financial assistance from abroad; and (2) their platform cannot promote the overthrow of the Constitution by force. There are two cases now before the constitutional court against party registration due to secessionist comments.

### A. Status of Political Parties

The history of political parties in Macedonia is limited. The Sobranje elections in 1990 presented a first opportunity for independent political parties to vie for seats. The 1990 election constituted a total participation of 18 parties. Historically there were several movements active in Macedonia, first, was the Internal Macedonian Revolutionary Organization (IMRO) and the Communist party, renamed, and allegedly revamped, calling itself the Social Democratic Union of Macedonia (SDS-M).

The Internal Macedonian Revolutionary Organization (IMRO) had the longest modern political history in Macedonia forming as an internal revolutionary organization attempting to rid the Republic of its Ottoman rulers in 1893. In World War II it served as a nationalist-terrorist organization. After renouncing terrorism, IMRO called for a sovereign and independent Macedonia, subsequently forming the largest political party represented in Macedonia in the 1990 Sobranje or parliamentary elections.

#### 1. Primary and Represented Parties.<sup>6</sup>

The total number of registered parties as of August 13 was 68. Under the recently passed Law on Political Parties, the deadline for registration is the end of September. The following political parties represent those parties that most likely will remain represented in the Sobranje or those who have the best chance of gaining representation in the October elections. The following list

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<sup>6</sup> The aforementioned party information has been accumulated from various sources, however due to the on-going coalition-building and party splintering throughout the summer of 1994, please refer to Appendix 12 for the official Macedonian Ministry of Interior's list of political parties as of 20 September 1994, in order of their registration for a definitive list of active organizations.

includes the parties participating in the Sobranje (Assembly) in order of the number of seats held at the time of this report.

a. **32 Seats.** VMRO-DPMNE - the Internal Macedonian Revolutionary Organization - Democratic Movement for Macedonian National Unity, under the leadership of President Ljupco Georgievski was the direct recipient of its predecessor VMRO's strength and party organization in 1990. In the 1990 elections it participated as a member of the "National Front" coalition which attempted to form a coalition of nationalist parties unsuccessfully. VMRO-DPMNE's political standing has changed drastically since its predecessor's powerful standing in the 1990 elections by moving from the party gaining the most Assembly seats in 1990 to a party that is now part of the "official opposition". This has been primarily due to the formation of the government-controlling bloc which includes the Social Democratic Union, Socialists, the Party for Democratic Prosperity (PDP) and the Liberal Democrats. VMRO-DPMNE has characterized this bloc as a stalwart ex-communist coalition based on perpetuating itself through government control of the media and government structures via the ministries.<sup>7</sup>

VMRO-DPMNE splintered in mid-1993 forming VMRO-DP (Democratic Party), VMRO-Goce, VMRO-Fatherland, and the VMRO-United with differing political positions including pro-Bulgarian slants and multiple internal party and personal dissensions.<sup>8</sup>

In our meeting with Ms. Dosta Dimovska, Vice President of the VMRO-DPMNE, we asked why the parent VMRO did not participate in the bloc after the 1990 elections. We were told that the party platforms had key differences which could not be bridged including the lack of support for a new law for party financing. The Party plans on having party representatives contesting for seats in every one of the 120 districts focussing on two key issues including: (1) the continuation of privatization, including a free market policy (according to the Party, the Government-adopted Law for Privatization by has not eliminated monopolies in the production and trade of fuel, beer and tobacco) and (2) supporting a new Judicial Law. According to the party, the current judges are appointed by the government in power. They feel it will support the de-politicization of the courts, and stated that in the past these judicial leaders had been in friendly relations with the communist party.

b. **28 Seats.** The Social Democratic Union of Macedonia (SDS-M) - led by party president Tihomir Jovanovski is heir to the former Communist party (and formerly known

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<sup>7</sup> VMRO-DPMNE stated that discussions underway in the Sobranje could require dropping the "VMRO" name heading because it has outlasted its usefulness since it depicts "revolutionary activity". VMRO-DPMNE claims that such a move is purely in the political interest of their opponents, namely the government-controlling bloc, and is an overt attempt to again lessen their party's ability to compete.

<sup>8</sup> FBIS-EEU, 10 June 1994, (p.37-39).

as the Social Democratic Alliance in 1992) elected 31 representatives in 1990, with over 20% of the vote and approximately 180,000 votes. Defections since have cost the party three seats. SDS-M states that it supports ethnic rights for all minorities, and has been led by young leaders with few links to the old-line Yugoslav League of Communists. The main stated aims of the party have included: pass the Constitution (1991); establish the state, and secure membership in the United Nations through the promotion of social democracy, a market economy, and the protection of human and minority rights.<sup>9</sup> SDS-M has the majority of positions in the government, including the powerful Minister of Justice and claims over 30,000 party members.<sup>10</sup> IFES met with Ljubomir Popovski, the Parliamentary Group Coordinator and President of Internal Policy and Professor Blagoj Handziski the Party General Secretary. The SDS-M is a key member of the government-controlling bloc alongside the Socialists, and Liberal Democrats, and the Party for Democratic Pluralism (PDP). Macedonian President Kiro Gligorov's party (SDS-M) controls nearly half of the ministerial positions in the government. IFES's meeting with Mr. Blagoj Handziski, general secretary of SDS-M centered on the fractionalization which has been occurring among various Macedonian parties, and which has led to the splintering off of Mr. Petar Gosev, who formed the Democratic Party.

c. **22 Seats.** Party for Democratic Prosperity in Macedonia (PDP) - led by party Chairman Abdurrahman Haliti, presented itself as a political and social forum for Albanian minority interests. The party holds 22 seats in the Sobranje, claims 53,000 members, calls for an end to discrimination against Albanians and supports a strong Albanian educational system. On February 13, 1994 the PDP split into two groups leaving a wing led by (now) former Chairman Dr. Xheladin Murati, Vice President of the Assembly. Later in 1994, the PDP divided once again into three divisions who represent minority Albanian interests, the PDP, NDP, and a Tetovo-based (and less organized) 3rd group (sometimes referred to as the "hard current") led by Menduh Tachi and Arben Xhaferi.

In the formulation of the language for the 1994 bill, the PDP requested that a mixed system, 100 seats elected through a majoritarian system and 40 seats through proportional representation, be utilized. During the process of discussion on the 1994 version, the PDP was willing to block the bill's passage, but admitted that leaving the 1990 law in place may be "the greater of two evils".

d. **18 Seats.** Reform Forces of Macedonia - Liberal Party (LP) is led by President Stojan Andov, President of Assembly and considers itself one of the largest parties in Macedonia. Its origin comes from the Party of Reformists, whose constituency and support came

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<sup>9</sup> Ethnic minority parties have approached the SDS-M in a number of cases due to its inclusion of an ethnic Turk on its executive board according to a NDI report.

<sup>10</sup> All party membership counts were obtained from the 7 June 1994 issue of the publication VECER (numbers supplied by each party in question).



from industrial directors and businessmen, and the Democratic Progressive Party. In 1990 the party was known as the Alliance of Reform Forces of Macedonia.

The Liberals speak of themselves as a party of the center - between the nationalists and extremists. Due to the rising tide of nationalism and ethnic tension, the party may find itself losing strength in this fall's elections. Member of the Assembly (MA) Andov has voted fairly consistently with the SDS-M, yet he is still considered somewhat independent in his thinking. In 1990 the party won 17 seats and has added an additional seat due to a party affiliation realignment. They garnered 186,000 votes in 1990 and believed that had the proportional representation (as outlined in the 1994 bill) been put in place in 1990, they would have most likely gained three additional seats. The party seems to have been quite active at the local level as well and has control in eight districts although only claims 8,000 members. In addition to the party's power in the Sobranje, the Liberal Party holds major ministerial-level positions including: the President of Parliament (Andov), the Ministers of Foreign Relations, Industry, Health, a Minister w/o Portfolio, and the Vice President of the Government.

The IFES team met with Ace Kocevski, Party Secretary who stated that they are an official member of the European Organization of the Party of European Liberals and Democrats whose leader, Vil deKlerk visited Macedonia in the spring of 1994. In September they plan to join the International Liberal Party whose requirements require general party oversight and the promotion of similar platforms. In their opinion, such international involvement has given their cause more legitimacy as far as their ability to represent Macedonia in the regional arena.

e. 4 Seats. Socialist Party of Macedonia (SP) - Socialist Alliance of Macedonia, under the leadership of President Kiro Popovski, Vice President in the Assembly and MA, has joined in voting with the SDS-M and the Liberals as the smallest of the ruling bloc members. The Socialists are one of the largest parties in power at the local-level with a party membership of 45,000. The Socialist Party led the charge in summer 1994 for scheduling early elections in October 1994 and suggested an early breakup of the Assembly.

The Socialists, who gained four seats by obtaining nearly 75,000 votes in 1990, was the only party to put forth their organization's positions rather than repeat the often-heard list of complaints against the Albanian minority. Moreover, this was the only time we heard a party official regret the collapse of Yugoslavia and insist that the socialist system was still the best means to achieve the kind of pluralistic society that Macedonia needs. Popovski stated that the homogenization of the population has pushed for separation and has caused clashes between ethnic groups. In many cases national leaders are portrayed as heroes in the country and these types of individuals only survive with such feelings of nationalism present. According to Popovski, "If there were civil parties versus nationalistic parties and if civil orientation was part of their basis, such pluralism could be expressed in real ways."

f. 4 Seats. Macedonian Democratic Party (DP), President Mr. Petar Gosev,



former leader of the SDS-M and Communist Party has placed himself and his party on a broad populist platform which appeals to a wide range of dissatisfied sectors. The struggling economy may play into his hands in an early election scenario. The Democratic Party claims 11,000 members. Discussions are underway between Gosev's (DP) and VMRO-DPMNE as to the feasibility of coordinating their efforts in the upcoming elections.

g. **2 Seats.** Party of Yugoslavs in Macedonia, President Milan Gjurginov.

h. **1 Seat.** Party of Democratic Prosperity-National Democratic Party (PDP-NDP) President, Iljaz Halimi and MA, has joined in voting with and support of the PDP yet tends to be more radical. The NDP has positioned itself as a secessionist-prone radical wing of the Albanian minority political structure. Unlike the PDP who has a more moderate stance not only in government but in political prose, the NDP seems to have relied on the fears of the Albanian minority to fuel its cause. The NDP has attacked the PDP for "...failing to realize the party's objectives - the realization of territorial and political autonomy, that is, the right to a special status and self-determination for ethnic Albanians in the FYROM."<sup>11</sup>

i. **1 Seat.** VMRO-Democratic Party, President Vladimir Golubovski severed itself from the main body of VMRO with a more right-wing presentation of ideals than VMRO-DPMNE. Less information was gathered on this faction, however, it was our understanding that VMRO-DP, although generally voting with its parent organization, claims that it has held to concepts such as control of the Albanian minority and immediate reunification with Macedonian lands in Bulgaria.

j. **1 Seat.** Party for Complete Emancipation of Rhomanies (PCERM), is under the leadership of MA, Faik Abdi. The Rhom Party holds only one seat in the Assembly but seems to have a respected Member of the Assembly representing them with Abdi, who claims he is a 14th generation Macedonian. The Rhom Party stands for a free and non-aligned Macedonia, support of equal human rights, family planning, raising the level of life for the Gypsy community as a whole, and feels the party represents the left side of the spectrum. Abdi claims that if the country had listened to VMRO they would be at war now. He hopes that someday Macedonia will evolve into a country without ethnic or minority divisions (Appendix 11).

Abdi had been steadfastly against the new election bill from its inception due to the majoritarian system upon which it relied. He had pushed for a 50/50 formulation; does not propose national homogeneity; is very happy that all state documents have been translated to Rhom; has been in complete support of media broadcasts five times a week that discuss important issues to his constituency; and supports the advances made in education in areas such as grammar and

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<sup>11</sup> Charges brought forth at the party's annual assembly session on 28 August as reported by FBIS-EEU, 31 August 1994 (p.76).

literature of the Rhom language and its teaching at the university-level.

According to Abdi, the actual number of Rhoms is not known, however the 1991 Census estimated between 52,000 - 55,000. This is a critical issue because Skopje has one of the world's largest gypsy (Rhom) populations estimated at least 30,000. The census of 1994 was an issue with Abdi. He mentioned that there is a Rhoma member in each of the cultural offices in each district, seventeen (17) instructors, and one hundred ninety-seven (197) census enumerators. Abdi clearly stated that all persons living in Macedonia should be able to speak and read the language, and believes that "linguistic apartheid" is wrong. With exception of the Democratic Progressive Party, also representing the Rhoma population, there are no other political entities which represent the Rhoma, however there are many non-governmental associations in Macedonia that do support their rights.

k. Democratic Party of Serbs (DPS) - supports Serbian equality issues in Macedonia. Although a smaller group than the Rhoms, Serbian minorities have declared their rights in Macedonia.<sup>12</sup> The current threat from the north has put this party in an uneasy position with several of the nationalist parties, in that they have been accused of aiding the Serbian cause. Some have claimed that their sources of funding may come from the north during the election period. Party finance regulation is seen as a key to controlling such activities.

l. The Labor Party (RP). - led by Krste Janoski, won 3.4% of the vote in 1990 thus did not reach the minimum 5% threshold required to gain a seat in the Assembly. The Labor Party has a moderate agenda emphasizing fairness to workers and opposing unprincipled privatization. According to BriMa/Gallup Polling Managing Director Gorgi Kimov, this relatively new party has much potential in the 1994 elections.

m. Movement for Pan-Macedonian Action (MAAK), is headed by President Ante Popovski. MAAK was not successful in gaining a seat in the Assembly in 1990 due to late campaign activity and a platform extremely close to that of VMRO's. MAAK opposed the introduction of U.S. troops in 1993, calling instead for Macedonia to be demilitarized. According to VMRO-DPMNE, several party leaders have been mentioned to Gligorov as possible Ambassadors.

## 2. Minor Political Parties.

Two seats are shared by several parties including a Liberal Party-Socialist Party (LP-SP) seat and a SDS-M/LP/SP seat. The current Macedonian Sobranje has three independent seated candidates.

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<sup>12</sup> The Democratic Alliance of Serbs (DSS) announced on 15 September of their intention to boycott the 16 October elections "because the Macedonian parliament rejected a proposal to pass new laws on the electoral system and on constituencies..." according to FBIS-EEU, 16 September (p.36).

It was the opinion of the IFES team that independents do not have the propensity to fair well in the 1994 election, thus limited effort was put forth to reach conclusions on their potential to play significant roles in the government. The following parties (listed alphabetically) are not represented in the current Assembly and are considered weak in comparison to the aforementioned groups.

Association of Serbian and Montenegrins in Macedonia, President Gojko Vojvodic

Association of the Egyptians in Yugoslavia, President Nazmi Arifi

Civil-Liberty Party of Macedonia (Party for Economic Action), President Boris Gegaj

Democratic Alliance-Agrarian Party of Macedonia, President Galev Dimitar

Democratic Party of Turks (DPT), led by Erdogan Sarac, was formed as a successor to the Democratic Union of Turks. Issues have centered on Turkish rights in education, language and discrimination.

Democratic Progressive Party, a splinter group since 1990 from the PCERM - led by Arif Bekhir, also represents the Rhoma population.

Demo-Christian Party of Macedonia, President Vasil Risteski

League for Democracy, President Djordje Marjanovic

Party for Democratic Macedonian Uniting of Workers (DMRO) President Zlate Stojkovski

Party of Democratic Action (PDA) Led by President Kenan Mazlan and General Secretary Avdija Pepic. Pepic stated that "...the current status of Muslims in Macedonia does not guarantee their citizen's security."<sup>13</sup> VMRO-DPMNE claims that this party is a "Islamic Political Block" comprised of Muslims from Bosnia and Sandzak who have immigrated to Macedonia including Turks, Gypsies, Albanians and Muslim Macedonians. Their argument consists of the possibility that this party's activities are not based in Macedonia.

Party for Direct Action, President Milan Sarevski.

Party of Peasants of Macedonia, led by Dimitar Galev was another member of the failed National Front coalition of 1990.

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<sup>13</sup> As reported in FBIS-EEU, 25 August 1994 (p.57).

People's Party of Macedonia (NPM), under President Vladimir Stefanovski is a stolid nationalist party which won about 2% of the vote in 1990.

Party of Prosperity (Marxists), President Lazar Gogov.

Party of the United Macedonians, President Vanco Vaskov.

Political Party of the Unemployed of Macedonia, President Radoslav Dimitrievski.

Social Democratic Alliance of Macedonia, President Branco Crvenkovski.

Social Democratic Party of Macedonia (SDPM), Chairman Tihomir Jovanovski's party of intellectuals fared poorly in 1990 yet claimed 18,000 members in 1994. In 1991, the party's first congress underlined the preservation of the Yugoslav political community as being of historic importance for the Macedonian people and its interests.

Republican Party of Macedonia, President Ivan Samoilov Petreski (6,000 members).

Worker's Party, President Krste Jankovski.

Young Democratic Progressive Party of Macedonia, President Zoran Kretevski.

Workers Agrarian Party of Macedonia, President Boris Stojcevski.

## **B. Party Bloc Building**

According to the Socialists, blocs will occur in the "center" due to the number of parties competing. The current government-controlling bloc, claims to be centrist and holds 17 seats through the Liberal Party, 6 seats with the Socialists, and 31 seats with the Social Democrats. They hope to turn these 55 seats into 75 by perpetuating the bloc in addition to including several other "centrist" parties. The most prevalent fear of party blocs is that compromise must be reached between the "centrists" where division would result in victory for the, as they called them, "extremists". Interestingly, in 1990 the "official" media establishment asked that all parties perform together to enable a civil operation so that the state could continue smoothly. At that time party differences were not as great, all supported economic and political change, wanted to avoid the war in Serbia and Croatia, and supported open market policies. For this October's election the bloc claims to have proven that only as a coalition can the government carry out the needs of the country in that sheer numbers of representatives will be needed to push through proper legislation. In addition, the Socialists hope that the development of a solid bloc will enhance the level of development in Macedonia. They hope to take into consideration the lack

of traditions of parliamentary democracy, the inter-ethnic situation, the basic social bias of citizens, and political parties which have not been represented fully.

Considering the number of parties has reached the almost unmanageable number of 67-70 at the time of the team's visit, there seems no level of disinterest in participating in the political process. The team asked whether each of these parties were "issue- or candidate-driven" and were told that only the top 5 of 6 solidly stand on issues or have a "concise" viewpoint that makes them a unified party. The vast majority have been developed by individuals who have either split from the primary parties for ideological reasons or have become involved in the political system as to perpetuate their "party activism", reminiscent of the Communist mentality, where 30% of the adult population was in the Communist Party. At that time, such individuals were considered to be on the cutting edge of social and political-economic development.

In early September 1994, the Assembly determined that political coalitions planning on running as such must be registered as political parties prior to the deadline for party registration at the end of September. Such a restriction brought forth intense debate for several weeks.

The Foreign Broadcast Information (FBIS) report of 20 September 1994 has stated that the three primary parties represented in the government bloc, the Social-Democratic Alliance (SDS-M), Socialists (SP) and the Liberal Party (LP) as a single "voter list" on the October 16 ballot under the title of "Alliance for Macedonia". In addition, they plan to present a single candidate for President (Gligorov) under the "Alliance".<sup>14</sup> According to President Gligorov, "the country's independence and the integrity of its territory are the main aim..." of this common party agreement.<sup>15</sup> In the opinion of the IFES team, this will further to solidify the stability of the represented parties in their electoral contest with opposition and pro-Albanian forces in the 16 October parliamentary elections.

### C. Results of Recent Surveys

1. The IFES team met with the polling organization BriMa (British Macedonian Social Surveys) a joint-venture with Gallup Polling. BriMa recently polled the population (Appendix 13) which listed the political parties in the following order of public acceptance:

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<sup>14</sup> The Presidential Election is scheduled to occur simultaneously with the elections to the Assembly and IFES was informed that as of September 7 the first independent candidate, a Florida businessman (George Athanasovski), has entered the race. On September 20, FBIS-EEU announced that a total of three candidates were now entered into the Presidential race including George Athanasovski, incumbent President Gligorov (under the party heading, "Alliance for Macedonia"), and Ljubisa Georgievski (VMRO-DPMNE).

<sup>15</sup> FBIS-EEU, 20 September 1994 (p.42).

- a. Socialist Party
- b. VMRO-DPMNE (since divided)
- c. SDS-M
- d. Liberal Party
- e. PDP (since divided)
- f. PDP-NDP
- g. Democratic Party

As mentioned earlier, the Democratic Party is the fastest growing with acceptance rising 6-7% since the last poll a year ago. The special elections in the spring of 1994 were used to test each party's positions and strengths.

2. In a November 1993 questionnaire sponsored by BriMa the following statistics were gathered:
  - a. 34% believe that today's system is better and support changes in the economics.
  - b. 40% support the system prior to 1990.
  - c. 17% - feel that neither system is good for the country.

Openly, no party is promoting a return to the former system, however the population may press the parties to return to an earlier system of what they call "equality between the people". Such support for egalitarianism seems to be at one of its highest levels - at 70-75% of the population, and increasing.

3. According to FBIS-EEU reporting of 30 June 1994, the Data Press Agency of NOVA Makedonia released polling data which asked questions pertaining to immediate responses of party support "*should the election be held as soon as tomorrow*" through polling 600 randomly selected citizens. The SDS-M and PDP gained 14% support each, 35.67% were un-decided, 17.33% would not vote for any of the political parties.
4. In the NOVA Makedonia-supported newspaper *Vecer*, a telephone survey was conducted in mid-September 1994 which supported the contention that nearly one-half of the population had not finalized their party support.<sup>16</sup> Of the half that had stated their support, the following party-affiliation results were noted:

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<sup>16</sup> FBIS-EEU, 20 September 1994 (p.42).

SDS-M	(14.5%)
VMRO-DPMNE	(10.5%)
PDP	(6.5%)
(remaining parties)	(6.0%)

**D. Nomination of Candidates**

One of the most positive aspects of the election law is that it provides very liberal access for candidates to get on the ballot. Under the existing law candidates can be nominated by citizens, political organizations, or other forms of organizations and associations. Citizens who have full voting rights are also allowed to present themselves as independent candidates. The existing law also preserves the rights of citizens to support independent candidates.

Two procedural options are provided for the purposes of proposing candidates.

1. Registered political parties who have a certain minimum number of members may propose their candidates by submitting a list of their names and addresses to the District Vote Counting Committee. Under the existing law to qualify for the right to propose candidates, their membership must equal at least 1,500. The proposed law would have increased the minimum number of members to 3,000. Under both the existing and proposed versions of the law, the required membership rests at a minimum of 500 for the purposes of nominating candidates to a local assembly.
2. Citizens and organizations who do not have a sufficient membership propose their candidates by petition. Under the 1990 prevailing law, the nomination of each candidate for the Republican Assembly must be supported by signatures of 100 qualified voters within the district. At the local level the number of signatures required is 50. An exception is made for candidates in districts (presumably for local election districts) in which there are fewer than 500 voters. In these instances the petitioners must gather signatures equalling 5% of the number voters in the jurisdiction. Voters who wish to sign such petitions must reside in the district in which the candidate is being proposed, and a voter may only sign one petition.



## E. Evaluation of Documents and Nominating Compliance

Both methods of nominating candidates pose problems for administrators which according to government administrators and election officials with whom the team met, remain inadequately resolved.

1. Party Nominations: In the first alternative, there is a requirement that registered organizations "prove the size of their membership". Under a paragraph of Article 20 in the existing law which would have remained unchanged in the proposed version, one way of providing this "proof" is by submitting a "copy of the signed application forms of their members." Obviously, this particular option is unwieldy, inefficient and costly to the parties. But, it is also inconvenient to administrators who then have to deal with the excess of forms and pieces of paper. More importantly there is no practical way for administrators to evaluate the validity of each application form. For example, if a person's membership application was signed a long time before, there is no way for administrators to know if his membership is still in affect or if the member has lapsed his affiliation.

Even though miscellaneous organizations and associations are not provided nomination rights under the proposed law, with the potential for over 60 parties to nominate candidates, this method of proving membership could prove to be a logistical nightmare. This would have been especially true had the new law passed under which each party would have to have a minimum membership of 3,000 instead of 1,500 required under the current law. Administratively, there is really no practical way for officials to evaluate the validity of the membership rolls. And, neither version of the law offers any guidance.

The alternative "proof" provided for in Article 10 is submission of "a certificate of an agency where a party is registered." First, the law as it currently stands does not clarify which agency is being referred to. Any agency would have a similar problem in verifying the actual size of any party's membership or keeping track of its increases or decreases in membership over time. The law is not clear as to any administrative process whereby such an agency would have continuing input from the parties as to the status of their current membership on any kind of regular schedule.

2. Nominations by Petitions: The fact that the law places restrictions on citizens who sign forms supporting the nomination of candidates implies that officials will in some way determine if threshold requirements have been met. The law requires that the person meet three requirements: 1) that he is a citizen; 2) that he resides within the district in which the candidate will run; and, 3) that he has signed only



one petition. In the third paragraph of Article 24 which would have remained intact even if the new law had passed, it is required that the signatures be submitted to "an authorized agency which maintains the register of citizens with the right to vote in a particular electoral district." The implication is that this agency will review the signatures to see that they meet the requirements. The wording is vague as to the specific agency so authorized. Also, the law does not give sufficient information as to the basis on which a petition would be rejected. For example, if it was determined that a voter signed more than one petition in the district, would his name be disqualified from both petitions? Would such violations result in disqualification of the petitions? Would such a decision depend on whether or not the petition still has enough qualified signatures to meet the threshold requirements? In addition, Article 25 requires that the list of candidates be submitted to the authorized vote counting committee. It is not clear how the petitions get from the authorized citizen/voter registration agency where they are to be submitted under Article 24, to the vote counting committee who is ultimately responsible for determining whether the proposed candidates were proposed "in conformity with law" and preparing the joint list of candidates under Article 14. This consideration could have in impact in terms of meeting the submission deadline.

It is interesting to note that under the existing law the responsibility of officials to "confirm" the membership of parties and the signatures of petitioners is underscored throughout the text. In the amendments which failed to be adopted the words "confirm," "confirmation" and "confirmed" were all removed. However, any time the law poses thresholds, eligibility criteria or restrictions there is a fundamental expectation of enforcement. Without an evaluation or monitoring process the requirements imposed become meaningless.

One very positive aspect of the law is that it does provide an opportunity for those proposing candidates to correct any deficiency found in a submitted candidate list by a vote counting committee. Under Article 26 as it is currently written, corrections are to be submitted within 3 days from the date the irregularities are noted.

It is also difficult for officials to verify the eligibility of the candidates themselves. The RVCC pointed out that it would be most helpful if the lists of candidates required more definitive information about the individuals such as birthdate, precise address, and registration/identification number. This kind of information would help officials ensure that candidates meet basic requirements and help to avert circumstances such as that which occurred in 1990 when one underage candidate was elected.

The critical point is that it is imperative that election officials formalize specific instructions as to how compliance with these provisions will be monitored. And, the instructions should be prepared in advance. These instructions should not only be prepared for the benefit of all

officials who will be involved in evaluating petitions and nominating documents. Parties, citizens' groups and candidates should also have access to written instructions regarding when and where to submit documents, samples of forms with full details as to how they are to be completed, and descriptions of as to the rules that will apply. They should also include information as to the procedures which will be followed by authorized agencies in reviewing submitted documents. Finally, an adequate handbook would provide information as to any appeal procedures which will be available to nominators should their documents be found deficient.

Article 20 allows a candidate to withdraw his candidacy in writing not later than 15 days prior to the election. The wording in Article 30 is a little confusing in that it stipulates that if such a withdrawal results in a remaining number of candidates which is "smaller than the number that should be elected in an electoral unit" the entire nominating process is to be repeated. In view of the requirement that only one candidate be elected in each district according to Article 18, the repeat of the nominating process would only be required if there was only one candidate to begin with. The law is silent as to any special conditions or stipulations should only one candidate qualify leaving a race uncontested.

## VIII. CAMPAIGNS AND FINANCING

The Election Law's coverage of campaigns and campaign financing is relatively sparse and will eventually need to be expanded to fulfill adequately the greater demands called for by the development of a robust multi-party system. The 1990 law attempts to ensure that organizations and citizens who propose candidates will have equal rights to organize campaigns for their candidates and enjoy access to the media. However, rules for governing equal access, especially that which might be provided by the state-operated media, is not covered by any existing law. Nor is there a law on an independent media, who are currently operating "at the good will" of government.

Under the current provisions only a few campaign restrictions apply. The law restricts campaigning immediately prior to election and on election day. Under existing statutes campaigning must cease 48 hours before the election. Article 32 provides that citizens, parties and organizations supporting candidates are supposed to observe "mutually determined" rules of the code in order to protect the dignity, reputation and integrity of a candidate's personality. The team could find no formal description or documentation which defines what those "mutually determined" rules might be.

The 1990 law is silent as to any similar restrictions which might apply to the candidates themselves. Again, the law does not provide sufficient guidance as to how this provision would be monitored or enforced. What will potentially be significant during the campaign is the provision in the Constitution which stipulates that anything that is not "prohibited by law" is permissible. Therefore, administrators will have to monitor such activities with very conservatively since the election laws are so sparse in their coverage of campaign activity.

If officials intend to play an active role in the monitoring of campaign activity it will be important that the "rules" be publicly announced to all nominating organizations and candidates at the earliest possible moment. There should also be full disclosure as to which officials will make rulings, how notice will be provided, what consequences will occur if violations are found, and what appeal procedures will be in play for those who are aggrieved by such rulings. Absent from the existing law (and, indeed, from the proposed amendments) are any guidelines as to campaigning done by the candidates themselves. Clearly, it will be important that these gaps be filled through the development of comprehensive laws to govern campaign ethics, allowable sources and limits of campaign financing, and public disclosure. An effective campaign law will also specify the role of the specific agency who will monitor compliance as well as remedies and penalties for violations.

### A. Access to Campaign Funding

According to Article 70 of the prevailing law, 33% of the total financial resources provided from the Republican budget for the conduct of the elections is to be used to cover part of the costs

incurred by parties, organizations, and independent candidates. Specific details as to how the funds will be distributed are not stated in the law, except that distribution will be based on the number of votes each "elected" candidate received. Apparently, to receive funds a candidate must be victorious in the election.

At this point there is still much confusion in as to what resources will be made available to political parties as far as financial assistance. According to the Law on Political Parties (Articles 28 - 30), passed in July 1994, state resources, private donors, as well as a number of "domestic sources" are allowed.

The Law designates percentages of funding from the state during the election campaign and period of remittance determined by their success after the results are released. There is a general feeling of unequal treatment by several of the opposition groups in that they will have significantly less access to material and overhead in comparison to the bloc parties. One MA stated that he felt it was quite unfair that the bloc parties are able to use government offices and equipment throughout the country, whereas opposition groups must depend on using private homes and resources. This use of state resources should be looked into should campaign-period observations occur.

In the Law for Political Parties recently adopted, 150 times the average annual salary is allowed for donations (300DM at the time of the interview), however during the final two months prior to the election 200 times the average salary is permissible. The electoral law makes contributions to political parties illegal from international sources. Some political parties gained access (esp. ethnic Macedonian and Albanian parties) to most of their assistance and support from their individual communities. Financial assistance cannot come from any sources to individual candidates on a party slate, all funding must go through the party's financial organ. Independent candidates may get corporate sponsorship and may self-finance themselves, using personal funds or support from their privately-owned company.

In the 1990 elections there was a concern regarding the disbursement of financing to political parties. According to a 1992 IRI report, "Resources, including money, equipment and personnel were plentiful for those parties whose leaders were part of the communist establishment and virtually non-existent for other parties".

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

Article 22 of the Constitution guarantees the right vote to "every citizen age 18 or older." The only limitation to that right appears to be against those who are "legally incapacitated." It also guarantees that the right to vote is "equal, universal, and direct, and that free elections will be by secret ballot. These guarantees are restated in the current election law in Article 2 which also stipulates the rights of citizens over 18 years of age to be elected. Additionally, the right to secrecy is reinforced with a further guarantee that no person can be forced to divulge how he voted or why he didn't vote.

### **A. Preparation of Voter Lists**

The preparation of the voter registration lists is only vaguely covered in the election law. Reference is made to registration lists, but the actual method by which voter rolls are compiled and delegation of responsibility for the effort is not covered in detail. Specifically, the articles covering voter registration are the following.

1. Article 35 stipulates that the LVCC's and the DVCC's are supposed to "prepare and distribute election materials to the polling places." Among the materials identified are the certified voting rolls for each polling station. In addition the vote counting committees are to provide a list of voters who are temporarily working in a foreign country as well as those who are serving in the army. In Articles 13 and 14 which list the duties of Local and District Vote Counting Committees, preparation of the voter lists is not identified as their specific responsibility. Quite frankly, it was difficult for the IFES team to clarify exactly who would actually be responsible for creating the voter lists for the upcoming elections. It appeared that municipal administrative authorities are primarily responsible to maintain civilian records, however, because of their direct responsibility in processing citizenship documents, the Ministry of the Interior will be directly involved for the 1994 elections. Since the VCC's are responsible for selecting the polling stations, it is possible that the VCC's will be responsible to formalize the lists by polling station once these agencies compile the full record.
2. Article 34 requires that Vote Counting Committees announce the location of polling stations and specify in which station citizens will vote. The deadline for the announcement is 5 days before the election. There is a legitimate question as to whether this late a deadline for posting the lists provides sufficient time for voters to confirm the presence of their names on the correct lists. However, the law is silent with regard to providing any formal way for voters to report errors or omissions to appropriate authorities before election day and having the deficiencies corrected.



3. On the positive side the law provides an avenue whereby a voter can be allowed to vote on election day even if his name has been omitted from the rolls. Article 44 of the current law stipulates that the polling board will check to see if a voter who comes to vote is entered in the certified voting roll. The person will be denied the opportunity to vote unless the voter can prove with a certificate from an authorized governmental agency or can provide an identity card that he or she has the right to vote. Upon presentation of approved documentation the voter is allowed to vote and an entry is made into the minutes regarding his or her acceptance.

If there is a single significant issue which could threaten to undermine the confidence of candidates, parties and the public in the election process, it will relate to the degree of accuracy with which the voter registration rolls are prepared. In virtually every context the IFES team encountered expressions of criticism and mistrust that problems regarding the preparation of accurate lists will not be adequately resolved prior to election day. During the first round elections in 1990 problems with the registration lists made themselves evident in a number of polling stations, electoral districts and smaller municipalities. According to the RVCC deficiencies resulted in an insufficient number of ballots being distributed to certain locations, significant numbers of voters being omitted from lists for their polling sites or entered on to the wrong lists, omission of voters who had attained the age of 18, and inclusion of deceased persons. Officials attributed some of the problems which were encountered to the fact that transiency of the population had increased and many citizens who had moved had never reported their changes of residence to appropriate authorities. In some instances, namely in Skopje there were newly formed neighborhoods such as the Jane Sandanski of Kisela Voda municipality and Novo Lisice, large numbers of citizens from all parts of Skopje had resettled in newly constructed apartment buildings. Officials indicated that there was simply insufficient time for all the records to be adequately updated. Many of the deficiencies were reportedly corrected for the second round based on the new information which was acquired during the election itself as voters came to the polls and adjustments of the rolls were made.

According to officials involved in supervising the 1994 census, census workers were already encountering a significant number of households where families were no longer residing at the residences reported on the civilian records. Families had moved and their new locations were not readily available. This circumstance could be an indicator of the problem that authorities may have in compiling accurate records for the October elections in 1994. Clearly, civilian records may not be as accurate as officials would like them to be, although work on the census may help alleviate some of the problems if proper coordination of efforts prove feasible.

#### **B. Proof of Citizenship**

Another significant issue which threatens to compound the problem is that of the narrower parameters which are in affect in defining citizenship. During the 1990 elections a wider latitude

was given to holders of identity cards and passports of the FYROM. During the last four years citizenship has been much more strictly defined. According to government officials, formalizing the lists of eligible voters will be based on the citizenship rolls. At the time of the IFES team's visit, which coincided with the beginning of the 1994 census exercise, from virtually every quarter concern was expressed that issuance of citizenship documents and responses to family applications were far from being completed. The team was told that there were still villages in which no citizenship papers had been distributed. Among individuals with whom the team spoke the team also heard reports that some family members had received their documents while spouses or parents had not. Such reports even came from members of the Assembly with regard to their own families.

The Ministry of Interior, which has the responsibility of the computer database for the Citizenship suggests that there are some 1.6 million adults (over the age of 18) in Macedonia and approximately 1.5 million individuals will be considered official citizens. In the process of determining possible recipients of the proper paperwork, the government mailed about 1 million people their documents automatically because there were considered ex-officio and were not required to input any additional information or follow the application process. The remaining 100,000, deemed "black numbers" are made up of those who either never applied, newly deceased, living permanently abroad, or were visitors from foreign countries living in Macedonia. Minister of Interior Frckoski informed the team that about 15% of the population had moved since the last census in 1991 and he believed that his office would be spending a significant amount of its time, after the 21 June 1994 deadline, tracking these individuals and attempting to complete the list to the best of their ability. These individuals will require either a new identity card, a new blue passport, or a completed application certificate to be considered for citizenship. Additional forms of identification may include Birth Certificates or old identity cards. The Ministry anticipates about 5,500 disputed cases. It is our belief that this number is exceedingly low and optimistic.

Once again allegations were made that ethnic minorities seemed to be having more difficulties than were ethnic Macedonians. Obviously, the team could appreciate that a number of problems more than likely involved individuals who may have procrastinated and filed at the last minute or whose applications were incomplete. For others there no doubt may have been legal questions about the person's eligibility under the new law which required additional review. Additionally, adverse decisions regarding the citizenship eligibility of some individuals were still in the appeal process. Officials also explained that some of the difficulties were in reaching residents in rural villages. It was also suggested that there was some difficulty in overcoming traditional custom in some minority groups whereby women were not officially registered in the past but deferred such responsibilities to their husbands who acted on their behalf. However, it will continue to be important for bureaucrats to be sensitive to the general complaints being lodged and to ensure that extra effort be extended to ensure that groups with special needs receive appropriate attention. If the allegations are unfounded, every attempt should be made to overcome such misconceptions. A perception of bias or unequal treatment under the law can be just as damaging



to public confidence and acceptance of the election results as substantiated improprieties can be.

At the very least, what was most apparent was that there seemed to be a great chasm between the confidence of officials and that of opposition party leaders, civic activists and private citizens as to whether the process was nearing completion and whether all qualified and eligible citizens would receive their citizenship papers in an orderly and timely manner.

In attempting to understand the issues at hand, the team could not help but take note that at one office of the Ministry of Interior supervisory officials with whom they met were adamant that the citizenship documents of every eligible individual in their jurisdiction would be distributed by the date which marked the scheduled target date for the completion of the door-to-door canvass for the census. Even if distribution was completed by that date it would mean that for some people they would be unable to provide census enumerators with the proof of their citizenship at the time they were surveyed. Admittedly, census forms provide a category for people whose citizenship is still pending. However, having to mark that category is not likely to have nurtured the confidence of those whose status was still in limbo.

The primary concern is that there still exists a potential for some people to be disenfranchised because of problems in proving their citizenship by election day.<sup>17</sup> Overcoming the potential for this serious obstacle will take the full commitment and attention of the responsible government administrators and election officials. It will also take the involvement of voters to take the steps necessary to submit their requests for documentation properly. Three factors would be very beneficial in achieving this end.

1. Government officials should enhance their public education program to specifically alert voters not only to the general requirements and their own responsibility in ensuring their placement on the rolls, but also to inform them of the potential remedies which are available should they believe that they have been erroneously denied citizenship or omitted from the rolls.
2. It will be critically important that definitive instructions be formalized and disseminated to polling board officials and voters alike that clearly identify the documentation which will be required for voters presenting themselves at the polls on election day. Decisions should also be formalized as to the documentation which will be accepted as proof of eligibility should a person's name not appear on the rolls. This will be especially important if the proposed law passes.

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<sup>17</sup> On 21 September the PDP (Aliti faction) threatened to boycott the elections "...if the 145,000 Albanian voters, who allegedly do not have Macedonian citizenship, are not found on the electoral lists" according to FBIS-EEU, 22 September 1994 (p.24).

### C. Presentation of Voter Identification

With regard to the latter recommendation, the issue of appropriate documentation proved to be one of the most complicated issues that arose during the first round of elections in 1990. Even at that time, when the citizenship issue did not pose as significant a problem as it will in 1994, questions arose as to whether a voter whose name was not on the list could use a passport in lieu of an identification card as proof of eligibility. During that election, the Republic Vote Counting Committee took the liberal avenue and ruled that either was acceptable. Their decision was based on a determination that some citizens were not entered onto the voter registration list due to mistakes made by responsible authorities and not due to fault of their own. They interpreted the provisions of Article 44 which refers to proof by way of an identity card or "a certificate of an authorized governmental agency" to cover passports as well. Their justification was founded on a philosophic view that restricting voting rights for "purely formal reasons" had graver consequences than tolerating a more liberal approach which they concluded demonstrated "a necessary flexibility which is a basic characteristic of democracy." Since the old law has been retained this issue is likely to still be confusing to some polling boards and voters and the need for clear guidelines which are understood by officials and voters alike cannot be understated.

A similar controversy arose during a special election which took place in District 103, the municipality of Kisela Voda, during the early spring of 1994. In this instance the question arose as to whether a voter should be allowed to vote on the basis of his "Invitation to Vote" alone. While no provision of current law directly addresses the use of such an invitation to vote, apparently they were sent to individuals identified on the registration list. Criticism was lodged that some voters never got their invitations while voters who no longer resided in the district or who were deceased did get invitations. In some instances it was reported that residents in entire residential buildings failed to receive their invitations. Questions then arose as to whether a voter could vote solely on the basis of presentation of an invitation and without any other form of official identification. The IFES team was led to believe that the RVCC ruled that presentation of an invitation was sufficient in itself.

Since the current law has been retained, the IFES team recommends that formal rules be established which would preclude the use of just an invitation in lieu of other official identification or documentation. The invitation is a valuable tool in reminding voters of the date of the election, and the polling place where they are to vote. It can also be extremely useful in reminding voters as to the identification that will be required, the procedure for voting and other instructions which will help them exercise their right. However, using them for identification in lieu of official documents opens windows for abuse and provides opportunities for individuals who have access to the invitations of other people to vote more than once, and to vote in place of others. For example, it would be possible for a person to use the invitation of someone who no longer resides at the address, or who is no longer in the country but working abroad. It also creates an opening whereby invitations to vote could be bought or sold. It is recommended that the practice approved for the District 103 elections be curtailed during the fall elections and that

this window for abuse be closed. This issues should also be carefully and clearly covered in formal instructions issued to polling boards and to the voters themselves.

## **X. ELECTION DAY PROCEDURES**

Several sources of information on the actual process of the election day were utilized to gain a clearer feeling of the activities of the day. In addition to Nikola Koneski, then President of the RVCC, the IFES team gained valuable insight from two members of DVCC-level administrators, Agim Myftari, the President of a DVCC and Vaska Paskalieva, PB President of Kiesla Voda (103) during spring 1994 special elections. The specific details on election-day are based on the law itself, but the team found it quite useful to gain personal insights on its effectiveness.

During the last major elections 2,607 polling stations served the voters. Under Article 42, polls are open from 7:00 a.m. to 7:00 p.m. Voters who are present in the polling place are allowed to vote even if they are processed after the time for official closure of the polling place. In the event that all voters on the registration rolls have voted, officials are permitted to close the polling place early. In the event there is a disturbance at the polling site, the polling board is authorized to remove persons causing the disorder, relying on the police if necessary. The law also requires that all members of the polling board be in attendance throughout the entire course of voting and counting of ballots on election day.

### **A. Ballot Preparation and Presentation**

The IFES team was advised that each polling site receives a number of ballots equal to the number of voters on the registration rolls. Article 36 stipulates that the polling board also receives a sealed envelope containing a certain number of ballots which is identified on the front of the sealed envelope. These ballots are only to be used if a citizen's name is not present on the registration rolls, but he does possess the necessary proof of eligibility stipulated in Article 44. The issuance of each of the ballots throughout the course of the day is to be recorded in the minutes which are to be maintained by the polling board to document any unusual or special circumstance which might occur as the day progresses.

Article 37 of the existing law stipulates that voting is to take place using voting papers. Each ballot is to identify the electoral district and the number of representatives to be elected. In view of Article 18, only one representative is to be elected in each district. The order in which the candidates' names are listed is the same as their placement on the original register of the joint list of candidates prepared by the VCC at the end of the nominating period. At that time their placement on the register was drawn by lot.

Following each candidate's name is the name of the party or organization which nominated them. In the case of candidates supported by citizens, the words "Independent Candidate" follow the candidate's name. An ordinal number is placed in front of the candidate's name. Voters indicate their choice by circling the ordinal number in front of the candidate for whom the voter is voting.

The law stipulates that each voter can only vote for a candidate already listed on the ballot.

Write-in votes are not allowed. In addition, Article 41 stipulates circumstances in which a voted ballot will be invalidated. Those circumstances include:

1. a ballot on which more ordinal numbers are circled than the number of representatives to be elected (under Article 18, if more than one number is circled;
2. a ballot on which an additional name is written;
3. a ballot which is not completed; and,
4. a ballot which is illegibly so that the intent of the voter cannot be determined.

It is not clear how officials would rule on a ballot which is marked by other means than circling the ordinal number, but by which the intent of the voter is clear. For example, it is not clear whether the ballot would be counted or invalidated if a voter circled the name of the candidate rather than the ordinal number, or if a voter crossed out all names except one. Nor is it clear how officials would rule on a ballot where the party name were circled instead of the ordinal number. It would be helpful if polling boards had a quick reference guide which covered all the specific rules by which those decisions would be made. Such guidelines would also help ensure that decisions are made on the same basis consistently and uniformly throughout the process.

#### **B. Processing of Voters**

The process where by voters identify themselves has been discussed in more detail in its own section of this report. Apparently each voter's name on the registration list is also preceded by a number. Once the voter's name is found on the list the polling board will circle the number in front of his name. There is no requirement that the voter sign the register. The polling board member then issues the ballot to the voter, and explains how the voting is conducted and allows the person to cast their vote.

The care with which the registration rolls are marked when a voter comes to the polls, and when the ballots are issued can have a serious consequence if there are lapses or mistakes made. Article 60 stipulates that a vote counting committee cancels the voting if irregularities in the administration occur. According a report of the RVCC this actually occurred in certain polling stations when discrepancies emerged between the number of ballots in the ballot box and the number of voters who voted according to the markings on the voter register. The requirement that the polling board be dismissed and the voting at the polling site be repeated if there is such a discrepancy is mandated in Article 50. It is quite likely that these discrepancies were caused by clerical errors by election officials during the rush of the voting day, rather than the result of any intentional impropriety. It is also likely that in the majority of cases the number of ballots is accurate and that it is the marking of the register which is in error. One observation is that the method of marking the register by circling the number in front of a voter's name may not be

a deliberative enough action to provide an adequate level of surety. It might be too easy for a mark to be omitted during the rush of peak voting hours, or for the number for the wrong name to be circled. It might be helpful to have the voter actually sign the register. A second pair of eyes would help to ensure that the proper name is marked. Even illiterate voters could be asked to make some kind of mark. This step would also be a more purposeful and affirmative act and might help to avoid simple clerical errors. Article 50 makes no distinction as to the number of variance which must be evident or whether the difference in the number would have any bearing on the outcome whatsoever.

According to election officials there are voting booths where the voters can vote in secret. Some of the critics of prior elections indicated that there have been instances where voters vote outside the voting booths or that individuals have not entered the privacy areas alone. One concern expressed is that often entire families entered the booths together. These instances are more likely due to cultural traditions especially among some ethnic groups or due to overcrowding or long lines at the polling places. Officials might try to assess whether some of these problems are a simply a symptom of an insufficient number of booths to accommodate voters during peak voting times.

Another issue that was discussed related to ballot boxes. Apparently there were allegations that some boxes contained more ballots than voters who voted and that some ballots may have already been in the box before voting began. One suggestion which has been put forth is that ballot boxes used for the 1994 be made of clear plastic so that the state of the box will be clearly visible at the beginning of the voting day. It should be possible to incorporate special provisions into the instructions for poll workers that before voting begins the open ballot box is displayed to all voters and representative observers present before the ballot box is sealed in their presence. A concern about clear ballot boxes is that throughout the day the voted ballots would also be visible. Even if ballots are folded before being deposited there is a likelihood that some would still be twisted or bent in such a way as to the marking could be seen. In addition, it is anticipated that clear boxes would be much more costly to acquire.

### **C. Voters With Special Needs**

The existing law includes special provisions for voters with handicaps or disabilities that would make it difficult to vote without assistance. Article 45 entitles such a voter to bring a person of his choice with him to help him vote on election day. Each case in which a voter receives this type of assistance is recorded in the minutes of voting activity maintained by the polling board. During the 1990 elections the RVCC noted that in some instances it became evident that one person assisted a greater number of voters that expected. The law cites no restrictions as to how many people one individual can assist. The concern raised was whether this situation bears any hint of threat that voters are being unduly pressured or coerced to vote in a particular way. While there was insufficient opportunity to confirm it, the IFES team was lead to believe that this might have been used as grounds for annulling the election in certain polling places in the 1990

elections. Without adequate guidelines formally imposing restrictions as to how many individuals a single person can assist, there is no solid justification for annulling a precinct's election on such grounds.

The law also creates special provisions for military voters and voters who are temporarily working outside the country. In the case of military voters, Article 46 guarantees that they have the right to vote for their representatives in the military unit or institution where they serve. A local community agency for national defense is required to prepare a list of those in military service. The local community secretariat for internal affairs is responsible to advise voting officials of persons temporarily employed in foreign countries. Under Article 47, the authorized vote counting committee is supposed to immediately provide the necessary number of ballots and special envelopes to the military institutions and various diplomatic consular missions involved.

Each voter voting under one of these options is to fill out his ballot, seal it in an envelope and submit it to designated officials at the military unit or consular mission where they are voting. These officials are in turn responsible to mail or deliver the voted ballots back to the vote counting committee. There is no deadline stipulated in the law as to the deadline by which these ballots must be received by the vote counting committee. Must they be received by the VCC by the end of the election day or may they still be included in the count as long as they are received before the VCC completes its summarization of district-wide results?

One of the major issues which came to light in 1990 is that the election calendar simply does not offer enough time for ballots to be delivered in time. The vote counting committees are not required to create their joint lists of candidates until 15 days before the elections. This is also the last day by which a candidate can withdraw. Publication of the lists can be delayed until 5 days before the elections. Complaints regarding alleged irregularities in the candidate proposal process can be filed as late as 3 days before the election. Obviously, all these circumstances can delay the actual printing of ballots. And, it takes time to distribute ballots to foreign missions and military units.

#### **D. Ballot Counting and Recording Results**

Under Articles 50 and 51 which would have remained unchanged under the proposed law, ballots are counted at the polling sites at the end of election day. In the first step of the process, polling board members count the unused ballots that remain. After being counted the unused ballots are sealed into an envelope. The polling board is then charged to count the number of voters based on the number of marks made in the voter register. Only after these preparatory steps are completed is the ballot box to be opened and the ballots actually counted. During the actual count, boards will also make rulings as to the validity of the ballots being counted and the grounds on which a ballot will be set aside.

One of the concerns that the team has is that, according to one polling board with whom the team

met, while general instructions are provided to polling boards, there are not specific guidelines defined for the actual process of counting. Each polling board is left to its own devices to determine their own system. There is no uniform and consistent process applied.

Upon completion of the count the polling board completes the appropriate forms and the minutes of voting activity. Included in the report is a record of the number of voters identified as having voted on the registration roll, the number of ballots voted, the number of ballots determined to be invalid, and the number of votes garnered by each candidate. Included in the minutes are also any special remarks or opinions that individual polling board members may wish to make and a report of any objections made by representatives of the candidate who are present. The minutes must be signed by every member of the polling board. Under Article 52 the final materials are to be submitted to the vote counting committee within 18 hours from the time the polls closed. During their summarization, the vote counting committees will also consider and count the ballots returned by military voters and voters working abroad.

#### **E. Election Observers**

The existing law provides that each candidate can have his or her representatives present to monitor the activity of polling boards and the conduct of elections and ballot counting. Representatives are also allowed to make complaints and have their remarks documented in the minutes kept of the voting activity.

The law had been expanded in the 1994 proposal to formally authorize the presence of international observers and domestic observers who have registered themselves for this purpose.

#### **F. Annulment of Elections**

Provisions which allow vote counting committees to annul elections for any irregularities even if they are minor and insufficient to have had any impact on the final outcome of the election gives cause for concern. In 1990, 176 of the 2,607 polling places were required to repeat their elections. This represents about 5%. At the very least these circumstances speak to the need for more thorough training and clarification of specific procedures. Given the fact that election workers can be recruited as late as 3 days before the elections it is clear that a strategy for training needs special concentration. It makes it even more important that officials training materials be thorough and clearly delineated.

With such latitude for officials to annul elections it is imperative that absolute neutrality be strictly enforced. The cross section of party representatives should help create an environment which is self-monitoring. However, the danger of annulling elections for minor infractions is that the exercise of such decisions can disenfranchise legitimate voters and candidates with no positive benefit. This is especially true if the irregularity is minor and has no influence on the outcome of the vote. For example, if there is one more or less ballot found in the ballot box than the



number of marks on the voter register, the impact on the result would be mute if the vote spread between the votes of the top candidates is substantial.

In most democracies, no election can be invalidated without a formal and binding decision by an independent court. Even under the strictest judicial review, courts are generally reluctant to overturn or invalidate an election if any other relief or remedy is possible. One of the key questions always considered is whether or not the alleged or proven violations were sufficient to alter the outcome of the election. Most commonly it is unlikely that a court would rule that the election is invalid, even if penalties are imposed on the person or persons who committed the violation. Courts generally recognize that elections exist at a single moment in time and that they cannot be duplicate. In any repeat of an election the playing field is unavoidably altered. Candidates have the opportunity to respond to the results of the prior election and different voters may participate. The fundamental question should be whether or not the will of the people can be determined. Minor clerical errors caused by election officials or voters which are insufficient to alter the outcome should not be enough to cause an otherwise valid election to be annulled.

#### **G. General Concerns**

During the team's discussions with a number of individuals and party representatives several problems were mentioned that could be indicative of problems which could be repeated during the 1994 elections. While the validity of the allegations could not be confirmed by the team during its short stay, the concerns expressed are presented in this report in order that officials can be alerted to some of the issues which may be raised during the October elections.

Concern was expressed that campaigns during the previous election were seemed divisive and argumentative due to what some would consider inadequate regulation and instruction.

It was reported to the team that parties that did not fair well had a tendency to overreact unnecessarily alleging that they were not treated fairly by the process.

Allegedly the government was late in supplying election lists which were inaccurate and included names of deceased voters, inaccurate assignment of voters who had moved, and omitted voters who had recently reached the age of 18 or who would turn 18 by election day.

Complaints were also raised that some citizens did not receive appropriate or timely "Invitations to Vote".

Charges were made that campaigning was going on at certain polling places where some political parties solicited voters at the entrances of the polling sites.

## XI. THE MEDIA

### 1. Role of the "Independent Media"

The independent media establishment in Macedonia has reaped many rewards since its initial freedom to broadcast despite its technical illegality. The several organizations that represent minority factions process several types of representation on the air. There are twenty (20) independent television stations and nearly one-hundred and eighty (180) private radio stations in Macedonia. In Skopje there are two Albanian-language stations, one Turkish/Albanian/Macedonian station, two independent Albanian-language stations in the outlying community of Gostivo, and two Serbian-language stations that primarily deal with rebroadcasts. Unfortunately, there is little chance of an independent media law pending for the Assembly to discuss in the near future to regulate and legitimize the independents.

A1 Independent Television: The team had the chance to meet with the A1 Independent Television Editor-in-Chief Ms. Gordana Stosic who claims that A1 is the first and only full-time station of its kind in Macedonia. Because there is no independent media law or regulation on the books the station is "technically illegal" and depends on the "good will" of the Government thus must depend on the Constitution's interpretation of free press. One of the key pieces of legislation required is the coverage of licensing and transmission regulations. Macedonia currently has three primary intra-national frequencies which are completely controlled and utilized by the Government. Fortunately stations such as A1 (Channel 46) has access through local frequencies, specifically in Skopje, where nearly one-third of the population resides. Ms. Stosic feels that A1 and other stations have at least a basic ability to at least cover this segment of the population. In addition to Skopje, A1 shares video feed material with regional stations outside Skopje in order to reach an even larger audience throughout the country. Ms. Stosic said that it is A1-TV's goal to be independent from not only the government but all political parties, ethnic groups, organizations, and religious affiliations. She said that A1 "hopes to show at least two sides of each story and possibly leave a third option open". Stosic believes that A1 will finance itself during the campaign period by charging for advertisements, allowing access to the station for candidate-inspired debates, roundtables, and discussion groups, however official events would be covered and presented without charge.

A recent poll by the Institute for Political and Sociological Research stated that 92% of the population in Skopje tunes into A1's news programming. Ms. Stosic credits her experience in Atlanta, Georgia on an official visit to the CNN headquarters as an enlightening experience which has given her a clearer view of what can be the future of television in Macedonia. In addition to officially sponsored trips a western media organization, she saw much value in training for journalists and assistance in the promotion of the independent media. A1 has received financial assistance from the Soros Foundation.

Ms. Stosic felt that the independent media has quite a job ahead of it due to the fairly condensed ninety-day campaign period, as well as the sixty-eight political parties vying for time and attention via the primary means of access to the television. She explained that in Macedonia politics has strong roots due to a very nationalistic issue-, security-, and ethnically-based political environment. She compares these issues with those that seem to gain the spotlight in the United States such as social security, health care, and taxes. It is her hope that these someday will be key focusses of the Macedonian media.

In all fairness, although A1-TV is generally accepted as a concise and complete source of information in the Macedonian community, some Albanian sources questioned the station's access to information and their relatively docile reporting. They have stated that the public should be wary of their contacts in the Government and the "official media".

ART-TV: The IFES team spent considerable time with representatives of the Albanian television media in the northwestern city of Tetovo. We visited the independent Albanian television station ART TV and spoke with its director, Artan Skenderi, as well as with its chief editor, Nexhmi Hazari, who are involved in running the station. Our discussions covered the day-to-day problems of trying to run a TV station when there are no laws governing broadcasting and no funds for operating costs. Moreover, we were exposed to the types of creative arrangements made among the various independent outlets to maximize their resources and outreach.

DELO: The IFES team met with DELO, the only regularly printed weekly independent newspaper in Skopje. DELO's "claim to fame" is their self-pronounced lack of obligation to the government and no political restrictions which would finance them. DELO has a very basic editorial policy - they wish to cover the gap that the rest of the press will not.

Although claiming to be completely independent, DELO maintains that there is little media access for the opposition parties such as VMRO-DPMNE. In the opinion of the team this paper has a severe bias toward such organizations. The editor with which we met mentioned that there are rumors in the community that the government may be secretly financing the "state controlled" newspaper Nova Makedonia by supporting them with as much as 1 million DM, this claim can not be substantiated. DELO states that NOVA Makedonia and its Albanian and Turkish divisions are allied with the government and any criticisms which they print are allowed only if there is already an open criticism inside the government. The editor suggested that nowhere in the budget is there a "line-item" for supporting NOVA Makedonia, however funds are found within the budgets of the Ministries of Finance and Information and a contingency fund has been set aside for cases of special intervention.

DELO prints about 3000 copies per week with copy costs equalling about 25 cents per paper. This includes printing, distribution, and raw materials costs. Due to the embargoes, their costs have risen since there continues to be a dependence on foreign paper and ink supplies. In addition to cost increases, DELO says that their remaining problems include a lack of ability in

information disbursement - they claim to have no ability to travel throughout the country for the purposes of reporting and paper delivery.

## **B. Role of the "Official Media"**

As reported in 1992, the media is still under state control. It has been noted that President Gligorov has been criticized by many in the international community for the slow pace of releasing the media controls. Some have stated that this is one of several signs of his continued state dominating tendencies.

Macedonian Radio and Television (MTV): IFES met with the new Director General of Macedonian Radio and Television (MTV), Melpomeni Kornetti. As a new director, she was both preoccupied with her new responsibilities and not particularly informative with regard to the role of the official broadcast media in the current political processes. MTV has general air access throughout the country via one of the three government controlled frequencies.

With regard to access to organizations, namely political parties during the election period, MTV maintains that program materials will be made available to all political parties. However, the regulations in the 1990 law regarding media involvement need significant attention. MTV maintains that access to air-time will be made free for informational material, however political advertisement must be paid for. As with several other media organizations the IFES team met, there are no rules requiring the firm to name the financier of paid advertisement. Moreover, MTV does not allow "negative campaigning" on the air. We suspect that the station's editorial or administrative boards would make the final decision designating what is "negative campaigning" and what is issue-based information made public. In addition to air-time, production of video spots is available through MTV for a price.

The Director was concerned with the sheer number of parties and the stations's ability to have sufficient air-time to accommodate such a demand. The process of charging the parties may have to change due to this situation. Debates each Friday and open live debates are anticipated during the election cycle, MTV is prepared to facilitate access to such programming. The General Director stated that costs are covered at MTV: 90% from individual subscribers (which include Macedonians with televisions, under Macedonian law), 8% from marketing proceeds, and 2% from other sources. According to the Director, several parties in 1990 advocated individuals not to pay their subscriptions facilitating a boycott of sorts and placing financial demands on the station.

NOVA Makedonia (New Macedonia): The IFES team met with Mr. Pande Kalemishevski the Director General of the semi-state supported NOVA Makedonia. In addition, the editors of the Albanian and Turkish affiliated newspapers divisions were present. They feel their role in a democracy is to be authoritative and influential - to become political and socially independent - not an arm of the government. This, in their view, is a first step in the formulation of an open

society.

We asked what their papers have done regarding the elections. We were told that each has been covering the debated 1994 election law process very closely. They have been asking people what they think of the electoral process and have met with a number of parties not represented in the Assembly to cover their official statements. The paper's editors declare political independence and will not support individual candidates or parties. Mr. Kalemishevski supports broad, fair, and independent reporting. In a quite contradictory statement, one of the editors said that his paper does not allow the Macedonian nationalist parties to be printed in his paper. He has very little interest in putting articles into his paper which consist of what he considers "nationalistic or anti-Macedonian" commentary. He hopes to offer Macedonia protection, political development, sociological legitimacy, representation of pan-European opinions, and support of solid economic programs. He restates that he and his papers will oppose parties that promote racial and ethnic repression, have extreme positions, promote terrorism, and those that will not protect the interest of Macedonia with regard to territorial issues. He would outright reject advertisements from parties or organizations which did not support the above ideals. Alongside the earlier contradiction in party support or acceptance, NOVA Makedonia says that they have supported the current government and the coalition to allow it to not only to win in the past but to remain in power. They feel this is justified because the country cannot run effectively if the government is being "unjustly" attacked by the independent media.

We asked whether there was division between editorials and strict reporting. NOVA Makedonia said that they have an independent editorial board which is divided from the process and this is where story placement or acceptance is decided. All stories must be cleared by the "house" through strict support of facts and solid sources. The General Editor is collectively responsible (according to the 1993 Law on Journalists) for any articles printed under his approval. Unfortunately, this law was put into the books when the press media served the Communist government and has yet to be replaced. The Constitution is the only document that outlines, in very basic terms, the new rights of the press. However, civil laws of libel still apply which can include severe fines and or dismissal.

NOVA Makedonia claims they are independently funded by private sources and only 3% of their budget is government subsidized. All additional funding is gained through advertisements and sponsorships. It was reported to the team that they had not included severely reduced or gratis overhead for building space and other high maintenance costs. NOVA Makedonia purchases its raw materials such as paper and ink from private western sources, generally from the Czech Republic, Austria, Finland, and a small percentage from Russia with hard currency, approximately 400,000 DM per month. The Greek and Serbian blockades have caused costs to rise substantially. For example one basic cost, 4500 DM per truckload in paper must be hauled into the country. The cost of an individual paper is now about 40 cents per copy, prior to the blockades - 25 cents.

The newspaper charges about \$700 (color) and \$500 (B&W) for a full page advertisement and say they are quite careful to charge equally to all possible buyers of space. There is a genuine understanding that the media will receive pressure from candidates and campaigns because it will be one of the primary means of access to the general public during the short electoral campaign period. Unfortunately, as we have heard from other organizations, there is no requirement or past experience in naming the buyer of a particular piece - the team suggested that such a practice might be a good method to clarify who supports whom. NOVA Makedonia said that most of the parties print their own material, however noted that the Social Democratic Party prints political material in the NOVA Makedonia facility.

In addition to the aforementioned divisions, there exists a very prominent and independently-minded publication of the NOVA Makedonia enterprise named *Vecer*. This daily newspaper covers subjects in greater depth than its "official arm", has some anti-government articles, and is read by a large number of people in Skopje. Moreover, its articles are seemingly more political. It claims twice the circulation to its nearest competitor, and seems to be supported with more commercial success (which might give it more freedom from financial dependence of its parent-organization).

### C. Absence of Media Laws

It is the general consensus of the IFES team that the independent media has gained a significant foothold in a very tenuous environment. The "freedoms" they are instituting and flourishing under are not legally covered by law. The basis of their existence lies in the vague, yet important, guidance in the Constitution covering freedom of the press. The discussions with the aforementioned media outlets should exhibit an overview of the level of development and independence seen and exercised in the non-state sector of information dissemination. There continues to be legitimate concern that there is little in the 1990 Electoral Law outlining the role of the media and controls on impartial coverage with regard to general news and information. An independent media law should deal specifically with issues such as programming times, length of access on the air, national and local frequency use, and regulation of equal access of all parties and political organs during a campaign period. The perception, as noted in the above section, exists that an unfair process is in place that will discriminate against those parties in the opposition.

Although the IFES team did not specifically focus on the yet-to-be-drafted Media Law, there seems to be a significant amount of interest by international organizations which could be augmented by numerous assistance on varied scales. Informational programming covering issues related to civic, voter, or ethnic education should be shared by a number of international sources. In addition, such professionally edited material should gain acceptance from the many small and struggling independent media outlets. Moreover, technical and equipment support may assist the many problems associated with nationwide access to the electorate and public at-large. It should be stressed that without the adequate safeguards of an independent media law and legal access

to nationwide frequencies, the ability of the independent media will be limited during the short time frame of the election cycle.

## XII. INTERNATIONAL DONOR SUPPORT IN DEMOCRATIZATION AND PLURALISM

### A. Active U.S. Organizations

The extent of international support in Macedonia is considerable. But it should be noted that much of the attention seems to be that of bridging the differences between the ethnic division in the country. The IFES team was interested in discovering the approaches being taken by Macedonian as well as American organizations working outside the political framework and thus wanted to meet with such organizations. IFES had the pleasure of meeting with and sharing valuable insight with several American organizations during their short visit in June of 1994.

#### American Bar Association/Central and East European Law Initiative (CEELI)

IFES met with the new American representative of CEELI Tom Dimitroff. Dimitroff described the state of the Macedonian judicial system as a whole and the problems inherent in the piecemeal approach being taken by Macedonian politicians toward judicial, legal, and political reform.

#### Catholic Relief Services (CRS)

IFES met with Jennifer Wood, country representative of Catholic Relief Services, who spoke about CRS's projected programs to involve Macedonians and Albanians in joint community-organizing programs as a way to have each group feel some co-ownership of the country's future. CRS has been working in Macedonia since 1992 implementing PL480 Title II food programs and supporting humanitarian activities to enhance the social stability and social welfare cases. CRS has also initiated projects to enhance the viability of the private voluntary sector and to further the democratization process and promote inter-ethnic dialogue among Macedonia's diverse ethnic groups.

#### International Researches and Exchange Board (IREX)

Eran Fraenkel was able to arrange a meeting with Brian Schott, Program Officer for IREX. In the afternoon he met with Brian Schott, who, in addition to his capacity as the IREX representative, is an anthropologist who has researched inter-community relations as manifested in the old city market. We discussed both the ways in which IREX is reaching out to non-Macedonians and the implications of his doctoral research in the current political climate.

#### The International Republican Institute (IRI)

IRI has been active in Macedonia since 1990 when a report was submitted accounting for the current political situation in the country and initial commentary on the then-new 1990 Law.



Documents were presented which outlined general problems with the election law and suggestions how the process could be better handled in subsequent elections. It has been shown that the Assembly used comments from these suggestions in its initial draft of the 1994 bill. Immediately after the full team's visit, IRI sponsored a two-day seminar for Macedonian political parties. One of the panels dealt specifically with the election law. A second seminar was held in Ohrid, Tetovo and Stip focussing on local and regional candidates and officials in charge of the party election process. IRI has also been helpful in this reporting through access to their current political party informational pieces.

#### The National Democratic Institute (NDI)

NDI has been quite active in the county as well with a specific focus on the development of the 'Association for Civic Initiative. ACI seeks to promote civic participation and governmental transparency through a program of public dialogue, publication and distribution of materials and advocacy through town meetings, roundtables, debates seminars, and initiatives. ACI is hoping to prepare individuals in Macedonia as domestic observers during the upcoming election should such regulations allow such activity. This we see as a valuable resource and should be supported.

#### Search for Common Ground in Macedonia

Search for Common Ground, formerly headed by Ambassador Frowick, has been very active in Macedonia through the facilitation of inter-ethnic relationship-building. Dr. Eran Fraenkel now serves as the Executive Director in Skopje. SCG is active in a number of initiatives intended to relieve ethnic pressures through discussion, compromise and coordination. SCG is active in the area of education, information and media access, and plans activities aimed at economic opportunities. Activities underway/planned include: Pro-active mediation training, support for a university center on Ethnic Relations, mediator training, continued development of a Parliamentary Council for Ethnic Relations, video programming, media education programs, and extensive cooperation and coordination bringing Macedonians and Americans together to further discuss options available.

#### **B. Active International Organizations**

It should be noted that there are many other non-U.S. organizations quite active in Macedonia as well. The following is an incomplete list of several organizations which IFES had the opportunity to meet with or have been active through the monthly Search for Common Ground organizational meeting. They include:

#### Commission on Security and Cooperation in Europe (CSCE)

The CSCE was present in 1990 during the elections in Macedonia, and in 1992 a monitoring mission was initiated by Ambassador Frowick. In 1992 and 1993 the Commission organized and

led congressional delegations to Macedonia. Commission staff is currently preparing a report on human rights and democratization.

### The Council of Europe

The Council of Europe has been active with the National Census in Macedonia. This was the first case on record of an outside organization working with the facilitation and enumeration of a national census. It is hoped that such involvement will, in the long run., add credibility to such an undertaking, especially with those ethnic groups in Macedonia which have shown less than expected limited in the census process and legitimacy.

### Macedonian Inter-Ethnic Relations Council

IFES met with Emilijana Simoska and Mirjana Najcevska of the Center for Inter-ethnic Studies at the University of Skopje, and Fidanka Tanasovska of the Macedonian Inter-ethnic Women's Group. Fraenkel met with Elica Savinovska, the secretary of the Council for Inter-ethnic Relations at the Parliament.

### The World Bank

The World Bank has been active in Macedonia since 1993 and has thus far provided an \$80 million loan/credit to Macedonia to support stabilization and structural reforms by financing costs associated with the restructuring of Macedonia's economy. Areas of focus include: (1) fiscal restructuring and retrenchment; (2) banking sector reform; (3) privatization; and (4) freeing the labor market and adjusting the social safety net. Other areas in which the bank is looking into include the transport, environment, and health sectors.

### **XIII. SUMMARY OF RECOMMENDATIONS DISCUSSED IN THIS REPORT**

#### Delimitation of Electoral Districts

1. No plans are being implemented to correct the noncompliant and inequitable delimitation plan for the October 16, 1994 elections. There is no question that this issue will continue to be a point of friction and dissension until it can be adequately resolved. Equal representation is a fundamental ingredient to a free and fair democratic process. In order to lay a firm foundation in reaching that end, Macedonian lawmakers should aggressively seek appropriate solutions as soon as possible.
2. Consideration should be given to overcoming serious omissions which exist in the current legal framework by drafting a more comprehensive law to govern the process by which reapportionments should be carried out. Examples of such details which should be included are the following.
  - a. Neither the Constitution nor the election law suggest criteria on which the Assembly's decisions should be made. For example, there is no directive that election districts conform with administrative or municipal boundaries or that the area within any district be contiguous.
  - b. No requirements are made that the plan be open to public scrutiny or that there be a public comment period before the plan is made final. Nor are there any procedures set to provide an appeal process for individuals, groups, neighborhoods or communities who believe they have been aggrieved by the plan.
  - c. The law is also silent as to which agency should be responsible for providing the statistical data on which the Assembly can make its decisions. The same deficiencies exist in the guidance provided in Article 19 of the law for determining the district boundaries for local elections which are to be defined by the local assemblies.

#### Administrative Structures

1. The IFES team concurs with the RVCC's position that the law creates circumstances whereby the size of election committees can be potentially so large as to hamper effective functioning. This is one area which deserves continued attention as the legal frame work continues to evolve.
  - a. During the next elections it will be beneficial to review the impact

of the very large numbers of members which could potentially serve on each committee.

- b. Options should be considered that maintain cross-party participation on election committees while still limiting their size within manageable limits.
  - c. It might prove beneficial for lawmakers to consider options which work effectively in other democratic settings. In some jurisdictions it is not uncommon for service of party representatives to be based on thresholds based on the percentage of votes received in the last election, similar to provisions which govern candidate participation in second round elections. At-large representatives could also be appointed who have no affiliation with any party or individual candidate to serve the interests of independent candidates.
2. Article 11 stipulates that in communities that have no more than two electoral districts, the Assembly may authorize the local vote counting committee to fulfill RVCC the functions of a DVCC. However, the reported that traditionally this option has not been exercised.

The team concurs with the RVCC's findings that such options should be extended to communities with as many as 4 electoral districts to reduce costs and alleviate the extra burden required in the recruitment and supervision of the unnecessary staffing for an insufficient workload in some of the smaller communities. Additionally, the exorbitant number of committees to be supervised stretches capabilities of the RVCC unnecessarily when the numbers of candidates to be processed and voters to be served in these areas can be handled by one committee rather than two.

3. One of the deficiencies noted in the election law that was not rectified in the proposed version is that Article 16 allows polling boards to be appointed as late as three days before the election. The concern is that appointments at this late date provide inadequate time for all poll workers to be properly trained. Every effort should be made to ensure that polling boards are recruited as early as possible so that a strategy can be implemented to provide formal training to polling boards well in advance of election day.
  - a. A comprehensive and standardized training manual should be produced and provided to all poll workers. This document should not just reiterate the provisions of law, but should define the specific procedures which are to be followed. Written step by step guidelines, which clearly explain and illustrate individual elements of election day procedures, would strengthen the system

considerably. Formalized guidelines should include definitive explanations of technical applications as well as instructions as to how problems are to be resolved. In addition, the handbook should provide poll workers with answers to the most commonly asked questions and provide specific detailed information as to the rights of voters and observers. All forms and protocols should be described as should the types of identification which will be acceptable to allow a voter to vote.

- b. In addition to a formalized training manual, a quick reference guide would be most helpful to have on hand at each polling site to provide poll workers quick access to procedural information.
4. The IFES team appreciates the concerns expressed by the RVCC that officials should exercise the option to eliminate the duplication of vote counting committees in communities where there are fewer than 4 election districts. It is recommended that to further streamline the system, minimize duplication reduce costs, and provide greater convenience to the voters, officials and lawmakers might consider having both types of elections conducted by the same polling board at each polling site.
- a. The management of election day activities could converge at the polling place level through the use of a single voter register.
  - b. Instead of issuing only one type of ballot, the voter would receive the separate ballots at the same time.
  - c. After the polling sites close, ballots for both types of elections could be sorted and counted by the polling board following consistent procedures. The results for each type of election would be recorded on separate protocols.
  - d. A decision would have to be made as to where to place the authority and responsibility for direct supervision over the selection of polling sites and polling boards.
5. In a number of instances the neither the existing law or the proposed law adequately defines the agency or authority responsible for key elements of the election process. The entire law should be reviewed to identify all citations in which responsibility or authority is defined but the delegation to a specific agency remains vague or unspecified. (Examples include Articles 2, 24 and 44.)

## Nomination of Candidates

1. It is difficult for officials to verify the eligibility of the candidate. The RVCC pointed out that it would be most helpful if the lists of candidates required more definitive information about the individuals such as birthdate, precise address, and registration/identification number.
2. It is imperative that election officials formalize specific instructions as to how confirmation of party membership and their eligibility to nominate candidates will be monitored. Formal instructions should be prepared in advance. These instructions should not only be prepared for the benefit of all officials who will be involved in evaluating petitions and nominating documents.
  - a. Parties, citizens' groups and candidates should also have access to written instructions regarding when and where to submit documents, samples of forms with full details as to how they are to be completed, and descriptions of as to the rules that will apply.
  - b. They should also include information as to the procedures which will be followed by authorized agencies in reviewing submitted documents.
  - c. An adequate handbook should provide information as to any appeal procedures which will be available to nominators should their documents be found deficient.

## Campaigning and Finances

1. According to the law, citizens, parties and organizations supporting candidates are supposed to observe "mutually determined" rules of the code in order to protect the dignity, reputation and integrity of a candidate's personality. Again, the law does not provide sufficient guidance as to how this provision would be monitored or enforced. Therefore, in the absence of a definitive law, if officials intend to play an active role in the monitoring of campaign activity it will be important that the "rules" formalized administratively. The rules could be published in a handbook and made available to all nominating organizations and candidates at the earliest possible moment.
  - a. There should be full disclosure as to which officials will be responsible for monitoring campaign activity.
  - b. A description as to the criteria which will be used in evaluation of alleged improprieties and how rulings will be made should be produced.
  - c. Candidates and nominating organizations should have a clear understanding as to

how notice will be provided.

d. Disclosure should be made in advance as to what consequences will occur if violations are found and what appeal procedures will be in play for those who are aggrieved by such rulings.

2. As lawmakers continue to mold an improved legal frame work for elections it will be important that there develop comprehensive laws to govern campaign ethics, allowable sources and limits of campaign financing, and public disclosure. An effective campaign law will also specify the role of the specific agency which will monitor compliance as well as remedies and penalties for violations.

### Right to Vote

1. It will continue to be important for bureaucrats to be sensitive to the general complaints being lodged regarding delays in distribution of citizenship documents and to ensure that an extra effort be extended to ensure that groups with special needs receive appropriate attention. In view of the allegations which have been lodged that minorities seem to be at the end of the priority list, even if they are unfounded, every attempt should be made to overcome such misconceptions. A perception of bias or unequal treatment under the law can be just as damaging to public confidence and acceptance of the election results as substantiated improprieties can be.

2. The primary concern is that there still exists a potential for some people to be disenfranchised because of problems in proving their citizenship by election day. To overcome this potential obstacle to full voter participation it is recommended that:

a. government officials enhance their public education program to specifically alert voters not only to the general requirements and their own responsibility in ensuring their placement on the rolls, but also to inform them of the potential remedies which are available should they believe that they have been erroneously denied citizenship or omitted from the rolls; and

b. definitive instructions should be formalized and disseminated to polling board officials and voters alike that clearly identify the documentation which will be required for voters presenting themselves at the polls on election day. Decisions should also be formalized as to the documentation which will be accepted as proof of eligibility should a person's name not appear on the rolls.

3. The IFES team recommends that formal rules be established which would preclude the use of just an "Invitation to Vote" in lieu of other official identification or documentation.

- a. The invitation should be retained as an educational or informational tool in reminding voters of the date of the election, and the polling place where they are to vote. It can also be extremely useful in reminding voters as to the identification that will be required, the procedure for voting and other instructions which will help them exercise their right.
- b. Because use of an invitation for identification in lieu of official documents opens windows for abuse, it is recommended that the practice approved for the District 103 elections be curtailed during the fall elections and that this window for abuse be closed.
- c. This issue should also be carefully and clearly covered in formal instructions issued to polling boards and to the voters themselves. In addition to clarifying proper identification which will be required at the polls, the instructions should also make it clear that a voter will not be turned away because he does not have his "Invitation to Vote" with him.

#### Procedures at the Polls

1. It would be helpful if polling boards had a quick reference guide which covered all the specific rules by which those decisions would be made regarding the counting or rejection of a voted ballot. It is not clear how officials would rule on a ballot which is marked by other means than circling the ordinal number, but by which the intent of the voter is clear. For example, it is not clear whether the ballot would be counted or invalidated if a voter circled the name of the candidate rather than the ordinal number, or if a voter crossed out all names except one. Nor is it clear how officials would rule on a ballot where the party name were circled instead of the ordinal number. Such guidelines would also help ensure that decisions are made on the same basis consistently and uniformly throughout the process.
2. It might be helpful to have the voter actually sign the voter registration list rather than having an official simply circle the ordinal number in front of the voter's name. This step taken by the voter himself would help to ensure that the proper name is marked. Even illiterate voters could be asked to make some kind of mark. This step would also be a more purposeful and affirmative act and might help to avoid simple clerical errors which can easily cause an election to be annulled.
3. Polling site officials should be trained to watch for voters who are voting outside a polling booth or for situations where groups of voters are entering one voting booth at the same time. To preserve the secrecy of the vote, officials should be trained to ensure that each voter enters the booth by himself except in those instance where the voter needs assistance in marking his ballot.



4. Rather than attempting to utilize clear ballot boxes in which voted ballots could easily be seen by voters waiting to vote, it should be possible to incorporate special provisions into the instructions for poll workers that before voting begins the opened ballot box is displayed to all voters and representative observers present to show that it is empty. The box could then be sealed in their presence before voting begins.
5. The law cites no restrictions as to how many people one individual can assist in marking their ballots. Without adequate guidelines formally imposing restrictions as to how many individuals a single person can assist, there is no solid justification for annulling a precinct's election on such grounds. However, officials should be trained to be alert to evidence that voters being assisted or are being unduly pressured or coerced to vote in a particular way and should be prepared to intervene in such instances.
6. While general instructions are provided to polling boards, there are no specific guidelines defined for the actual process of counting ballots. Each polling board is left to its own devices to determine their own system meaning that there is no uniform and consistent process applied. It is recommended that the step by step procedures for the actual counting of ballots be formalized in a poll worker training handbook so that the process is uniformly and consistently implemented at all polling sites across the Republic.
  - a. The instructions should include descriptions as to how and when the ballot box is to be opened, and how the number of ballot papers in the box is to be verified.
  - b. The manner in which ballots are to be sorted should be described as should the rules by which determinations will be made as to whether a ballot will be counted or rejected.
  - c. A decision should be made as to whether the ballots will be sorted into stacks which are subsequently counted separately, or whether an actually tallying method will be utilized whereby the specific vote on each ballot is recorded on a tally sheet. The advantage of the tallying method is that there remains written documentation supporting the results which are reported on the protocol. Regardless of which method is chosen instructions should describe each step in the process thoroughly.
  - d. Instructions should be included as to how controversies are resolved during the count.
  - e. Instructions should clearly illustrate the manner in which the protocols are to be completed.
  - f. The manner in which ballots and voting materials are to be packaged for transport

and storage should be described.

### Annuling Elections

The danger of annulling elections for minor infractions is that the exercise of such decisions can disenfranchise legitimate voters and candidates with no positive benefit. This is especially true if the irregularity is minor and has no influence on the outcome of the vote. The fundamental question should be whether or not the will of the people can be determined. Minor clerical errors caused by election officials or voters which are insufficient to alter the outcome should not be enough to cause an otherwise valid election to be annulled. Every effort should be made to place authority for annulment of an election only with an independent court. Except under the most serious circumstances should it be necessary to ever annul an election.

#### **XIV. GENERAL COMMENTS ON THE FAILED AMENDMENTS TO THE ELECTION LAW**

Even though the proposed amendments to the election law were not passed in time for the October 1994 elections, it is quite likely that they will provide the basic foundation on which continued work will be undertaken by the new Assembly. While there will be continuing conflict over some of the major issues such as delimitation of electoral districts and the system of representation, many sections of the proposal will undoubtedly be retained. The IFES team has provided these general observations regarding some of the provisions contained in the 1994 proposal with the hope that these comments may prove useful to the new Assembly as they continue to deliberate the creation of an enhanced election law.

##### The Right to Vote

The proposed 1994 amendments which were ultimately rejected included an unfavorable provision which would restrict voting rights on a basis which seems incompatible with the spirit of the democratic process, and which the IFES team believes would have to be questioned on constitutional grounds. Under the amendment the right to vote would be restricted only to a citizen who has reached his or her 18th birthday, and "is able to work." From strictly an administrative standpoint it is difficult to imagine how this criteria would be evaluated and documented for each individual. Questions arise as to how it would relate to pensioners who no longer work because of age, handicapped voters whose disabilities impede their "ability to work" or single mothers with young children.

Much more importantly, critics would suggest that such a restriction appears to fly in the face of generally accepted standards which support democratic principles. It is also difficult to understand how such a restriction could be balanced with other provisions in the law which specifically make allowances for disabled and handicapped individuals. For example, in Article 45 voters who cannot vote in the way prescribed by the law because of physical defect or illiteracy are entitled to bring individuals to assist them in casting their votes.

Had this restriction been passed into law it might have been justifiably challenged on constitutional grounds. First, Article 22 of the Constitution guarantees that "every" citizen age 18 or older has the right to vote. Article 9 guarantees equal rights and freedoms regardless of sex, race, color of skin, national and social origin, political or religious beliefs, property ownership and "social status." The question could be raised as to whether employment status or the "ability to work" relates to social status or not. Article 23 also guarantees that "every citizen has the right to participate in the exercise of public functions." Even more compelling are the stipulations of Article 35 which guarantees the right to aid for citizens who are disabled or unable to work, and which warrants that the Republic provides "special protection to the disabled and conditions for their participation in social life." It is even difficult to reconcile the proposed requirement that a person "is able to work" in order to have the right to vote, when the same

proposal expands Article 47 to clarify the rights of "citizens who have been arrested or are otherwise incarcerated." Again, the definition of "able to work" is not clear. Are incarcerated persons "able to work?" Under the proposal individuals who are serving in prison would have been awarded voting privileges denied to law abiding people simply because they are not "able to work."

If this restriction were to be reintroduced by the next Assembly, and until such time its constitutionality were actually tested, election administrators would be faced with a challenging dilemma as to how to interpret their responsibility in fulfilling its requirements. Not once in the context of any conversation or interview with government officials, election administrators or lawmakers was there any indication or reference to an administrative infrastructure which would adequately provide a basis for enforcement or accountability in using an "ability to work" as an eligibility criteria for voter participation.

Based on these findings, the IFES team would recommend that any restriction which disenfranchises otherwise eligible voters from exercising their right to vote should be avoided.

Article 44 of the current law which provides an avenue whereby an eligible person will be allowed to vote on election day even if his name does not appear on the registration list. The procedures were completely rewritten in the proposed version. The pending amendment provided clarification of identification which would be required, but also applied more stringent criteria by which a voter whose name does not appear on the voter list to be allowed to vote. For every voter, it stipulated that poll workers would be required to confirm the identity of the voter on the basis of the person's identification card issued after January 4, 1993, or on the basis of a travel document that was issued according to the law on travel documents. If the person had neither of these documents, he would have been required to provide an older identification card, "and proof of citizenship in the Republic of Macedonia." Then, if the person was found on the registration list for the polling station he was to be allowed to vote.

Under the proposed law, if the person was not on the registration list, having the required identification would not automatically allow his name to be added to the registration roll at the polling site as allowed under the 1990 law. He would still not be allowed to vote unless he possessed "proper evidence from the authorized body responsible for the election law showing that he is entered on the voter registration list for the district in which he is a resident." With this evidence the person would have been allowed to vote and the document would be retained by the polling board and attached to the minutes submitted to the VCC at the end of the polling day.

The more stringent criteria described in the proposal did not make it clear as to whether the authorized officials would actually add the person to the district list at the time a person seeks a remedy to his name being left off the polling site list, or whether his name would have had to already been on the district list prior to election day. If the latter is true it would mean that a

person who has all the proper identification or travel documents and proof of citizenship could be disenfranchised because of administrative error through no fault of his own. While the more precise language improved the safeguards regarding identifying the voter at the polls, clarification of the latter point would be required if lawmakers pursue a similar amendment in the future.

The proposed 1994 bill spoke more clearly to issues related to the type of identification which would have been required of the voter at the polls. In particular, the issue related to use of the Invitation to Vote was covered in Article 44 and appeared to close the question as to whether it alone is sufficient as identification for voting purposes. The article also made it clear that a person would not be required to have his invitation to vote with him.

### Introduction of Proportional Representation

The system of representation by which members of the Republican Assembly will be elected represents one of the most significant changes proposed in the bill which was defeated. The more substantive change in the proposed law relied on Article 62 of the Constitution to increase the size of the Assembly by 20 seats to a total of 140 seats. Under the proposal these 20 seats would be set aside for elections on the basis of proportional representation. The proposal also paves the way for a mixed system in local elections based on a similar ratio to be decided under separate statutes.

The proposed law incorporated a number of new articles to outline the process specifically by which the proportional seats at the Republican level would be distributed. Fundamentally, the entire Republic would become a single at large district for the purposes of the proportional distribution of the 20 additional seats. Each registered political party would be eligible to present a list of candidates to the State Election Commission (the proposed new name for the RVCC). The State Commission would be responsible to compile a register to include all party lists which have been submitted and which would be identified by their party name. The register would also identify the candidates appearing on each list. The order in which the party lists would appear on the register would be drawn by lot.

The distribution of proportional seats would not be calculated using the total number of votes garnered by party candidates in the district elections under the majority system. Rather, a separate ballot would be prepared allowing voters to vote on the proportional election separately. On the special ballot would be listed the names of the parties who have submitted candidate lists in the same order as they appear on the register. In front of each party name would be an ordinal number. The voter would mark his ballot by circling the number in front of the party list of his choice. Each voter would only be allowed to circle one number. These ballots would be counted at the polling place at the end of the election day just as the regular district ballots are. The results would be reported to the appropriate vote counting committees who would summarize the results for the district and report them to the State Commission.

Based on the results of the separate vote, the State Commission would determine how many of the 20 proportional seats would be awarded to each party list. Basically, a quotient would be calculated by dividing the total number of valid ballots cast throughout the Republic by 20, the number of the seats to be allocated. The quotient would represent the value or the number of votes equally attributable to each seat. By dividing the quotient into the total number of votes a party list received, the State Commission would determine the number of seats the party list is to receive. The proposal also stipulates that in allotting "these seats" a party list which received less than 5% of the total votes cast would not be considered.

From the way the language of the proposed law is structured it is assumed that the allotment of seats based on the mathematical calculations would relate only to the whole numbers resulting from the mathematical division. Remainders would be set aside during this phase. If there are seats left unassigned after these preliminary steps, another quotient is to be determined for these seats based on the remainders and presumably the votes garnered by parties who failed to meet the 5% threshold needed in the first phase. If new lawmakers continue work on introducing some sort of mixed system based on the mathematical formula suggested in the 1994 amendments, it will be important for clarification of this provision to be included.

According to the proposal the remaining unassigned seats would then be "given to the party lists with greatest number of votes." The English translation of the proposed law may not be accurately clear. Given the mathematical calculations which are to be applied toward distribution of the seats left unassigned, it is presumed that "greater number of votes" referred to in this context means the greatest number votes left in the remainders not used in the first phase. The seats for each party would be awarded to the candidates in the order in which they are listed on the register of party lists. The proposed law also provides that if a candidate withdraws or declines to accept the office the seat would be passed on to the next name on the list. If the mandate of a representative selected from the list is terminated, the State Commission would confirm the next candidate on the list to replace him.

Several elements remain unclear in the proposed law. For example, no guidance is given as to whether a candidate proposed in a district election can also be included in the party list. If so, rules would also have to be established as to protocol should the candidate win at the district level and be high enough on the party list to be allotted a seat. Obviously, the solution could be similar to that for those who decline to take office. It is also unclear as to whether a party that has not proposed any candidates for district races would still be eligible to propose a party list. Likewise, where as the proposed law would allow for parties to propose candidates "singly or jointly" for district elections the proposal is silent as to whether parties could "jointly" propose a list for the proportional election. Finally, there are no provisions included in the proposal which stipulate the process by which the sufficiency of the lists are to be evaluated or the eligibility of the candidates included in the lists is to be confirmed by the State Commission.

Opposition parties with smaller representation continue to question whether setting aside only 20

seats to be distributed on the basis of proportional principles would have been adequate to provide a remedy which would allow smaller parties with large but diffuse numbers of supporters to gain adequate representation in the Assembly. Some critics argued that the system proposed in the new law would only have benefited the majority parties further. If such a mixed system is pursued by the new Assembly, a comprehensive projected statistical analysis should be done to come to terms with what actual outcomes could realistically be expected.

Consideration should also carefully weigh how future outcomes might be affected if the system of distribution was based on actual votes cast in the district races rather than through the creation of a separate ballot for the PR race.

The proposed law would have retained this general procedure for direct elections in the districts. However, it raises the threshold for participation in the second round from 7% to 12% of the total votes cast. The proposal also stipulates that in the event only one candidate receives 12% or more of the votes in the first round the candidate receiving the next highest number of votes will also advance to the second round.

#### Nomination of Candidates

In the interest of nurturing strong and meaningful multi-partyism the proposed law would have narrowed the parameters by eliminating the nomination rights for organizations and associations other than political parties. This change would also have paved the way for a purer system of proportional representation introduced in the new law for 20 additional seats in the Assembly. The rights of citizens to support independent candidates was maintained in the proposed law. Under the existing law to qualify for the right to propose candidates, a party must have a membership of least 1,500. The proposed law would have increased the minimum number of members to 3,000. For those parties who have insufficient membership to qualify for this method of nomination, the existing provision allow them to nomination candidates by petition would have been retained. However, the proposed amendments would have increased the signature requirements from 100 to 300 for an electoral district race and from 50 to 100 for a local race.

It is interesting to note that under the existing law the responsibility of officials to "confirm" the membership of parties and the signatures of petitioners is underscored throughout the text. In the amendments proposed the words "confirm," "confirmation" and "confirmed" are all removed.

The proposed amendments would have required the appropriate VCC to acknowledge acceptance of a petition found to be in compliance within 48 hours of receipt. Likewise, a clarification was added that notice of the reasons why a petition cannot be accepted must also be acknowledged by resolution within 48 hours.

## Campaign Financing and Disclosure

Under existing law citizens, parties and organizations supporting candidates are supposed to observe "mutually determined" rules of the code in order to protect the dignity, reputation and integrity of a candidate's personality. Whereas the 1990 law is silent as to any similar restrictions which might apply to the candidates themselves, the proposal would have applied the same restrictions on them as well. However, the proposal also failed to provide sufficient guidance as to how this provision would be monitored or enforced. It is always important for lawmakers to review such provisions and make sure that any restrictions which are imposed can be enforced and that there is a process by which enforcement is carried out.

Under existing statutes campaigning must cease 48 hours before the election while the proposed law would have shortened the "blackout" time to 24 hours before the date of the elections. The 1994 version would also have restricted any use of official symbols of the Republic of Macedonia or of foreign countries in any campaign materials.

According to Article 70 of the prevailing law, 33% of the total financial resources provided from the Republican budget for the conduct of the elections is to be used to cover part of the costs incurred by parties, organizations, and independent candidates. Specific details as to how the funds will be distributed are not stated in the law, except that distribution will be based on the number of votes each "elected" candidate received. Apparently, to receive funds a candidate must be victorious in the election. Another notable omission in the proposed law was that the amendments were silent on the issue as to how financial resources would have been distributed to candidates elected on the basis of proportional representation. These are the kinds of details which lawmakers will have to consider if the future Assembly leans toward reintroducing PR or mixed system.

## Administrative Structures

According to the translation of proposed amendments to Article 10 the IFES team reviewed, it appears that a new paragraph would also provide that each candidate could also have his own representative on the vote counting committee. Under both versions of the law each standing and changeable member is also allowed to have a deputy. At the time of the IFES team's visit reports of the number of officially registered political parties ranged from 66 to 72. There is a legitimate concern which was expressed in the Republic Vote Counting Committees (RVCC) report to the Assembly that the size of each committee will make efficient organization and effective working conditions very difficult. Apparently, according to their report to the Assembly, the RVCC interpreted the amendment to be specific to representatives of the independent candidates. The actual intent was not clear to the IFES team in that independent candidates are already referenced in the existing law along with representatives of political organizations and citizen groups who forward candidates. By the wording provided to the team it would appear that the proposed law would result in the number of representatives allowed on



each committee being nearly doubled. Not only would nominating groups have their representatives, but the candidates they nominate would also have their delegates.

Apparently, according to their report to the Assembly, the RVCC interpreted the amendment to be specific to representatives of the independent candidates. The actual intent was not clear to the IFES team in that independent candidates are already referenced in the existing law along with representatives of political organizations and citizen groups who forward candidates. By the wording provided to the team it would appear that the proposed law would result in the number of representatives allowed on each committee being nearly doubled. Not only would nominating groups have their representatives, but the candidates they nominate would also have their delegates.

There is a legitimate concern which was expressed in the Republic Vote Counting Committees (RVCC) report to the Assembly that the size of each committee will make efficient organization and effective working conditions very difficult.

Under the proposed law duties of the standing members and changeable members would have been divided on the District Vote Counting Committees. For example, in a context similar to that already stipulated for the RVCC, under the proposal the standing members would provide instruction to the polling station workers. The new provisions would also charge the standing members to confirm the nominations of candidates but it would be the changeable members who would be responsible for compiling the joint list and making it public. In addition, while the standing members would report the statistical data to the Republican Bureau of Statistics, the changeable members would summarize the election results and report them to the State Election Commission (the new name proposed for the RVCC).

The proposed amendments also stipulated that the changeable members, whose selection is based on names submitted by parties numbering more than 3000, who would be charged with monitoring the work of the poll workers. The team believes that this proposal has a serious drawback which will deserve reconsideration as lawmaker work on future amendments. As temporary election officials, it is unlikely that these members would be in the adequately prepared and in the best position to evaluate the accuracy of the work being done by poll workers. Clearly, a whole new layer of training would have to be instigated to ensure that these temporary, changeable members had a full and comprehensive understanding of the technical procedures required at the polling sites.

The proposed law would amend Article 13 to also differentiate the duties of standing members and changeable members for the LVCC's in a similar fashion.

#### Procedures at the Polls

Under proposed amendments to Article 42, if the disturbance caused the polling site to actually

close for short period, the polling hours could have been extended for that duration of time after 7 p.m. The new law would also have limited the number of voters to be served by each polling site to a maximum of 1,000.

### Voters with Special Needs

Under a special provision in the proposed law, special arrangements would have been made to accommodate voters who are incarcerated or serving jail terms. A new amendment was added to Article 47 which ensures that the "body responsible for compiling the voter registration lists, and vote counting committees will identify those voters who are incarcerated and arrange for them to vote at the institution where they are imprisoned. The provision gives very little guidance but it can be presumed that the general procedures will be similar to those created for military and overseas voters and that their voted ballots will be returned to the vote counting committee for inclusion in summarized results.

The new version of Article 45 also created new opportunities for voters who might be unable to vote at the polling place but who still wishes to vote. However, the amendment provided no stipulations as to who could qualify to vote by this alternative method which presumably is intended to aid persons who are ill, aged or otherwise physically incapacitated. As written the person would have been required to inform the election board, but the actual procedures as to how this type of voting would be facilitated was left open. If such an opportunity is pursued in future legislation it will be most important for the actual procedures to be carefully thought out, regulated and formalized. If a process is designed whereby ballots are removed from the polling site to accommodate voters at home, it will be necessary to provide adequate safeguards to protect the system from potential abuse, to ensure the secrecy of the voter's vote and to provide adequate assurances that the ballots are properly accounted for.

**APPENDIX 1**

REPUBLIC OF MACEDONIA  
Statistical Office of Macedonia

THE 1994 CENSUS,  
**data for  
the present  
and  
the future**

*May 1994, Skopje*

*Published by:* Statistical Office of Macedonia  
Dame Gruev 4, Skopje  
phone: /+38991/236-512,  
fax: /+38991/111-336

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*Copies printed:* 1000

*Printed by:* "Napredok", Tetovo

## *PREFACE*

The Census as one of the most important, massive and complex statistical research includes number of subjects and participants in the country regardless of whether or not they have close cooperation by statistics and statistical research purposes.

This publication is intended before conducting of the 1994 Census of the population, households, dwellings and agricultural holdings to inform the citizens of the Republic of Macedonia about its aims and significance and to meet requirements of the newspapers, TV and radio stations for broadcasting integral, actual and unbiased information.

All views for practical conduct of the Census on terrain by unified way are presented here.

In the same time, number of tables and data beneath graphics concerning previous Censuses are shown in the publication.

We appreciate that the publication shall lead to successful informing and conduct of the 1994 Census and better quality of the Census results.

*Director*  
  
Svetlana Antonovska

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### WORLD CENSUSES HISTORY

The interest for enumeration of the population has come down from the 5th century BC. Count of the military force, food supply and taxpayers, has induced the need toward this action.

"Modern state concept" appearing parallel by the scientific and technological development in the end of 18th century and the beginning of 19th century have being made possible to organize Censuses in definite period of time.

Contemporary Censuses of the population in conformity with the recommendations of international organizations are carrying out every 10 years, exactly in the years ending "0" or "1".

Every country fixes the number of topics covered by the Census according to its national interests and the demand for data and figures by international subjects.

Statistical data indicate that the world population has been rapidly increased.

*Table 1. World population by years*

	000,000									
	1650	1750	1850	1900	1950 <sup>1)</sup>	1960	1970	1980	1990	1991
World, total	545	728	1711	1608	2516	3020	3698	4448	5292	5385
Europe	100	140	266	401	393	425	460	484	498	500
<b>Macedonia</b>	...	...	...	...	<b>1.23</b>	<b>1.39</b>	<b>1.63</b>	<b>1.89</b>	<b>2.03</b>	<b>2.04</b>
North America	13 <sup>2)</sup>	12 <sup>2)</sup>	59 <sup>2)</sup>	144 <sup>2)</sup>	166	199	226	252	276	278
South America	...	...	...	...	166	218	286	363	448	457
Asia <sup>3)</sup>	332 <sup>3)</sup>	481 <sup>3)</sup>	751 <sup>3)</sup>	943 <sup>3)</sup>	1377	1668	2102	2583	3113	3171
Africa	100	95	95	120	222	279	362	477	612	662
Oceania	...	...	...	...	12.6	15.8	19.3	22.8	26.5	26.9
Former USSR	...	...	...	...	180	214	243	266	289	291

*1) Data from 1950 - 1991 refer to the mid-year population*

*2) Data until 1900 refer to North and South America*

*3) Data until 1900 refer to Asia and Oceania*

*Source: Encyclopedia of Lexicographic Office and Demographic Yearbook, UN, 1991*

*Table 2. Continents, population and surface area, 1991*

	Population '000,000	Surface area in km <sup>2</sup>	Inhabitants per km <sup>2</sup>
World, total	5385	136255	
Europe	500	4933	101
<b>Macedonia</b>	<b>2.04</b>	<b>25</b>	<b>79</b>
North America	278	21962	13
South America	457	20535	22
Asia	3171	27582	115
Africa	662	30305	22
Oceania	26.9	8536	3
Former USSR	291	22402	13

*Source: Demographic Yearbook, UN, 1991*

## HISTORY OF THE CENSUSES IN MACEDONIA

Earlier enumerations of the population on the territory of the Republic of Macedonia have been operated in the period of Ottoman Empire. They have been carried out to obtain data for recruitment of males in army forces. Two Censuses, 1921 and 1931 have been carried out between two World Wars within the Yugoslav Kingdom. Second world war has ruined the conduct of the 1941 planned Census. First postwar Census of the population sparse with topics has been conducted 1948, when the data for basic structures of the population are gathered. Next Census shall being carried out in 1953, and than every ten years 1961, 1971, 1981, 1991 and the newest 1994.

The Censuses 1961, 1971 and 1981 were provided data for demographical, sociological and educational characteristics of the population and data for the dwellings and households whereof were calculated basic data for the agriculture.

Perceiving the interest to obtain complete data for agriculture on the one hand and the finance shortage for its carrying out on the other hand, the Census 1991 should be provided data for agricultural holdings.

*Table 3. Population density and number of population in the Republic of Macedonia according to sex in the earlier Censuses*

	1921	1931	1948	1953	1961	1971	1981	1991
Total	808724	949958	1152986	1304514	1406003	1647308	1909136	2033964
Male	401468	478519	584002	659861	710074	834692	968143	1027852
Female	407256	471439	568984	644653	695929	812616	940993	1006112
Number of inhabitants per km <sup>2</sup>	31.5	36.9	44.8	50.7	54.7	64.1	74.2	79.1

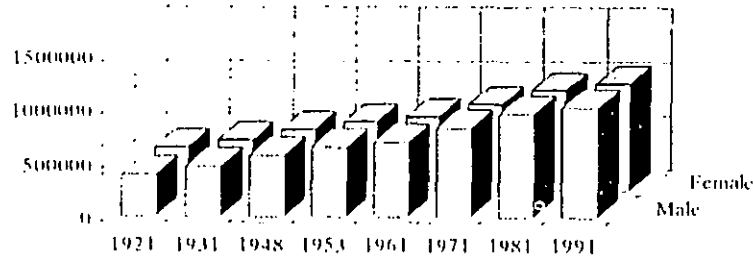
*Source: Statistical Yearbook of the Republic of Macedonia, 1992*

From 1921, the number of inhabitants in the Republic of Macedonia has doubled while the population density has increased from 31,5 to 79,1 inhabitants per km<sup>2</sup>.

Census results shown that the males take advantage in the change of the number of inhabitants. A ratio between males and females in 1921 has stated at 49,6 : 50,4 but in 1991 was stated at 50,5 : 49,5.

**THE 1994 CENSUS,**  
*Data for the present and the future*

**Number of inhabitants in the Republic of Macedonia according to sex by Censuses**



**Table 4. Population by age according to the Censuses in the Republic of Macedonia**

	1921	1931	1948	1953	1961	1971	1981	1991
Total	808724	949958	1152986	1304514	1406003	1647308	1909136	2033964
0-4 year	102716	157484	159664	199457	187535	181098	191642	154549
5-9	113992	125167	140091	146083	177020	177987	184854	167433
10-14	101366	81626	138234	136173	158364	176682	178681	165970
15-19	70867	90986	118396	135927	122874	172734	178205	160859
20-24	42901	87343	105959	123394	120121	151455	174352	153652
25-29	36600	71973	81336	105408	118901	116079	165074	156511
30-34	38297	55651	60605	80788	102826	115202	146028	164193
35-39	43242	42290	75401	59857	85354	114329	113784	163189
40-44	47341	41614	57432	72651	56432	98322	113549	145993
45-49	45275	37192	48490	57203	62822	81441	111127	111975
50-54	43723	36976	33629	47260	56828	53265	94365	110442
55-59	32543	30647	33383	33411	46411	58549	76438	109764
60-64	31901	32126	28682	29606	34192	50929	48233	88812
65 and over	57934	58853	71635	77127	74891	94859	128261	165716
Unknown	26	30	52	139	1432	4377	4543	14906

Source: Statistical Yearbook of the Republic of Macedonia, 1993

Classification of the population by age group has no correct flow, because some of the age groups are reduced in World Wars, effecting irregular development trends. It is evident that our population is relatively young, although the participation of 0-24 age group in the total of the population from 1921 to 1948 has increased and than has declined. In such a way the part of this group in 1921

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has stated at 53,4%, in 1948 has stated at 57,4%, and for 1991 was stated at 39,45%.

**Table 5. Population by national affiliation in the earlier Censuses**

	1953	1961	1971	1981	1991
<b>Total</b>	<b>1304514</b>	<b>1406003</b>	<b>1647308</b>	<b>1909136</b>	<b>2033964</b>
Macedonians	860699	1000854	1142375	1279323	1328187
Albanians	162524	183108	279871	377208	441987
Turks	203938	131481	108552	86591	77080
Romas	20462	20606	24505	43125	52103
Vlachs	8668	8046	7190	6384	7764
Others	48223	61908	84815	116505	126843

Source: Statistical Yearbook of the Republic of Macedonia, 1993

Participation of 25-54 age group in the total of the population for period 1921 - 1931 has diminished while from 1948 onward, has increased. Percentagelley, this group has taken part in the total by 31,5% in 1921, 31,0% in 1948 and for 1991 was stated at 41,9%.

**Table 6. Population in the Republic of Macedonia according to mother tongue**

	1948	1991	
		1948	1991
Total	1304000	2033964	155,98
Macedonians	902000	1403171	155,56
Albanians	188000	432226	229,91
Turks	144000	66334	46,06
Others	70000	132233	188,90

Source: Statistical review No. 226 and Statistical Yearbook of the Republic of Macedonia, 1955

**Table 7. Population in the Republic of Macedonia according to religious affiliation**

	1991	
	1948	1991
Total	1304000	2033964
Ortodox	747000	1355816
Islamic	387000	611326
Catholic	5000	10067
Other	165000	56756

Source: Statistical review No. 226 and Statistical Yearbook of the Republic of Macedonia, 1955

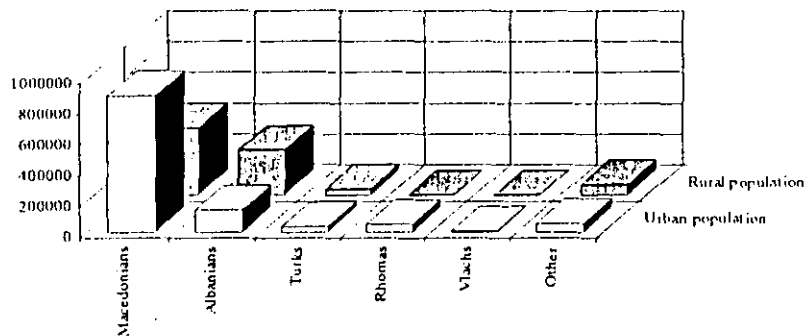
The age group of 55 years and over for the period 1921 - 1953 has fell, but for the period 1953 onward, has grown. This trend due to the increase of mid-life expectancy.<sup>1)</sup>

1) Mid-life expectancy for the period 1952 - 1954 has stated at 55 for men and 53 for women, while for the period 1989 - 1990 was stated at 70 for men i.e. 74 for women



**Tabela 8. Population by age and national affiliation in the Republic of Macedonia according to the place of living**

31.03.1991							
	Total	Declared national affiliation					
		Macedonians	Albanians	Turks	Rhomans	Vlachs	Other
<b>Urban population</b>	<b>1181894</b>	<b>887772</b>	<b>145093</b>	<b>35869</b>	<b>49418</b>	<b>6446</b>	<b>57296</b>
Male	597263	441876	74826	18445	25105	3454	33557
Female	584631	445896	70267	17424	24313	2992	23739
<b>Rural population</b>	<b>852070</b>	<b>440415</b>	<b>296894</b>	<b>41211</b>	<b>2685</b>	<b>1318</b>	<b>69847</b>
Male	430589	228475	148112	21280	1401	726	30595
Female	421481	211940	148782	19931	1284	592	38952



The participation of Macedonians in the total of the population is constantly.

In 1953, Macedonians have entered the total population by 65,98% and 65,30% in 1991. The emigration of Turks i.e. their come back in Turkey has led to reduce of their number in Macedonia.

Population of the Republic of Macedonia settles mostly urban areas, i.e. 58,11% of them are considered to be urban population. A high rate of urban population owes to Macedonians, Turks, Rhomans and Vlachs. Engagement of Albanians in the agriculture, contribute 67,17% of them to live in the other settlements.

In addition to the official Macedonian language and its Cyrillic alphabet, nationality's language and its alphabet shall be officially used in the units of local

**Table 9. Households by number of members according to Censuses**

	Total	Number of members per households							
		1	2	3	4	5	6	7	8 and over
1948	216910	18125	19401	25180	31023	32339	28774	21808	40260
1953	246263	17723	21263	29567	36915	37686	33147	25032	44930
1961	280214	19169	26990	35372	49820	47009	36518	25009	40327
1971	352034	22290	37215	48336	83176	60279	40019	24266	36453
1981	435372	26681	52828	66193	128342	64486	40528	21794	34520
1991	505852	30697	67297	82167	174918	71082	38548	16171	24972

Source: Statistical Yearbook of the Republic of Macedonia, 1993

selfmanagement within the members of nationalities are considered to be majority under terms laid down by the Law.

In the total number of households has diminished the participation of households with 1, 6, 7, 8 and more members but has grown the number of households with 2, 3 and 4 members.

The participation of the households with 5 members in the total until 1971 has increased, but for the period 1971 - 1991 was declined.

Greatest diminishing from 18,6% in 1948 fell to 4,94% in 1991 shown the households with 8 and more members, while greatest increasing from 14,3% in 1948 up to 34,58% in 1991 indicated households with 4 members.

**THE 1994 CENSUS OF THE POPULATION, HOUSEHOLDS,  
DWELLINGS AND AGRICULTURAL HOLDINGS-DATA FOR  
THE PRESENT AND THE FUTURE**

The 1994 Census shall be the seventh on the territory of the Republic of Macedonia and first in new sovereign and independent Macedonia.

Census methodology was prepared according to the recommendations of the UN statistical division and the other international organizations.

**CENSUS PURPOSES**

Regular statistical research provide data for economic, demographical, sociological and educational characteristics of the population, dwellings began to build and completed, agricultural areas and their yield. In order to get a clear picture for the standard of living and to plan a future development, following *data for the present and the future* are necessary:

- *number of inhabitants*
- *employment;*
- *level of education;*
- *religious affiliation;*
- *national affiliation and number of spoken languages;*
- *number of refugees and humanitarian supported persons;*
- *structure of the households;*
- *number of dwellings (type, size and equipment)*
- *agricultural areas (total and cultivable)*
- *livestock, poultry and beehives;*
- *technical equipment of agriculture;*
- *use of means for plant protection.*

These information shall be used in national planning as well as planning of the number of kindergartens, schools, hospitals, infrastructure etc.

Enterprises shall also use information as a base in the marketing research and realization of marketing policy. Information shall contribute toward further expansion of private sector in the Republic of Macedonia.

Statistical Office of Macedonia and the other scientific organizations shall use aggregated data for statistical and scientific research purposes.

Democratic trends widened in the Republic of Macedonia shall continue

only on a base of well established information system for the population, households, dwellings and agricultural holdings.

**WHO SHALL BE ENUMERATED**

In accordance with the 1994 Census Act (article 4), the Census shall cover total population:

1. Persons who have an official (legal) place of residence in the Republic of Macedonia, regardless of whether at the time of the Census they are present in their official (legal) place of residence or elsewhere in the Republic of Macedonia.
2. Persons who have a residence permit in the Republic of Macedonia and have been temporarily present in the Republic of Macedonia for at least one year, but have a permanent place of residence outside the Republic of Macedonia, with the exception of the refugees and citizens from foreign countries under humanitarian care present in the Republic of Macedonia at the time of the Census.
3. Persons who have an official (legal) place of residence in the Republic of Macedonia at the time of the Census and who at the time of the Census and for a maximum of one year prior to its conduct are temporarily working abroad, and members of their families.
4. Persons who have an official (legal) place of residence in the Republic of Macedonia and who at the time of the Census are working in diplomatic and consular representative offices of the Republic of Macedonia abroad, in the UN and its organizations, in the Chamber of Commerce, in business offices abroad, military personnel of the Republic of Macedonia abroad and also citizens engaged in international, technical and other kinds of cooperation and education and members of households who are staying temporarily abroad with the aforesaid persons.

5. The Census shall also cover:

- a) refugees and citizens from foreign countries under humanitarian care present in the Republic of Macedonia at the time of the Census
- b) other persons present in the Republic of Macedonia at the time of the Census
6. Citizens of the Republic of Macedonia absent from the country for more than one year at the time of the Census, who shall be enumerated separately.
7. The households
8. Dwellings and other inhabited quarters
9. Agricultural holdings

The Census shall not cover:

- the diplomatic personnel of foreign diplomatic and consular representative offices, and the members of their families
- foreign military personnel and the members of their families located in the Republic of Macedonia, as well as the members and representatives of international organizations and communities present in the Republic of Macedonia at the time of the Census.
- foreign citizens who at the time of the Census are present in the Republic of Macedonia on a business trip, private visit, holiday, medical treatment, excursion, tourist and similar trips
- dwellings of diplomatic and consular representatives of foreign countries and dwellings in foreign countries property.

## **CENSUS FORMS**

The following forms, as technical instruments, shall be used in the Census:

- *Questionnaire on Individual - (P1 form)*

For every citizen shall be gathered data about sex, date and place of birth, marital status, mother tongue, national and religious affiliation, education etc.

- *Questionnaire on Household and Dwelling - (P2 form)*

Following data for the households shall be gathered: name and surname of the householder, members of the household, as well parental and other relations of the individual household members and

For dwellings shall be gathered: dwelling area and number of rooms in the dwelling, equipment of the dwelling, ownership of the dwelling etc.

- *Questionnaire on Agricultural Holding - (P3 form)* providing data for the type of land according to categories of use, orchards and vineyards and technical equipment of agriculture.

## **WHO SHALL PREPARE AND CONDUCT THE CENSUS**

Statistical Office of Macedonia shall do specialist preparations for the Census but specialist assistance has gave the Expert Group appointed by the Committee of the Ministers of the Council of Europe.

The Census shall be organized and conducted by the Statistical Office of Macedonia in cooperation with the State Census Commission and the other administration bodies.

In preparation, organization and conduct of the Census shall take part:

- state instructors
- the Municipal Census Commissions, which shall coordinate the activities of Census participants on the territory of the municipality
- municipal instructors
- the enumerators who shall carry out the enumeration on terrain i.e. shall be obliged to complete the enumeration forms. They shall be

trained by municipal instructors but specialist assistance during the conduct of the Census shall receive from municipal instructors, state instructors and Municipal Census Commission.

### **WHEN SHALL BE CONDUCTED THE CENSUS**

The Census shall record the situation as from June 20, 1994 at midnight. It shall be considered to be "Census reference date".

Changes happened after this moment shall not be borne in mind i.e. the events shall not be recorded. For example, a child born after "reference date" shall not be enumerated although it was born before the enumerator has been filled the Census forms in certain household. In such a case, if the person died after "reference date", the enumerator shall be obliged to record him/her because he/she was alive at the midnight on the "reference date". But if the person died before the "reference date" or on a same "reference date" the person shall not be enumerated.

According to the Census Act, the enumeration shall start in June 21, 1994 at 7:00 am and shall be finished in July 5, 1994.

Control of the scope and quality of Census data shall be conducted from July 6, 1994 to July 10, 1994.

### **Documents and protection of Census data**

According to the article 38, the person covered by the Census shall be obliged to give valid and full answers to all questions in the enumeration forms and to present the following documents: Identity Card issued after April 1, 1993 or Travel document issued in accordance with Travel Documents Act, Identity Card issued before April 1, 1993 or Travel document issued before coming into force of the Travel Documents Act and Citizenship Certificate or official information for regulated citizenship status of the Republic of Macedonia; Birth Certificate.

Persons who have a residence permit in the Republic of Macedonia shall present foreign Travel document with approved stay in the Republic of Macedonia. The refugees and citizens from foreign countries under humanitarian care shall present foreign Travel document with approved refugee status or citizen under humanitarian care.

Personal data gathered, processed and kept for the purpose of the Census shall be strictly confidential and protected. All participants in the Census shall be obliged to keep gathered data safely i.e. shall be treated as official secret.

In order to supervise the protection of personal data from the Census, the Parliament of the Republic of Macedonia shall appoint a special Commission. Personal data from the Census shall not be used to make decision for an individual but shall be arranged as aggregated data into tables. For example, how many inhabitants of certain age group live in some municipality.

### **Who shall give data for the citizens of the Republic of Macedonia who at the time of the Census shall be present abroad**

In order to complete scope of the citizens of the Republic of Macedonia working abroad and the members of the households staying with them abroad, Statistical Office of Macedonia in cooperation with the Ministry for Foreign Relations, Ministry of Labour, Ministry of Health, Republic Employment Office and the other authorities shall organize and conduct the enumeration of:

- Persons who have an official (legal) place of residence in the Republic of Macedonia at the time of the Census and who at the time of the Census and for a maximum of one year prior to its conduct are temporarily working abroad, and members of their families
- Persons who have an official (legal) place of residence in the Republic of Macedonia and who at the time of the Census are working in diplomatic and consular representative offices of the Republic of Macedonia abroad, in the UN and its organizations, in the Chamber of Commerce, in business offices abroad, military personnel of the Republic of Macedonia abroad and also citizens engaged in international, technical and other kinds of cooperation and education and members of households who are staying temporarily abroad with the aforesaid persons
- citizens of the Republic of Macedonia who are absent from the Republic of Macedonia at the time of the Census for more than a year

Enumeration of the persons working abroad shall be conducted in diplomatic, consular and the other representative offices of the Republic of

Macedonia abroad, appointed by the Ministry for Foreign Relations in cooperation with the Statistical Office of Macedonia and the other competent authorities. Enumeration shall be conducted exclusively in Macedonian language and its Cyrillic alphabet by the enumerators-officials trained by the Statistical Office of Macedonia, Ministry for Foreign Relations and the other competent authorities.

After the enumeration, competent authorities shall hand over the Census material to the Municipal Census Commission where person has an official place of residence.

#### **Official use of languages in the Census**

Census shall enable to the person who is being enumerated the right of free choice to be enumerated in the official Macedonian language or on the language of the nationality to which that person belongs (Albanian, Turkish, Vlach, Rhoma or Serbo-Croat).

In cases where enumeration shall be carried out in one of the languages of the nationalities the bilingual forms in Macedonian language and its Cyrillic alphabet and one of the nationality's language and its alphabet (Macedonian and Albanian; Macedonian and Turkish; Macedonian and Vlach; Macedonian and Rhoma; Macedonian and Serbo-Croat) in the part refer to the name, surname, name of the place, municipality and address as well as the names of settlements and states must be filled in the official Macedonian language and its Cyrillic alphabet.

If the enumerator does not belong to the nationality and/or does not speak the language of nationality, enumerated person seek to be enumerated, than the enumerator shall inform the person that the enumeration shall be conducted additionally by his/her language. In that case, enumerator shall inform the Municipal Census Commission to send the enumerator of related nationality or enumerator who knows the language of nationality.

#### **Activities of the citizens toward the conduct of the Census**

Citizens shall help for completion of the Census in the legal anticipated period.

Before all, the citizens shall be obliged to stay at the official place of

residence, particularly someone of the adults who shall be able to give correct and full data. If the person could not be found at home, the enumerator shall leave a note for repeated enumeration.

If another time the family is absent, someone from the household shall be obliged no later than July 10, 1994 to come at the Municipal Census Commission and give data following the duty of received written notice.

Before the arrival of enumerator, the citizens must prepare necessary documents and answers for: completed education of the members of the households and their working positions (occupation and name of company within the person is employed). Land owners shall prepare deed or extract from the cadastre real property files or a contract for the grounds according to which the person has acquired that immovable property, or a decision following probate proceedings. Subtenants shall prepare the contracts for use of the dwelling, while the owners must dispose documents, dwelling area and separate rooms of the dwellings could be seen. If the household does not dispose by any document, than the enumerator shall measure the rooms.

The data required by the Census must be given by the adult members of the households. They shall also be obliged to keep and hand over to the enumerator the forms that they shall receive from the Ministry of defence or Ministry of Justice concerning members of his/her household, as well as the auxiliary forms that the employees shall receive from their companies - institutions.

#### **Control of the quality of Census material**

Immediately after enumeration, control of the scope and quality of Census data shall be conducted in selected Census circles and municipalities by the "random sample"

#### **Processing of Census material**

Whole Census material shall be concentrated in the Statistical Office of Macedonia immediately after completion of the Census. Census material shall be processed in the Statistical Office of Macedonia by manual control of the scope and encode of Census material, compute and electronic processing of Census material. Census material shall be processed within a period of 12 months.

*THE 1994 CENSUS,  
Data for the present and the future*

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**Publication of Census results**

Within a period of thirty days following the completion of the Census shall be published first results for the total population, other present population and for citizens of the Republic of Macedonia working abroad over one year.

Within a period of ninety days following the completion of the Census, Statistical Office of Macedonia shall publish first results according to municipalities, declared national affiliation and citizenship.

Besides current informing during the conduct and after completion of the Census, Republic Statistical Office in the period between December, 1994 and December 31, 1996 shall successively publish previous and definitive results from the Census.

**APPENDIX 2**

CONSTITUTION  
OF  
THE REPUBLIC OF MACEDONIA



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## INTRODUCTORY NOTE

On the evening of November 17th, 1991, the Assembly of the Republic, after a session lasting several days held in the capital city of Skopje, adopted and declared the Constitution of the Republic of Macedonia. This is the first autochthonous and original Constitution of the sovereign and independent state of Macedonia, although not the first constitutional-political act in the long history of modern Macedonian statehood.

The first constitutional act of Macedonia, at that time under the rule of and within the Turkish Empire, was The Rules of the Macedonian Uprising Committee in the Kresna Rising, 1878. That constitutional act was prepared, but not declared or put into action because of the failure of the uprising against the Turks, which took place after the Treaty of Berlin for carrying out reforms in European Turkey. Two years later, the Macedonian League, which had been formed to bring together the rebels, enthusiasts and activists for the national cause and sovereignty of Macedonia, prepared and promoted the project of the Constitution of the State Order of Macedonia, a profoundly conceptualised legal-political text, based upon three sources: the ideas of the Macedonian Risorgimento, modern European constitutionalism and finally the assumption of an autonomous Macedonia within a possible Balkan Federation.

Regrettably, the circumstances in the Balkans and the Turkish Empire in that period did not allow the implementation of the Constitution of the Macedonian League. Twenty-three years later, in 1903, the Macedonian people rose in a mass uprising for national liberation from Turkish rule, known in Macedonian and European history as the Ilinden Uprising. After many bloody battles, the Turkish troops, vastly superior in numbers, defeated the rebels, but nevertheless the resistance movement lasted for months, attempting to create genuine Macedonian state structures within the rebel territory. The final attempt was made in the small town of Krushevo in Central Macedonia where the rebels established the short-lived Krushevo Republic, the first modern republic on the Balkans. The Republic declared its famous Krushevo Manifesto: a constitutional-political document which clearly strives for Macedonian national independence and sovereignty, for full inter-ethnic equality and peaceful co-existence of Macedonians with the various ethnic groups in the Republic, as well as for democratic and republican principles of social and political organisation.

The Ilinden Uprising was followed by the Balkan Wars and the First World War, wars in which the Macedonian territory and population were devastated and victimised. By an irony of history, the Macedonian people found themselves occupied and divided among the four neighbouring Balkan states after these wars, tragically dispersed and nationally unrecognised. A considerable part of Macedonia came under the rule of the newly-established Kingdom of Yugoslavia, having only the status of a Serbian administrative province. These facts explain the reason for the mass participation of Macedonians in the Anti-Fascist and National Liberation War of 1941-1945 in all three parts of Macedonia - Pirin, Aegean and Vardar. In Vardar Macedonia they fought both alone and also as part of Tito's partisan army. Owing to the international circumstances, only the Vardar part succeeded in constituting a free and sovereign Macedonian state. Large parts of the Macedonian ethnic territory and population were left out of the Macedonian Republic.

On August 2nd, 1941, the Anti-Fascist Assembly of the People's Liberation of Macedonia, by its own constitutional act, established itself as the supreme legislative and executive representative body of Macedonia, while the Macedonian state was declared an equal federal unit in Democratic Federal Yugoslavia. This Assembly adopted several other

After the last War, the People's (later - Socialist) Republic of Macedonia adopted three constitutions: in 1946, 1963 and 1974. All three constitutions had some historically and formally or legally constructive elements and innovations, but still in large measure they reflected the one-party rule and ideology, as well as the highly centralised Yugoslav federalism.

In the course of the 1980s the Yugoslav economy, politics and society were affected by a deep crisis, which by the end of the decade led to substantial malfunctions in the political and federalist system, and equally important transformative processes. In the Republic of Macedonia, radical changes in the field of the economy and politics were brought about in 1989-90, first of all through the setting-up of pluralism of forms of ownership and the market economy, as well as party-political pluralism. Late in the autumn of 1990 the first free multi-party elections were held and on January 8th, 1991, the new, freely-elected and multi-party Parliament (Assembly) of the Republic was constituted.

Nevertheless, the crisis in Yugoslavia - particularly the crisis in the relations between some republics - began dramatically to escalate and was set on a collision course. The tendency of monopolising and using the power of the federal institutions against the sovereignty and interests of the republics became transparent. From the very beginning of these conflicts and crises, the Republic of Macedonia has endeavoured to act constructively as a factor for peace, reason and dialogue.

Developments have led to the affirmation and strengthening of Macedonia's position, but also towards the emphasising and declaration of her sovereignty and autonomy. In February 1991 the Assembly of Macedonia adopted the Declaration of the Sovereignty and Independence of the Republic, while in the referendum of September 8th, 1991 the citizens of the Republic decided by a large majority that the Republic should be established as a sovereign and independent state, with the right to associate in a union with the other Yugoslav sovereign republics.

This Constitution of the Republic of Macedonia is thus the highest act reflecting the new position of the Macedonian Republic as a sovereign and independent state, but also as a republic which does not reject the idea of a new union of the Yugoslav republics.

The Constitution is relatively short and nonideological and the Republic is defined as a democratic, legal and social state. Its essential position is, understandably, the idea of popular sovereignty i.e. sovereignty of the citizens. The body of human rights and civil freedoms, including those of the new generation, such as the rights of nationalities (ethnic minorities), form the backbone of the Constitution.

According to the Constitution, the Republic of Macedonia is a parliamentary democracy, although its political system strictly respects the division of powers and the active political role of the President of the Republic. Among the basic values of the constitutional order are the rule of law, social justice, freedom of the market and entrepreneurship, political pluralism and local self-government. By its structure, basic provisions and normative solutions, the Constitution of the Republic of Macedonia belongs to the family of new and modern European constitutions.

Skopje, December 2nd, 1991

Dr. Dimitar Mirchev  
Professor at the University of Skopje  
and Member of the Constitutional  
Commission of the Assembly

## THE CONSTITUTION OF THE REPUBLIC OF MACEDONIA

### I. BASIC PROVISIONS

#### Article 1

The Republic of Macedonia is a sovereign, independent, democratic and social state.

The sovereignty of the Republic of Macedonia is indivisible, inalienable and nontransferable.

#### Article 2

Sovereignty in the Republic of Macedonia derives from the citizens and belongs to the citizens.

The citizens of the Republic of Macedonia exercise their authority through democratically elected Representatives, through referendum and through other forms of direct expression.

#### Article 3

The territory of the Republic of Macedonia is indivisible and inviolable.

The existing borders of the Republic of Macedonia are inviolable.

The borders of the Republic of Macedonia may be changed only in accordance with the Constitution.

#### Article 4

Citizens of the Republic of Macedonia have citizenship of the Republic of Macedonia.

A subject of the Republic of Macedonia may neither be deprived of citizenship, nor expelled or extradited to another state.

Citizenship of the Republic of Macedonia is regulated by law.

#### Article 5

The state symbols of the Republic of Macedonia are the coat of arms, the flag and the national anthem.

The coat of arms, the flag and the national anthem of the Republic of Macedonia are adopted by law by a two-thirds majority vote of the total number of Assembly Representatives.

#### Article 6

The capital of the Republic of Macedonia is Skopje.

#### Article 7

The Macedonian language, written using its Cyrillic alphabet, is the official language in the Republic of Macedonia.

In the units of local self-government where the majority of the inhabitants belong to a nationality, in addition to the Macedonian language and Cyrillic alphabet, their language and alphabet are also in official use, in a manner determined by law.

Taking as the points of departure the historical, cultural, spiritual and statehood heritage of the Macedonian people and their struggle over centuries for national and social freedom as well as for the creation of their own state, and particularly the traditions of statehood and legality of the Krushevo Republic and the historic decisions of the Anti-Fascist Assembly of the People's Liberation of Macedonia, together with the constitutional and legal continuity of the Macedonian state as a sovereign republic within Federal Yugoslavia and the freely manifested will of the citizens of the Republic of Macedonia in the referendum of September 8th, 1991, as well as the historical fact that Macedonia is established as a national state of the Macedonian people, in which full equality as citizens and permanent co-existence with the Macedonian people is provided for Albanians, Turks, Vlachs, Romanics and other nationalities living in the Republic of Macedonia, and intent on:

- the establishment of the Republic of Macedonia as a sovereign and independent state, as well as a civil and democratic one;
- the establishment and consolidation of the rule of law as a fundamental system of government;
- the guaranteeing of human rights, citizens' freedoms and ethnic equality;
- the provision of peace and a common home for the Macedonian people with the nationalities living in the Republic of Macedonia; and on
- the provision of social justice, economic wellbeing and prosperity in the life of the individual and the community,

the Assembly of the Republic of Macedonia adopts

In the units of local self-government where there is a considerable number of inhabitants belonging to a nationality, their language and alphabet are also in official use, in addition to the Macedonian language and Cyrillic alphabet, under conditions and in a manner determined by law.

#### Article 8

The fundamental values of the constitutional order of the Republic of Macedonia are:

- the basic freedoms and rights of the individual and citizen, recognised in international law and set down in the Constitution;
- the free expression of national identity;
- the rule of law;
- the division of state powers into legislative, executive and judicial;
- political pluralism and free, direct and democratic elections;
- the legal protection of property;
- the freedom of the market and entrepreneurship;
- humanism, social justice and solidarity;
- local self-government;
- proper urban and rural planning to promote a congenial human environment, as well as ecological protection and development; and
- respect for the generally accepted norms of international law.

Anything that is not prohibited by the Constitution or by law is permitted in the Republic of Macedonia.

## II. BASIC FREEDOMS AND RIGHTS OF THE INDIVIDUAL AND CITIZEN

### L. Civil and political freedoms and rights

#### Article 9

Citizens of the Republic of Macedonia are equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status.

All citizens are equal before the Constitution and law.

#### Article 10

The human right to life is irrevocable. The death penalty shall not be imposed on any grounds whatsoever in the Republic of Macedonia.

#### Article 11

The human right to physical and moral dignity is irrevocable.

Any form of torture, or inhuman or humiliating conduct or punishment, is prohibited. Forced labour is prohibited.

#### Article 12

The human right to freedom is irrevocable.

No person's freedom can be restricted except by a court decision or in cases and procedures determined by law.

Persons summoned, apprehended or detained shall immediately be informed of the reasons for the summons, apprehension or detention and on their rights. They shall not be forced to make a statement. A person has a right to an attorney in police and court procedure.

Persons detained shall be brought before a court as soon as possible, within a maximum period of 24 hours from the moment of detention, and the legality of their detention shall there be decided upon without delay.

Detention may last, by court decision, for a maximum period of 90 days from the day of detention.

Persons detained may, under the conditions determined by law, be released from custody to conduct their defence.

#### Article 13

A person indicted for an offence shall be considered innocent until his/her guilt is established by a legally valid court verdict.

A person unlawfully detained, apprehended or convicted has a right to legal redress and other rights determined by law.

#### Article 14

No person may be punished for an offence which had not been declared an offence punishable by law, or by other acts, prior to its being committed, and for which no punishment had been prescribed.

No person may be tried in a court of law for an offence for which he/she has already been tried and for which a legally valid court verdict has already been brought.

#### Article 15

The right to appeal against individual legal acts issued in a first instance proceedings by a court, administrative body, organisation or other institution carrying out public mandates is guaranteed.

#### Article 16

The freedom of personal conviction, conscience, thought and public expression of thought is guaranteed.

The freedom of speech, public address, public information and the establishment of institutions for public information is guaranteed.

Free access to information and the freedom of reception and transmission of information are guaranteed.

The right of reply via the mass media is guaranteed.

The right to a correction in the mass media is guaranteed.

The right to protect a source of information in the mass media is guaranteed.

Censorship is prohibited.

Article 17

The freedom and confidentiality of correspondence and other forms of communication is guaranteed.

Only a court decision may authorise non-application of the principle of the inviolability of the confidentiality of correspondence and other forms of communication, in cases where it is indispensable to a criminal investigation or required in the interests of the defence of the Republic.

Article 18

The security and confidentiality of personal information are guaranteed.

Citizens are guaranteed protection from any violation of their personal integrity deriving from the registration of personal information through data processing.

Article 19

The freedom of religious confession is guaranteed. The right to express one's faith freely and publicly, individually or with others is guaranteed.

The Macedonian Orthodox Church and other religious communities and groups are separate from the state and equal before the law.

The Macedonian Orthodox Church and other religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law.

Article 20

Citizens are guaranteed freedom of association to exercise and protect their political, economic, social, cultural and other rights and convictions.

Citizens may freely establish associations of citizens and political parties, join them or resign from them.

The programmes and activities of political parties and other associations of citizens may not be directed at the violent destruction of the constitutional order of the Republic, or at encouragement or incitement to military aggression or ethnic, racial or religious hatred or intolerance.

Military or paramilitary associations which do not belong to the Armed Forces of the Republic of Macedonia are prohibited.

Article 21

Citizens have the right to assemble peacefully and to express public protest without prior announcement or a special licence.

The exercise of this right may be restricted only during a state of emergency or war.

Article 22

Every citizen on reaching 18 years of age acquires the right to vote.

The right to vote is equal, universal and direct, and is exercised at free elections by secret ballot.

Persons deprived of the right to practise their profession by a court verdict do not have the right to vote.

Article 23

Every citizen has the right to take part in the performance of public office.

Article 24

Every citizen has a right to petition state and other public bodies, as well as to receive an answer.

A citizen cannot be called to account or suffer adverse consequences for attitudes expressed in petitions, unless they entail the committing of a criminal offence.

Article 25

Each citizen is guaranteed the respect and protection of the privacy of his/her personal and family life and of his/her dignity and repute.

Article 26

The inviolability of the home is guaranteed.

The right to the inviolability of the home may be restricted only by a court decision in cases of the detection or prevention of criminal offences or the protection of people's health.

Article 27

Every citizen of the Republic of Macedonia has the right of free movement on the territory of the Republic and freely to choose his/her place of residence.

Every citizen has the right to leave the territory of the Republic and to return to the Republic.

The exercise of these rights may be restricted by law only in cases where it is necessary for the protection of the security of the Republic, criminal investigation or protection of people's health.

Article 28

The defence of the Republic of Macedonia is the right and duty of every citizen.

The exercise of this right and duty of citizens is regulated by law.

Article 29

Foreign subjects enjoy freedoms and rights guaranteed by the Constitution in the Republic of Macedonia, under conditions regulated by law and international agreements.

The Republic guarantees the right of asylum to foreign subjects and stateless persons expelled because of democratic political convictions and activities.

Extradition of a foreign subject can be carried out only on the basis of a ratified international agreement and on the principle of reciprocity. A foreign subject cannot be extradited for political criminal offences. Acts of terrorism are not regarded as political criminal offences.

social and cultural rights.

Article 30

Everyone has the right to ownership of property and the right to inheritance are guaranteed.

Ownership of property creates rights and duties which should serve the wellbeing of both the individual and the community.

No person may be deprived of his/her property or of rights deriving from it, except in cases concerning public interest determined by law.

If property is expropriated or restricted, rightful compensation not lower than its market value is guaranteed.

Article 31

Foreign subjects in the Republic of Macedonia acquire the right of ownership of property under conditions determined by law.

Article 32

Everyone has the right to work, to free choice of employment, protection at work and material assistance during temporary unemployment.

Every job is open to all under equal conditions.

Every employee has a right to appropriate remuneration.

Every employee has the right to paid daily, weekly and annual leave. Employees cannot waive this right.

The exercise of the rights of employees and their relations are regulated by law and collective agreements.

Article 33

Everyone is obliged to pay tax and other public contributions, as well as to share in the discharge of public expenditure in a manner determined by law.

Article 34

Citizens have a right to social security and social insurance, determined by law and collective agreements.

Article 35

The Republic provides for the social protection and social security of citizens in accordance with the principle of social justice.

The Republic guarantees the right of assistance to those who are infirm or unfit for work.

The Republic provides particular protection for disabled persons, as well as conditions for their involvement in the life of the society.

Article 36

The Republic guarantees particular social security benefits to veterans of the Anti-Fascist War and of all Macedonian national liberation wars, to war invalids, those expelled and imprisoned for the ideas of the separate identity of the Macedonian people and of

families without means of material and social subsistence.

The particular rights are regulated by law.

Article 37

In order to exercise their economic and social rights, citizens have the right to establish trade unions. Trade unions can constitute confederations and become members of international trade union organisations.

The law may restrict the conditions for the exercise of the right to trade union organisation in the armed forces, the police and administrative bodies.

Article 38

The right to strike is guaranteed.

The law may restrict the conditions for the exercise of the right to strike in the armed forces, the police and administrative bodies.

Article 39

Every citizen is guaranteed the right to health care.

Citizens have the right and duty to protect and promote their own health and the health of others.

Article 40

The Republic provides particular care and protection for the family.

The legal relations in marriage, the family and cohabitation are regulated by law.

Parents have the right and duty to provide for the nurturing and education of their children. Children are responsible for the care of their old and infirm parents.

The Republic provides particular protection for parentless children and children without parental care.

Article 41

It is a human right freely to decide on the procreation of children.

The Republic conducts a humane population policy in order to provide balanced economic and social development.

Article 42

The Republic particularly protects mothers, children and minors.

A person under 15 years of age cannot be employed.

Minors and mothers have the right to particular protection at work.

Minors may not be employed in work which is detrimental to their health or morality.

Article 43

Everyone has the right to a healthy environment to live in.

Everyone is obliged to promote and protect the environment.

The Republic provides conditions for the exercise of the right of citizens to a healthy environment.

#### Article 44

Everyone has a right to education. Education is accessible to everyone under equal conditions.

Primary education is compulsory and free.

#### Article 45

Citizens have a right to establish private schools at all levels of education, with the exception of primary education, under conditions determined by law.

#### Article 46

The autonomy of universities is guaranteed.

The conditions of establishment, performance and termination of the activities of a university are regulated by law.

#### Article 47

The freedom of scholarly, artistic and other forms of creative work is guaranteed.

Rights deriving from scholarly, artistic or other intellectual creative work are guaranteed.

The Republic stimulates, assists and protects the development of scholarship, the arts and culture.

The Republic stimulates and assists scientific and technological development.

The Republic stimulates and assists technical education and sport.

#### Article 48

Members of nationalities have a right freely to express, foster and develop their identity and national attributes.

The Republic guarantees the protection of the ethnic, cultural, linguistic and religious identity of the nationalities.

Members of the nationalities have the right to establish institutions for culture and art, as well as scholarly and other associations for the expression, fostering and development of their identity.

Members of the nationalities have the right to instruction in their language in primary and secondary education, as determined by law. In schools where education is carried out in the language of a nationality, the Macedonian language is also studied.

#### Article 49

The Republic cares for the status and rights of those persons belonging to the Macedonian people in neighbouring countries, as well as Macedonian expatriates, assists their cultural development and promotes links with them.

The Republic cares for the cultural, economic and social rights of the citizens of the Republic abroad.

### 3. Guarantees of basic freedoms and rights

#### Article 50

Every citizen may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency.

Judicial protection of the legality of individual acts of state administration, as well as of other institutions carrying out public mandates, is guaranteed.

A citizen has the right to be informed on human rights and basic freedoms as well as actively to contribute, individually or jointly with others, to their promotion and protection.

#### Article 51

In the Republic of Macedonia laws shall be in accordance with the Constitution and all other regulations in accordance with the Constitution and law.

Everyone is obliged to respect the Constitution and the laws.

#### Article 52

Laws and other regulations are published before they come into force.

Laws and other regulations are published in "The Official Gazette of the Republic of Macedonia" at most seven days after the day of their adoption.

Laws come into force on the eighth day after the day of their publication at the earliest, or on the day of publication in exceptional cases determined by the Assembly.

Laws and other regulations may not have a retroactive effect, except in cases when this is more favourable for the citizens.

#### Article 53

Attorneyship is an autonomous and independent public service, providing legal assistance and carrying out public mandates in accordance with the law.

#### Article 54

The freedoms and rights of the individual and citizen can be restricted only in cases determined by the Constitution.

The freedoms and rights of the individual and citizen can be restricted during states of war or emergency, in accordance with the provisions of the Constitution.

The restriction of freedoms and rights cannot discriminate on grounds of sex, race, colour of skin, language, religion, national or social origin, property or social status.

The restriction of freedoms and rights cannot be applied to the right to life, the interdiction of torture, inhuman and humiliating conduct and punishment, the legal determination of punishable offences and sentences, as well as to the freedom of personal conviction, conscience, thought and religious confession.

Foundations for economic relations

Article 55

The freedom of the market and entrepreneurship is guaranteed.

The Republic ensures an equal legal position to all parties in the market. The Republic takes measures against monopolistic positions and monopolistic conduct on the market.

The freedom of the market and entrepreneurship can be restricted by law only for reasons of the defence of the Republic, protection of the natural and living environment or public health.

Article 56

All the natural resources of the Republic of Macedonia, the flora and fauna, amenities in common use, as well as the objects and buildings of particular cultural and historical value determined by law, are amenities of common interest for the Republic and enjoy particular protection.

The Republic guarantees the protection, promotion and enhancement of the historical and artistic heritage of the Macedonian people and of the nationalities and the treasures of which it is composed, regardless of their legal status. The law regulates the mode and conditions under which specific items of general interest for the Republic can be coded for use.

Article 57

The Republic of Macedonia stimulates economic progress and provides for a more balanced spatial and regional development, as well as for the more rapid development of economically underdeveloped regions.

Article 58

Ownership and labour form the basis for management and sharing in decision-making.

Participation in management and decision-making in public institutions and services is regulated by law, on the principles of expertise and competence.

Article 59

Foreign investors are guaranteed the right to the free transfer of invested capital and profits.

The rights obtained on the basis of the capital invested may not be reduced by law or other regulations.

Article 60

The National Bank of the Republic of Macedonia is a currency-issuing bank.

The National Bank is autonomous and responsible for the stability of the currency, monetary policy and for the general liquidity of payments in the Republic and abroad.

The organisation and work of the National Bank

III. THE ORGANISATION OF STATE AUTHORITY

1. The Assembly of the Republic of Macedonia

Article 61

The Assembly of the Republic of Macedonia is a representative body of the citizens and the legislative power of the Republic is vested in it.

The organisation and functioning of the Assembly are regulated by the Constitution and by the Rules of Procedure.

Article 62

The Assembly of the Republic of Macedonia is composed of 120 to 140 Representatives.

The Representatives are elected at general, direct and free elections and by secret ballot.

The Representative represents the citizens and makes decisions in the Assembly in accordance with his/her personal convictions.

A Representative's mandate cannot be revoked.

The mode and conditions of election of Representatives are regulated by a law adopted by a two-thirds majority vote of the total number of Representatives.

Article 63

The Representatives for the Assembly are elected for a term of four years. The mandate of Representatives is verified by the Assembly. The length of the mandate is reckoned from the constitutive meeting of the Assembly. Each newly-elected Assembly must hold a constitutive meeting 20 days at the latest after the election was held. The constitutive meeting is called by the President of the Assembly of the previous term.

If a constitutive meeting is not called within the time laid down, the Representatives assemble and constitute the Assembly themselves on the twenty-first day after the completion of the elections.

Elections for Representatives to the Assembly are held within the last 90 days of the term of the current Assembly, or within 60 days from the day of dissolution of the Assembly.

The term of office of the Representatives to the Assembly can be extended only during states of war or emergency.

Cases where a citizen cannot be elected a Representative, owing to the incompatibility of this office with other public offices or professions already held, are defined by law. The Assembly is dissolved when more than half of the total number of Representatives vote for dissolution.

Article 64

Representatives enjoy immunity.

A Representative cannot be held to have committed a criminal offence or be detained owing to views he/she has expressed or to the way he/she has



A Representative cannot be detained without the approval of the Assembly unless found committing a criminal offence for which a prison sentence of at least five years is prescribed.

The Assembly can decide to invoke immunity for a Representative without his/her request, should it be necessary for the performance of the Representative's office.

Representatives may not be called up for duties in the Armed Forces during the course of their term of office.

A Representative is entitled to remuneration determined by law.

Article 65

A Representative may resign his/her mandate.

The Representative submits his/her resignation in person at a session of the Assembly.

The mandate of a Representative terminates if he/she is sentenced for a criminal offence for which a prison sentence of at least five years is prescribed.

The Representative can have his/her mandate revoked for committing a criminal offence making him/her unfit to perform the office of a Representative, as well as for absence from the Assembly for longer than 6 months for no justifiable reason. Revocation of the mandate is determined by the Assembly by a two-thirds majority vote of all Representatives.

Article 66

The Assembly is in permanent session.

The Assembly works at meetings.

The meetings of the Assembly are called by the President of the Assembly.

The Assembly adopts the Rules of Procedure by a two-thirds majority vote of the total number of Representatives.

Article 67

The Assembly elects a President and one or more Vice-Presidents from the ranks of the Representatives by a majority vote of the total number of Representatives.

The President of the Assembly represents the Assembly, ensures the application of the Rules of Procedure and carries out other responsibilities determined by the Constitution and the Rules of Procedure of the Assembly.

The office of the President of the Assembly is incompatible with the performance of other public offices, professions or appointment in a political party.

The President of the Assembly issues notice of the election of Representatives and of the President of the Republic.

Article 68

The Assembly of the Republic of Macedonia

- adopts and changes the Constitution;
- adopts laws and gives the authentic interpretation of laws;

- determines public taxes and fees;
- adopts the budget and the balance of payments of the Republic;

- adopts the spatial plan of the Republic;
- ratifies international agreements;
- decides on war and peace;

- makes decisions concerning any changes in the borders of the Republic;

- makes decisions on association in and disassociation from any form of union or community with other states;

- issues notice of a referendum;

- makes decisions concerning the reserves of the Republic;

- sets up councils;

- elects the Government of the Republic of Macedonia;

- elects judges to the Constitutional Court of the Republic of Macedonia;

- carries out elections and discharges judges;

- selects, appoints and dismisses other holders of public and other offices determined by the Constitution and law;

- carries out political monitoring and supervision of the Government and other holders of public office responsible to the Assembly;

- proclaims amnesties; and

- performs other activities determined by the Constitution.

In carrying out the duties within its sphere of competence, the Assembly adopts decisions, declarations, resolutions, recommendations and conclusions.

Article 69

The Assembly may work if its meeting is attended by a majority of the total number of Representatives. The Assembly makes decisions by a majority vote of the Representatives attending, but no less than one-third of the total number of Representatives, in so far as the Constitution does not provide for a qualified majority.

Article 70

The meetings of the Assembly are open to the public.

The Assembly may decide to work without the presence of the public by a two-thirds majority vote of the total number of Representatives.

Article 71

The right to propose adoption of a law is given to every Representative of the Assembly, to the Government of the Republic and to a group of at least 10,000 voters.

The initiative for adopting a law may be given to the authorised instances by any citizen, group of citizens, institutions or associations.

Article 72

An interpellation may be made concerning the work of any public office-holder, the Government and

any of its members individually, as well as on issues concerning the performance of state bodies.

Interpellations may be made by a minimum of five Representatives.

All Representatives have the right to ask a Representative's question.

The mode and procedure for submitting and debating on an interpellation and Representative's question are regulated by the Rules of Procedure.

#### Article 73

The Assembly decides on issuing notice of a referendum concerning specific matters within its sphere of competence by a majority vote of the total number of Representatives.

The decision of the majority of voters in a referendum is adopted on condition that more than half of the total number of voters voted.

The Assembly is obliged to issue notice of a referendum if one is proposed by at least 150,000 voters.

The decision made in a referendum is binding.

#### Article 74

The Assembly makes decisions on any change in the borders of the Republic by a two-thirds majority vote of the total number of Representatives.

The decision on any change in the borders of the Republic is adopted by referendum, in so far as it is accepted by the majority of the total number of voters.

#### Article 75

Laws are declared by promulgation.

The promulgation declaring a law is signed by the President of the Republic and the President of the Assembly.

The President of the Republic may decide not to sign the promulgation declaring a law. The Assembly reconsiders the law and the President of the Republic is then obliged to sign the promulgation in so far as it is adopted by a majority vote of the total number of Representatives.

The President is obliged to sign a promulgation if the law has been adopted by a two-thirds majority vote of the total number of Representatives in accordance with the Constitution.

#### Article 76

The Assembly sets up permanent and temporary working bodies.

The Assembly may set up survey commissions for any domain or any matter of public interest.

A proposal for setting up a survey commission may be submitted by a minimum of 20 Representatives.

The Assembly sets up a permanent survey commission for the protection of the freedoms and rights of citizens.

The findings of the survey commissions form the basis for the initiation of proceedings to ascertain the inviolability of public office-holders.

#### Article 77

The Assembly elects the Public Attorney.

The Public Attorney protects the constitutional and legal rights of citizens when violated by bodies of state administration and by other bodies and organisations with public mandates.

The Public Attorney is elected for a term of eight years, with the right to one reelection.

The conditions for election and dismissal, the sphere of competence and the mode of work of the Public Attorney are regulated by law.

#### Article 78

The Assembly establishes a Council for Inter-Ethnic Relations.

The Council consists of the President of the Assembly and two members each from the ranks of the Macedonians, Albanians, Turks, Vlachs and Romanians, as well as two members from the ranks of other nationalities in Macedonia.

The President of the Assembly is President of the Council.

The Assembly elects the members of the Council.

The Council considers issues of inter-ethnic relations in the Republic and makes appraisals and proposals for their solution.

The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to make decisions regarding them.

### 2. The President of the Republic of Macedonia

#### Article 79

The President of the Republic of Macedonia represents the Republic. The President of the Republic is Commander-in-Chief of the Armed Forces of Macedonia.

The President of the Republic exercises his/her rights and duties on the basis and within the framework of the Constitution and laws.

#### Article 80

The President of the Republic is elected in general and direct elections, by secret ballot, for a term of five years.

A person may be elected President of the Republic two times at most.

The President of the Republic shall be a citizen of the Republic of Macedonia.

A person may be elected President of the Republic if over the age of at least 40 on the day of election.

A person may not be elected President of the Republic if, on the day of election, he/she has not been a resident of the Republic of Macedonia for at least ten years within the last fifteen years.

#### Article 81

A candidate for President of the Republic can be nominated by a minimum of 10,000 voters or at least 30 Representatives.

A candidate for President of the Republic is elected if voted by a majority of the total number of voters.

If in the first round of voting no candidate wins the majority required, voting in the second round is restricted to the two candidates who have won most votes in the first round.

The second round takes place within 14 days of the termination of voting in the first round.

A candidate is elected President if he/she wins a majority of the votes of those who voted, provided more than half of the registered voters voted.

If in the second round of voting no candidate wins the required majority of votes, the whole electoral procedure is repeated.

If only one candidate is nominated for the post of President of the Republic and he/she does not obtain the required majority of votes in the first round, the whole electoral procedure is repeated.

The election of the President of the Republic takes place within the last 60 days of the term of the previous President. Should the term of office of the President of the Republic be terminated for any reason, the election of a new President takes place within 40 days from the day of termination.

Before taking up office, the President of the Republic makes a solemn declaration before the Assembly of his/her commitment to respect the Constitution and the laws.

Article 82

In case of death, resignation, permanent inability to perform his/her duties, or in case of termination of the mandate in accordance with the provisions of the Constitution, the office of the President of the Republic is carried out by the President of the Assembly until the election of the new President.

Decisions on the applicability of the conditions for the cessation of office of the President of the Republic are the official duty of the Constitutional Court.

Should the President of the Republic be temporarily unable to perform his/her duties, the President of the Assembly deputises for him/her.

While the President of the Assembly is performing the office of President of the Republic, he/she takes part in the work of the Assembly without the right to vote.

Article 83

The duty of the President of the Republic is incompatible with the performance of any other public office, profession or appointment in a political party.

The President of the Republic is granted immunity.

The Constitutional Court decides by a two-thirds majority vote of the total number of judges on any case for withholding immunity and approving of detention for the President of the Republic.

Article 84

The President of the Republic of Macedonia  
 - nominates a mandator to constitute the Government of the Republic of Macedonia;

- appoints and dismisses by decree ambassadors and other diplomatic representatives of the Republic of Macedonia abroad;

- accepts the credentials and letters of recall of foreign diplomatic representatives;

- proposes two judges to sit on the Constitutional Court of the Republic of Macedonia;

- proposes two members of the Republican Judicial Council;

- appoints three members to the Security Council of the Republic of Macedonia;

- proposes the members of the Council for Inter-Ethnic Relations;

- appoints and dismisses other holders of state and public office determined by the Constitution and the law;

- grants decorations and honours in accordance with the law;

- grants pardons in accordance with the law; and

- performs other duties determined by the Constitution.

Article 85

The President of the Republic addresses the Assembly on issues within his/her sphere of competence at least once a year.

The Assembly may request the President of the Republic to state an opinion on issues within his/her sphere of competence.

Article 86

The President of the Republic is President of the Security Council of the Republic of Macedonia.

The Security Council of the Republic is composed of the President of the Republic, the President of the Assembly, the Prime Minister, the Ministers heading the bodies of state administration in the fields of security, defence and foreign affairs and three members appointed by the President of the Republic.

The Council considers issues relating to the security and defence of the Republic and makes policy proposals to the Assembly and the Government.

Article 87

The President is held accountable for any violation of the Constitution in exercising his/her rights and duties.

The procedure for determining the President of the Republic's answerability is initiated by the Assembly with a two-thirds majority vote of all Representatives.

It is the Constitutional Court that decides on the answerability of the President by a two-thirds majority vote of all judges.

If the Constitutional Court considers the President answerable for a violation, his/her mandate is terminated by the force of the Constitution.

Government of the Republic of Macedonia

Article 88

Executive power is vested in the Government of the Republic of Macedonia.

The Government exercises its rights and competences on the basis and within the framework of the Constitution and law.

Article 89

The Government is composed of a Prime Minister and Ministers.

The Prime Minister and the Ministers cannot be Representatives in the Assembly.

The Prime Minister, Deputy Prime Ministers and Ministers are granted immunity. The Government decides on their immunity.

The Prime Minister, Deputy Prime Ministers and Ministers cannot be called up for duties in the Armed Forces.

The office of Prime Minister or Minister is incompatible with any other public office or profession.

The organisation and mode of working of the Government are regulated by law.

Article 90

The President of the Republic of Macedonia is elected within 10 days of the constitution of the Assembly to entrust the mandate for constituting the Government to a candidate from the party or parties which has/have a majority in the Assembly.

Within 20 days from the day of being entrusted with the mandate, the mandator submits a programme to the Assembly and proposes the composition of the Government.

The Government is elected by the Assembly on the proposal of the mandator and on the basis of the programme by a majority vote of the total number of Representatives.

Article 91

The Government of the Republic of Macedonia determines the policy of carrying out the laws and other regulations of the Assembly and is responsible for their execution;

proposes laws, the budget of the Republic and other regulations adopted by the Assembly;

proposes a spatial plan of the Republic;

proposes decisions concerning the reserves of the Republic and sees to their execution;

adopts bylaws and other acts for the execution of

lays down principles on the internal organisation and work of the Ministries and other administrative bodies, directing and supervising their work;

provides appraisals of drafts of laws and other submitted to the Assembly by other authorised

decides on the recognition of states and govern-

establishes diplomatic and consular relations

• makes decisions on opening diplomatic and consular offices abroad;

• proposes the appointment of ambassadors and Representatives of the Republic of Macedonia abroad and appoints chiefs of consular offices;

• proposes the Public Prosecutor;

• appoints and dismisses holders of public and other office determined by the Constitution and laws; and

• performs other duties determined by the Constitution and law.

Article 92

The Government and each of its members are accountable to the Assembly.

The Assembly may take a vote of no-confidence in the Government.

A vote of no-confidence in the Government may be initiated by a minimum of 20 Representatives.

The vote of no-confidence in the Government is taken after three days have elapsed from the day of its proposal.

Another vote of no-confidence in the Government may not be proposed before 90 days have elapsed since the last such vote, unless proposed by a majority of all Representatives.

A vote of no-confidence in the Government is adopted by a majority vote of all the Representatives. If a vote of no-confidence in the Government is passed, the Government is obliged to submit its resignation.

Article 93

The Government itself has the right to raise the question of confidence before the Assembly.

The Government has the right to submit its resignation.

The resignation of the Prime Minister, his/her death or permanent inability to perform his/her duties entail the resignation of the Government.

The Government ceases its term of office when the Assembly is dissolved.

When a vote of no-confidence in the Government has been passed, it has submitted its resignation, or its term of office has ceased owing to the dissolution of the Assembly, the same Government remains on duty until the election of a new Government.

Article 94

A member of the Government has the right to submit his/her resignation.

The Prime Minister may propose the dismissal of a member of the Government.

The Assembly decides on the proposal for the dismissal of a member of the Government at its first meeting following the proposal.

If the Prime Minister dismisses more than one-third of the initial composition of the Government, the Assembly follows the same procedure as for the election of a new Government.

Article 95

The state administration consists of Ministries and administrative bodies and organisations determined by law.  
Political organisation and activities within bodies of state administration are prohibited.  
The organisation and work of the bodies of state administration are regulated by a law to be adopted by a two-thirds majority vote of all Representatives.

Article 96

The bodies of state administration perform their duties within their sphere of competence autonomously and on the basis and within the framework of the Constitution and laws, being accountable for their work to the Government.

Article 97

The bodies of state administration in the fields of defence and the police are to be headed by civilians who have been civilians for at least three years before their election to these offices.

The Judiciary

Article 98

Judiciary power is exercised by courts.  
Courts are autonomous and independent. Courts judge on the basis of the Constitution and laws and international agreements ratified in accordance with the Constitution.  
There is one form of organisation for the judiciary.  
Emergency courts are prohibited.  
The types of courts, their spheres of competence, their establishment, abrogation, organisation and composition, as well as the procedure they follow are regulated by a law adopted by a majority vote of two-thirds of the total number of Representatives.

Article 99

A judge is elected without restriction of his/her term of office.  
A judge cannot be transferred against his/her will.  
A judge is discharged  
- if he/she so requests;  
- if he/she permanently loses the capability of carrying out a judge's office, which is determined by the Republican Judicial Council;  
- if he/she fulfils the conditions for retirement;  
- if he/she is sentenced for a criminal offence to a prison term of a minimum of six months;  
- owing to a serious disciplinary offence defined in law, making him/her unsuitable to perform a judge's office as decided by the Republican Judicial Council; and  
- owing to unprofessional and unethical performance of a judge's office, as decided by the Republican Judicial Council in a procedure regulated by law.

Article 100

Judges are granted immunity.  
The Assembly decides on the immunity of judges.  
The performance of a judge's office is incompatible with other public office, profession or membership in a political party.  
Political organisation and activity in the judiciary is prohibited.

Article 101

The Supreme Court of Macedonia is the highest court in the Republic, providing uniformity in the implementation of the laws by the courts.

Article 102

Court hearings and the passing of verdicts are public.  
The public can be excluded in cases determined by law.

Article 103

The court tries cases in council.  
The law determines cases in which a judge can sit alone.  
Jury judges take part in a trial in cases determined by law.  
Jury judges cannot be held answerable for their opinions and decisions concerning their verdict.

Article 104

The Republican Judicial Council is composed of seven members.  
The Assembly elects the members of the Council.  
The members of the Council are elected from the ranks of outstanding members of the legal profession for a term of six years with the right to one reelection.  
Members of the Republican Judicial Council are granted immunity. The Assembly decides on their immunity.  
The office of a member of the Republican Judicial Council is incompatible with the performance of other public offices, professions or membership in political parties.

Article 105

The Republican Judicial Council  
- proposes to the Assembly the election and discharge of judges and determines proposals for the discharge of a judge's office in cases laid down in the Constitution;  
- decides on the disciplinary answerability of judges;  
- assesses the competence and ethics of judges in the performance of their office; and  
- proposes two judges to sit on the Constitutional Court of Macedonia.

### The Public Prosecutor's Office

#### Article 106

The Public Prosecutor's Office is a single and autonomous state body carrying out legal measures against persons who have committed criminal and other offences determined by law; it also performs other duties determined by law.

The Public Prosecutor's Office carries out its duties on the basis of and within the framework of the Constitution and law.

The Public Prosecutor is appointed by the Assembly for a term of six years and is discharged by the Assembly.

#### Article 107

The Public Prosecutor is granted immunity.

The Assembly decides on his/her immunity.

The office of the Public Prosecutor is incompatible with the performance of any other public office, profession or membership in a political party.

## IV. THE CONSTITUTIONAL COURT OF MACEDONIA

#### Article 108

The Constitutional Court of Macedonia is a body of the Republic protecting constitutionality and legality.

#### Article 109

The Constitutional Court of Macedonia is composed of nine judges.

The Assembly elects the judges to the Constitutional Court by a majority vote of the total number of Representatives. The term of office of the judges is five years without the right to reelection.

The Constitutional Court elects a President from its own ranks for a term of three years without the right to reelection.

Judges of the Constitutional Court are elected from the ranks of outstanding members of the legal profession.

#### Article 110

The Constitutional Court of Macedonia

- decides on the conformity of laws with the Constitution;

- decides on the conformity of collective agreements and other regulations with the Constitution and law;

- protects the freedoms and rights of the individual and citizen relating to the freedom of communication, conscience, thought and public expression of thought, political association and activity as well as to the prohibition of discrimination among citizens on the grounds of sex, race, religion or national, social or political affiliation;

- decides on conflicts of competency among holders of legislative, executive and judicial offices;

- decides on conflicts of competency among Republic bodies and units of local self-government;

- decides on the answerability of the President of the Republic;

- decides on the constitutionality of the programmes and statutes of political parties and associations of citizens; and

- decides on other issues determined by the Constitution.

#### Article 111

The office of judge of the Constitutional Court is incompatible with the performance of other public office, profession or membership in a political party.

Judges of the Constitutional Court are granted immunity. The Constitutional Court decides on their immunity.

Judges of the Constitutional Court cannot be called up for duties in the Armed Forces.

The office of a judge of the Constitutional Court ceases when the incumbent resigns. A judge of the Constitutional Court shall be discharged from office if sentenced for a criminal offence to unconditional imprisonment of a minimum of six months, or if he/she permanently loses the capability of performing his/her office, as determined by the Constitutional Court.

#### Article 112

The Constitutional Court shall repeal or invalidate a law if it determines that the law does not conform to the Constitution.

The Constitutional Court shall repeal or invalidate a collective agreement, other regulation or enactment, statute or programme of a political party or association, if it determines that the same does not conform to the Constitution or law.

The decisions of the Constitutional Court are final and executive.

#### Article 113

The mode of work and the procedure of the Constitutional Court are regulated by an enactment of the Court.

## V. LOCAL SELF-GOVERNMENT

#### Article 114

The right of citizens to local self-government is guaranteed.

Municipalities are units of local self-government. Within municipalities forms of neighbourhood self-government may be established.

Municipalities are financed from their own sources of income determined by law as well as by funds from the Republic.

Local self-government is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives.

## Article 115

In units of local self-government, citizens directly and through representatives participate in decision-making on issues of local relevance particularly in the fields of urban planning, communal activities, culture, sport, social security and child care, preschool education, primary education, basic health care and other fields determined by law.

The municipality is autonomous in the execution of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

The carrying out of specified matters can by law be entrusted to the municipality by the Republic.

## Article 116

The territorial division of the Republic and the area administered by each municipality are defined by law.

## Article 117

The City of Skopje is a particular unit of local self-government the organisation of which is regulated by law.

In the City of Skopje, citizens directly and through representatives participate in decision-making on issues of relevance for the City of Skopje particularly in the field of urban planning, communal activities, culture, sport, social security and child care, preschool education, primary education, basic health care and other fields determined by law.

The City of Skopje is financed from its own sources of income determined by law, as well as by funds from the Republic.

The City is autonomous in the execution of its constitutionally and legally determined spheres of competence; supervision of the legality of its work is carried out by the Republic.

By law, the Republic can entrust the carrying out of specified matters to the City.

## VI. INTERNATIONAL RELATIONS

## Article 118

The international agreements ratified in accordance with the Constitution are part of the internal legal order and cannot be changed by law.

## Article 119

International agreements are concluded in the name of the Republic of Macedonia by the President of the Republic of Macedonia. International agreements may also be concluded by the Government of the Republic of Macedonia, when it is so determined by law.

## Article 120

A proposal for association in a union or community with other states or for dissociation from a

union or community with other states may be submitted by the President of the Republic, the Government or by at least 40 Representatives.

The proposal for association in or dissociation from a union or community with other states is accepted by the Assembly by a two-thirds majority vote of the total number of Representatives.

The decision of association in or dissociation from a union or community with other states is adopted if it is upheld in a referendum by the majority of the total number of voters in the Republic.

## Article 121

A decision of association or dissociation concerning membership in international organisations is adopted by the Assembly by a majority vote of the total number of Representatives of the Assembly and proposed by the President of the Republic, the Government or at least 40 Representatives of the Assembly.

## VII. THE DEFENCE OF THE REPUBLIC AND STATES OF WAR AND EMERGENCY

## Article 122

The Armed Forces of the Republic of Macedonia protect the territorial integrity and independence of the Republic.

The defence of the Republic is regulated by a law adopted by a two-thirds majority vote of the total number of Representatives.

## Article 123

No person is authorised to recognise occupation of the Republic of Macedonia or of part thereof.

## Article 124

A state of war exists when direct danger of military attack on the Republic is impending, or when the Republic is attacked, or war is declared on it.

A state of war is declared by the Assembly by a two-thirds majority vote of the total number of Representatives of the Assembly, on the proposal of the President of the Republic, the Government or at least 30 Representatives.

If the Assembly cannot meet, the decision on the declaration of a state of war is made by the President of the Republic who submits it to the Assembly for confirmation as soon as it can meet.

## Article 125

A state of emergency exists when major natural disasters or epidemics take place.

A state of emergency on the territory of the Republic of Macedonia or on part thereof is determined by the Assembly on a proposal by the President of the Republic, the Government or by at least 30 Representatives.

IX. TRANSITIONAL AND FINAL CLAUSES

Article 132

Time of residence in other republics in the Socialist Federal Republic of Yugoslavia is also included in the time span specified in Article 80, Paragraph 5.

Article 133

A Constitution Act shall be adopted for the implementation of the Constitution.  
The Constitution Act is adopted by a two-thirds majority vote of the total number of Representatives.

The Constitution Act is declared by the Assembly and comes into force simultaneously with the declaration of the Constitution.

Article 134

This Constitution comes into force on the day it is declared in the Assembly of the Republic of Macedonia.

Article 126

The decision to establish the existence of a state of emergency is made by a two-thirds majority vote of the total number of Representatives and can remain in force for a maximum of 30 days.  
If the Assembly cannot meet, the decision to establish the existence of a state of emergency is made by the President of the Republic, who submits it to the Assembly for confirmation as soon as it can meet.

Article 127

During a state of war or emergency, the Government, in accordance with the Constitution and law, decrees with the force of law.  
The authorisation of the Government to issue decrees with the force of law lasts until the termination of the state of war or emergency, on which the Assembly decides.

Article 128

During a state of war, if the Assembly cannot meet, the President of the Republic may appoint and discharge the Government, as well as appoint or dismiss officials whose election is within the sphere of competence of the Assembly.

VIII. CHANGES IN THE CONSTITUTION

Article 129

The mandate of the judges of the Constitutional Court of Macedonia, as well as members of the Republican Judicial Council is extended for the duration of the state of war or emergency.

Article 130

The Constitution of the Republic of Macedonia can be changed or supplemented by constitutional amendments.

Article 131

A proposal to initiate a change in the Constitution of the Republic of Macedonia may be made by the President of the Republic, by the Government, by at least 30 Representatives, or by 150,000 citizens.

The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

The draft amendment to the Constitution is considered by the Assembly by a majority vote of the total number of Representatives and then submitted to the debate.

The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

The change in the Constitution is declared by the Assembly.



**APPENDIX 3**

RECOMMENDATION - LAW  
FOR THE ELECTION OF  
THE PRESIDENT OF THE REPUBLIC OF MACEDONIA

Skopje, March 1994

PROPOSER: Government of the Republic of Macedonia

REPRESENTATIVES: Tuse Gosev, member of government and Minister of Justice and Administrative law; and Bardul Kula, deputy to the Minister of Justice and Administrative Law

AGENTS: Dragan Tumanovski, undersecretary at the Ministry of Justice and Administrative Law; and Branko Naumovski, assistant to the Minister of Justice and Administrative Law; and Gorgi Proja, assistant to the Minister of Justice and Administrative Law

Translation: Eran Fraenkel for the International Foundation for Electoral Systems, July 1994

PROPOSED LEGISLATION FOR THE ELECTION OF THE  
PRESIDENT OF THE REPUBLIC OF MACEDONIA

I. GENERAL PROVISIONS

Article 1

The proposed legislation regulates the procedure for the election of the president of the Republic of Macedonia (hereafter referred to as the president of the republic).

Article 2

For the election of the president of the Republic of Macedonia, the provisions of the law which defines the procedure for electing representatives and councilors apply unless stipulated differently.

II ANNOUNCING AND HOLDING ELECTIONS

Article 3

The election of the president of the republic is announced by the president of the Parliament of the Republic of Macedonia.

From the day of the announcement until the day elections are held no more than 60 and no less than 30 days shall elapse.

The formal announcement of the election of president of the republic which stipulates the date from which election activities may commence shall be published in the *Official Gazette of the Republic of Macedonia*.

Article 4

The election of the president of the republic shall be occur during the final 60 days of the mandate of the incumbent president.

In the event that the mandate of the president of the republic is terminated for any reason whatsoever, the election of the new president shall be carried out within 40 days of the termination of that mandate.

Article 5

In the event that the Parliament of the Republic of Macedonia is dissolved, the president of the Parliament shall be obligated on the day of the dissolution, besides formally announcing the new elections for representatives, to also formally announce the election

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for president of the republic, as long as the timetable set forth in Article 4 of this law coincides with the dissolution of the Parliament.

### III NOMINATING AND CONFIRMING CANDIDATES

#### Article 6

Candidates for president of the republic shall be nominated by at least 10,000 voters, or 30 representatives in Parliament.

One voter or representative may only nominate one candidate for president of the republic.

The candidate for president of the republic may be a person who fulfills the requirements election as president of the republic as provided for in the Constitution.

#### Article 7

Voter signatures shall be gathered on forms issued by the State Election Commission on which each voter who has signed has entered his first and last name, address, personal identification number, and candidate nominated.

Voters shall submit their signatures before the authority responsible for overseeing evidence concerned with electoral law.

On the basis of the collected voter signatures, lists of candidates shall be prepared on forms issued by the State Election Commission, which are then signed by the authorized agent of the person submitting the lists.

The authorized agent indicated in paragraph 3 of this article is the nominator whose signature appears first, and his deputy is the nominator whose signature appears second.

#### Article 8

The list of candidates for president of the republic drafted by representatives shall be submitted in writing on a form issued by the State Election Commission, providing the first and last name, address, and personal identification number of the nominated candidates and of the each representative, as well as the date the list was confirmed.

#### Article 9

The lists of candidates for president of the republic together with the candidates' written declaration of acceptance of the nomination shall be brought to the State Election Commission by authorized agents of the nominators no later than 20 days prior to the day

set for the election.

A candidate may remove himself from candidacy no later than 15 days prior to the day set for the election.

Upon accepting the lists of candidates for president of the republic, the Commission shall confirm that these lists have been submitted within the prescribed timetable and that they conform with the regulations set forth in this law.

Should the Commission determine that the lists contain any irregularities, it shall summon the authorized agent of the person submitting the list, namely the representative whose signature appears first on the candidate's list, who shall correct these irregularities within a period of 2 days.

Should these irregularities not be corrected within the period indicated in paragraph two of this article, the Commission shall not take the given nominations into consideration when preparing the list of candidates for president of the republic.

#### Article 10

Within 5 days of accepting the lists of candidates, the State Election Commission shall publish the names of the confirmed candidates in the *Official Gazette of the Republic of Macedonia*.

### IV CONFIRMING THE RESULTS OF AN ELECTION

#### Article 11

The person elected president of the republic shall be the candidate who receives the majority of the total number of votes from among the voters registered on the general voter registration list.

#### Article 12

If in the first round no candidate for president of the republic receives the required majority of votes, voting shall take place in a run-off election for the two candidates who received the greatest number of votes in the first round.

The run-off election shall take place within 14 days of the completion of the first round of voting.

#### Article 13

In the run-off elections for president of the republic a candidate shall be elected if he

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receives the majority of votes, as long as more than half the voters have cast their ballots.

#### Article 14

In the event that neither candidate in the run-off election receives the necessary majority of votes, the entire election process shall be repeated.

If only one candidate has been nominated to run for president of the republic and he does not receive the necessary majority of votes in the first round of the elections, the entire election process shall be repeated.

#### Article 15

The pre-election expenses for a candidate for president of the republic during the last three months of the campaign may not exceed 1,000 times the average monthly salary in the republic.

### V INAUGURAL ADDRESS

#### Article 16

Assuming the responsibilities of the president of the republic shall take place at a ceremonial session of the Parliament of the Republic of Macedonia, at which the president shall present an inaugural address in which he declares:

“I declare that I shall fulfill the office of president of the Republic of Macedonia conscientiously and responsibly. I shall obey the Constitution and laws and shall protect the sovereignty, territorial integrity, and independence of the Republic of Macedonia.”

### VI FINAL PROVISIONS

#### Article 17

As soon as this law comes into effect, the preceding law for the election and dismissal of the president and vice president of the Socialist Republic of Macedonia ceases to apply (*Official Gazette of the Socialist Republic of Macedonia*, No. 38/90).

#### Article 18

This law comes into effect on the eighth day following the date of its publications in the *Official Gazette of the Republic of Macedonia*.

## JUSTIFICATION

### I CONSTITUTIONAL FOUNDATION

The constitutional foundation for passing this law is Article 68, paragraph 1, line 2 of the Constitution of the Republic of Macedonia.

### II REASONS FOR PASSING THE LAW

With the adoption of the Constitution of the Republic of Macedonia and the constitutional law for the implementation of the Constitution of the Republic of Macedonia, a constitutional/legal foundation was established for the election of the president of the republic through general and direct elections.

Namely, Article 80 of the Constitution of the Republic of Macedonia determines that the president of the Republic of Macedonia shall be elected in general and direct elections, by secret ballot, for a term of 5 years.

New constitutional circumstances and changes in the process of electing the president have created the need to adopt a new law for electing the president of the republic which shall conform with the new constitutional requirements, for which reason this new law was brought before the Parliament of the Republic of Macedonia.

### III UNDERLYING PRINCIPLES OF THE LAW

The proposed law for the election of the president of the Republic of Macedonia is based upon the following principles:

- \* direct and secret elections of the president of the Republic of Macedonia;
- \* democratic nomination and election of the president of the Republic of Macedonia.

### IV RELATIONS DETERMINED BY THE LAW

This law determines the process for electing the president of the Republic of Macedonia. The law in conformity with Articles 80 and 81 of the Constitution of the Republic of Macedonia more closely regulates the processes of announcing and administering the election of the president of the republic. Thus, the constitutional formulation for general, direct, and secret elections based on the principle of obtaining a qualified majority of all ballots cast represents the foundation for normalizing decisions and establishing the process for electing the president of the republic.

Since the election of the president of the Republic of Macedonia is based on the same principles as the election of representatives to the Parliament of the Republic of Macedonia, with regard to the process of implementing elections this law proposes

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corresponding changes in the law for the election of representatives and councilors (Article 2).

Articles 3 and 4 contain the constitutional provisions concerning the calling of elections and the duration of the campaign for president of the republic. The duration of the election is particularly significant in view of the functions of the president of the republic, namely, his representation of the republic; his rights and obligations to the Parliament of the Republic of Macedonia; his military responsibilities; and his right to nominate a candidate for the head of the government of the Republic of Macedonia as well as other public officials.

The process of nominating and confirming candidates for president of the Republic of Macedonia is fully explained in the section on this topic. Namely, it is established there which persons may nominate a candidate for president, the form in which such nominations are to be presented, the responsibilities of the State Election Commission in this process, as well as the timetable within which the nomination and confirmation of candidates must take place.

The formulation of the decision for confirming the results of an election (Articles 11 - 14), was intended to determine the election of president of the republic through a majority of all ballots cast by the electorate, the length of the election campaign, as well as the conditions and circumstances for repeating the entire election process.

#### REVIEW OF THE AMENDMENTS AND OPINIONS CONCERNING THE PROPOSED LAW FOR THE PASSAGE OF EMERGENCY LAW FOR THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF MACEDONIA

The Parliament of the Republic of Macedonia during its 66th session on 6 October 1993 brought a resolution that, among other issues, proposed a law for the election of the president of the Republic of Macedonia. Because it was adopted, the authorized proposer of the law is to prepare for the Parliament of the Republic of Macedonia the recommendation for the law which must contain any opinions and proposals for the nomination process, as well as any additions to the text or decisions regarding amendments already presented in this process or in reports made to officials.

In fulfilling this resolution by the Parliament of the Republic of Macedonia, the Ministry for Justice prepared a text in the form of a recommended law for the election of the president of the Republic of Macedonia, which contained the amendments proposed by the government of the Republic of Macedonia; by Vladimir Golubovski (MP, VMRO-DPMN); by Todor Petrov (independent MP); by MPs Gjulistana Markovska, Eftim Manev, and Mihail Panovski; by Aleksandar Florovski, Aco Spirovski, Gorgi Kogevski, Tomislav Stefkovski, Petar Temelkovski, Stoile Stojkov, Aco Spiroski, Dragi Arsov, Cvetan Jovcevski, Petar Trajkovski, Zoran Kitev (MPs, VMRO-DPMN). It also contained



the reports dated 28 and 30 July 1993 by the Legal/Administrative Commission and the Commission on Socio-Political Systems of the Parliament of the Republic of Macedonia. The majority of amendments were fundamentally accepted and incorporated into the resolution of the law. A number of amendments were rejected because the proposer considered them unessential or determined that these particular issues could not be settled legally in this manner.

Specifically, the amendments consist of the following:

1. The Legal/Administrative Commission in its report for the session held on 28 July 1993 fundamentally upheld the law. Its amendments are of a technical nature to make the text of the law more precise. The amendments in the proposed law were accepted, with the exception of paragraph 1 of amendment 1. This amendment recommended that in Article 6, paragraph 1, the word "resolution" should be changed to "formal act." Since the law must precisely define the formal act by which the president calls an election, which must also conform with the Law for the Election and Recall of Representatives and Councilors (Article 6, paragraph 3), this amendment was not adopted.
2. In its report No. 14-14/47 of 28 July 1993, the Commission for Socio-Political Systems determined that the law must decide the question as to who shall fulfill the function of president of the republic in the event that the dissolution of the Parliament and the end of the president's term of office should coincide; in other words, in the case of the termination of the president's function. This suggestion was accepted, in that this issue is addressed in a separate provision of the recommended law.
3. The government of the Republic of Macedonia, in a session held on 28 July 1993, passed four amendments recommending changes in particular articles, most of which are in order to conform the text to constitutional decisions or are of an editorial nature. The recommendations are to eliminate Articles 2 and 3 because they deal with constitutional issues; in Article 6, paragraph 2, to eliminate the words "whose term of office ends upon the day elections are called"; in Article 7 following the words "the provisions of the law" to add the words "by which the process is regulated"; and in Article 16 to add Article 16-a which would limit election expenses for candidates seeking the presidency. These amendments were adopted in the proposed law.
4. The amendments brought by Representative Vladimir Golubovski concern the following: Attachment 8-a is recommended to Article 8 permitting the registration of a candidate for president of the republic on the basis of 50 citizens' signatures or of one or more registered political parties; Article 9, paragraph 2, is to be changed to have the citizens nominating a candidate for president sign in front of the authorized representatives of the citizen group mentioned in Article 8-a;

following paragraph 2 of Article 9, a new paragraph is to be added in which it is determined that the veracity of the personal data of citizens and their signatures is to be the responsibility of the authorized representatives of the organizer collecting the signatures; following Article 12, a new Chapter 4 is to be added with special provisions for the presentation of candidates, namely the right of presenting a candidate belongs to those who recommend a candidate, which must accord with the changed provisions in the law for the election and recall of representatives and councilors.

The amendments for registering a candidate on the basis of 50 signatures or one or more political parties was not adopted because this matter has been settled in the provisions in Articles 8 and 9 of the recommended law.

The amendment for presenting a candidate was not adopted because this matter has already been addressed in the law for the election and recall of representatives and councilors, which also determines the implementation of elections.

5. The amendment that Article 6, paragraph 2, is to be eliminated, as brought by representatives Gjulistana Markovska, Eftim Manev, and Mihail Panovski, has been adopted because it has been correctly suggested that with the dissolution of Parliament, representatives no longer hold their positions as members of Parliament and must nominate candidates only as citizens.
6. The amendments brought by representatives of VMRO-DPMN that would require that nominees for president not be over the age of 75 and belong to the Macedonian nation have been rejected on the grounds that they are unconstitutional.

The amendments brought by independent Representative Todor Petrov, a segment of which recommends the improvement and precision of text, have been adopted. The amendment for a separate chapter in the law requiring the presentation of an inaugural address has been accepted, in which it is determined what the text of the address shall be.

The proposer of the law does not consider it essential to review the remaining amendments that have not been adopted, because such a review would unnecessarily encumber the text of this justification.

**APPENDIX 4**

RECOMMENDATION - LAW  
FOR CHANGING AND SUPPLEMENTING THE LAW  
FOR THE ELECTION AND RECALL OF REPRESENTATIVES AND  
COUNCILORS

Skopje, March 1994

- Proposer: Government of the Republic of Macedonia
- Representatives: Tuse Gosev, member of government and Minister of Justice and Administrative Law; and Bardul Kuka, deputy to the Minister of Justice and Administrative Law
- Commissioners: Dragan Tumanovski, undersecretary of the Ministry of Justice and Administrative Law; Branko Naumoski, assistant to the Minister of Justice and Administrative Law; and Gorgi Proja, assistant to the Minister of Justice and Administrative Law
- Translation: Eran Fraenkel for the International Foundation for Electoral Systems, July 1994

#### Article 1

The name of the law for the election and recall of representatives and councilors (Official Gazette of the Socialist Republic of Macedonia No. 28/90) shall be changed to read:

“Law for the Election of Representatives and Councilors”

#### Article 2

Article 1 shall be changed to read:

“This law establishes the manner and conditions for the election of representatives to the Parliament of the Republic of Macedonia and councilors to the municipal assemblies, and establishes the number of representatives in the Parliament of the Republic of Macedonia (hereafter referred to as MPs).

The provisions of this law that pertain to the election of councilors to municipal assemblies apply accordingly to the election of councilors to the Assembly of the City of Skopje.

#### Article 3

Article 2 shall be changed to read:

“Representatives to the Parliament shall be elected by the citizens by secret ballot in general, direct, and free elections.

Any citizen who has reached his/her eighteenth birthday and is able to work has the right to vote and to be elected as a representative to the Parliament.”

#### Article 4

Article 2 shall have a new paragraph, 2-a, to read:

“The Parliament of the Republic of Macedonia shall consist of 140 representatives, of whom 120 shall be elected by the majority principle, and 20 by the proportional principle.

The number of councilors in the municipal assemblies and the Assembly of the City of Skopje shall be determined by statute.

The ratio of the number of councilors who shall be elected by the majority and proportional principles shall be established by statute and shall conform to the established ratio of representatives in the Parliament of the Republic of Macedonia.”

#### Article 5

Article 4 shall be changed to read:

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“The function of representative shall not be combined with the function of president of the republic, head of state of the Republic of Macedonia, minister, judge of the Constitutional Court, public prosecutor, judge, public defender, or any other function chosen or nominated by the Parliament, the government of the Republic of Macedonia, or by employees of the government.

Persons may not be elected as representatives less than one year after terminating active service in the military or in any security or defense force.

Upon the day that a representative’s mandate is verified, people carrying out functions specified in paragraph 1 of this article shall have those functions cease and all rights and obligations attendant to that relationship shall end.”

#### Article 6

The provisions of Article 5 of this law apply correspondingly to councilors.

#### Article 7

Article 5 shall be changed to read:

“No tax shall be paid for any actions, acts, petitions, or other acts in connection with the implementation of the election of representatives to Parliament.”

#### Article 8

In Article 6, paragraph 3, the words “the decision” shall be replaced by the words “the act”; the words “2 months” shall be replaced by the words “90 days”; following the words “on the day of,” the words “the holding of” shall be added; the words “1 month” shall be replaced by the words “30 days.”

Following paragraph 3, a new paragraph 4 shall be added to read:

“In the event that Parliament is dissolved, from the day elections are called to the day they are held, no more than 60 and no less than 30 days shall pass.”

Paragraph 4, now paragraph 5, shall be changed to read:

“Elections shall be held no later than 30 days before the mandate of the ministers of elapses.”

Following paragraph 5, new paragraphs 6 and 7 shall be added to read:

“By the act of calling elections, the day is also established upon which begin the periods during which election activities are to be conducted.”

“In the event that Parliament is dissolved, the president of Parliament shall call elections on the day of the dissolution.”

## Article 9

In Article 9, paragraph 1, line 3, the words "Republic Election Commission" shall be replaced by the words "State Election Commission."

## Article 10

Article 10, paragraph 4, shall be changed to read:

"The composition of the election commission shall include 1 representative and 1 deputy chosen by each candidate standing in the election for representative to Parliament, all of whom shall constitute the nonpermanent segment of the election commission."

Following paragraph 4, a new paragraph 5 shall be added to read:

"Nominators of representatives to the Parliament give authorization to the persons mentioned in paragraph 4 of this article to report to the Election Commission."

The present paragraph 5 shall be removed.

Paragraph 6 shall be changed to read:

"The president of the Election Commission shall call a session of the Commission within 8 days of the completion of the nomination of candidates and shall invite the persons mentioned in paragraph 1 of this article. Upon the determination of the propriety of paragraph 4 of this article, the nonpermanent composition of this Election Commission shall be established with the first and last name of each individual."

## Article 11

Following paragraph 1 of Article 11, a new paragraph shall be added to read:

"In the event that the municipal assembly cannot meet for any reason whatsoever, the Parliament of the Republic of Macedonia shall name the municipal election commission."

## Article 12

Article 13 shall be changed to read:

"The permanent membership of the municipal election commission shall:

1. determine whether the nominated candidates for election as councilors have been nominated in accordance with the law;
2. establish by means of resolution the lists of nominated candidates;
3. determine the polling stations;
4. name the election boards;
5. provide instructions to the election boards regarding their work and overseeing the voting at the polling stations; it is also responsible that the work of the election boards

is conducted properly and legally;

6. conduct technical preparations for the elections;
7. prepare and deliver statistical data to the Republic Bureau of Statistics;
8. conduct other tasks established in this law.

The municipal election commission's nonpermanent membership shall:

1. take responsibility for the legal implementation of elections for councilors;
2. monitor the legality of the work done by the elections boards;
3. compile joint lists of the candidates for councilors, and make them public;
4. confirm and make public the results of the elections for councilors and shall report the results of the balloting.
5. conduct other tasks determined by this law."

### Article 13

Article 14 shall be changed to read:

"The permanent membership of the district election commission shall:

1. determine whether the nominated candidates for election as representatives have been nominated in accordance with the law;
2. confirm by means of resolution the lists of nominated candidates;
3. establish polling stations;
4. name elections boards;
5. give instructions to election boards regarding the implementation of the elections;
6. conduct technical preparations for the elections;
7. prepare and deliver statistical data to the Republic Bureau of Statistics;
8. conduct other tasks determined by this law.

The nonpermanent membership of the district election commission shall:

1. take responsibility for the legal execution of the elections in the district;
2. monitor the work of the election boards;
3. compile a joint list of the candidates for representatives and make it public;
4. confirm the results of the balloting for representatives in the district and then deliver a report to the State Election Commission;
5. conduct other tasks determined by this law.

The District Election Commission's permanent body shall work with its full membership.

### Article 14

In the title of chapter 4, "Nomination and Confirmation of Candidates for Representatives" the words "and Confirmation" shall be removed.

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## Article 15

Article 17 shall be changed to read:

“The organs of state and local self-administrative government are obligated to the electoral organs to provide them technical and other services for their work and upon request to provide any necessary information.”

## Article 16

In Article 20, paragraph 2 shall be changed to read:

“According to the provisions established by this law, candidates for representatives to the Parliament may be nominated by registered political parties, singly or jointly, as well as by citizens.”

Paragraph 3 shall be changed to read:

“Registered political parties having a minimum of 3,000 members have the right to nominate representatives to the Parliament by presenting lists of candidates for representatives and councilors to every electoral district. Registered political parties having a minimum of 500 members have the right to nominate candidates for councilors to the municipal assemblies by presenting [remainder of sentence illegible.] Parties making joint nominations for representatives may have a combined membership of 3,000. When nominating candidates, two or more political parties may use the name of one party.”

In paragraph 4, the word “organizations” shall be replaced by the word “parties” and the words “and other forms of organization and association” shall be removed. The number and word “100 (hundred)” shall be replaced by the number and words “300 (three hundred), and the number and word “50 (fifty)” shall be replaced by the number and word “100 (hundred).”

Paragraph 8 shall be changed to read:

“The political parties mentioned in paragraph 3 of the article shall prove the size of their membership by means of a certificate provided by the State Election Commission, namely, from the municipal election commission, on the basis of a copy of their membership registration log, which together with the lists of nominated candidates are presented to the authorized election commission.”

## Article 17

In Article 20, paragraphs 1,2, Articles 22 and 24, paragraphs 1 and 4, and Article 30, paragraphs 1 and 2, the words “confirmation,” “and confirm,” “and confirmed,” and “and confirmed” shall be removed.

## Article 18

In Article 21 a comma shall be inserted following the word "residence," followed by the words "personal registration number."

#### Article 19

In Article 26, following paragraph 1, two new paragraphs numbered 2 and 3 shall be inserted, to read:

"If the election commission determines that the list of candidates has been compiled in conformity with this law and has been submitted on schedule, either immediately or within 24 hours of receipt, the list of candidates shall be confirmed by resolution.

The resolution of confirmation of the list of candidates in paragraph 2 of this article shall be delivered to the presenter of that list by the commission without delay.

In paragraph 3, which is now paragraph 5, point 2 shall be replaced by point 4, and the words "the list of candidates is not confirmed" shall be replaced by the words "in the subsequent 48 hours shall bring a resolution by which the demands for the confirmation of the list of candidates cannot be denied."

#### Article 20

In Article 27, the word "five" shall be replaced by the word "eight."

#### Article 21

Articles 32 and 33 of the law shall be replaced by new Articles 32, 33, 33-a, and 33-b, to read:

#### "Article 32

The political parties shall have equal rights to inform the public of their programs and to present their candidates for representatives in the mass media, under the same rubrics and terms, as well as to organize campaign advertising for their nominated candidates.

The right to present programs and candidates for representatives and the right to organize campaign advertising under the conditions and terms of paragraph 1 of this article also shall be enjoyed by citizens who with their signatures nominate an "independent candidate."

Nominators as in paragraphs 1 and 2 of this article shall be allowed to present their programs and candidates for representatives in public gatherings, through posters, photographs of candidates, and other means.

#### Article 33

Nominators of candidates for representatives as well as the candidates themselves

are obliged in the election campaign and in the presentation of their programs and candidates to maintain mutual respect, as well as to respect the dignity, reputation, and integrity of candidates for representatives.

#### Article 33-a

Election posters and advertisements cannot be placed and distributed at the polling stations nor in its immediate vicinity.

Elections posters and advertisements cannot be created in a way that uses official symbols of the Republic of Macedonia nor of foreign countries.

#### Article 33-a

No presentation of programs, candidates for representatives, or election advertisements may take place within the 24 hours preceding the day set for the elections nor on the day of the elections.”

#### Article 22

In Article 35, paragraph 1, the period at the end of the sentence shall be removed and the words “no more than 1,000 (one thousand) voters” shall be added.

#### Article 23

Article 39 shall be removed.

#### Article 24

In Article 40, paragraph 3 shall be removed.

#### Article 25

In Article 42, following paragraph 2, a new paragraph 3 shall be added to read:

“If order is disturbed at the polling station, the election commission may interrupt the voting until order is restored. Voting may also be interrupted in the event of inclement weather and other extraordinary circumstances. If voting is interrupted for more than one hour, the balloting shall be prolonged for the same length of time as the interruption, not to exceed three hours. If the interruption is greater than three hours, the voting must be repeated.

The time and reasons for the interruption of voting must be entered into the log.”

#### Article 26

In Article 43, paragraphs 4 and 5, the word "milicija" shall be replaced by the word "policija."

#### Article 27

Article 44 shall be changed to read:

"The voter who is first to arrive to cast a ballot shall present the election commission his invitation to vote, and if he has no such invitation, shall give his first and last names.

The president of the election board or one of its members is required to confirm the identity of the voter on the basis of his personal id card issued after 4 January 1993, or on the basis of a travel document that has been issued according to the law regarding travel documents.

In the event that the person has no documents specified in paragraph 2 of this article, his identity shall be confirmed on the basis of the id card in his possession and proof of citizenship in the Republic of Macedonia.

Once the person's identity has been established, the president or member of the election board shall determine whether the voter is present on the voter registration list for that polling station (Article 36, paragraph 1 of this law), and shall, if there, circle the number on the line where that person's name appears on the registration list, give the person the ballot, explain how the voting is conducted, and allow the person to cast the ballot.

If the voter is not on the voter registration list, the election board may not permit him to vote, unless he possesses proper evidence from the authorized body responsible for election law showing that he is entered in the voter registration list for the district in which he is a resident.

Certification as in paragraph 4 of this article, on the basis of which a voter has voted, shall be retained by the election board and attached to the minutes [log].

#### Article 28

In Article 45, following paragraph 1, a new paragraph 2 shall be added to read:

"A voter who is unable to vote at the polling station (an invalid), but who wishes to cast a ballot, shall inform the election board which will enable him to vote in a manner that ensures the secrecy of his vote."

In paragraph 2, now paragraph 3, the word "thus/such" shall be removed, and following the word "case" the words "of paragraphs 1 and of this article" shall be added.

#### Article 29

In Article 46, paragraph 2, the words "Socialist Federal Republic of Yugoslavia" shall be replaced by the words "Republic of Macedonia."

### Article 30

In Article 47, paragraph 1, the words "municipal body" shall be replaced by the word "the body," and the word "people's/national" shall be removed.

In paragraph 2, the words "Socialist Federal Republic of Yugoslavia" shall be replaced by the words "Republic of Macedonia."

### Article 31

Following Article 47, a new Article 47-a shall be added to read:

#### "Article 47-a

Citizens who have been arrested or are otherwise incarcerated shall vote in the institution where they are being held.

On the basis of data from the body responsible for the compiling the voter registration list, the authorized election commission shall compile a list of persons specified in paragraph 1 of this article and a list, together with the necessary number of ballots and envelopes addressed to the authorized election commission shall be delivered to the institutions where these citizens are being held or otherwise incarcerated."

### Article 32

In Article 48, paragraph 1, following the words "of Article 46" the words " and Article 47-a, paragraph 1" shall be added, and following the word "institution" the words "the authorized institution in which they are being held or otherwise incarcerated" shall be added.

### Article 33

In Article 51, following paragraph 5 a new paragraph 6 shall be added to read:

"[First three lines of this paragraph are missing] . . . 12% of the voters who cast ballots."

In Article 54, following paragraph 3, a new paragraph 4 shall be added to read:

"If in the first round of voting only one candidate receives 12% of the ballots cast, in the second round votes also shall be cast for the candidate or candidates who received the next-highest number of votes following the candidate with at least 12%."

Paragraphs 4 and 4 of Article 54 now shall be paragraphs 5 and 6.

### Article 35

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In Article 59, paragraph 1, point 3, shall be changed to read:

“If he is convicted of a crime for which he is to serve a 5-year sentence in jail.”

Following point 6, new points 7 and 8 shall be added to read:

“7. If his mandate is terminated for reasons specified in Article 65, paragraph 4, of the Constitution.

8. If he losses his citizenship in the Republic of Macedonia.”

In paragraph 2, a comma shall be added following the number “5” and following number the number “6” the word “and” and the number “8” shall be added.

Paragraph 4 shall be changed to read:

“A representative’s mandate shall be terminated in circumstances given in point 7 of paragraph 1 of this article, on the day that the Parliament holds its session in which the resolution is passed terminating his mandate.”

#### Article 36

Following Article 64, a new Article 64-a shall be added to read:

“Article 64-a

The mandate of a representative elected in special by-elections shall continue until end of the term of the representative he has been elected to replace.”

#### Article 37

The title of Chapter 10 shall be changed to read:

“Election of Representatives to the Parliament According to the Proportional Principle.”

Articles 66, 67, and 68 shall be replaced by ten new articles, 66, 67, 68, 68-a, 68-b, 68-c, 68-d, 68-e, 68-f, and 68-g, to read:

“Article 66

For the election of representatives to Parliament according to the proportional system, the provisions for the election of representatives according to the majority principle shall be changed accordingly, insofar as the provisions of Articles 67-68-g do not determine otherwise.

Article 67

For the election of representatives according to the proportional principle, the electoral

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district shall consist of the entire Republic of Macedonia, and for the election of councilors it shall be the entire municipality.

#### Article 68

The right to nominate candidates to stand in the election for representatives to the Parliament belongs to the political parties as in paragraph 3 of Article 20 of this law.

The lists of candidates to stand in the election for representatives to Parliament shall be presented by the political parties to the state or municipal election commission.

The State or Municipal Election Commission within 8 days of the termination of Article 25 of this law, shall compile a list of all submitted electoral lists of nominated candidates, on which the name, birthdate, occupation, and residence of each candidate has been entered.

The order of these lists on the register shall be determined by lottery.

#### Article 68-a

The ballot for electing representatives according to the proportional principle, aside from the designations in paragraph 1, points 1-4, of Article 38 of this law, shall contain a number placed before the name of each electoral list, the name of the electoral list itself, all in the order established in the register of all electoral lists that have the names of all candidates found on the electoral lists.

#### Article 68-b

The voter may vote for only one list on the ballot, by circling the number appearing before the name of the electoral list.

#### Article 68-c

In the log of each election board and election commission, in addition to Article 51, paragraph 1, and Article 56, the number of votes cast for each electoral list shall be entered.

#### Article 68-d

The state and municipal election commissions shall confirm the total number of votes cast for each individual electoral list and shall confirm the number of mandates belonging to each of these lists.

Each electoral list shall receive the number of mandates proportional to the number of

votes received.

#### 68-e

In confirming the results of the voting in the Republic, namely the municipality, the state and municipal election commission shall confirm the number of votes required to get one seat in the Parliament (the election quotient).

The election quotient shall be calculated by dividing the total number of valid ballots in the republic by the number of representatives in Parliament to be elected by the proportional principle.

Each list of candidates shall receive the number of seats of Parliament resulting from dividing the election quotient by the number of votes it has received.

In allotting these seats, no consideration shall be given to lists of candidates receiving less than 5% of the total valid ballots cast in the elections throughout the republic.

If according to the manner prescribed in paragraph 3 of this article not all seats are assigned, those unassigned seats shall be distributed in such a manner that the total remaining number of votes for all lists of candidates shall be divided by the remaining number of unassigned seats and these seats shall be given to the list with the greatest number of votes.

#### Article 68-f

Each political party shall receive that number of candidates as their list received votes for seats.

From each list, those who have been elected shall be consider those candidates whose names appears in sequential order from the number 1, continuing through the number of seats won by that list.

In the event that the elected candidate as per paragraph 1 of this article declines, the next candidate appearing on the list shall be considered elected.

#### Article 68-g

If a representative as per Article 68-a of this law has his mandate terminated, the state or municipal election commission shall confirm as representative the next candidate nominated on the list.”

#### Article 38

In Article 70, paragraph 1, following the word “candidate” the words “each nominator of

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candidates" shall be added.

In paragraph 2, the number "48" shall be replaced by the number "24."

In paragraph 3, the words "three days" shall be replaced by the words "24 hours."

In paragraph 4, the words "three days" shall be replaced by the words "48 hours," and the word "delivery" shall be replaced by the words "receipt of."

#### Article 39

Following Article 72, a new chapter 12-a shall be added, entitled "Observing the Elections," and a new Article 72-a to read:

#### "Article 72-a

The elections and the election process may be observed by international associations and organizations within the framework of the assumed obligations of international agreements that the Republic of Macedonia has ratified in accordance with the Constitution, as may domestic associations of citizens registered for this purpose."

#### Article 40

In Article 73, paragraph 1, the words "2,000 to 25,000 denars" shall be replaced by the words "four to ten salaries."

In paragraph 2, the words "1,000 to 2,500 denars" shall be replaced by the words "one-fifth of to one salary."

#### Article 41

In Article 74, paragraph 1, the words "500 to 2,500 denars" shall be replaced by the words "one-tenth to one-fourth of a salary."

#### Article 42

In Article 21, paragraphs 2, Articles 22, 23, and 28, paragraphs 1 and 3, Article 32, paragraphs 2, 3, 4, and 5, Article 69, paragraph 3, and Article 73, the words "political organizations and other forms of organization and association" shall be replaced by the words "political parties."

#### Article 43

In Articles 66, 68, and 69, paragraph 1, the word "representative" used variously, shall

be replaced by the word "councilor."

#### Article 44

In Article 11, paragraph 2 and 3, Article 15, paragraph 2, points 3 and 4, Articles 19 and 20, paragraphs 2 and 3, and Article 57, the word "Socialist" before the words "Republic of Macedonia" shall be removed.

#### Article 45

The Legislative-Legal Commission of the Parliament of the Republic of Macedonia is authorized to confirm the corrected text of this law.

#### Article 46

This law shall come into effect on the eighth day following the day it is published in the *Official Gazette of the Republic of Macedonia*.

### JUSTIFICATION

The constitutional basis for the passage of this law is Article 62, paragraph 5 and Article 68, paragraph 1, line 2 of the Constitution of the Republic of Macedonia.

The adoption of the Constitution of the Republic of Macedonia included the need for passage of a law for the election and recall of representatives and councilors. In view of the fact that the foundations for this law have been retained, the conformity of this law with the Constitution of the Republic of Macedonia can be maintained by the promulgation of changes and additions to the Law for the Election of Representatives and Councilors.

The recommendation for the passage of a law for changes and additions to the law for the election and recall of representatives has been examined by the Parliament of the Republic of Macedonia during the 11th continuance of the 66th session of the Parliament, held on 6 October 1993, during which it was resolved that the authorized recommendor prepare and present the Parliament the recommended law. According to the same resolution, in preparing the recommended law, the recommendor should kept in mind the opinions and recommended changes or additions to the text to those laws and decisions in the amendments passed during the process [of considering the law] thus far, as well as the reports made by the various working groups.

During the preparation of the text for the recommended law, a number of amendments were considered, among them: In the title of the law itself, the word "recall" was removed since in Article 62, paragraph 4, it is confirmed that representatives cannot be recalled.

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All amendments were recommended and considered which treated the recall of councilors. Since all councilors to municipal assemblies are elected in the same manner [as representatives], and have the same authority in deciding issues of local importance as do representatives, it was decided that there should be no recall of councilors. The law for local self-government will consider this issue.

The significant difference in this recommended law is the confirmation of the number of representatives in the Parliament of the Republic of Macedonia. The Constitution, in Article 62, paragraph 1, prescribes that the Parliament should consist of between 120 and 140 representatives.

We have determined the number to be 140, of which 120 shall be elected by the majority principle and 20 according to the proportional principle. Also offered were resolutions for confirming the election results in both the majority and proportional ballots. The number of councilors in the municipal assemblies will be determined by statute.

The Constitution of the Republic of Macedonia envisions the incompatibility of joining the function of representative in the Parliament with the conduct of other public functions or occupations. In the recommended law it is foreseen that the election of a person as a representative to Parliament shall terminate that person's other functions insofar as these are functions in the government of the Republic of Macedonia. A person's rights and obligations attendant to that relationship [to government] shall end.

The incompatibility of the functions of representative in Parliament with other duties also pertains to persons employed in administrative bodies of the state as well as in local self-government.

The REC is selected by the Parliament of the Republic of Macedonia. In the event that the municipal assembly cannot constitute the municipal election commission, this commission shall be selected by the Parliament.

Upon their request, representatives of candidates standing in the elections may receive copies of the log book kept by an election board upon the completion of the ballot count.

In addition to these changes, the recommended law also determines the process for holding an election and counting the ballots for candidates to Parliament according to the proportional principle. In principle, the process for electing representatives according to the proportional principle is identical to the one for electing representatives to Parliament according to the majority principle, with the exception of those decisions taken exclusively for the proportional system.

In the text of the recommended law, amendments have been taken that concern observing the elections by international associations and organizations as well as domestic groups of citizens that are registered for that purpose.

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In addition to these changes, other changes have been brought that improve the election process and which stem from the comments of the REC which the implantation of the first parliamentary elections.

Similarly, provisions for penalties in the law have been brought into conformity with the law for changes in the Criminal Law (*Official Gazette of the Republic of Macedonia* No. 12/94).

**APPENDIX 5**

## RECOMMENDATION FOR THE LAW OF POLITICAL PARTIES

Skopje, March 1994

PROPOSER: Government of the Republic of Macedonia

REPRESENTATIVES: Tuse Gosev, member of government and Minister of Justice and Administrative Law; and Bardul Kuka, deputy Minister of Justice and Administrative Law

COMMISSIONERS: Dragan Tumanovski, undersecretary of the Ministry of Justice and Administrative Law; Branko Naumovski, assistant to the Minister of Justice and Administrative Law; and Gorgi Proja, assistant to the Minister of Justice and Administrative Law

Translation: Eran Fraenkel for the International Foundation for Electoral Systems, July 1994

## RECOMMENDATION FOR THE LAW OF POLITICAL PARTIES

### I. GENERAL PROVISIONS

#### Article 1

This law establishes the manner, circumstances, and process of forming, registering, and terminating political parties.

#### Article 2

According to this law, political parties are those organized groups of citizens who desire to participate in the government.

#### Article 3

Citizens shall freely establish political parties with the goal of:

- formulating and protecting the political, economic, social, cultural and other rights and beliefs of their members and participating in the process of bringing political decisions;
- participating in the process of electing representatives to the Parliament of the Republic of Macedonia and councilors to the assemblies of the municipalities and the assembly of the city of Skopje.

#### Article 4

The platform, by-laws, and activities of political parties shall not be directed at:

- the violent overthrow of constitutional order;
- [this line is illegible]
- the inflammation of national, religious, or racial hatred or intolerance.

#### Article 5

The activities of political parties shall be public.

#### Article 6

Political parties shall be organized and shall operate on the territorial principle.

### II. ESTABLISHMENT, REGISTRATION, AND TERMINATION OF POLITICAL

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## Article 7

Any adult person who is a citizen of the Republic of Macedonia may be the member of a political party if he announces his voluntary membership in a political party.

Any member may freely resign from a political party.

## Article 8

A political party shall be established upon the meeting of its founding members at which a founding resolution is passed, including a platform and by-laws, and at which its officers are elected.

## Article 9

The by-laws of a political party shall contain provisions, especially for:

- the name and location of the political party;
- the political goals of its activities, the public access to its activities;
- the circumstances and manner of gaining and terminating membership, and the rights, obligations, and responsibilities of members;
- the representation and presentation of the political party;
- the officers of the party, the manner of the election and recall, as well as their terms of office and the manner of deciding these matters;
- the acquisition and disposition of resources;
- the termination of the political party;
- the disposition of property in case of the termination of the party;
- the symbols of the party (flag, acronym, symbols, emblems, etc.)

The name and symbols of the political party must be distinguishable from those of other registered parties, both domestic and foreign.

Political parties may not use the symbols of either domestic or foreign governments (states).

## Article 10

A political party shall be allowed to begin to function on the day of its entry into the court registry of political parties (henceforth, court register).

A political party shall become a legal entity on the day of its entry into the court registry.



#### Article 11

A political party shall be entered into the court registry.

The court registry is kept by the District Court in Skopje.

The Minister of Justice and Administrative Law shall prescribe the form and protocol of entry into the court registry.

#### Article 12

A political party shall be required with 30 days of the day of its establishment to file a request for entry into the court registry.

A request for entry into the court registry requires:

- minutes of the activities and resolutions of the founding meeting;
- platform and by-laws;
- registration list of the founders, members, and officers;
- names of the persons authorized to represent the party.

#### Article 13

The District Court in Skopje is obliged within fifteen days of the submission of a request to bring a decision for the entry of the political in the court registry.

If the District Court in Skopje determines that the request for entry into the court registry is incomplete, namely that the by-laws do not contain the matters established in Article 9 of this law, the submitter of the request shall be summoned within a period of 30 days to complete the request for registration.

In the event that the submitter of the request for registration in the court registry does not comply with paragraph 2 of this article, the District Court in Skopje shall take a decision in which it shall deny the request for entry into the court registry.

#### Article 14

The District Court in Skopje shall not conclude the entry into the court registry if it determines that the political party has been formed to conduct activities prohibited in Article 4 of this law.

#### Article 15

The decision to deny entry into the court registry may be appealed.

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An appeal may be filed within 15 days of the receipt of the decision by the Supreme Court of the Republic of Macedonia.

#### Article 16

The political party is obligated to amend its platform and by-laws within 30 days and to inform the District Court in Skopje and to provide the minutes of the session in which this was accomplished.

#### Article 17

A political party terminates when:

1. its activities are prohibited by resolution of the authorized court;
2. the Constitutional Court of the Republic of Macedonia decides the party's platform or by-laws are not in accordance with the Constitution;
3. an officer authorized by the party by-laws takes a decision to terminate;
4. the number of members goes below the legally determined threshold;

The occurrences as per paragraph 1 of this article shall be determined by the District Court in Skopje by means of a resolution for the termination of the political party.

For the termination of a political party as per points #3 and 4 of paragraph 1 of this article, the person who initiated the party is obligated with 15 days from its termination to inform the District Court in Skopje to have the party removed from the court registry.

#### Article 18

The data entered into the court registry are published in the *Official Gazette of the Republic of Macedonia*.

#### Article 19

The activities of a political party shall be prohibited when it is determined that they are contrary to the activities specified in Article 4 of the law.

#### Article 20

The decision to prohibit the activities of a political party is taken by the Municipal Court in whose jurisdiction the party belongs.

The court shall follow its standard procedure insofar as the provisions of the law do not stipulate otherwise.

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#### Article 21

The court procedure follows the motion [predlog] of the responsible public prosecutor.

Arguments regarding the motion shall occur within 8 days of the receipt of the motion.

[Third sentence in this article is illegible.]

#### Article 22

The judge may hold hearings regarding the prohibition of activities of a political party in the absence of parties who have been invited to participate in the argument but in whose invitations this has been indicated specifically.

#### Article 23

The judge shall, by resolution, ban the activities of a political party, or shall take a decision to deny the motion of the public prosecutor.

In the decision to ban the activities of a political party the judge is obligated to present the grounds for the reasoning to ban a party's activities and must justify them.

#### Article 24

A decision to accept the motion to ban the activities of a political party shall be brought by a judge following the arguments, and the president of the council shall make it public immediately.

The decision shall be in writing, and a certified copy shall be presented to the parties within three days of the day it is made public.

#### Article 25

The public prosecutor and political party may file an appeal with the District Court against the decision within 8 days of the day the decision was taken.

The District Court shall rule on the appeal within 8 days following the filing of the appeal and all forms related to it.

#### Article 26

The resolution to ban the activities of a political party are published in the *Official Gazette of the Republic of Macedonia*.

### III FINANCING OF POLITICAL PARTIES

#### Article 27

Political parties shall collect and make use of resources for the activities in the manner established by law.

#### Article 28

Political parties may collect the resources for their activities by means of membership dues, donations, income earned from private property, credit, gifts, subsidies, inheritance, and money from the state budget.

Political parties shall not collect resources for the activities from:

1. governments, international institutions, officers or organizations of foreign governments, or other foreigners;
2. officers of the government, or officers of local self-administration beyond the resources determined by the state budget.

#### Article 29

Of the state budget for political parties, 30% shall be allocated to those parties that received at least 3% of the ballots cast in the preceding elections. The remaining 70% shall be divided among the parties whose candidates were elected as representatives to the Parliament of the Republic of Macedonia in proportion to the number of representatives elected [from each party].

If a representative was elected as a candidate of two or more parties, all parties shall divide that share equally, unless they come to another agreement among themselves.

#### Article 30

[The first paragraph is illegible.]

During the time of the elections, individual gifts or donations on the part of legal entities or private persons shall not exceed 200 times the average monthly salary.

The resources as per paragraph 2 of this article shall be entered into a special election funds account.

#### Article 31

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Political parties shall keep accounts of their income and expenses.

The sources of political parties' income shall be made public.

Documentation of income shall consist of its kind, amount, and origin.

#### Article 32

Monitoring of the fiscal operation of political parties shall be conducted by the authorized oversight officer of financial and material operations.

### IV PENALTY PROVISIONS

#### Article 33

A political party shall be made to pay a penalty of 4 to 20 average monthly salaries for:

- organizing or undertaking activities contrary to Article 6 of this law;
- commencing to function prior to entry into the court registry (Article 10);
- failing to file a request for registration in the court registry within the prescribed timetable (Article 12);
- failing to report to the District Court regarding alterations in the party platform or by-laws (Article 16);
- For breach of paragraph 1 of this article, the individual responsible for the political party shall be made to pay a penalty of between one-tenth and one-half an average monthly salary.

A penalty of between one-tenth and one-half an average monthly salary shall be levied on the party representative for failure to report to the District Court in Skopje the termination of the party or the reduction of its membership below the legal threshold within a period of 15 days of the decision to terminate the party or the reduction of its membership, and failure to have the party removed from the court registry.

### V. TRANSITIONAL AND FINAL PROVISIONS

#### Article 34

Existing political parties shall be required to conform their platforms and by-laws to the provisions of this law with a period of three months as of the day this law comes into effect.

#### Article 35

The registration of political parties previously undertaken but not completed by the time this law comes into effect shall be completed under the provisions of this new law.

#### Article 36

The District Court in Skopje shall bring the registry into effect within no more than three months from the time this law comes into effect.

Existing political parties which are registered according to the law regarding citizens' social organizations and associations shall be entered into the court registry by the District Court in Skopje without the need for a request, on the basis of the registry kept by the Ministry of Internal Affairs, which is obligated to present it to the District Court in Skopje within eight days from the time this law comes into effect.

#### Article 37

The Minister of Justice and Administrative Law shall bring the provisions of Article 11, paragraph 3 of this law into effect within 30 days of the time that this law comes into effect.

#### Article 38

On the day that this law comes into effect, the provisions of the Law for Citizens' Social Organizations and Associations (*Official Gazette of the SRM* No. 32/83 and 12/90) shall no longer be valid for social organizations and associations of citizens organized for the purpose of achieving political purposes and goals.

#### Article 39

The provisions regarding the responsibility for the registration of political parties with the District Court in Skopje shall be assigned to the judge who assumes the responsibilities of the District Court in Skopje upon the passage of the Law for [illegible word] courts.

#### Article 40

This law shall come into effect on the eighth day following the day it is published in the *Official Gazette of the Republic of Macedonia*.

#### JUSTIFICATION (Synopsis of main points)

The constitutional basis for this law is Article 68, paragraph 1, line 2 of the

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## Constitution of the Republic of Macedonia.

The Parliament, in a session held on 6 October 1993, took the decision to pass this law after considering all amendments and proposed changes to the law. This decision was upheld by the Commission for Socio-Political Systems in its session held on 30 July 1993 and issued in its report No. 14-14/47. Among the amendments proposed were those brought by a group of representatives from VMRO-DPMN.

The Commission of Justice and Administrative Law, in its report dated 28 June 1990, suggested the need for a law for political parties as a contribution to the creation of the judicial system. Its amendments Nos. 1, 3, 4, 5, 6, 8, and 9, all of a technical nature, were incorporated into the law. In its report dated 30 July 1990, this commission reviewed the amendments brought by representatives Tomislav Stojanovski, Dragi Arsov, and Aleksandar Gestakovski, as well as a group of VMRO-DPMN representatives. The Commission and representative of the government rejected the amendment brought by representatives Stojanovski and Arsov which read: "Political parties shall be allowed to collect funds for their activities from international institutions, officers and organizations of foreign governments as well as other foreigners and Macedonian expatriots."

Representative Stoile Stojkov suggested an amendment that read: "In Article 7, paragraph 1, the figure 500 shall be replaced by the figure 60,000." The proposer of the law rejected the amendment on the grounds that it would lead to questioning the creation of political pluralism as well as the right of citizens to freely form political parties, as on the basis of Article 20 of the Constitution of the Republic of Macedonia, due to the realization of political aims.

Representative Mitko Atanaskovski suggested an amendment, a new paragraph 4 in Article 7, to read: Every political citizen shall be a member of only one political party." This was rejected because citizens may freely decide to organize and belong to a political party as well as to leave a party. His other amendment read: A member of political party who has been elected as a representative shall not be permitted to move to another party during his term of office." This was rejected as being outside the purview of this law.

Representatives Ismet Ramadani and Naser Zyberi offered an amendment that read: "The name of a political party shall not be allowed to contain the word "revolutionary."

For the administration of this law, the Minister of Justice and Administrative Law has prescribed the forms and manner of entry into the court registry.

This law requires the financial means for that segment of the law that regards the financing of political parties from the state budget.

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**APPENDIX 6**



PROPOSER: GOVERNMENT OF THE REPUBLIC OF  
MACEDONIA

MEMBERS : TUŠE GOŠEV, MINISTER OF JUDICIAR  
AND ADMINISTRATION, and

GORDANA SILJANOVSKA, M.Sci,  
MINISTER WITHOUT PORTFOLIO

REPRESENTATIVE: ELENA POPOVA, SECRETARY OF THE  
SECRETARIAT OF LEGISLATION

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PROPOSAL ON ADOPTION OF AN ACT URGENTLY  
to Amend the Act on Election and Recall  
of Representatives and Councillors, with  
a - Proposal Act

Skopje, June 22, 1993

G O V E R N M E N T  
OF THE REPUBLIC OF MACEDONIA  
No.23-1/17-2

Skopje, July 22, 1993

TO: PRESIDENT OF THE ASSEMBLY  
OF THE REPUBLIC OF MACEDONIA  
S K O P J E

Based on Article 91, line 2 of the Constitution of the Republic of Macedonia and Articles 344 and 345, paragraph 2 of the Enactment of the Assembly of the Republic of Macedonia, the Government submits a Proposal for urgent adoption of an Act to Amend the Act on Election and Recall of Representatives and Councillors, with the Proposal Act, adopted at its session held on July 22, 1993.

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Tuse Gosev, Minister of Judiciary and Administration and Gordana Siljanovska, M.Sci., Minister without portfolia shall act as representatives of the Government in the Assembly, while Elena Popovska, Secretary of the Secretariat of Legislation, shall act as a agent.

PRESIDENT,  
Branko Crvenkovski

PROPOSAL TO ADOPT AN ACT UNDER  
URGENT PROCEDURE

The need to adopt the Act to amend the Act on Election and Recall of Representatives and Councillors under urgent procedure results from the requirement to carry out elections which are to be in accordance with the Constitutional provisions for election of representatives, in case the representatives pass a decision for dismissal of the Parliament of the Republic of Macedonia based on Article 63, paragraph 6 of the Constitution of the Republic of Macedonia.

Due to the reasons stated above it is required and proposed that this Act is adopted under urgent procedure, as set forth in Article 344 and Article 345 of the Rules of Procedure of the Assembly of the Republic of Macedonia.

## PROPOSAL TO ADOPT AN ACT

to Amend the Act on Election and Recall of  
representatives and councillors

### I. REASONS REQUIRING ADOPTION OF THE ACT

When the Constitution of the Republic of Macedonia was adopted, new foundations of the political system were established with a strict division of the legislative, executive and judiciary power in the Republic of Macedonia. Thus, the election of representatives in the legislative body of the Republic of Macedonia, being a representative body of the citizens, requires that the existing Act on Election and Recall of Representatives and Councillors be harmonized. Due to these reasons, the Constitutional Act on Implementing the Constitution of the Republic of Macedonia, Article 10 stipulates the obligation to adopt an Election Act by which the fundamental values of the constitutional order, i.e. the political pluralism and free and direct democratic elections, shall consistently be achieved.

### II. BASIC PRINCIPLES ON WHICH THE ACT IS FOUNDED

Basically the Act is founded on the same principles on which the Act on Election and Recall of Representatives and Councillors was adopted.

### III. CONTENTS OF THE ACT

The contents of the proposed Act in the form of Proposal for an Act, is in accordance with Article 291 of the Rules of Procedure of the Assembly of the Republic of Macedonia.

A C T

to Amend the Act on Election and Recall  
of Representatives and Councillors

Article 1

The title of the Act on Election and Recall of Representatives and Councillors ("Official Gazette of SRM" No. 28/90) shall be changed to read:

"Act on Election of Representatives and on Election and Recall of Councillors" (or "Act on Election of Representatives and Councillors and on Recall of Councillors").

Article 2

Article 1 shall be changed to read:

"This Act shall govern the manner and conditions for election of representatives in the Assembly of the Republic of Macedonia, as well as the manner and conditions for election and recall of councillors in the Assembly of the Municipality and in the Assembly of Skopje City (hereinafter "Representatives in the Assemblies")".

The provisions set forth in this Act regarding the election and recall of councillors in the Assembly of the Municipality shall adequately apply to the election and recall of councillors in the Assembly of Skopje City.

Article 3

Article 2 shall be changed to read:

"The citizens shall elect the members in the assemblies at general, direct and free elections, by secret ballot:

The citizen who reached an age of eighteen and who is capable to work shall have the right to elect and be elected as a member of the assembly".

#### Article 4

Article 4 shall be changed to read:

"The office of representative shall not be compatible to the office President of the Republic, President of the Government of the Republic of Macedonia, ministers, judges of the Constitutional Court, judges, public prosecutor and other holders of offices elected or appointed by the Assembly or the Government of the Republic of Macedonia, as well as of workers in the administration, the Armed Forces of the Republic, the public institutions, the public enterprises and other public services, organizations or institutions executing public authorizations.

The office of representative shall not be subject to election for a period of three years upon termination of employment of the active military persons in the Armed Forces and of the authorized persons in the security services".

As of the day of verification of the term of office for representative as set forth in paragraph 1 to this Article, his/her office shall cease to exist, while the rights and obligations arising from employment for the workers and employers, shall be in a state of rest .

Article 5

Article 5 shall be changed to read:

"The councillor may be recalled only by the constituency which elected him/her".

Article 6

A new Article 5-a shall be added, after Article 5, to read:

"Article 5-a

~~A tax shall not be imposed on the activities, records, forms and other documents regarding the carrying out of the elections for the members in the assemblies and for recall of councillors."~~

Article 7

The full stop at the end of the sentence of Article 6, paragraph 1 shall be deleted to add the following words: "of the Assembly of the Republic of Macedonia".

The word "decision" of Article 6, paragraph 3 shall be replaced by the word "act", the words "two months" shall be replaced with the words "90 days", after the words "until the day of" the words "holding of" shall be added, while the words "one month" shall be replaced with the words "30 days".

A new paragraph 4 shall be added after paragraph 3, to read:

" In case of dismissal of the Assembly, not more than 60 days or less than 30 days shall elapse as of the day the elections are scheduled until the day the elections are held".

Paragraph 4 shall become paragraph 5 and shall be changed to read:

" The elections must be held within 30 (15) days the most before the expiration of the term of office of the representatives in the Assembly whose term of office expires".

Two new paragraphs 6 and 7 shall be added after the paragraph 5, to read:

~~"The act for scheduling the election shall also define~~  
the date from which the terms for performing election activities shall be valied.

In case the Assembly shall be dismissed, the President of the Assembly shall schedule elections as of the day of ist dismissal".

#### Article 8

Paragraph 4 of Article 10 shall be changed to read:

" Within the Election Commissions, each submitter of a proposal for a candidate for representative in the Assembly, may assign one representative and his/hers deputy, who are to consist the variable composition of the Election Commissions"

Paragraph 5 shall be deleted.

Paragraph 6 shall be changed to read:



"The president of the Election Commission shall, immediately and the latest within five days (8 days), upon the completion of the procedure for proposing candidates, convoke a session of the Commission at which the persons of paragraph 4 to this Article, shall also be invited. Upon establishing the right from paragraph 4 to this Article, the variable composition of the election commission shall be individually established (giving full name and surname).

#### Article 9

Article 13 shall be changed to read:

~~"The Municipal Election Commission of permanent composition shall:~~

1. Confirm whether the proposed candidates to be elected councillors were proposed in accordance with the law;
2. Confirm the lists of proposed candidates, by a decision;
3. Define the election posts;
4. Appoint election boards;
5. Give instructions to the election boards regarding their work and management of the election at the election post and shall take care for correct and legal work of the election boards.
6. Make technical preparations for the elections;
7. File and submit statistical data to the Republican Bureau of Statistics;

8. Perform other activities established by this Act.

The Municipal Election Commission of permanent composition shall work with all its members.

The Municipal Election Commission of variable composition shall:

1. Be concerned for legal scheduling of the elections and recall of councillors;

2. Supervise the legality of the work of the election boards;

~~3. Make a common list of candidates for councillors and shall announce and publish it;~~

4. Evaluate and announce the results from the voting on election and recall of councillors and shall give statements from the voting results;

5. Perform other activities set forth by this Act".

#### Article 10

Article 14 shall be changed to read:

"The election commission of the election unit of permanent composition shall:

1. Establish whether the proposed candidates to be elected representatives are proposed in accordance with the law;

2. Confirm the lists of proposed candidates, by decision;

3. Define election posts;
4. Appoint election boards;
5. Give instructions to election boards regarding carrying out of the elections;
6. Perform technical preparations for the elections;
7. File and submit statistical data to the Republican Bureau of Statistics;
8. Perform other activities established by this Act.

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The election-commission of the election unit of variable composition shall:

1. Be concerned for legal scheduling of the elections in the election unit;
2. Supervise the work of the election boards;
3. Make a common list of candidates for representatives and announce it;
4. Evaluate the results from the voting on election of representatives in the election unit;
5. Perform other activities set forth by this Act."

#### Article 11

The words: "and recall", respectively "voting on recall" of paragraph 1 items 1, 2 and 3 and of paragraph 2 items 1, 3 and 4 of Article 15 shall be deleted.

## Article 12

The words "and defining" in the title of Chapter V "Proposal and Defining Candidates for Representatives", shall be deleted.

## Article 13

Paragraph 2 of Article 20 shall be changed to read:

"The candidates for representatives in the assemblies may, under the terms set forth in this Act, be proposed by the registered political parties, separately or jointly, and by the citizens".

Paragraph 3 shall be changed to read:

"The registered political parties having at least three thousand (3.000) members have the right to propose representatives in the assemblies by submitting a list of candidates for representatives and councillors in each election unit, while the registered political parties having at least five hundred (500) members have the right to propose candidates for councillors in the assembly of the municipality by submitting a list of candidates for councillors in the assembly of the municipality in each election unit". When submitting joint proposals of candidates for representatives, the political parties may submit the number of three thousand (3.000) members in aggregate. When proposing candidates two or more political parties, apart from the name of the party, may jointly use one name which they jointly have chosen.

The word "organizations" of paragraph 4 shall be replaced by the word "parties", the words "other forms of organizing and association, as well as " shall be deleted, the number and the word "100 (hundred)" shall be replaced by

the number and word "300 (three hundred)", while the number and word "50 (fifty)" shall be replaced by the number and word "100 (one hundred)".

The word "organization" in paragraphs 6 and 7 shall be replaced by the word "parties", and the words "and other forms of organizing and association" shall be deleted.

#### Article 14

In Article 21 after the word "residence" a comma shall be placed and the words "registry number" shall be added.

#### Article 15

In Article 20 paragraphs 1, 2, 3, 4 and 8, Article 22, 24 paragraphs 1 and 4, Articles 27, 30 paragraphs 1 and 2, Article 66 paragraph 1, the words "and defining", "and define", "and defined" shall be deleted.

#### Article 16

After paragraph 2 of Article 25 a new paragraph 3 shall be added and shall read:

"The list of candidates must be accompanied by a document confirming that the proposed candidates have a right to be elected".

#### Article 17

After paragraph 1 of Article 26, two new paragraphs 2 and 3 shall be added and shall read:

"If the election commission concludes that the list of candidates is made in accordance with this Act and that it is submitted promptly, it shall confirm the list of candidates with a decision, immediately or the latest within 24 hours upon receipt.

The election commission shall, without delay, submit to the submitter of the list the decision confirming the list set forth in paragraph 1 of this Article".

In paragraph 3 which shall become paragraph 5, the words "does not confirm the list of candidates" shall be replaced by the words "shall pass a decision by which the confirmation of the list is rejected, within the next 48 hours".

#### Article 18

The word "five" in Article 27 shall be replaced by the word "eight".

In paragraph 1 Article 19 the full stop shall be deleted and the words "not more than a thousand (1.000) electors" shall be added. In paragraph 1 of Article 35, the full stop shall be deleted and the words "not more than a thousand (1.000) electors" shall be added.

#### Article 20

In paragraph 1 of Article 39, after the words "for recalling the words "of the councillors" shall be added, while the word "member" in this paragraph and in paragraph 2 of the same Article shall be replaced by the word "the councillor".

## Article 21

In paragraph 3 of Article 40, after the words "for recalling" the words "of councillors", shall be added.

## Article 22

After paragraph 2 of Article 42, a new paragraph 3 shall be added and shall read:

"When order is disturbed in the polling place, the election board may interrupt the voting until order is established. The voting may also be interrupted in cases of will of God and other extraordinary circumstances. In case the voting is interrupted for a period longer than 1 hour, the voting shall be extended for the period of duration of the interruption, but not longer than three hours. The period for which the voting had to be extended and the reasons for the interruption shall be included in the minutes".

## Article 23

After the word "list" in Article 44, the full stop shall be deleted and the words "and in case it is established that he is registered based on the identity card or establish his/her identity on the basis of other documents by which his/her nationality of the Republic of Macedonia may be confirmed", and after the words "identity card", the words "with other document by which his/her nationality of the Republic of Macedonia may be confirmed", shall be added.

## Article 24

A new paragraph 2 shall be added after the paragraph 1 of Article 45, which shall read:

"Elector who shall not be in a position to vote at the polling place (prevented), and wishes to vote, shall duly inform the election board which is to provide for his/her voting in a manner providing secret ballot.

In paragraph 2; which now shall become paragraph 3, the word "such" shall be deleted, while after the word "case" the words "from paragraphs 1 and 2 of this Article" shall be added.

#### Article 25

The words "Socialist Federal Republic of Yugoslavia" of paragraph 2, Article 46, shall be replaced by the words "Republic of Macedonia".

#### Article 26

The words "municipal authority" of paragraph 1, Article 47, shall be replaced with the word "the authority", while the word "people's" shall be deleted.

The words "Socialist Federal Republic of Yugoslavia" of paragraph 2 shall be replaced by the words "Republic of Macedonia"

#### Article 27

A new Article 47-a shall be added after Article 47, which shall read:

#### "Article 47-a

Citizens who are detained or imprisoned, shall vote in the institution in which they are detained or imprisoned.



Based on the data of the authority competent for the election list, the relevant commission shall make the list as set forth in paragraph 1 of this Article, and the list, together with the required number of certified ballots and the required number of envelopes addressed to the relevant election commission, shall submit to the institution in which these citizens are detained, respectively imprisoned".

#### Article 28

After the words "of Article 46" in paragraph 1 of Article 46, the words "and Article 47-a paragraph 1" shall be added, while after the words "the institution" the words "or the competent institution in which he/she is detained or imprisoned" shall be added.

After the words "of Article 46" in paragraph 3, the words "and Article 47-a" shall be added.

#### Article 29

After the words "for recall" in paragraph 1 of Article 49, the words "of the councillors" shall be added.

#### Article 30

Paragraph 3 of Article 54 shall be changed to read:

" During the repeated voting ( second round of voting), both candidates who during the first round of voting had highest number of votes or all candidates who during the first round of voting had equal and at the same time highest numbers of votes, shall be put to a voted for".

Paragraph 4 shall be deleted.

Article 31

Item 1 in paragraph 1, Article 59, shall be deleted.

Item 3 shall be changed to read:

"3. Should he/she be convicted for a crime for which imprisonment of at least 5 years is imposed".

Two new item 7 and 8 shall be added after the item 6, to read:

~~"7. Should he/she be deprived of the mandate in cases set forth in Article 65 paragraph 4 of the Constitution;~~

8. Should he/she be no longer a national of the Republic of Macedonia";

After number 5 of paragraph 2 a comma shall be added, while after the number 6 the conjunction "and" and the number "8" shall be added".

Paragraph 4 shall be changed to read:

"The term of office of a representative, as set forth in paragraph 1, item 7 of this Article, shall expire as of the day of the session of the Assembly at which a decision is adopted for depriving him/her of the mandate".

A new paragraph 5 is added after the paragraph 4, to read:

"Besides the cases set forth in paragraph 1 to this Article, the councillor shall cease to have a mandate when recalled. In such case his/hers mandate shall expire with the adoption of the decision for his/her revocation".

## Article 32

Item 2 in paragraph 2 of Article 60 shall be deleted.

## Article 33

The full stop after the word "candidate" in the fourth line of paragraph 1, Article 61, shall be replaced by a full stop, while the words " and at the repeated elections made due to the reasons set forth in paragraph 1, item 2 of Article 60 of this Act, the voting shall be done in accordance with the new list of candidates established in a manner stipulated in this Act"; shall be deleted.

## Article 34

THE WORDS " items 1 and 2" in paragraph 1, Article 62 shall be replaced by the words "item 1".

## Article 35

A new Article 64-a shall be added after Article 64, to read:

## "Article 64-a

The mandate of a representative elected during additional elections shall last until the expiration of the term of the member whose mandate expired".

## Article 36

A new Chapter IX "SPECIAL PROVISIONS" and 7 new Articles shall be added after Article 65, to read:

"Article 65-a

To the Assembly of the Republic of Macedonia 20 representatives shall be elected on a proportionate system basis.

The entire territory of the Republic of Macedonia shall be considered as constituency when electing representatives set forth in paragraph 1 to this Article.

Article 65-b

The political parties shall submit the election lists for candidates for representatives, as set forth in Article 65-a of this Act, to the Republican Election Commission.

The political parties set forth in paragraph 3 Article 20 of this Act shall have the right to propose election lists for candidates.

The Republican Election Commission shall, within 8 days the latest, upon expiration of the term set forth in Article 25 of this Act , make a list of all submitted election lists, including the names of all candidates with data about his/her year of birth, occupation and place of residence.

The sequence of names of all candidates in the list of the election lists shall be established according to the sequence of their confirmation.

Article 65-v

The elector may vote only for one election list out of the list of election lists.

## Article 65-g

The Republican Election Commission shall confirm the total number of votes for each separate election list and shall confirm the number of mandates for each of these lists.

Each election list is entitled to a number of mandates proportionate to the number of vote won.

## Article 65-d

The Republican Election Commission shall, upon confirming the results from the voting in the Republic, confirm the number of electors' votes required to obtain one representative seat in the Assembly (election quotient).

The election quotient shall be obtained when the total number of valid electors' votes in the Republic is divided with the number of representatives in the Assembly (20 representatives elected on the proportionate system basis).

Each list of candidates shall be entitled to as many seats (mandates) in the Assembly as the election quotient is contained in the number of the votes for the list.

The list of candidates for representatives who won less than 5% of the total number of valid electors' votes in the Republic, shall not be considered during the distribution of the seats.

Should all the seats be not distributed in the manner set forth in paragraph 3 to this Article, the undistributed seats shall be distributed in such a way that the remaining number of electors' votes for each list of candidates shall be divided with the numbers 1 to the number of undistributed seats

inclusively, and these seats shall be added to the lists with the highest quotients.

#### Article 65-dž

Upon the distribution of the mandates from each political party, candidates nominated by the political party within the proposed candidates of the list, shall be considered as elected candidates.

#### Article 65-e

Should the mandate of a representative from Article 65-a of this Act expire on the basis of Article 59 of this Act, the political party shall elect a representative from among the candidates proposed on the list.

#### Article 37

Chapter "X Recall" shall be changed to read: "X RECALL OF COUNCILLORS".

#### Article 38

After the word "candidate" of paragraph 1 Article 70, the words "any proposer of candidates" are added.

The number "48" of paragraph 2 shall be replaced by the number "24".

The words "three days" of paragraph 3 shall be replaced by the words "24 hours".

The words "three days" in paragraph 4 shall be replaced by the words "48 hours", while the word "the submission" shall be replaced by the word "receipt".

## Article 39

The words "2.000 to 25.000 denars" of paragraph 1 Article 73 shall be replaced by the words "50 to 250 wages".

The words "1.000 to 2.500 denars" of paragraph 2, shall be replaced by the words "5 to 15 wages".

## Article 40

The words "500 to 2.500 denars" of paragraph 1 Article 74 shall be replaced by the words "one and a half to two and a half wages".

## Article 41

The words "the political organizations and other forms of organization and association" of Articles 21 paragraph 2, 22, 23, 28 paragraphs 1 and 3, and 32 paragraphs 2, 3, 4 and 5 and Article 69 paragraph 3 shall be replaced by the words "political parties".

## Article 42

After the word "recall" from Articles 16 paragraph 1 and 2, 39 paragraph 1, 40 paragraph 3, 70 paragraph 1 and 2 and Article 71, the words "of councillors" shall be added, while the word "submission" shall be replaced by the word "receipt".

## Article 43

The word "representative" used in singular and plural of Articles 66, 68 and 69 paragraph 1 shall be replaced by the word "councillor" in singular or plural.

## Article 44

The word "Socialist" appearing before the words "Republic of Macedonia" in Article 11 paragraph 2 and 3, 15 paragraph 2 item 3 and 4, 19, 20 paragraphs 2 and 3 and Article 57 shall be deleted.

## Article 45

The legislative-legal commission of the Assembly of the Republic of Macedonia shall be authorized to make the right wording of the text of the Act.

## Article 46

This Act shall come into force on the eighth day upon its publication in the "Official Gazette of the Republic of Macedonia".



## J u s t i f i c a t i o n

Article 62, paragraph 5 of the Constitution of the Republic of Macedonia, represent a constitutional base for the adoption of this Act.

Although the basic principles on which the Act on Election and Recall of Representatives and Councillors is founded are generally the same, yet the adoption of the Constitution of the Republic of Macedonia imposed the need for its amendment and change.

Since the Constitution of the Republic of Macedonia clearly defines that the representatives cannot be recalled, the amendments give a proposal for deleting the provisions governing their recall. Regarding the recall of the councillors in the Assembly of the municipality, it is still stipulated that they can be recalled simply because the Constitution do not establish a ban for their recall.

The main novelty proposed in this Act is the possibility that 20 representatives may be elected based on the proportional system. It is believed that this will result in overcoming of certain defects present in the majority system of election of representatives in the Assembly of the Republic of Macedonia. The number of representatives who are elected on the basis of the proportional model is also stipulated in the Constitution of the Republic of Macedonia with the provision of Article 62, stating that the Assembly consists from 120 to 140 representatives. Since an Act on the electoral units is required, it is believed that the number of 120 representatives who are elected on the basis of the majority principle should remain without the need to change this Act.

Besides these changes, this Act also gives some changes to improve the election procedure, as indicated by the suggestions of the Republican Election Commission given during the conducting of the first parliamentary elections.

**LAW ON ELECTION AND RECALL  
OF REPRESENTATIVES AND ASSEMBLYMEN**

**I. Basic Provisions**

**Article 1.**

This law shall regulate the election and recall of representatives in the assembly of the Socialist Republic of Macedonia and assemblymen in assemblies of local communities and the city community ( herein after: representative in an assembly ).

Provisions of this law which relate to the election and recall of representatives in the Assembly of the Socialist Republic of Macedonia shall accordingly be applied on the election and recall of assemblymen in the assembly of the city community.

**Article 2.**

Citizens shall directly and secretly vote in order to elect representatives in the Assembly of the Socialist Republic of Macedonia, and assemblymen in assemblies of local communities.

A citizen who turned 18 years of age enjoys the right to elect and be elected for a representative in an assembly.

**Article 3.**

Freedom and secrecy of voting shall be guaranteed.

No one can hold a citizen responsible because of voting, nor demand from him to say how he voted or why he didn't vote.

**Article 4.**

The function of a representative or an assemblyman is incompatible with functions in republican government agencies, local government or city government agencies determined by law.

**Article 5.**

A representative of an assembly can only be recalled by the electoral body or district represented which elected him.

**II. Scheduling and holding elections.**

**Article 6.**

Elections for representatives in assemblies shall be scheduled every fourth year by the president of the assembly.

The enactment for scheduling elections shall be published in the appropriate official gazette.

The date of elections shall be announced with the decision on scheduling elections. No more than two months and no less than one month can pass from the day of scheduling elections to the day of holding elections.

Elections have to be held at the latest within 15 days from the day of expiry of the term of office of an assembly, and the statute of limitations shall start with the verification of election of representatives in an assembly.

**III. Bodies for administration of elections and recall**

**Article 7.**

Bodies for administration of elections and recall of representatives in assemblies shall be: vote counting committee and polling boards ( herein after: election bodies )

Only those persons who enjoy the right to vote and elect may be members of election bodies or deputy members.

Members of election bodies and their deputies cannot be candidates for representatives. If a member of an election body or his deputy accepts the candidacy for a representative his function in the election body shall cease.

**Article 8.**

Representatives of candidates who monitor the work of polling boards may attend the work of polling boards.

Representatives of candidates may warn the chairman of the polling board about inconsistency in work, and if the latter refuses to accept the warning he is supposed to record it in the minutes.

Article 9.

The following vote counting committees shall exist:

1. Local community vote counting committee;
2. Vote counting committees of electoral districts for the election of representatives in the assembly of the SR Macedonia (herein after: vote counting committees and electoral districts); and
3. Republican vote counting committee.

Article 10.

A local community counting committee and an electoral district vote counting committee shall have standing membership consisting of chairman, secretary and three members, appointed for a term of office of four years.

Chairman, secretary and members of a vote counting committee have their deputies.

Additionally, vote counting committees shall include one representative and his deputy from all forms of political organization and activity of citizens who registered candidates for representatives, and from independent candidates as well. They will represent the changeable membership of a vote counting committee.

Eight days after completion of candidacy procedure chairman of a vote counting committee shall convoke a session. Authorized representatives of the forms of political organization and activity of citizens who registered their candidates for representatives and independent candidates shall exercise their right cited in paragraph 4 of this article and appoint their representative with a deputy who will enter the changeable membership of a vote counting committee.

After determining the existence of rights cited in paragraph 4 of this article, the standing membership of a vote counting committee shall determine and announce by full name the the changeable membership of a vote counting committee.

Article 11.

The local community vote counting committee shall be appointed by the assembly of a local community.

The republican vote counting committee and vote counting committees of electoral districts shall be appointed by the assembly of the Socialist Republic of Macedonia.

When there are no more than two electoral districts Assembly of the Socialist Republic of Macedonia may authorize the local community vote counting committee to perform the function of the electoral district vote counting committee.

Article 12.

Chairmen of local community vote counting committees, chairmen of electoral district vote counting committees and their deputies shall be required to have a degree in law and work experience as judges.

Chairman of the Republican vote counting committee and his deputy shall be appointed from the Supreme Court of Macedonia.

Membership and changes in membership of vote counting committees shall be published in the official gazette.

Article 13.

A local community vote counting committee shall be responsible for the following:

1. To ensure that administration of elections and recall of assemblymen is carried out in a legal way;
2. To determine whether proposed and determined candidates for election of assemblymen were proposed and determined in conformity with law;
3. To create a joint list of candidates for each electoral district and to publish it;
4. To determine polling places;
5. To appoint polling boards;
6. To determine and make public voting results on election and recall of assemblymen in assemblies of local communities, and to issue announcements on voting results;
7. To fill out and deliver the statistics to the republican organization responsible for statistical affairs;
8. To carry out technical preparations for elections;
9. To carry out other matters determined by this law.

**Article 14.**

Vote counting committee of an electoral district shall be responsible for the following:

1. To ensure legal administration of elections and recall of representatives in the Assembly of the SR Macedonia elected in a particular electoral district;
2. To determine whether proposed and confirmed candidates for election of representatives to the Assembly of the SR Macedonia were proposed and confirmed in conformity with law;
3. To prepare a joint list of candidates and make it public;
4. To determine polling places;
5. To appoint polling boards;
6. To determine voting results for election and recall of representatives in a particular electoral district;
7. To fill out and submit the statistics to the republican statistical office;
8. To carry out technical preparations for elections;
9. To carry out other affairs determined by this law.

**Article 15.**

Standing membership of the republican vote counting committee shall be responsible for the following:

1. To administer preparation of elections and recall of representatives until the changeable (full) membership of the republican vote counting committee is determined;
2. To issue instructions to vote counting committees on questions of administration of elections and recall of representatives;
3. To prescribe necessary forms for administration of elections and recall of representatives.

4. To determine joint standards for election material and other concrete conditions for administration of elections and ensure the implementation of these standards and conditions;

5. To issue explanations on implementation of provisions cited in this law and on administration of elections;

6. To regulate handling of and keeping of election material;

7. To perform other affairs determined by this law.

Changeable membership of the republican vote counting committee shall be responsible for following:

1. To ensure legal administration of elections and recall of representatives;

2. To supervise the work of vote counting committees and electoral districts;

3. To publish voting results in the "Official Gazette of SR Macedonia" on election and recall of representatives for the SR Macedonia Assembly;

4. To submit a report to the assembly of the Socialist Republic of Macedonia on carried out elections and voting on recall of representatives in the assembly of the Socialist Republic of Macedonia;

5. To perform other affairs regulated by this law.

**Article 16.**

Polling boards shall directly manage the voting activity in elections and the recall of representatives, ensure regularity and secrecy of voting and determine voting results of a polling place.

A polling board shall be appointed for each polling place at the latest three days before the day determined for holding elections, or voting on recall of representatives.

A polling board shall consist of chairman, two members and their deputies.

A polling board shall operate as a whole with all members present.

Article 17.

Governmental agencies are supposed to provide technical and other conditions needed in polling places and to submit information needed for their work.

Organizations and communities are supposed to offer assistance to vote counting committees and polling boards and to furnish them with information needed for their work.

IV. Electoral Districts

Article 18.

Electoral districts for election of representatives in assemblies shall be formed in a way which ensures that approximately the same number of voters elects one representative and that one representative is elected in each electoral district.

Article 19.

Electoral districts for election of assemblymen shall be determined by local communities with decisions of their assemblies, while the electoral districts for election of representatives in the Assembly of the Socialist Republic of Macedonia shall be determined by law.

V. Proposing and confirming candidates

Article 20.

Proposing and confirming candidates for representatives in assembly, election and recall of representatives, shall be carried out in electoral districts.

Candidates for representatives in assemblies shall be proposed and confirmed by citizens, political organizations and other forms of organization and association.

Registered political parties which have at least one thousand five hundred members (1,500) shall enjoy the right to propose and confirm candidates for representatives in the assembly of the Socialist Republic of Macedonia. For that purpose political parties shall submit a list of candidates for representatives in the Assembly of the Socialist Republic of Macedonia in each electoral district. Registered forms of political organization and activity of citizens with at least five hundred (500) members shall enjoy the right to propose and confirm candidates for assemblymen in assemblies of local communities, and for that purpose they shall submit a list of candidates in each electoral district for assemblymen in assemblies of local communities.

Registered political organizations which do not have the necessary number of members stated in paragraph 1 of this article, as well as citizens, shall propose candidates for representatives in the assembly of the Socialist Republic of Macedonia by collecting at least one hundred (100) signatures, while for candidates for assemblymen in assemblies of local community the required number of signatures shall be at least fifty (50).

If there are less than five hundred (500) voters in an electoral district those persons who correctly collected signatures of at least 5% of all voters in that electoral district shall be considered as candidates.

Based on collected signatures of citizens, political organizations and other forms of organization and association of citizens from paragraph 4 of this article shall compose a list of candidates.

The list of candidates shall be signed by an authorized representative and submitter of the list.

Registered political organizations (from paragraph 1) of this article and other forms of organization and association shall prove the size of their membership with a copy of signed application forms of their members or a certificate of an agency where a party is registered. Together with a list of proposed and confirmed candidates this evidence shall be submitted to the authorized vote counting committee.

Article 21.

The list of candidates shall contain: name of assembly for which the election is performed; name of electoral district for administration of elections; full name and address of each candidate and the date when the list was filled.

Name of list shall be determined according to the name of political organization and other form of organization and association which submits the list.

Name of list submitted by citizens shall be: "list of independent candidates".

Article 22.

Procedure and rules for proposing and confirming candidates for representatives in assemblies, shall be determined by political organizations and other forms of organization and association with their own enactments, while the rules for proposing and confirming candidates by citizens shall be determined by the republican vote counting committee.

Article 23.

Political organizations and other forms of organization and association of citizens from paragraph 4 of article 20 of this law shall collect signatures in an application form prescribed by the republican vote counting committee. This application form shall include the following information: full name and address and identity card number of the proposed candidate and of every signed proposer.

Article 24.

A citizen can be proposed and confirmed as candidate for a representative in an assembly only in one electoral district.

Signed proposers of candidates for representatives in assemblies must enjoy the right to vote and elect and have a place of residence on the territory of an electoral district for whose representative a candidate is proposed.

A citizen enlisted in the register of citizens with the right to vote on the territory of an electoral district can give his support, by signing the form, to only one candidate in that electoral district.

Signatures for proposing and confirming candidates for representatives of citizens shall be submitted on a form to an authorized agency which maintains the register of citizens with the right to vote in a particular electoral district.

Article 25.

The list of candidates from article 20 of this law shall be submitted to an authorized vote counting committee of an electoral district where a representative is elected at the latest 20 days before the date of scheduled elections.

The list of candidates shall have an attached statement of candidates that they accept the candidacy, as well as an attached form cited in article 23 of this law.

Article 26.

As soon as it receives lists of candidates the vote counting committee shall determine whether they were submitted within the fixed time limit and whether they were composed in conformity with this law.

If an authorized vote counting committee finds irregularities with lists of candidates or that that certain requirements were omitted in lists of candidates, it will invite submitters to correct this immediately or at the latest within three days from the day irregularities were found.

If an authorized vote counting committee finds that lists of candidates were not submitted promptly, and if a submitter failed to correct irregularities or omitted elements cited in paragraph 2 of this article, the list of candidates will not be continued.

Article 27.

An authorized vote counting committee shall create the joint list of candidates of an electoral district at the latest within five days from the date the deadline from paragraph 1 of article 25 expires, and this list shall include all candidates for representatives in an assembly who were properly proposed and confirmed as candidates.

Article 28.

Candidates for representatives in assemblies shall be entered in the joint list of candidates of an electoral district according to their belonging in political organizations and other forms of organization and association.

If a candidate was confirmed on the basis of a proposal of citizens the words "independent candidate" shall be placed beside his name.

The sequence of order of political parties and other forms of organization and association shall be determined by drawing lots.

Article 29.

A candidate can call off the candidacy at the latest 15 days before elections are held.

Candidacy can be called off by informing the vote counting committee in a written form.

Article 30.

If because a candidate called off his candidacy the number of candidates for representatives is smaller than the number that should be elected in an electoral unit then the procedure for proposing and confirming candidates shall be repeated in that electoral district.

In case the situation cited in paragraph 1 of this article takes place authorized vote counting committee shall determine an additional deadline for proposing and confirming candidates on the basis of provisions cited in this law, except that this deadline has to expire at least three days before scheduled elections are held.

If the repeated procedure from paragraph 1 of this article does not enable elections to be carried out additional elections shall be scheduled in an electoral district.

#### Article 31.

As soon as it prepares the joint list of candidates, and at the latest five days before scheduled elections are held the vote counting committee shall announce the joint list.

The joint list shall be announced through advertisements in inhabited places and an appropriate official gazette.

Announcing of the joint list of assemblymen shall also be performed in the local newspapers, and for representatives of the republican assembly in other main newspapers as well.

#### VI. Presentation of candidates

##### Article 32.

Candidates for representatives in assemblies shall have the right to presentation under equal conditions, and the right to present and justify their election programs in front of the public.

Presentation of candidates shall be achieved with organization of discussions of candidates with citizens in special meetings in organizations and communities, with the participation of candidates in public discussions, on the media and in other appropriate way.

Registered political organizations and other forms of organization and association may organize a preelection campaign for their candidates. A citizen who collects signatures in order to propose an independent candidate may also organize a preelection campaign.

Presentation of candidates and the preelection campaign shall be performed in the way determined by statute or other general enactment of political organizations and other forms of organization and association.

In the preelection campaign political organizations and other forms of organization and association are supposed to observe the mutually determined rules of the game (the code) in order to protect dignity, reputation and integrity of candidate's personality. These rules of the game must also be observed by the citizen from paragraph 1 of this article.

##### Article 33.

Presentation of candidates and preelection campaign cannot be performed 48 hours before the date of scheduled elections.

#### VII. Administration of Elections

##### 1. Polling places and election material

##### Article 34.

Voting for the election of representatives shall be performed in polling places.

Each polling place shall have an ordinal number.

At least five days before the date of scheduled elections, a local community vote counting committee, or a vote counting committee of an electoral district shall announce which polling places were determined and specify in which polling places citizens from a particular region shall vote.

##### Article 35.

Polling places shall be determined depending on the number of voters and distance between a polling place and inhabited areas, ensuring that the number of voters permits voting to take place promptly and without difficulty.

Special premises shall be determined for each polling place.

Premises determined for voting shall be equipped with cabins, curtains or screens so that it cannot be seen how the voter filled the voting paper.

##### Article 36.

A local community vote counting committee or a vote counting committee of an electoral district is supposed to promptly prepare and distribute election material to the polling places. Election material shall include: the required number of ballot boxes, voting papers, certified voting roll for each polling place, a form for minutes on the working of the polling board and other material needed to administer voting.

Together with a certified voting roll the vote counting committee shall also attach an officially certified list of voters from a particular polling place who are temporarily working in a foreign country and those who are serving the army.

A polling board shall be given as many voting papers as there are voters in a particular polling place, and the number of voting papers shall be equal to the number of voters cited on the voting roll including the attached list cited in paragraph 2 of this article.

Exceptionally from paragraph 3 of this article, a polling board shall also receive a sealed envelope with a certain number of voting papers, the number of which shall be written on the envelope. These voting papers shall only be used if a citizen approaches the voting and was excluded from the voting roll with no fault of his own. This shall be specially recorded in the minutes.

## 2. Voting

### Article 37.

Voting shall be carried out personally.

Voting shall be carried out with voting papers.

### Article 38.

A voting paper shall contain:

1. Name of assembly for which elections are held;
2. Name of electoral district in which elections are administered;
3. Specified number of representatives that are elected in polling places;
4. Full names of candidates; and
5. Name of political organization or other form of organization and association which initiated the procedure for proposing a candidate, or a note that there is an "independent candidate" in accordance with paragraph 2 of article 28 of this law.

Names of candidates shall be listed on a voting paper by the same order in which they were listed in the joint list of candidates of an electoral district.

An ordinal number shall be placed before the name of each candidate.

### Article 39.

A voting paper for voting on recalling a representative shall contain his full name.

The words "in favor of recall" and "against recall" shall be placed in front of the name of a representative.

### Article 40.

Voters can only vote on candidates mentioned by name on the voting paper and they can select at the most the number of candidates that equals the number of representatives that will be elected.

A voting paper is filled out by circling the ordinal number in front of the candidate for whom a voter is voting.

On recalling a candidate a voter votes by circling either the words "for recall" or "against recall".

### Article 41.

Voting papers on which the ordinal numbers of more candidates than the number that should be elected are circled, voting papers with new names entered and circled, incompletely filled out voting papers, and voting papers filled illegibly so that it cannot be distinguished with certainty who the elected candidates are, shall be considered as invalid voting papers.

### Article 42.

Voting shall take place without interruption from 7:00 A.M. through 19:00 P.M. At 19:00 hours polling places shall be closed, but the voters who happened to be on the polling place at that time shall be enabled to vote.

Polling places in which all voters from a certified voting roll voted can be closed before the expiry of the deadline cited in paragraph 1 of this article.

### Article 43.

All members of the polling board or their deputies must attend the whole course of voting.

Polling boards shall be responsible for ensuring order and peace in polling places.



A polling board is authorized to remove persons who make disorder and disturbance.

If necessary a polling board may call police officers for assistance.

No one can come to the polling place armed with weapons or dangerous tools, except for police officers cited in paragraph 4 of this article.

#### Article 44.

A polling board shall check whether a voter who came to vote is entered in a certified voting roll. If a voter is not entered, the polling board will not allow him to vote unless he proves with a certificate of an authorized governmental agency or an identity card that he has the right to vote. The polling board shall register every such case in the minutes.

#### Article 45.

A voter who cannot vote in the way prescribed by this law because of a physical defect or illiteracy is entitled to bring a person, with his consent, to help him with the voting.

The polling board will register every such case in the minutes.

#### Article 46.

Those citizens who are not in their place of residence on the voting day because of military service or military exercise shall be enabled to vote for their representatives in a military unit or military institution.

Citizens temporarily employed in a foreign country shall vote in polling places on the territory of the Socialist Republic of Macedonia where they lived before departure to a foreign country, or they may vote in diplomatic and consular missions of the Socialist Federal Republic of Yugoslavia.

#### Article 47.

The local community agency for national defense shall prepare a list of citizens on military service or military exercise, while the local community secretariat for internal affairs shall prepare the list of persons temporarily employed in foreign countries. These lists shall be submitted to authorized vote counting committees.

An authorized vote counting committee is supposed to immediately submit the necessary number of unfilled voting papers and sealed envelopes addressed to the vote counting commission to military units and institutions or diplomatic consular missions of the SFRR in countries where citizens from paragraphs 1 and 2 of article 46 are located.

#### Article 48.

A citizen from paragraphs 1 and 2 of article 46 of this law who votes shall then place the filled out voting paper in an envelope and submit the closed envelope to his military unit or institution or diplomatic consular mission which will deliver it by mail to the authorized vote counting committee.

As soon as voting from paragraph 1 of this article is completed all envelopes with voting papers must be delivered to the vote counting committee.

Voting by citizens from paragraphs 1 and 2 of article 46 of this law should be completed promptly so that filled out voting papers can reach the vote counting committee before the deadline for vote counting and result finding.

#### Article 49.

All types of campaign are banned on the election or recall day.

A building in which voting takes place and the area in its direct neighborhood shall be considered as a voting place.

#### 1. Vote counting in polling places

#### Article 50.

As soon as voting is finished polling boards shall immediately start counting votes.

Finding election results starts when the polling board counts unused voting papers and puts them in a special envelope and seals it. After that, based on a voting roll, the polling board starts opening ballot boxes and counting votes.

When the votes are counted the polling board determines how many votes each candidate received and how many voting papers are invalid.

If the counting reveals that less voters voted than the number of voting papers in the ballot box the polling board shall be dismissed and voting in that polling place shall be repeated.

Article 51.

When the polling board counts the votes it shall enter the following information in the minutes: number of voters according to the voting roll, number of voters that voted, number of votes that each candidate received and how many voting papers were proclaimed invalid.

The minutes on the work of the polling board shall also include other circumstances and facts which are of significance for the voting.

Each member of the polling board may give remarks and opinions which shall also be entered in the minutes.

Representatives of certain candidates may also give remarks and opinions if they attended the work of the polling board which shall also be entered in the minutes.

Minutes shall be signed by all members of the polling board.

Article 52.

The polling board shall submit the minutes and other election material to an authorized vote counting committee within 18 hours from the time of closing of polling places.

4. Finding election results

Article 53.

Based on voting results from all polling places authorized vote counting committees shall determine election results for representatives in an electoral district.

Authorized vote counting committee shall also take into consideration the voting papers cited in paragraph 3 of article 48 of this law before it finds the final election result.

Article 54.

A candidate shall be elected for a representative if he received the majority of votes from voters that voted in an electoral district, on condition that the number of votes he received is not smaller than one third of the total number of voters according to the voting roll.

If none of the candidates received the necessary number of votes cited in paragraph 1 of this article, or if that number of votes was received by a smaller number of candidates than the number that should be elected for representatives, voting in a particular electoral district shall be repeated 14 days after the day when first voting took place.

Only those candidates who received at least 20% of votes from voters who voted can enter the second voting round and repeated voting.

If none of the candidates received the necessary majority from paragraph 1 of this article the whole election procedure of an electoral district shall be repeated.

In the repeated voting, a candidate who received the highest number of votes from the voters who voted shall be elected for representative. If in the repeated voting two or more candidates received the same number of votes the selection between them shall be made by drawing lots.

Article 55.

If a vote counting committee confirms that there were irregularities on polling places which could have influence on election results, voting shall be canceled in some or all polling places and repeated elections shall be scheduled for canceled elections.

Article 56.

A vote counting committee shall keep minutes with the following official information included: number of voters enlisted on the voting roll, number of voters that voted, number of invalid voting papers, full name of each candidate with a specification of the number of received votes, and full name of elected candidate.

Each member of a vote counting committee may give remarks which shall be entered in minutes.

Minutes shall be signed by all members of a vote counting committee.

Article 57.

After confirming election results a vote counting committee of an electoral district shall submit the whole material to the republican vote counting committee which shall make public election results for representatives in the assembly of the Socialist Republic of Macedonia and submit a report to the assembly on that.

Election results in assemblies of local communities shall be made public by the local community vote counting committee which is supposed to submit a report to its assembly about the course of elections and election results.

Article 58.

VIII. Cessation of a term of office

Article 59.

A term of office of a representative shall cease prematurely in the following cases:

1. If a representative is recalled;
2. If a representative resigns;
3. If a representative is convicted with a non-suspended sentence to six months of imprisonment and the court sentence went into effect;
4. If a case of incompatibility with the function of a representative occurs;
5. In case of death;
6. If a representative was deprived of legal capacity on the basis of a court sentence that went into effect.

A term of office of a representative shall cease with the occurrence of cases from points 3, 4, 5 and 6 from paragraph 1 of this article. In the first next session after the occurrence of an appropriate case assembly shall confirm cessation of term of office.

In the first next session after submission of resignation assembly shall confirm that a term of office ceased for a representative effectively with the day that session was held.

In case of recall, term of office of a representative shall cease when a decision to recall him was made.

IX. Repeated and additional elections

1. Repeated elections

Article 60.

Repeated elections shall be carried out in the following cases:

1. If an authorized vote counting committee cancels the voting because of irregularities in the administration of elections; and
2. In cases envisaged in paragraph 4 of article 54 of this article.

Repeated elections shall also be carried out if an assembly cancels the procedure of verification of a term of office because of irregularities in the administration of elections.

Article 61.

In the repeated elections, carried out because of circumstances cited in paragraph 1, point 1 of article 60 of this law, voting shall take place according to the existing list of candidates. In the repeated elections, carried out because of circumstances cited in paragraph 1, point 2 of article 60 of this law, voting shall take place according to the new list of candidates created in the way envisaged by this law.

The new list of candidates for repeated elections shall be submitted at the latest 10 days before the day of scheduled repeated elections.

Article 62.

Repeated elections in cases cited in paragraphs 1 and 2 of article 60 of this law shall be scheduled by an authorized vote counting committee, while the repeated elections from paragraph 2 of article 60 shall be scheduled by an assembly.

The decision on scheduling elections shall also set the date for these elections.

2. Additional elections

Article 63.

Additional elections shall be carried out when a term of office ceases for a representative prematurely, and in the case cited in paragraph 3 of article 30 of this law.

Article 64.

Additional elections cannot be scheduled six months before the expiry of the term of office of the assembly.

Additional elections shall be scheduled by the president of an assembly at the latest 15 days before the term of office of a representative expires.

Article 65.

Unless the provisions cited in articles 60 through 64 envisage otherwise, provisions of this law on regular elections shall apply on repeated and additional elections as well.

X. Recall

Article 66.

Provisions of this law which relate to the procedure for proposing and confirming candidates for representatives in assemblies shall also appropriately be applied on the procedure for proposing a recall of representatives, except that in order to initiate the procedure for recall it is necessary to collect three times as many signatures of citizens than the number mentioned in article 20 of this law.

A proposal must contain the full name of a representative whose recall is proposed, name of assembly where the representative is a member, and reasons because of which recall is proposed.

Article 67.

Provisions of this law which concern elections shall also be appropriately applied on scheduling the voting on recall, on voting on recall, minutes of the vote counting committee, polling boards and submission of reports on voting results.

Article 68.

Voting results on recall shall be valid if more than one half of the total number of voters from an electoral district voted. A representative shall be recalled if more than one half of the voters who voted voted in favor of recall.

XI. Financial resources for administration of elections and recall.

Article 70.

Financial resources for administration of elections and recall of representatives in assemblies shall be provided in the republican budget, that is to say in the local community budget. These financial resources shall be made available to the local community vote counting committee, that is to say the republican vote counting committee.

From the total amount disposable for administration of elections, two thirds shall serve for coverage of costs relating to election activities of bodies for administration of elections.

One third of the financial resources for administration of elections shall serve for coverage of a part of the costs created by political organizations and other forms of political organization and association whose candidates were elected for representatives, and by the elected representative who was elected as "an independent candidate".

Financial resources shall also be provided for the representatives on the basis of the number of recalled voters by each elected representative.

XII. Protection of the right to vote and elect

Article 70.

Based on irregularities in the procedure of candidacy, procedure of collecting signatures or the procedure for election and recall, each candidate and each voter is entitled to submit a complaint to an authorized vote counting committee.

A complaint on irregularities in the procedure of candidacy, in the procedure of collecting signatures, and a complaint on the list of candidates of an electoral district shall be submitted within 48 hours from the day an irregularity was discovered, that is to say 48 hours from the day when the list of candidates was made public.

A complaint because of irregularity in the procedure for election and recall shall be submitted within three days from the day of completion of voting on election, or recall.

An authorized vote counting committee has to officially decide on a complaint within three days from the day a complaint was submitted.

Article 71.

If an authorized vote counting committee establishes that irregularities in the procedure of candidacy, procedure for election and recall had significant influence or could have had significant influence on the results of candidacy, election and recall, it shall cancel the effects of previous procedure and decide to repeat it within a certain period of time. If these irregularities were established in the procedure for election and recall the committee shall cancel the election or recall and new voting shall be scheduled in a polling place where voting on election or recall was canceled.

Article 72.

A submitted is entitled to file an appeal on the decision which the vote counting committee reached.

An appeal against the decision of a local community vote counting committee shall be filed with an authorized regular district court, while an appeal against the decision of a vote counting committee of an electoral district or the republican vote counting committee shall be submitted to the Supreme Court of Macedonia within 48 hours from the day original decision was received.

2. Article 73 of the Law on Election of Members of the National Assembly shall remain in force.

#### XIII. Punitive provisions

##### Article 71.

Registered political organizations and other forms of organization and association shall be fined with 2,000 to 25,000 dinars for an offense if they organize presentation of candidates and pre-election campaign contrary to provisions cited in articles 12 and 11 of this law.

A responsible person in a political organization or other form of organization and association shall be fined with 1,000 to 2,500 dinars for an offense cited in paragraph 1 of this article.

##### Article 74.

A physical person shall be fined with 500 to 2,500 dinars or with imprisonment up to 10 days for offense:

1. If a physical person holds a citizen responsible or demands from the citizen to say for whom he voted and why he voted (article 4, paragraph 2);
2. If a physical person participates in presentation and pre-election campaign 48 hours before the date of scheduled elections (article 11);
3. If a physical person causes disorder and disturbance in a polling place and refuses to leave the polling place when so requested by the polling board (article 41, paragraph 1);
4. If a physical person campaigns in a polling place.

#### XIV. Transitional and final provisions

##### Article 75.

When this law enters into force the law on election of members of delegations and delegates in assemblies of social-political communities and self management communities of interest ("Official Gazette of the Socialist Republic of Macedonia" 148/89) shall cease to be in effect.

##### Article 76.

This law shall enter into force on the eight day after the day it is published in the "Official Gazette of the Socialist Republic of Macedonia".

M.V.

**APPENDIX 7**

COMMENTS AND RECOMMENDATIONS BY THE  
REPUBLIC ELECTION COMMISSION REGARDING  
THE 1990 ELECTION LAW

Skopje, 15 September 1991

Translated by Eran Fraenkel  
July 1994

[The first page of this report is illegible.]

. . . These and other particular insufficiencies were the reason for the complication and length of the election process, as well as the dissatisfaction, reaction, and protest on the part of some voters and political parties, particularly in the first round of the election for representatives and councilors.

The REC insisted upon as absolutely necessary conducting a fundamental examination and assessment of the experience and problems from the first multiparty parliamentary elections in the Republic in order to reach specific conclusions regarding the measures needed to eradicate these insufficiencies and weaknesses of these elections and to more successfully and in a better-organized manner hold the forthcoming elections for representatives and councilors. Toward this end, the REC has prepared this material and has decided to present it to the Parliament of the SRM. In the preparation of this material, the REC drew upon the opinions, suggestions, and assessments of the municipal election commissions, district election commissions from districts where representatives have brought requests before the REC, as well as the opinions, suggestions, and assessments of the Supreme Court of Macedonia.

## II

The first multiparty elections for representatives and councilors were held on the basis of the majority principle, according to which the nomination and confirmation of candidates for representatives and councilors took place in electoral districts in which the municipal assemblies, by law, confirmed who had received the majority of ballots among legally enfranchised voters.

The electoral bodies, within the scope of their responsibilities, undertook measures for the total implementation of the provisions of the electoral law in all phases of the election process. Nonetheless, due to the short deadlines, the insufficient involvement of certain responsible electoral bodies, the inexperience of the political organizations, and the imprecision of certain legal decisions, a number of problems and weaknesses emerged, particularly in the process of nominating candidates and in the implementation of the first round of voting on 11 October 1990.

First and foremost, in the process of presenting the lists of candidates, a question arose as to the manner by which political parties need to demonstrate the size of their membership for the purpose of confirming their direct right to nominate candidates for representatives and councilors, or the right for citizens (as per paragraphs 3 and 4 of Article 20 in the election law) to collect signatures. Namely, according to the provision in paragraph 8 of Article 20 of the election law, political organizations were able to prove the size of their membership by showing copies of their members' membership documents, or a certificate from the office where the party was registered.

It was evinced, however, that this provision of the election law is unenforceable; that is, that its implementation is terribly difficult and expensive for the following reasons: First, the offices authorized to register political organizations do not collect evidence as to the number of these organizations' members and consequently cannot issue confirmations thereof. Second, for demonstrating the number of members by showing their membership documents it was necessary to allocate significant sums of money to their various parties to reproduce these documents (at 3,000 members per electoral district per representative, or 1,000 per electoral district per councilor for each election commission and each office responsible for certification.) Additionally, the question arose whether the authorized offices could have completed this certification of this huge number of copies of forms within the prescribed, short timetable; in other words, how many workers would have been needed to be employed for this and for how much time, work, and money would have been required.

Considering the unsuitability and irrationality of this provision of the law, the REC,



Supreme Council of the Parliament of the SRM, and the authorized republican administrative offices took the position that political organizations, in order to prove the size of their membership, shall present written evidence to the authorized office where they are registered, on the basis of which that office will certify the size of the membership for any particular political organization. By these means, all political organizations may demonstrate their right to direct nominations of candidates for representatives and councilors.

In the presentation of lists of candidates for representatives and councilors there emerged structural deficiencies (signatures of unauthorized representatives, without a stamp, without the necessary candidate documents--namely, without written consent--and more) which, when requested by the authorized election commission were corrected within the established timetable set by the election law, i.e., three days. In addition, there were cases of lists being submitted once the legal time limit for submission had passed, and in one instance a list of candidates for councilors was submitted based on forged signatures of nominators. One underaged candidate and one convicted candidate were elected within a six-month period.

With regard to the manner of nominating candidates for representatives and councilors on the basis of citizen signatures, as confirmed in paragraph 1 of Article 24 of the election law, complaints were lodged that this right was being exercised by political and other organizations that did not meet the minimum membership requirement of 1,500 or 500, and that citizens were encountering difficulties meeting the deadline of presenting signatures to the authorized oversight office for citizens' voting rights.

These and specific other problems and insufficiencies in the process of nominating and confirming candidates for representatives and councilors were the consequence of improper judicial decisions, the short deadlines set from the time elections were called to the day when candidate lists had to be submitted, and the inexperience of certain political organizations, both newly formed and others. Otherwise, in this phase of the election process, a proper cooperative relationship did exist between the political organizations and the election commissions, through which the commission were able to extend professional help to the parties and to elucidate the changes in certain provisions of the election law.

The first multiparty elections for representatives to the Parliament of the SRM elicited great interest among political and other organizations as well as among citizens, which was illustrated by the large number of candidates who were nominated. Participating in these election were 18 independent or coalition political organizations which put forth 1,115 candidates for representatives, whereas citizen petitions nominated 43 independent candidates. In other words, the total number was 1,158 candidates running in the first round for 120 seats. A corresponding level of interest was shown in the elections for councilors, for which a large number of candidates were nominated by political organizations as well as independent candidates by citizen petitions.

The candidacies for representatives and councilors were basically in accordance with the election law. In this phase of the election process there were no procedures or activities which would have significantly undermined the rights of candidates or would have upset the equality of political organizations with regard to campaign advertising. Certain problems did arise among newly formed organizations that did not have sufficient resources for this purpose. Nonetheless, the ability of political parties to advertise their platforms and to affirm themselves was greatly assisted by efforts made by the mass media; namely, Macedonian TV held individual and group discussions with the leaders of all political organizations, followed and reported on the activities of political organizations on the municipal and republican level, and published the announcements of all political leaders. By taking this approach during the election campaign, the mass media assured the equal access of all political organizations to the voters.

In the first round the elections for representatives and councilors, a particular problem arose regarding the disorganization of the voter registration lists in certain municipalities, especially larger ones (See Appendix 1).

The state offices charged with overseeing records regarding the election law did not fulfill

their obligations to keep the voter registration lists up-to-date, which during the voting at certain polling stations, electoral districts, or smaller municipalities led to the problem of insufficient ballots or unnecessary crowding. Through the intervention of the responsible election commissions and the help of the REC, these matters were resolved. In the first round of the elections, the failure to update voter registration lists was made difficult for the responsible offices and election commissions and district election boards by the already complicated election process. In this regard it is impossible not to point to the failure of citizens who, according to the law for registration lists, are required to report any changes in their place of residence.

In a number of municipalities there was an objective circumstance for the relatively large number of unregistered voters. Namely, in Skopje, in the newly formed neighborhood of Jane Sandanski of the Kisela Voda municipality, and in Novo Lisice, where large numbers of citizens from all parts of Skopje were settled in newly constructed apartment buildings, it was objectively impossible for all these citizens to be recorded in the voter registration lists or to report to the responsible offices.

The REC is of the opinion that these unfortunate conditions regarding recordskeeping and citizens' voting rights will be overcome through the new municipal political organization as amended to the Constitution of the SRM, namely, the organization of municipal local self-government. Furthermore, republican administrative offices will be able to maintain greater oversight of the municipalities since existing municipal administrative offices will now become part of their district organizations.

The number of voters in the republic who cast ballots in the first round of the elections for representatives and councilors (approx. 85%), is relatively high and satisfactory. This percentage of voters who cast ballots would have been higher had the registration lists been kept up-to-date.

The election commission has also dealt with the problems and difficulties in connection with implementation of the provisions in Article 45 of the election law, according to which citizens in the military vote in their military districts or institutions where they are serving, whereas citizens temporarily working or residing abroad vote according to their last previous residence in the republic or at the diplomatic missions of the SFRY abroad. Due to the enfranchisement of these citizens, the election commissions agreed to provisions to Article 47 of the election law requiring registration lists from municipal administrative offices responsible for national defense and citizens serving in the military, and from municipal administrative offices responsible for internal affairs and citizens temporarily working or residing abroad.

The municipal administrative offices responsible for national defense have provided the election commissions registers of citizens serving in the military in order to enfranchise these citizens.

The municipal administrative offices responsible for internal affairs similarly have provided the election commissions incomplete data on citizens who are temporarily working or residing abroad. In these situations, certain election commissions have attempted to gather further information from the families of citizens temporarily working abroad, for which purpose the commissions have made announcements in the local mass media. On the basis of the available information, the election commissions have forwarded ballots to the diplomatic missions of the SFRY abroad for those citizens who are on the voter registration lists.

These ballots, in fact, have been provided to the embassies, which created problems in those countries having general consulates (namely, consulates of the SFRY), since they do not possess information about the residence of citizens temporarily working or residing abroad in order to distribute ballots to them. The reason for this is that some of these citizens do not maintain contact with the diplomatic missions of the SFRY and others have no interest in the elections. Due to this, as well as to the short timetables, few citizens temporarily working or residing abroad voted in the elections, despite the considerable investment in postage to send ballots and the work of the election commissions. Based on this fact we can without a doubt characterize as unfounded and indefensible the attacks upon the election commissions, especially

the REC— even if it is beyond its purview— that they behaved irresponsibly in fulfilling their legal duties.

The REC maintains that in order to surmount these unsatisfactory conditions regarding the records of our citizens temporarily working or residing abroad, the authorized administrative offices must undertake measures to keep records with precise data for all our citizens overseas. These records are needed not only for the purpose of enfranchisement, but for numerous other needs of our republic.

The right of candidates for representatives and councilors to appoint representatives to follow the work of the election board confirmed in paragraph 1 of Article 8 in the election law, but a question arises as to who shall confirm their authorized status. Considering that the law does not precisely answer this question, the REC elucidated that a candidate's authorization may be verified by the political organization that nominated him and not only the state offices responsible for the verification of signatures. Thus, the legal rights of candidates standing for representatives and councilors were facilitated as an integral part of the measures for the assurance of the democracy and legality of the balloting.

During the voting, and especially during the first round, the provisions of Article 33 and paragraph 1 of Article 49 of the election law were broken, whereby political campaigning is prohibited for the 48 hours preceding the elections as well as on the day of the elections. This came about when the representatives of several parties made announcements after the start of that 48-hour period which at times were carried in the mass media the day before the elections, or when campaign posters, photographs of candidates, and other such items were put up around the polling stations.

During the voting there were instances of the abuse of voters' rights, whereby invalids or illiterate people voluntarily may be accompanied by a person who will help them cast their ballots. In some polling stations, the same person helped more than one voter to cast his ballot. There were also cases where the election board insisted that an illiterate voter circle his own name on the voter registration list, whereas the helper a voter had brought was only permitted to read the names of the candidates listed on the ballot. In confirming the election results at certain polling stations, discrepancies emerged between the number of ballots and the number of voters who had cast ballots according to the voter registration list.

Because of these and other breached provisions of the election law, and on the basis of complaints lodged by candidates, the authorized election commissions annulled the elections at all polling stations where the provisions of the election law were broken. Municipal judges and the Supreme Court of Macedonia also upheld a number of grievances by candidates for representatives and councilors and thereby annulled the results of certain polling stations. As a result, the elections for representatives at 176 polling stations were annulled, as were those for councilors in a similar number of places. The authorized election commissions replaced members of certain election boards whose work was shown to be improper and named new election boards. The election commissions and the judges also upheld a certain number of complaints by candidates regarding the candidacy process itself.

With the total replacement of the provisions of the election law on the part of the election administration offices and the authorized judges, all the improprieties and loopholes in the law were removed, so that they would have no effect on the results of the first round of voting. Thus the legality of the election process as well as the legitimacy of the representatives and councilors elected in this round were ensured, as was the more organized and successful execution of round two.

One of the most complicated issues in the first round of voting was the enfranchisement of voters as a fundamental right of citizens, as established in the Constitution of the SFRY and the Constitution of the SRM, who for various reasons were not entered onto the voter registration lists through no personal fault and who also did not have an id card [licna karta]. This issue came up during the first round of voting on 11 November 1990. For this reason a number of district

election commissions requested the REC, in accordance with point 5 of paragraph 1, Article 15 of the election law, to provide an elucidation of the changes in the provisions of Article 44-a with regard to Article 46 of this law; namely, was it permissible for citizens who were not entered onto the voter registration lists and who did not have a personal id card to exercise their right to vote on the basis of a valid passport. Additionally, many election boards permitted voting to take place when a citizen identified himself only by his personal id card. Consequently there was a number of citizens who were unable to exercise their voting rights.

The REC, having reviewed and assessed all the relevant aspects of this issue, explained that in accordance with Article 44 of the election law, a citizen was permitted to exercise his right to vote not only by using his personal id card but also his passport. In so doing, the commission had in mind that some citizens were not entered onto the voter registration list due to mistakes made by the responsible offices and not due to personal fault, and that the aim of the election law is to allow all adult citizens of the republic to exercise their right to vote as one of the fundamental constitutional rights of citizenship.

The REC took into consideration all aspects of its explanation and stand with regard to Article 44 of the election law and reasoned that its position was in accordance with the law insofar as the law is interpreted broadly, and viz the character of the two provisions whose contents, essence, and meaning in the legal sense are identical. In giving its explanation and taking its position, the commission had in mind the consequences reducing the voting rights of citizens, but concluded that it was more appropriate to tolerate proving one's right to vote by means of a passport than to restrict the right to vote for purely formal reasons. It felt certain that this position would not result in harmful consequences, but to the contrary, would demonstrate a necessary flexibility which is the basic characteristic of democracy.

Citizens who are temporarily working or residing abroad, if they are entered onto the voter registration lists and receive their ballots through the missions of the SFRY, are allowed to vote by showing their passports. The question then arose why these same citizens who are allowed to vote by showing their passports while abroad cannot do so if they happen to have returned to Macedonia to vote. This was one of the reasons for the REC's alterations of Article 44 of the election law. In accordance with the commission's elucidation [of that article], only a small number of citizens temporarily working or residing abroad exercised this right to vote using a passport while in Macedonia itself. Thus, for example, in the municipality of Debar, with its 15,082 registered voters on the voter registration list only 22 voted using their passports; in the municipality of Resen with its 15,495 registered voters, only 25, or about 14%, voted using their passports. Consequently, the only citizens not to vote were those who were not entered onto the voter registration lists.

A number of political organizations commented on the law for the district election of representatives to the Parliament of the SRM. They claimed that this law did not uphold Article 18 of the election law according to which electoral districts are drawn so that each one represents approximately the same number of voters. These claims are well founded considering that the size of electoral districts can range from below 6,000 to above 17,000 voters. Consequently there is also a significant difference in the number of voters one represented by any member of Parliament and the number of votes needed to be elected.

These faults and problems that many political parties pointed to were the reason that many of them claimed that the elections were not democratic or free and that during the elections the provisions of the election law were not upheld. Consequently there were calls for the annulment of the elections and for the formation of electoral bodies to organize and administer new ones. Critiques of the operations of the electoral administrative bodies as well as requests by various parties for their replacement were directed to the REC.

Some of the critical remarks regarding the operation of the responsible state offices and electoral administrative bodies were well founded (disorganized voter registration lists, insufficient numbers of polling stations and ballots, improprieties during the balloting, unsatisfactory work by

certain election boards, etc.). Some of the faults and weaknesses in the first round of voting were the consequence of a number of inappropriate resolutions within the election law itself and the lack of experience in organizing and holding multiparty elections on the part of the participants in the process, including both political organizations and citizens.

As a result, a significant number of these critical assessments and remarks were used by parties as an integral part of their campaign strategy in their attempt to come to power by drawing out voters in the second round. These criticisms also included unfounded attacks upon the REC.

Despite all the preceding, the REC holds that the voting in the first round was conducted properly and in conformity with the law. That the principles of democracy were guaranteed and upheld during the balloting procedure is demonstrated by the participation of candidates' representatives and delegations of political parties as well as independent candidates in the work of electoral bodies on all levels, exercising control over that work as per their authority stated in the law. In this regard the REC gives high marks to the protection of the right to vote which, in the first round, was well used by enfranchised citizens and by which official bodies outside the electoral ones have assessed the election process to have been a legal one. In this process of protecting the right to vote, 176 of 2,607 polling stations—5% of the total—had the balloting annulled by the authorized electoral bodies and the Macedonian Supreme Court due to breaches in the voting process. This fact also points to the small number of breaches in the election process, taking into consideration the number of people who participated and the number of polling stations. It is thus possible to conclude that the election process largely was conducted legally both in the technical as well as procedural sense. Included in the REC's reasoning are also the opinions of foreign observers who followed the voting in the first round of the elections and who gave a positive assessment of its legality as well as of its democracy, stressing that in comparison with the other republics in Yugoslavia, Macedonia's elections were the most democratic and were carried out at the highest professional level.

The faults and weaknesses among the responsible offices and other participants in the election process which were evident in the first round were almost entirely eliminated so that the second round of voting was administered in a more organized and successful manner. Mainly, the voter registration lists were updated and large polling stations were subdivided.

Upon the completion of the second round, there were significantly more positive estimations of the elections and of the work of the electoral bodies. Namely, virtually all political organizations that won parliamentary seats, including those that had had the severest criticisms of the first round, praised the elections as having been free and democratic and the results as an expression of the will of the voters. The legality of the election in its entirety was confirmed by the verification of all 120 representatives' mandates by the Parliament of the SRM. It should be noted that voter interest in the second round of the elections fell by almost 8% from the first round, since only 77% of the voters cast ballots.

In the final analysis of the elections, namely the second round, the REC deems that this round was carried out within the provisions of the law, during which all principles of democratically administered elections and the will of the people were expressed. This assessment may be applied to the entire election process, from candidacy to the completion of the voting.

The interest in these elections came not only from within the republic, but from the whole country [former Yugoslavia] as well as many countries in Europe and around the world, as evidenced by the large number of domestic and foreign journalists following and reporting the elections as well as the presence of foreign delegations and representatives observing the elections.

The REC attempted to assure all reasonable conditions for the mass media and foreign delegations to carry out their work in an orderly and successful manner. Toward this end press conferences were held at which representatives of the REC familiarized journalists with the election schedule and answered their questions. Similar conferences were held by several foreign delegations at which they expressed their impressions and opinions about the elections. The REC also issued official public reports as well as 20 bulletins released during the elections in which

detailed data were given concerning the course of the elections and the activities of all electoral districts. Upon request, representatives of the REC held separate conferences with all foreign delegations observing the elections. Domestic and foreign journalists as well as foreign delegations all expressed their satisfaction with the REC's attitude toward the dissemination of information.

All elections commissions—the REC, municipal, and communal—fulfilled their assigned duties in accordance with Article 10 of the election law using both the permanent and nonpermanent staff. The permanent staff of the REC and of the district commissions for the election of representatives were named by the Parliament of the SRM. District election commissions [for the election of councilors] and the [Skopje] communal election commission were appointed by their respective municipal assemblies and by the assembly of the city of Skopje. These commissions included representatives and deputies from those political organizations whose candidates had stood in the elections, who made up the nonpermanent staff and who with the permanent staff comprised the commission.

Article 15 of the election law determines which responsibilities the REC must carry out with its permanent staff and which with its nonpermanent staff. Other election commissions carry out their responsibilities with their nonpermanent staffs except for professional and administrative operations which the permanent staff of the commission carries out.

Almost all parties whose candidates stood the elections used the privilege of having a representative on the nonpermanent election commission staff.

All delegated representatives of political organizations participated in the work of the REC. Seven independent candidates had their representatives working on the nonpermanent staff.

The nonpermanent staffs of the election commissions during the second round of the elections were reduced because certain parties had no candidates in this round. This was particularly true of independent candidates.

The experience arising from the work and decision making on the part of the REC's nonpermanent staff is positive. The delegated representatives of the political organizations and independent candidates equally and actively participated in the work of the REC, their suggestions, opinions, and remarks contributing to the successful and efficient fulfillment of the REC's duties in general and to the legal execution of the elections in all phases of the process. The proper relationship between the majority of political organizations and their delegated representatives and the REC is worth noting. Likewise, the REC attempted to create the strongest possible proper relationship and to cooperate with the political organizations. In this regard the REC contacted party leaders or their representatives whenever it was requested, considered their opinions, suggestions, and remarks, and took a position in accordance to them, which were communicated to them via their representatives on the REC's nonpermanent staff. The assessment of the district and Skopje election commissions is essentially the same.

The resolution in the election law to permit a nonpermanent election commission staff consisting of representatives of political parties and independent candidates represents an enormously significant contribution toward the Republic's overall social goals of achieving democratic, multiparty parliamentary elections and ensuring all essential conditions for the free expression of the will of the body politic through direct and secret elections of representatives to Parliament. Simultaneously this has made possible a form of control over the work and decision making of the election commissions as well as the propriety of the political parties in the elections, thereby also protecting the parties' interests in the elections.

### III

Upon the completion of the elections and having consulted with the majority of district and municipal election commissions as well as the Supreme Court of Macedonia, it is possible to state that the election law requires updating for the purpose of laying the groundwork for the electoral system in the future, for which it is necessary to change all provisions presenting

obstacles to the even more effective operation of the electoral bodies in their administration of the elections or obstacles to greater propriety in the administration and democracy of the electoral system as a whole.

Accordingly, the REC recommends the following concrete changes in the existing election law:

1. In article 1, paragraph 2, it should be determined that on the basis of the election of councilors to the assembly of the city community [gradska zaednica] corresponding changes should be made in the provisions of the election law concerning the election of councilors to the municipal assemblies rather than to the provisions regarding the election of representatives as now envisioned in the law, because municipalities and city communities function under the same constitutional conditions and not the Republic and the city communities.
2. A review of the provision in paragraph 1 of article 6 with regard to the principles and rationality of electing councilors should be disseminated by the president of the Parliament of the SRM to the presidents of the municipal assemblies and the city communities.
3. A longer schedule for elections as of the day they are called should be established, since the experience from these elections have demonstrated that a two-month period is insufficient to successfully organize and carry out an election in two rounds, especially for those citizens temporarily working or residing abroad.  
  
Therefore the timetable should be extended by at least another month, that is, it should be established that from the day the elections are called to the day they are held, no less than 2 and no more than 3 months should elapse.
4. A review should be undertaken of point 2 in Article 9 which calls for the separate formation of an election commission for each election district voting for a representative to Parliament. Article 11, paragraph 3, envisions the possibility that Parliament could empower the municipal election commission to carry out the function of the election commission for a several districts if the municipality consists of two districts voting for representatives. Parliament, however, has not taken advantage of this possibility, but rather has formed 120 district election commissions.

The large number of commissions for the election of representatives was the reason for the great increase in election expenses and for the complication of communications between them and the REC, especially with regard to receiving data concerning the course and results of the elections. As a result, commissions for the election of representatives and councilors (161 commissions) engaged additional judges for three months, which impacted these judges' day-to-day work. The formation of multiple election commissions in the same municipality (for example, the Tetovo municipality had nine such commissions) also led to discrepancies in the application of the provisions in the election law by different commissions. A large number of professionals and administrative personnel also had to be hired by municipal administrative offices and judges in order to fulfill the duties of these election commissions.

In taking this position it is necessary to keep in mind that the municipal election commission has the same kind and degree of responsibilities whether it has two or nine district election commissions under it. In other words, whereas the municipal

election commission is encharged with confirming the results of the balloting at all polling stations in the municipality voting for councilors (30-60 stations), the district election commissions are accountable for between one half to one-ninth of the polling stations depending on the number of representatives elected from that municipality. In that regard it was considered that forming a separate election commission for each representative being elected is unnecessary, irrational, and uneconomical. This is supported by the fact that the elections for representatives are successfully organized and run in those places where the same staff of the municipal election commissions also runs the district election commissions for local elections (Makedonski Brod, Valandovo, Demir Hisar, Kratovo, and Negotino).

From the preceding it is our opinion that it would be suitable and essential for the municipal elections for representatives in which at least three representatives are being elected to be organized and administered by municipal election commissions, with separate election commissions for elections in those municipalities with more than four representatives (one or two commissions). Similarly, it is our opinion that it would be more appropriate for the staff of the election commissions for representatives to be named by the REC and not the Parliament of Macedonia (paragraph 2 of Article 11), as established in the existing election law. Contributing to this opinion is the fact that immediately upon naming the election commissions, for various reasons Parliament was required to make numerous changes to their staffs since these commissions consisted of 600 members and their 600 deputies.

5. Reconsideration is required for paragraph 4 of Article 10, whereby it is established that independent candidates for Parliament may delegate their representatives to the nonpermanent staff of the REC, because this would lead to significant difficulties in the effective functioning of the commission. If in these elections all independent candidates (about 40) delegate their representatives, the nonpermanent staff of the REC would number of 60 members. Clearly, at this size the commission cannot work or make decisions smoothly or efficiently. Thus, it would be proper for independent candidates to have their representatives on the municipal election commissions, that is on the election commissions for the various districts, because these commissions make all the decisions regarding the candidates' rights in the election process.
6. For the rationality and economy of the election process, Article 15 is needed to determine that the combined lists of candidates for representatives are to be issued by the REC, as well as for the district election commissions, as set forth in point 3 of Article 14.
7. Article 20 is needed to establish the right of all registered political organizations for the direct nomination of their candidates for representatives, irrespective of the size of their party membership, by which means it will be possible to eliminate the procedure of verifying and obtaining party membership rosters from the office where a party is registered. In addition, in order to simplify and ease the process of nominating candidates, it is necessary to establish that citizens present their signatures on the petition forms, and criminal, material or other responsibilities should be imposed on the nominated candidate to insure their veracity.
8. In Article 21, paragraph 1 of the law, additions should be made so that the lists of candidates will include basic personal data such as their birth date, occupation, precise address, etc. This is avoid situations such as in one case when an underaged



candidate was elected. Likewise, difficulties were encountered due to incomplete addresses of elected councilors and representatives to call them for the holding of a parliamentary session.

9. In the course of the elections problems arose around Article 23 with regard to the manner in which a candidate's place on the list of candidates was to be determined. The law envisions that the nomination and confirmation of candidates are regulated by the activities of the political parties. The electoral bodies have no insight into the workings of the political parties and it is thus difficult to assess the propriety (legality) of any list of candidates that is presented. It is therefore proposed that Article 22 be made more precise in determining the manner for confirming candidacy as well as the responsibility of the political party in presenting any document (a log, etc.) and that the work of any forum by which a list of candidates is determined should not be presented merely by its leadership.
10. Paragraph 1 of Article 25 offers a longer schedule for the presentation of the list of candidates before the day of the elections, because 20 days are not considered long enough since a candidate may remove himself from the election in the first five days (Article 29). Accordingly, the earliest ballots can be prepared is 15 days before election day absent complaints and grievances, or 10 days before the election if there are complaints. This thereby prevents citizens temporarily working or residing abroad as well as citizens serving in the military from voting. Thus, candidate lists should be confirmed and presented to the appropriate election commission no later than 30 days before election day.
11. Article 26, paragraph 26, needs to be more precise in determining the process to be taken by an election commission if the problems with the candidates' list determined by the commission are not solved within the established schedule.  
  
Article 26 should envision an institute for the confirmation of candidate lists through which it will be determined that such a list has been legally drawn. Inasmuch as no confirmation of candidate lists is anticipated, in paragraph 3 of Article 6 the words "does not confirm" should be replaced by the words "does not accept."  
During the candidacy process, in a number of electoral districts negative occurrences took place during the acceptance of candidate lists with regard to the signatures on the forms used by candidates to accept candidacy and the signatures of the authorized representatives of the submitters of these lists. These matters must be addressed more precisely in the law.
12. The schedule set out in Article 30, paragraph 2, must be extended, because elections cannot be held if the supplemented candidate list is presented to the election commission three days before an election. This schedule should be extended to at least 20 days prior to the election.
13. The schedule of five days to issue the combined candidate list by the election commissions, as established in paragraph 1 of Article 31, is also too short, and should be changed to at least 20 days prior to election day.
14. In article 34, it is necessary to clarify what is meant by the term "polling station." Namely, does this refer to the building in which voting takes place and the yard around the building as was the case in the previous law.

15. In Article 35, paragraph 1, it is necessary to clarify that approximately 500 people are allowed to vote at one polling station.
16. Article 44 needs to address the citizen's right to vote based on identifying himself by his passport, which would enable citizens temporarily working or residing abroad to vote at the diplomatic missions of the SFRY, or in the Republic if they happen to be in the country during the elections.
17. The election law needs to establish the election commission's authority to extend the voting time, for example if disorder breaks out at the polling station, if the weather becomes inclement, etc.
18. Article 47 needs to determine the obligations of municipal administrative offices responsible for the national defense and for internal affairs to provide data on citizens serving in the military or temporarily working or residing abroad to the appropriate election commissions at least 25 days before election day. Article 48 needs to establish the responsibility of the election commission to provide ballots and other election materials for these citizens no later than 20 days before election day.
19. The decisions in Article 54 which refer to the conditions for the election of representatives and councilors must be reconsidered. Namely, it was felt that the conditions in paragraph 1 of Article 54 are too difficult since the election is supposed to be held on the basis of the majority of ballots cast but only if the number of voters is no less than one-third the registered voters in a given district.

The fault with this decision is that it has not been determined when an election shall be considered valid. In a parliamentary systems elections are considered valid if more than one half the total number of registered voters in an electoral district have cast ballots, irrespective of the election system, since it is essential that this decision be determined by the election law.

Paragraph 3 of Article 54 establishes that all candidates who received at least 7% of the votes of the ballots cast [in round one] shall participate in round two of the voting, whereas paragraph 5 establishes that a person is elected when he receives the majority of ballots cast. No conditions for determining the validity of the second round elections have been established for citizens in case, for example, only 10% of the total number of registered voters cast ballots in any given district. The low number of votes required by a candidate in the first round (7%) as a condition for his participation in the second round makes it possible for there to be a large number of candidates (in some districts, 5 or more) in that second round. Since there are no other conditions to determine an election other than receiving the majority of ballots cast, some representatives and councilors have been elected on the basis of a low number of the total votes cast in any given district (in some cases less than 30% or even 25%). Consequently it should be required in the second round for more than half the total registered voters in a given district to cast ballots in order for the election to be considered valid, and for there to be only the two candidates who received the greatest number of votes in the first round. The person who receives the majority of votes in the second round shall be elected. This approach is more suitable to a parliamentary system and enables representatives to represent a larger number of citizens from their districts than is currently the case.

Similarly, it is necessary to reconsider the schedule set forth in paragraph 2 of Article 54, in which it is established that the second round of voting shall take place 14 days after the first election day. This is too short a timetable that does not make it possible to organize the second round of voting, especially the provision of ballots to voters abroad or in the military, and should thus be extended to 30 days.

20. The financing of political organizations needs to be determined by another piece of legislation and not this law (Article 69).
21. Reconsideration must be given to the schedule for the presentation and resolution of complaints and grievances brought by candidates as established in Article 70. This schedule is too long and should be shortened.
22. For the future electoral districts must be reconsidered with the purpose of creating parliamentary election districts that conform with Article 18 of the election law which calls for each representative or councilor to have an approximately equal number of citizens in his district.
23. A new law for voter registration lists needs to be passed.

#### IV

The REC prepared this material with the goal that it should serve as a basis for discussing an assessment of the resolutions established by the law for the election and recall of representatives and councilors together with the law for electoral districts for the Parliament of the Republic of Macedonia; for discussing the work of the electoral administrative bodies as well as other state offices responsible for specific operations in connection with the elections; and finally for discussing the experiences, problems, and results of the first multiparty elections in the republic.

The REC is of the opinion that for a thorough and fundamental examination and assessment of all the relevant questions of importance to these elections, it is essential to have additional professional and scholarly studies and analyses in order to draw conclusions from them and this material from the REC and to pass decisions regarding the measures necessary for resolving the faults and weaknesses that emerged during the elections for representatives and councilors in the republic in 1990, as well as measures needed for issues to be established by the new constitution of the Republic of Macedonia, through elections, and other laws, all of which will contribute to the progress of the electoral system and the better organized and more successful execution of future elections in synchrony with other contemporary parliamentary electoral systems.

The REC believes that a very important contribution toward the realization of these goals will be represented by a discussion of this material and other professional and scholarly materials regarding the elections to the Parliament of the Republic of Macedonia, for which reason we recommend that Parliament examine this material and then adopt its positions and directions.

**APPENDIX 8**

Appendix IV

Electoral laws of Macedonia

(Official Gazette of the SR Macedonia, Sep. 21, 1990, I 28  
Item. 514.

On the basis of article 441 of the Constitution of the Socialist Republic of Macedonia, the Assembly of the Socialist Republic of Macedonia held a joint session of all houses on September 20th, 1990 and passed the following

DECISION

ON PROCLAMATION OF AMENDMENTS FROM LVII THROUGH LXXXI OF THE CONSTITUTION OF THE SOCIALIST REPUBLIC OF MACEDONIA

Amendments from LVII through LXXXI, of the Constitution of the Socialist Republic of Macedonia, passed by the Assembly of the Socialist Republic of Macedonia in a joint session of all three houses on September 20th, 1990, are proclaimed.

No. 00-3148/1  
September 20th, 1990.  
Skopje

President of the Assembly  
Dr. Vulnet Starova.

AMENDMENTS TO THE CONSTITUTION OF THE  
SOCIALIST REPUBLIC OF MACEDONIA

These amendments are a constituent part of the Constitution of the Socialist Republic of Macedonia and enter into force with the day of their adoption.

AMENDMENT LVII

Sections II through X, except for paragraph 17 of Section III from the Basic Principles of the Macedonian Constitution, shall cease to be in effect.

AMENDMENT LVIII

1. Socialist Republic of Macedonia shall take care of the status and rights of the parts of the Macedonian people in neighboring countries, Macedonian emigrants and its citizens temporarily employed in foreign countries, and it shall encourage and help maintain and develop ties with them.

2. This amendment shall supplement Chapter 1, Part One, and shall change article 3 of the SR Macedonia Constitution.

AMENDMENT LIX

1. All forms of property shall be guaranteed.

All forms of property shall be equal.

Both physical and legal persons shall be title holders on various types of property.

Performance of economic and other activities with resources deriving from all forms of property shall be free and in accordance with the constitution.

2. Proprietary rights and obligations toward social property and socially owned resources, and conditions under which social property can acquire a different form of property shall be regulated with federal law.

Authorization and obligations toward state property shall be regulated by law.

Natural resources and goods in public domain shall represent either social or state property.

On conditions determined by law the right to utilize natural resources and goods in public domain may be acquired.

Assets of the economic infrastructure may exist in all forms of property on conditions determined by federal law.

3. Citizens shall be guaranteed the right to own agricultural land.

4. A foreign person may acquire the right to own real estate on conditions determined by federal law.

5. Points 1, 2, and 3 shall replace article 12, paragraphs 1 and 2 of article 14, paragraph 2 of article 15, paragraph 1 of article 96 and point 2 of Amendment XXXV; point 4 shall supplement Amendment XXIX of the Constitution of the SR Macedonia.

AMENDMENT LX

1. Property and labor shall represent a foundation of management and participation in decision making.

Workers shall enjoy the right of self-management on the basis of law, collective agreement and statute.

2. This amendment shall replace article 13, paragraph 1 of article 15, paragraphs 1 and 3 of article 16, articles 19, 22, 23 and 24, and point 2, paragraphs 1 and 2 of point 3, paragraph 1 of point 5, paragraph 2 of point 6 and point 7 of Amendment XXV of the Constitution of the SR Macedonia.

AMENDMENT LXI

1. Enterprises operating with social capital shall form a worker's council or another appropriate body.

Management and participation in decision making in enterprises with other forms of property shall be regulated in accordance with law.

Management and participation in decision making in institutions and other organizations shall be regulated with law.

In accordance with law enterprise statute shall determine the authorization, composition, method of election and decision making of a worker's council or another appropriate body.

Managing board shall be appointed in accordance with law in business and other organizations.

2. This amendment shall replace points 1 through 6, of Amendment XLI of the SR Macedonia Constitution.

AMENDMENT LXII

Provisions cited in paragraphs 2 and 4 of article 32, articles 42, 46, 47 and 63, paragraph 2 of article 64, paragraphs 1, 3, and 4 of article 122, articles 144 and 145, paragraph 3 of article 245, point 12 of amendment XXV, paragraph 2 of point 2 and point 6 of Amendment XXVI of the Constitution of the SR Macedonia shall cease to be in effect.

AMENDMENT LXIII

1. Business and other organizations shall independently decide about planning of their development.

A law may prescribe mandatory planning for organizations which perform activities and affairs of special social interest.

Socialist Republic of Macedonia creates its development and economic policy in order to guide economic and social development of the republic.

2. This amendment shall replace points 1 through 6 of Amendment XXXVI of the Constitution of the SR Macedonia.

In point 1) of paragraph 1 of article 301 of the Constitution of the SR Macedonia the following words shall be deleted: "system of social planning, social plan of the republic", and in point 3) of paragraph 1 of article 318 the words: "adopts the social plan", shall be replaced with words "determines a development and economic policy of the republic and adopts them".

AMENDMENT LXIV

1. Financial resources needed to finance rights, needs and interests guaranteed by the constitution and law in areas such as education, science, culture, technical culture, physical culture, certain types of health care, social security and in other areas determined by the constitution and law, shall be provided in the republican budget, republican fund or in some other way determined by law. In accordance with law, resources for these needs shall also be provided in budgets of local communities and cities.

Financial resources needed for exercising rights in the area of health care disability insurance, pensions and other forms of social security shall be provided on the basis of the principle of mutuality and solidarity, and in accordance with law.

Citizens, business organizations and other subjects enjoy the right to freely organize themselves for the purpose of satisfaction of their personal and joint needs and to provide needed resources for the satisfaction of these needs.

2. This amendment shall replace paragraph 2 of article 215, and provisions cited in articles 128 through 131 and points 1 through 10 of Amendment XX to the Constitution of the SR Macedonia shall cease to be in effect.

AMENDMENT LXV

1. Organization of services for supervision of legality in the utilization of assets of legal persons, of balance-sheet audit services and tax services for the control of paid contributions and other duties, shall be regulated by law.

2. This amendment shall replace paragraphs 2, 3 and 4 of article 82, article 83, point 2 of amendment XXVII, point 5 of amendment XXXVIII and subpoint 2) of point 2 of amendment XLVII. In point 2) paragraph 1 of article 301 of the Constitution of the SR Macedonia the words "Social Accountancy Service" shall be deleted.

#### AMENDMENT LXVI

1. Citizens are the source of authority exercised through representatives in the Assembly of the Republic, assemblies of local communities and cities, by means of referendum, in gatherings and by other forms of personal expression of opinions determined by law.

2. This amendment shall replace articles 109, 110, 112, 113 and provisions cited in Amendment I, paragraphs 2 and 5 of point and point 2 of Amendment II shall cease to be in effect.

#### AMENDMENT LXVII

Provisions cited in article 146, point 10) of paragraph 1 of article 301 and article 41B shall cease to be in effect, and in point 2) of paragraph 1 of article 31B of the Constitution of the SR Macedonia the words: 'Republican social defender of self-management' shall be deleted.

#### AMENDMENT LXVIII

1. Assembly of the Socialist Republic of Macedonia, assemblies of local communities and cities shall consist of representatives of citizens.

Organization and authority of the Assembly of the Socialist Republic of Macedonia shall be regulated by this constitution. Organization and authority of other bodies of the republic shall be regulated by this constitution and law.

Organization and authority of assemblies of local communities and cities, and other bodies in local communities and cities shall be regulated by this constitution, law and statute.

2. By means of direct secret vote citizens shall elect representatives in the Assembly of the SR Macedonia, and assemblymen in assemblies of local communities and cities.

Candidates for representatives and assemblymen shall be proposed and determined by citizens, political organizations and other forms of organization and association.

Free expression of the will of citizens in proposing and confirming candidates shall be ensured.

3. Election and relieving of representatives and assemblymen shall be carried in accordance with procedure determined by law.

4. The term of office of representatives and assemblymen shall last four years.

Exceptionally, and in accordance with this constitution, the term of office of representatives and assemblymen may be prolonged or shortened.

5. The function of a representative and assemblyman is incompatible with a function in governmental bodies of the republic, local community or city.

6. Point 1 shall replace articles 147, 161 and 162; point 2 shall replace articles 150 through 153; points 3, 4, and 5 shall replace paragraphs 2 and 3 of article 158, article 164 and points 1 through 10 of amendment XLII of the Constitution of the SR Macedonia.

#### AMENDMENT LXIX

1. A local community (opstina) is a self-management community of citizens consisting of one or more inhabited places or partly inhabited places.

2. In their local community and through different forms of cooperation and connections with other local communities citizens work on creation of conditions for their life and work, adjust and exercise their joint needs and interests in certain areas of social life and manage other social affairs in accordance with law.

In order to exercise their joint needs and interests in a local community, citizens decide through assemblymen in the assembly of a local community and through other forms of organization and personal expression of opinions.

3. Based on and in the framework of the constitution and law, local communities are responsible for the following:

1) adoption of a program of development of a local community, program of urban planning and structure of settled places, adoption of a budget and annual balance sheet on budget spending;

2) providing development of public utilities and more detailed regulation of their work;

3) taking care and maintenance of local roads, streets and other facilities in the public domain and of significance for the local community;

4) regulations for the use of construction land, building sites and office space;

5) satisfaction of needs of citizens in areas of education, culture, technical culture, health care, social security, child care, protection of environment and other areas of direct interest for citizens;

6) local community funds;

7) providing implementation of local community regulations, laws and other entrusted regulations;

8) creating local community governmental bodies and organizations;

9) other affairs determined by law and statute of a local community.

The republic has authority to entrust certain affairs to a community for performance.

4. Assembly is the highest administrative agency in a local community.

Assembly of a local community can repeal or cancel an unconstitutional or illegal regulation adopted by its executive council or another administrative agency in a local community.

5. A local community shall have a statute passed by its assembly with a two-thirds majority of votes of all representatives.

The statute of a local community shall particularly regulate the achievement of self-management of citizens in the local community; organization and method of work of the assembly and other local authorities; financing of joint needs in the local community and other questions of significance for the achievement of joint interests and needs of citizens in a local community.

6. A local community is entitled to collect its revenues determined by law.

In order to satisfy the needs of its citizens a local community may also provide the necessary financial resources by introducing voluntary contributions in accordance with law. Citizens shall decide by means of referendum on the introduction of voluntary contributions.

Financial resources for the satisfaction of joint needs are appraised and included in the local budget used for financing of functions of the assembly and other administrative agencies and obligations determined by law and decision of an assembly.

7. In case of direct military danger or during a state of war and if the assembly cannot meet, the functions of the assembly, and other administrative agencies shall be regulated with a decision of the assembly and in accordance with law.

8. Point 1 shall replace paragraphs 1, 3 and 4 of article 184; paragraph 1 of article 111, articles 193, 195 and 198, paragraphs 3, 4 and 5 of article 199 shall cease to be in effect; in point 2 of amendment XLV the following words shall be deleted: "as a special social-political community", "planning of social-economic development", "territorially and"; point 2 shall replace article 196 and point 1 of amendment XLV; point 3 shall replace articles 185, 190 and 191; paragraphs 4 and 5 of article 165 and paragraph 2 of article 166, article 302, 303 and 309, paragraphs 1, 2 and 4 of article 310, articles 311, 312, 313 and points 5 and 6 of amendment XLVII shall cease to be in effect; in paragraph 1 of article 50 the following words shall be deleted: "and with the decision of a local community on the basis of law"; in paragraph 1 of article 165 the following words shall be deleted: "assembly of a local community"; in paragraph 4 of article 408 the following words shall be deleted: "when they are explicitly authorized for that"; in paragraphs 1 and 3 of point 1 of amendment XXXVIII the following words shall be deleted: "social-political community on whose territory"; point 4 shall replace articles 160, 194, and 257; point 5 shall replace article 192; point 6 shall replace articles 186, 187, and 188 and paragraph 2 of article 86 shall cease to be in effect; point 7 shall replace article 197 and in article 225 of the Constitution of the SR Macedonia the words "it regulates" shall be deleted.

#### AMENDMENT LXX

1. Citizens are equal in rights and duties regardless of nationality, race, sex, language, religion, political or other belief, social origin, birth, education, social position or other personal criterion.

2. No one can be subject to torture, brutal, inhumane or humiliating punishment or treatment.

It is forbidden to perform medical or scientific experiments on any person without his consent.

3. Man's privacy is inviolable.



4. Only a law can prescribe that on the basis of a court order secrecy of letter and other private correspondence can be violated, if so indispensable for leading criminal proceedings of security of the country.

5. Freedom of conscience and religious affiliation is guaranteed.

Religious communities cannot set up political organizations.

6. Protection of personal information is guaranteed.

Collecting, processing and purpose of using personal information shall be determined by law.

It is forbidden to use personal information contrary to the purpose of collecting that information.

7. Freedom of political organization and activity shall be guaranteed.

Political organization and activity shall be banned if directed toward: forcible change of system determined by constitution, endangerment of independence of the country and territorial integrity of the republic and the SFRY, violation of human and civil freedoms and rights guaranteed by constitution, stirring up national, racial and religious hatred and intolerance.

The mode of achievement of the freedom to political organization and activity shall be regulated with a law.

8. Freedom of trade union organization and activity shall be guaranteed.

9. Everyone is entitled to a wage based on work, in accordance with law and collective agreement.

10. Worker's right to enjoy social security is envisaged by the constitution and a law shall provide compulsory social security on the basis of the principle of mutuality and solidarity in accordance with the law.

11. The right to occupy a socially or state owned apartment may exist, on conditions determined by law.

12. Point 1 shall replace paragraph 1 of article 204; point 2 shall supplement article 230; point 3 shall supplement article 236; point 4 shall replace paragraph 2 of article 236; point 5 shall replace paragraph 1 of article 225 and shall supplement article 225; points 6, 7 and 8 shall supplement Chapter V of Section One of the Constitution of the SR Macedonia; point 9 shall supplement article 209; point 10 shall replace the first sentence in paragraph 1 of article 213; point 11 shall replace paragraph 2 of article 214 of the Constitution of the SR Macedonia.

#### AMENDMENT LXXI

1. Judicial function shall be performed by regular courts as authorities of the state.

In the performance of the judicial function regular courts are independent and judge on the basis of the constitution and law.

Unless specified by law that certain types of disputes have to be resolved by regular courts, parties to the dispute may resolve conflicts deriving from their mutual relations by themselves, or, based on their rights they may entrust courts of arbitration, peace councils, elected or other courts.

Authorization, composition and organization of courts of arbitration, peace councils, elected or other courts, mode of election and relieving judges shall be determined the the founding act of a court, in accordance with law. Certain types of disputes for solving certain types of disputes may be established with a law.

2. Judges of regular courts shall be elected for an unlimited term of office.

Judges of regular courts shall be elected and relieved by the assembly of the SR Macedonia. Citizens who participate in court proceedings in regular courts shall be elected and relieved in the way and according to the procedure determined by law.

3. Public prosecutor's office shall perform its function on the basis of the constitution and law.

4. A public prosecutor shall be appointed and relieved in the way and according to the procedure determined by law.

5. Point 1 shall replace paragraph 2 of article 114, articles 268, 270, 274 and 277 and paragraph 3 of article 281, and in article 272 and paragraphs 2 and 3 of article 284 the words "self-managing" shall be replaced with the words "other"; point 2 shall replace paragraph 6 of point 1 of amendment 11 and paragraph 1 of point 2 of amendment XLVI; point 3 shall replace paragraph 2 of article 286, and in paragraph 2, point 3 of amendment XLVI the words "assembly of a social-political community" shall be replaced with the words "Assembly of the SR Macedonia"; point 4 shall replace paragraphs 1 and 3 point 4 of amendment XLVI of the Constitution of the SR Macedonia.

AMENDMENT LXXII

1. National bank of Macedonia shall be administered by a governor who is responsible for his work and the work of the bank in front of the Assembly of the Socialist Republic of Macedonia.

National bank of Macedonia shall set up an advisory council elected by the assembly of Macedonia consisting of scientists and experts.

2. This amendment shall replace point 2 of amendment XI of the constitution of the SR Macedonia.

AMENDMENT LXXIII

1. Socialist Republic of Macedonia:

1) secures public order and peace and organizes the service of public security;

2) regulates relations in the area of urban planning and protection of environment, and provides conditions for a healthy environment and improvement of environment;

3) regulates the foundations of republican funds.

2. Subpoint 1) of point 1 replaces subpoint 2 of point 1 of amendment XLVII; subpoint 2) supplements article 301; subpoint 3) supplements article 299 of the Constitution of the SR Macedonia.

With this amendment provisions cited in line 7 through 10 of paragraph 1 of article 304 shall cease to be in effect; in subpoint 2) of paragraph 1 of article 301 of the Constitution of the SR Macedonia the following words shall be deleted: "system of security of property and people" and in subpoint b) the following words shall be deleted: "as well as the election and relieving of members of delegations", while the word "delegates" shall be replaced with the word "representatives".

AMENDMENT LXXIV

1. Assembly of the Socialist Republic of Macedonia shall have 120 representatives.

From each local community at least one representative shall be elected for the assembly.

2. In order to conduct affairs from its responsibility assembly holds sessions.

Assembly decides with a majority of votes in a session attended by more than one half of all representatives, unless this constitution envisages a special majority.

Assembly decides with a two-thirds majority of votes of all representatives on the right of the Macedonian people to self-determination, including the right to secession from the community of Yugoslav peoples, on the change of external borders of the republic and the change of borders between republics.

The decision to exercise the right of the Macedonian people to self-determination of the Macedonian people including the right to secession from the community of Yugoslav peoples, changes in provisions of the Macedonian Constitution on the coat of arms, national anthem and flag of Macedonia, and decisions to change external and inter-republic borders of Macedonia shall be implemented after the majority of citizens from the republic vote in favor of such decisions.

With a majority of votes of all representatives, assembly of Macedonia elects and relieves the president and vice-presidents of the assembly, prime minister and members of the government of the SR Macedonia, decides on prolongation or shortening of the term of office of representatives of the assembly and committee members in local assemblies and the city community.

Voting in sessions of the assembly shall be public, unless the constitution or operating procedures of the assembly envisage secret voting.

Assembly of Macedonia shall verify the term of office and decide on immunity rights of its representatives.

Assembly shall decide on prolongation of the term of office of representatives and committee members in assemblies of local communities and the city community and establish when the conditions have ceased to exist because of which the term of office was prolonged.

Assembly may decide to schedule elections before the expiry of the term of office of representatives and assemblymen in assemblies of local communities and the city community. In case premature elections are scheduled, assemblies shall continue to perform their duties until newly elected assemblies are constituted.

Assembly shall adopt operating procedures.

3. Every representative, committee and the Government of the Socialist Republic of Macedonia shall enjoy the right to propose adoption of laws or other general enactments.

The request for adoption of a law can also be filed by an assembly of a local community or city community, by political organizations, social organizations, associations of citizens, economic and other subjects and their associations.

Assembly may decide to put a draft law on public discussion.

4. President and Vice-Presidents of the assembly shall be elected for a term of office of four years.

President of the Assembly shall preside over the assembly, convene sessions of the assembly and preside over the sessions, ensure that operating procedures are observed and conduct other affairs determined by this constitution and operating procedures of the assembly.

President of the Assembly shall sign enactments of the assembly except for laws.

Together with Vice-Presidents, President of the Assembly shall interpret operating procedures and assume positions on other questions of interest for the work of the assembly as determined by the operating procedures.

5. Every representative shall enjoy the right to submit to the assembly proposals of laws decisions and recommendations, declarations and resolutions and to initiate other questions from the responsibility of the assembly.

6. For the purpose of preparing and discussing proposals of laws and other enactments, to monitor implementation of enactments, to study and analyze other questions from its responsibility assembly shall form task forces and other standing or temporary bodies and committees.

Composition, responsibilities and method of work of these bodies and committees shall be determined by operating procedures and assembly decisions on establishment of these bodies.

Operating procedures of the assembly may authorize certain committees to conduct polls, and for that purpose to request from governmental agencies, economic and other subjects to provide reports and other relevant information. Committees and bodies set up by the assembly cannot have investigative and judicial functions and authorization

7. Assembly is authorized to propose adoption of laws and other general enactments from the sphere of work of the Chamber of Republics and Provinces of the assembly of the Socialist Federal Republic of Yugoslavia, which are passed on the basis of consensus of republican and provincial assemblies.

8. Members of the Macedonian assembly delegation in the Chamber of Republics and Provinces of the SFRY Assembly shall be elected by a secret vote.

9. Point 1 shall replace articles 319 and 320, paragraph 1 of article 321 paragraphs 1 and 2 of article 325, articles 326, 327 and 328, paragraph 2 of point 1 from amendment XLII and point 2 of point 1 from amendment XLIII; point 2 shall replace point 27) of paragraph 1 of article 317m articles 331, 336, 337, 338 and 342, paragraph 2 of article 343, article 344, point 1 from amendments XIV through XVIII, and chapter X of the second section of the Macedonian constitution is supplemented, while the provision cited in paragraph 2 of article 305 shall cease to be in effect; point 3 shall replace articles 345 through 350 and point 5 from amendment XLVIII; point 4 shall paragraphs 1, 2, 3 and 4 of article 353, articles 354 and 355 and point 3 of amendment XLVIII; point 5 shall replace article 356 and paragraphs 1 and 2 of article 359, and in articles 357 and 361 the word "house" is replaced with the word "Assembly"; point 6 shall replace articles 362 and 363, ; point 7 shall replace articles 366 and 367, and in line 2 of article 365 the words: "social plan of Yugoslavia" shall be replaced with the words: "development policy of the Socialist Federal republic of Yugoslavia"; point 8 shall replace paragraph 1 of article 369 and point 6 of amendment XLVIII of the Constitution of the SR Macedonia.

#### AMENDMENT LXXI

1. The function of President of the Socialist Republic of Macedonia (President of the Republic) shall be instituted.

2. President of the Republic represents the Socialist Republic of Macedonia and performs other rights and duties determined by this constitution.

4. President of the Republic:

- - gives opinions and proposals to the assembly on how to solve questions of general significance for the republic which are discussed in the assembly, on questions which concern equality of peoples and nationalities, adjustment of common interests of republics and provinces in federal agencies and other questions from the responsibility of the SFRY Assembly;

- - proposes a candidate for the prime minister of the Socialist Republic of Macedonia and candidates for the president and judges of the Constitutional Court of Macedonia;

- - proclaims laws with an ukase;

- - awards republican prizes, decorations and medals;

- - pardons convicts in accordance with the law.

4. President of the Republic, at his own initiative or upon demand of the assembly, reports to the assembly on questions from his responsibility.

Assembly may demand from the President of the Republic to give opinions and proposals on significant questions from his responsibility which are of interest for the work of the assembly.

Assembly shall discuss opinions and proposals of the President and assume positions:

5. Exceptionally, during a state of war, while that situation lasts and if so demanded by interests of defense of the republic and the Assembly is unable to meet, President of the Republic may, at the proposal of the government of the Socialist Republic of Macedonia, issue a regulation with the force of law suspending certain provisions of this constitution which concern adoption of laws and other regulations and general enactments, certain human rights and civil freedoms, rights of economic subjects and authorization of executive and administrative agencies of the republic.

During a state of war, if the assembly cannot meet, President of the Republic may, at the proposal of the President of the assembly, decide on election, appointment and relieving of officials normally elected and relieved by the assembly, and may decide on immunity rights of representatives.

During a state of war President of the Republic may suspend or cancel regulations or other enactments passed by the government of SR Macedonia if these are not in accordance with the constitution and law.

President of the Republic shall preside over the Council for National Defense Questions.

Assembly of Macedonia shall form the Council for National Defense Questions and appoint its members at the proposal of the President of the Republic.

President of the Republic may be authorized by law to perform other affairs in the area of national defense.

6. President of the Republic shall present proposals and initiatives to the Assembly for undertaking measures and for adjustment of work of competent agencies in the implementation of agreed upon policy in the area of protection of constitutionally determined order, in accordance with law.

7. President of the Republic is elected and relieved by the Assembly of the SR Macedonia.

President of the Republic is assisted by the Vice-President of the Republic. In case of absence or prevention to perform the function, the president is replaced by the vice-president. In case of death or continuing prevention of the president to perform the function, or in case of relieving, assembly of Macedonia shall elect the new president at the latest within 60 days.

President of the Republic shall be elected and relieved at the proposal of at least 20 representatives with a two-thirds majority of votes of all representatives, with a secret vote, according to procedure determined by law.

The Vice-President, at the proposal of the President, is elected and relieved by the assembly with a two-thirds majority of votes of all representatives, with a secret vote, according to procedure determined by law.

8. The President and the Vice-President shall be elected for a term of office of four years and can be elected for the same function at the most two times consecutively. During a state of war, in case of direct military danger or other state of emergency, the term of office of the President and the Vice-President shall be prolonged until that situation and circumstances last.

9. President of the Republic, and Vice President, cannot perform political, public or other social functions or professional activity.

10. President of the Republic and Vice President shall enjoy immunity.

Provisions of this Constitution which concern immunity of representatives shall also apply for immunity of the President and the Vice President.

11. President of the Republic shall perform affairs from his responsibility in the framework of this constitution and laws.

12. This amendment shall replace articles 375-387, point 1 of amendment VIII and point 1 of amendment I, and in the title of Chapter XI, Section Two of the Constitution of the SR Macedonia the word "Presidency" shall be replaced with the word "President".

#### AMENDMENT LXXVI

1. Government of the Socialist Republic of Macedonia shall be formed in the Socialist Republic of Macedonia.

Government of the Socialist Republic of Macedonia consists of the president, one or more vice-presidents and members (ministers) who lead certain republican administrative agencies or perform other duties entrusted by the government.

Organization and authorization of the Government of the Socialist Republic of Macedonia shall be regulated by this constitution and law.

2. Government of the Socialist Republic of Macedonia adopts measures in order to exercise determined development and economic policy.

3. The government enjoys the right to repeal or cancel a regulation or other general enactment of the assembly of a local community and other agencies in local communities or the city community for whose adoption these communities are authorized by law, if these regulations or enactments are in conflict with the constitution or law.

Until the constitutional court adopts a decision, the government enjoys the right to stop implementation of a regulation or other general enactment passed independently by an agency in a local or city community, if the regulation is in conflict with the constitution or law, and within 30 days it is supposed to institute proceedings for evaluation in the constitutional court.

5. President of the Socialist Republic of Macedonia proposes a candidate for the president of the Government of the SR Macedonia on the basis of previous consultations in political organizations represented in the Assembly.

After receiving the proposal of a candidate for the president of the government, Assembly of the SR Macedonia elects the Government of the Socialist Republic of Macedonia.

6. The question of confidence to the government can be raised by at least 30 representatives.

After previous discussion Assembly decides, with a majority of votes of all representatives, on the question of confidence to the government.

At least 10 representatives can submit a proposal to discuss certain questions of general political significance.

7. Point 1 replaces articles 392 and 394 and paragraph 5 of article 395; points 2, 3 and 4 supplement Chapter XIII of Section Two of the Constitution of the SR Macedonia; point 5 replaces paragraphs 1 to 5 of point 1 of amendment V, paragraph 1 of point 1 of amendment VI and points 1, 2 and 3 of amendment LI; point 6 replaces paragraphs 3 and 4 of article 404 and article 406; in chapters IX, X, XI, XIII, XIV and XVI of Section Two of the Constitution of the SR Macedonia, the words "Executive Council" shall be replaced with the word "Government".

#### AMENDMENT LXXVII

Provisions cited in point 1 and paragraph 2 of point 2 of amendment XLIX of the Constitution of the SR Macedonia, which define the role of the Socialist Alliance of Working People in proposing, election and relieving a member of the Presidency of the Socialist Federal Republic of Yugoslavia shall cease to be in effect.

#### AMENDMENT LXXVIII

1. Constitutional Court of Macedonia shall decide whether a statute or other general enactment of a political organization, social organization or association of citizens is in accordance with the Constitution of the Socialist Republic of Macedonia, or whether it is in conflict with law.

This amendment shall supplement article 419 of the Constitution of the SR Macedonia.

AMENDMENT LXXIX

1. A proposal to approach changes in the Constitution of the SR Macedonia can be submitted by the President of the Socialist Republic of Macedonia, Government of the Socialist Republic of Macedonia or at least 30 representatives.

A proposal to approach changes in the Constitution of the SR Macedonia shall be considered as accepted if at least two-thirds of all representatives vote in favor of that proposal.

Draft changes of the Constitution of the SR Macedonia shall be confirmed by the assembly with a majority of votes of all representatives and shall be placed on a public discussion.

After a conducted public discussion, assembly confirms a proposal of changes of the Constitution of the SR Macedonia and decides on it.

2. The proposal to approach changes in the SFRY Constitution shall be confirmed by the Assembly of the SR Macedonia in its session by a majority of votes.

The initiative to submit a proposal for approaching changes in the SFRY Constitution can be made by the President of the SR Macedonia, Government of the SR Macedonia or by at least 30 representatives.

The decision to issue consent on the proposal to approach changes in the SFRY Constitution shall be made by the Assembly of the SR Macedonia. The decision shall be considered as adopted if at least two thirds of all representatives vote for it.

Assembly of the SR Macedonia shall discuss draft changes to the SFRY Constitution and provide its opinion with a majority of votes of all representatives.

Assembly of the SR Macedonia shall adopt a decision giving consent to the text of changes of the SFRY Constitution passed by Federal Chamber of the SFRY Assembly. The decision shall be considered as adopted if at least two-thirds of all representatives vote for it.

3. Point 1 shall replace articles 440, 441 and paragraph 1 of article 442; point 2 shall replace articles 444 and 447 of the Constitution of the SR Macedonia.

AMENDMENT LXXX

1. In lines 2,3 and 4 of article 105 of the Constitution of the SR Macedonia the words "self management communities of interest" shall be replaced with the words "forms of self management organization", and the word "funds" shall be added, and in lines 2 and 3 the words "social resources" shall be replaced with the word "resources".

In paragraphs 2 and 4 of point 1 of amendment XXVIII the words "contributions to the self management community of interest or other form of self-management organization" shall be replaced with the words "contributions to the fund or other form of organization".

2. In paragraph 1 of article 51, article 156, paragraph 1 of article 172, article 298, paragraph 2 of article 315, articles 346 and 381 of the Constitution of the SR Macedonia the words "social-political organization" in the different articles and numbers shall be replaced with the words "political and social organization" in the appropriate article and number.

In paragraph 1 of article 174 of the Constitution of the SR Macedonia the words "trade union and other social-political organizations and social organizations" shall be replaced with the words "trade union, political and social organizations".

In paragraph 1 of article 377 of the Constitution of the SR Macedonia the words "social-political" shall be replaced with the words "political, social".

3. In the constitution of the SR Macedonia, the word "delegate" shall be replaced with the word "representative".

AMENDMENT LXXXI

A constitutional law shall be adopted in order to implement amendments LVII to LXXX to the Constitution.

Assembly shall decide on the proposal of the constitutional law in a joint session of all houses.

The proposal of the constitutional law shall be considered as adopted if at least two-thirds of all delegates vote in favor.

The constitutional law shall be proclaimed by the assembly in a joint session of all houses and it shall enter into force on the day of proclamation of amendments LVII to LXXX to the Constitution of the SR Macedonia.

(Official Gazette of the SR Macedonia, Sep. 21, 1990, I 20)

Item 515.

On the basis of Amendment LXXXI of the Constitution of the Socialist Republic of Macedonia Assembly of the Socialist Republic of Macedonia, in a joint session of all houses held on September 20th, 1990, adopted a

#### DECISION

ON PROCLAMATION OF THE CONSTITUTIONAL LAW FOR IMPLEMENTATION OF AMENDMENTS LVII LXXX TO THE CONSTITUTION OF THE SOCIALIST REPUBLIC OF MACEDONIA

The constitutional law for implementation of amendments LVII to LXXX to the Constitution of the Socialist Republic of Macedonia, passed by the Assembly of the Socialist Republic of Macedonia in a joint session of all houses on September 20th, 1990, is proclaimed.

Do 08-3149/1  
September 20th, 1990

President of the Assembly  
of the SR Macedonia  
Dr. Vulaet Starova

CONSTITUTIONAL LAW  
FOR IMPLEMENTATION OF AMENDMENTS LVII LXXX TO THE CONSTITUTION  
OF THE SOCIALIST REPUBLIC OF MACEDONIA

#### Article 1.

Amendments LVII to LXXX to the Constitution of the Socialist Republic of Macedonia (amendments) shall be implemented from the day of their proclamation by the Assembly of the Socialist Republic of Macedonia, unless specified otherwise by this constitutional law for the implementation of certain constitutional provisions.

#### Article 2.

Provisions cited in amendment LXIV which concern the way of providing financial resources for exercising rights, needs and interests guaranteed by the constitution in areas of education, science, culture, technical and physical culture, certain forms of health care, social security and other areas determined by the constitution and law, as well as providing of financial resources for disability insurance, pensions and other forms of social insurance shall be implemented at the latest by June 30th, 1991.

#### Article 3.

Law on Courts of Associated Labor ("Official Gazette of the SRM" I 41/75, 46/82, 11/89 and 10/90) shall cease to be in effect on the day to be determined by a law that will regulate and envisage concrete responsibilities of courts, and at the latest by June 30th, 1990.

Court proceedings for matters in dispute that are hereby and won't be completed in courts of associated labor, proceedings on matters for which legal remedy is exercised, proceedings for resolved disputes on which parties may file appeals or use legal remedies, shall be completed by courts authorized by law and regulations which were in effect on the day that this constitutional law goes into effect.

#### Article 4.

Law on social defender of self-management ("Official Gazette of the SRM", I 47/75, 6/81, 37/83, 11/87) shall cease to be in effect on the day determined by law, and at the latest by December 31st, 1990.

#### Article 5.

At the latest by May 31st, 1991, Assembly of the Socialist Republic of Macedonia shall pass a law on regulation of organization of services and agencies from Amendment LXV of the Constitution of the Socialist Republic of Macedonia.

#### Article 6.

Provisions cited in amendments LXXIII, LXXIV, LXXV and LXXVI which concern rights and responsibilities of the Socialist Republic of Macedonia, position and responsibilities of the Assembly, President and Government of the SR Macedonia, the way of their work and decision making, and provisions of amendment LXXIX which concern the procedure for changes in the SRM Constitution and giving consent on changes in the SRM Constitution, shall be implemented from the first session of the newly elected SRM Assembly.

#### Article 7.

Assembly of the SR Macedonia shall pass a law on election and relieving representatives of the SRM assembly and local assemblies within 30 days from the day of proclamation of amendments.

Assemblies of local communities and the city community shall pass statutory decisions determining the number of committee members in local assemblies and city assembly at the latest within 15 days from the day of adoption of the law on election and relieving representatives in the SRM assembly and local assemblies.

#### Article 8.

Until the laws which regulate rights and responsibilities of the republic are adjusted with amendments, regulations on local communities and city of Skopje shall be implemented as republican regulations until their adjustment.

#### Article 9.

Until the adjustment of laws which govern the rights and responsibilities of the republic, based on amendment LXXIX and Amendment LXXIII of the SRM Constitution, agencies of local assemblies shall continue to use regulations which were in effect on the day that amendments entered into force.

Republican authorities may directly, through their agencies, execute these affairs on the territory of the republic.

If the republic directly implements regulations through its authorities two-stage decision making has to be ensured, for which purpose the Government of the Socialist Republic of Macedonia will decide in the second stage through its commissions.

#### Article 10.

The following republican laws shall be brought into conformity with the amendments before November 30th, 1990:

1. Law on Government Administration ( "Official Gazette of the SRM" # 45/80, 28/88 and 48/89 );
2. Law on Executive Council and SRM Assembly ( "Official Gazette of the SRM" # 43/81 );
3. Law on Republican Secretaries, who are responsible for republican administrative agencies, and members of the executive council ( "Official Gazette of the SRM" 13/82);
4. Law on Republican administrative Agencies and Organizations ( "Official Gazette of the SRM" # 20/88);
5. Law on Election of Members of the SRM Presidency ( "Official Gazette of the SRM" 141/81 )

6. Law on Election of Macedonian Delegation for Chamber of Republics and Provinces of the SRM Assembly ( "Official Gazette of the SRM" # 8/74 );

7. Law on Social Organizations and Associations of Citizens.

#### Article 11.

Other republican laws which are not in conformity with amendments shall be adjusted by September 30th, 1991 at the latest.

#### Article 12.

On the day of proclamation of this constitutional law the following republican laws shall cease to be in effect:

1. Law on Temporary Measures and Social Protection of Self-Management Rights and Social Property ( "Official Gazette of the SRM" 22/85);
2. Law on Social Councils and Republican Social Councils ( "Official Gazette of the SRM" # 22/85 );
3. Law on Creation of Social Councils for Certain Administrative Areas and Republican administrative Agencies ( "Official Gazette of the SRM" # 15/83 );
4. Law on Principles for Formation of Mesna Zajednica and Election System in Mesna Zajednica ( "Official Gazette of the SRM" # 30/77 and 43/81).

#### Article 13.

Republican regulations (bylaws) for implementation of republican laws, which have to be brought into conformity with amendments, shall be brought into conformity with laws in three months time from the day of adjustment of these laws with the amendments.

#### Article 14.

Statutes of local communities and Statute of the City of Skopje, shall be adjusted with amendments by March 31, 1991.

Regulations of local communities and the City of Skopje passed on the basis of the constitution, shall be adjusted with amendments at the latest three months after adjustment of statutes of local communities and Statute of the City of Skopje.



Article 15.

Provision cited in point 2 of amendment LXXI of the SRM Constitution shall be applied on election of judges when the amendments enter into force.

Judges of regular courts whose term of office do not expire when this constitutional law enters into force shall remain on duty until the expiration of the term of office.

Article 16.

Workers, equipment, inventory and other things, archive, documentation, assets and resources of courts of associated labor, self-management communities of interest, and other agencies and organizations whose functions shall cease to exist when these amendments enter into force, shall be taken over by organizations whose sphere of activity shall cover the activity of liquidated organizations, and if such an organization is not determined affairs shall be run by an appropriate administrative agency in the republic, local community or city community.

Article 17.

This constitutional law shall enter into force when proclaimed with the amendments by the Assembly of the Socialist Republic of Macedonia

( "Official Gazette of the SRM", September 21, 1990, # 28 )

Item 516.

Based on article 447 paragraph 1 of the Constitution of the Socialist Republic of Macedonia, Assembly of the Socialist Republic of Macedonia held a joint session of all houses on September 20th, 1990 and made the following

DECISION  
ON ISSUANCE OF CONSENT ON AMENDMENTS TO THE CONSTITUTION  
OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

1. Consent is issued on Amendments to the Constitution of the Socialist Federal Republic of Yugoslavia, adopted in the session of the Federal Chamber of the SFRY Assembly on August 8th, 1990, except for amendment LXX.

2. This decision shall enter into force immediately and shall be published in the "Official Gazette of the SR Macedonia".

No. 08-3152  
September 20th, 1990  
Skopje

President of the SRM Assembly  
Dr. Vulent Starova

( "Official Gazette of the SRM" September 21, 1990, # 28 )

Item 517.

Based on article 447 paragraph 1 of the Constitution of the Socialist Republic of Macedonia, Assembly of the Socialist Republic of Macedonia held a joint session of all houses on September 20th, 1990 and made the following

DECISION  
ON ISSUANCE OF CONSENT ON THE CONSTITUTIONAL LAW FOR  
IMPLEMENTATION OF AMENDMENTS TO THE CONSTITUTION OF THE  
SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

1. Consent is given on the Constitutional Law for implementation of Amendments to the Constitution of the Socialist Federal Republic of Yugoslavia, adopted in the session of the Federal Chamber of the SFRY Assembly on April 8th, 1990.

2. This decision shall enter into force immediately, and shall be published in the "Official Gazette of the SR Macedonia".

No. 08-3151  
September 20th, 1990  
Skopje

President of the SRM assembly  
Dr. Vulent Starova

( "Official Gazette of the SRM" September 21, 1990, # 28 )

Item 518.

Based on article 376 paragraph 1, line 6, of the Constitution of the Socialist Republic of Macedonia, Presidency of the Socialist Republic of Macedonia issues the following

UKASE  
ON PROCLAMATION OF THE LAW ON ELECTION AND RECALL  
REPRESENTATIVES AND COMMITTEE MEMBERS

The law on election and recall representatives and committee members, passed by the assembly of the Socialist Republic of Macedonia in separate sessions of the House of Associated Labor, House of Local Communities and Social-Political House, held on September 20th, and 21st, 1990, is proclaimed.

No. 08-3132/1  
September 21st, 1990  
Skopje

President of the SRM Presidency  
Dr. Vladimit Nitkov

President of the SRM Assembly  
Dr. Vulent Starova

LAW ON ELECTION AND RECALL  
OF REPRESENTATIVES AND ASSEMBLYMEN

I. Basic Provisions

Article 1.

This law shall regulate the election and recall of representatives in the assembly of the Socialist Republic of Macedonia and assemblymen in assemblies of local communities and the city community ( herein after: representative in an assembly ).

Provisions of this law which relate to the election and recall of representatives in the Assembly of the Socialist Republic of Macedonia shall accordingly be applied on the election and recall of assemblymen in the assembly of the city community.

Article 2.

Citizens shall directly and secretly vote in order to elect representatives in the Assembly of the Socialist Republic of Macedonia, and assemblymen in assemblies of local communities.

A citizen who turned 18 years of age enjoys the right to elect and be elected for a representative in an assembly.

Article 3.

Freedom and secrecy of voting shall be guaranteed.

No one can hold a citizen responsible because of voting, nor demand from him to say how he voted or why he didn't vote.

Article 4.

The function of a representative or an assemblyman is incompatible with functions in republican government agencies, local government or city government agencies determined by law.

Article 5.

A representative of an assembly can only be recalled by the electoral body or district represented which elected him.

II. Scheduling and holding elections.

Article 6.

Elections for representatives in assemblies shall be scheduled every fourth year by the president of the assembly.

The enactment for scheduling elections shall be published in the appropriate official gazette.

The date of elections shall be announced with the decision on scheduling elections. No more than two months and no less than one month can pass from the day of scheduling elections to the day of holding elections.

Elections have to be held at the latest within 15 days from the day of expiry of the term of office of an assembly, and the statute of limitations shall start with the verification of election of representatives in an assembly.

III. Bodies for administration of elections and recall

Article 7.

Bodies for administration of elections and recall of representatives in assemblies shall be: vote counting committee and polling boards ( herein after: election bodies )

Only those persons who enjoy the right to vote and elect may be members of election bodies or deputy members.

Members of election bodies and their deputies cannot be candidates for representatives. If a member of an election body or his deputy accepts the candidacy for a representative his function in the election body shall cease.

Article 8.

Representatives of candidates who monitor the work of polling boards may attend the work of polling boards.

Representatives of candidates may warn the chairman of the polling board about inconsistency in work, and if the latter refuses to accept the warning he is supposed to record it in the minutes.

Article 9.

The following vote counting committees shall exist:

1. Local community vote counting committee;
2. Vote counting committees of electoral districts for the election of representatives in the assembly of the SR Macedonia (hereinafter: vote counting committees and electoral districts); and
3. Republican vote counting committee.

Article 10.

A local community counting committee and an electoral district vote counting committee shall have standing membership consisting of chairman, secretary and three members, appointed for a term of office of four years.

Chairman, secretary and members of a vote counting committee have their deputies.

Additionally, vote counting committees shall include one representative and his deputy from all forms of political organization and activity of citizens who registered candidates for representatives, and from independent candidates as well. They will represent the changeable membership of a vote counting committee.

Eight days after completion of candidacy procedure chairman of a vote counting committee shall convocate a session. Authorized representatives of the forms of political organization and activity of citizens who registered their candidates for representatives and independent candidates shall exercise their right cited in paragraph 4 of this article and appoint their representative with a deputy who will enter the changeable membership of a vote counting committee.

After determining the existence of rights cited in paragraph 4 of this article, the standing membership of a vote counting committee shall determine and announce by full name the changeable membership of a vote counting committee.

Article 11.

The local community vote counting committee shall be appointed by the assembly of a local community.

The republican vote counting committee and vote counting committees of electoral districts shall be appointed by the assembly of the Socialist Republic of Macedonia.

When there are no more than two electoral districts Assembly of the Socialist Republic of Macedonia may authorize the local community vote counting committee to perform the function of the electoral district vote counting committee.

Article 12.

Chairmen of local community vote counting committees, chairmen of electoral district vote counting committees and their deputies shall be required to have a degree in law and work experience as judges.

Chairman of the Republican vote counting committee and his deputy shall be appointed from the Supreme Court of Macedonia.

Membership and changes in membership of vote counting committees shall be published in the official gazette.

Article 13.

A local community vote counting committee shall be responsible for the following:

1. To ensure that administration of elections and recall of assemblymen is carried out in a legal way;
2. To determine whether proposed and determined candidates for election of assemblymen were proposed and determined in conformity with law;
3. To create a joint list of candidates for each electoral district and to publish it;
4. To determine polling places;
5. To appoint polling boards;
6. To determine and make public voting results on election and recall of assemblymen in assemblies of local communities, and to issue announcements on voting results;
7. To fill out and deliver the statistics to the republican organization responsible for statistical affairs;
8. To carry out technical preparations for elections;
9. To carry out other matters determined by this law.

Article 14.

Vote counting committee of an electoral district shall be responsible for the following:

1. To ensure legal administration of elections and recall of representatives in the Assembly of the SR Macedonia elected in a particular electoral district;
2. To determine whether proposed and confirmed candidates for election of representatives to the Assembly of the SR Macedonia were proposed and confirmed in conformity with law;
3. To prepare a joint list of candidates and make it public;
4. To determine polling places;
5. To appoint polling boards;
6. To determine voting results for election and recall of representatives in a particular electoral district;
7. To fill out and submit the statistics to the republican statistical office;
8. To carry out technical preparations for elections;
9. To carry out other affairs determined by this law.

Article 15.

Standing membership of the republican vote counting committee shall be responsible for the following:

1. To administer preparation of elections and recall of representatives until the changeable (full) membership of the republican vote counting committee is determined;
2. To issue instructions to vote counting committees on questions of administration of elections and recall of representatives;
3. To prescribe necessary forms for administration of elections and recall of representatives.

4. To determine joint standards for election material and other concrete conditions for administration of elections and ensure the implementation of these standards and conditions;
5. To issue explanations on implementation of provisions cited in this law and on administration of elections;
6. To regulate handling of and keeping of election material;
7. To perform other affairs determined by this law.

Changeable membership of the republican vote counting committee shall be responsible for following:

1. To ensure legal administration of elections and recall of representatives;
2. To supervise the work of vote counting committees and electoral districts;
3. To publish voting results in the "Official Gazette of SR Macedonia" on election and recall of representatives for the SR Macedonia Assembly;
4. To submit a report to the assembly of the Socialist Republic of Macedonia on carried out elections and voting on recall of representatives in the assembly of the Socialist Republic of Macedonia;
5. To perform other affairs regulated by this law.

Article 16.

Polling boards shall directly manage the voting activity in elections and the recall of representatives, ensure regularity and secrecy of voting and determine voting results of a polling place.

A polling board shall be appointed for each polling place at the latest three days before the day determined for holding elections, or voting on recall of representatives.

A polling board shall consist of chairman, two members and their deputies.

A polling board shall operate as a whole with all members present.

Article 17.

Governmental agencies are supposed to provide technical and other conditions needed in polling places and to submit information needed for their work.

Organizations and communities are supposed to offer assistance to vote counting committees and polling boards and to furnish them with information needed for their work.

IV. Electoral Districts

Article 18.

Electoral districts for election of representatives in assemblies shall be formed in a way which ensures that approximately the same number of voters elects one representative and that one representative is elected in each electoral district.

Article 19.

Electoral districts for election of assemblymen shall be determined by local communities with decisions of their assemblies, while the electoral districts for election of representatives in the Assembly of the Socialist Republic of Macedonia shall be determined by law.

V. Proposing and confirming candidates

Article 20.

Proposing and confirming candidates for representatives in assembly, election and recall of representatives, shall be carried out in electoral districts.

Candidates for representatives in assemblies shall be proposed and confirmed by citizens, political organizations and other forms of organization and association.

Registered political parties which have at least one thousand five hundred members (1,500) shall enjoy the right to propose and confirm candidates for representatives in the assembly of the Socialist Republic of Macedonia. For that purpose political parties shall submit a list of candidates for representatives in the Assembly of the Socialist Republic of Macedonia in each electoral district. Registered forms of political organization and activity of citizens with at least five hundred (500) members shall enjoy the right to propose and confirm candidates for assemblymen in assemblies of local communities, and for that purpose they shall submit a list of candidates in each electoral district for assemblymen in assemblies of local communities.

Registered political organizations which do not have the necessary number of members cited in paragraph 3 of this article, as well as citizens, shall propose candidates for representatives in the assembly of the Socialist Republic of Macedonia by collecting at least one hundred (100) signatures, while for candidates for assemblymen in assemblies of local community the required number of signatures shall be at least fifty (50).

If there are less than five hundred (500) voters in an electoral district those persons who correctly collected signatures of at least 5% of all voters in that electoral district shall be considered as candidates.

Based on collected signatures of citizens, political organizations and other forms of organization and association of citizens from paragraph 4 of this article shall compose a list of candidates.

The list of candidates shall be signed by an authorized representative and submitter of the list.

Registered political organizations from paragraph 3 of this article and other forms of organization and association shall prove the size of their membership with a copy of signed application forms of their members or a certificate of an agency where a party is registered. Together with a list of proposed and confirmed candidates this evidence shall be submitted to the authorized vote counting committee.

Article 21.

The list of candidates shall contain: name of assembly (or which the election is performed); name of electoral district (or administration of elections); full name and address of each candidate and the date when the list was filled.

Name of list shall be determined according to the name of political organization and other form of organization and association which submits the list.

Name of list submitted by citizens shall be: "list of independent candidates".

Article 22.

Procedure and rules for proposing and confirming candidates for representatives in assemblies, shall be determined by political organizations and other forms of organization and association with their own enactments, while the rules for proposing and confirming candidates by citizens shall be determined by the republican vote counting committee.

Article 23.

Political organizations and other forms of organization and association of citizens from paragraph 4 of article 20 of this law shall collect signatures in an application form prescribed by the republican vote counting committee. This application form shall include the following information: full name and address and identity card number of the proposed candidate and of every signed proposer.

Article 24.

A citizen can be proposed and confirmed as candidate for a representative in an assembly only in one electoral district.

Signed proposers of candidates for representatives in assemblies must enjoy the right to vote and elect and have a place of residence on the territory of an electoral district for whose representative a candidate is proposed.

A citizen enlisted in the register of citizens with the right to vote on the territory of an electoral district can give his support, by signing the form, to only one candidate in that electoral district.

Signatures for proposing and confirming candidates for representatives of citizens shall be submitted on a form to an authorized agency which maintains the register of citizens with the right to vote in a particular electoral district.

Article 25.

The list of candidates from article 20 of this law shall be submitted to an authorized vote counting committee of an electoral district where a representative is elected at the latest 20 days before the date of scheduled elections.

The list of candidates shall have an attached statement of candidates that they accept the candidacy, as well as an attached form cited in article 23 of this law.

Article 26.

As soon as it receives lists of candidates the vote counting committee shall determine whether they were submitted within the fixed time limit and whether they were composed in conformity with this law.

If an authorized vote counting committee establishes irregularities with lists of candidates or that certain requirements were omitted in lists of candidates, it will invite submitters to correct this immediately or at the latest within three days from the day irregularities were found.

If an authorized vote counting committee finds that lists of candidates were not submitted promptly, and if a submitter failed to correct irregularities or omitted elements cited in paragraph 2 of this article, the list of candidates will not be confirmed.

Article 27.

An authorized vote counting committee shall create the joint list of candidates of an electoral district at the latest within five days from the date the deadline from paragraph 1 of article 25 expires, and this list shall include all candidates for representatives in an assembly who were properly proposed and confirmed as candidates.

Article 28.

Candidates for representatives in assemblies shall be entered in the joint list of candidates of an electoral district according to their belonging in political organizations and other forms of organization and association.

If a candidate was confirmed on the basis of a proposal of citizens the words "independent candidate" shall be placed beside his name.

The sequence of order of political parties and other forms of organization and association shall be determined by drawing lots.

Article 29.

A candidate can call off the candidacy at the latest 15 days before elections are held.

Candidacy can be called off by informing the vote counting committee in a written form.

Article 30.

If because a candidate called off his candidacy the number of candidates for representatives is smaller than the number that should be elected in an electoral unit then the procedure for proposing and confirming candidates shall be repeated in that electoral district.

In case the situation cited in paragraph 1 of this article takes place, authorized vote counting committee shall determine an additional deadline for proposing and confirming candidates on the basis of provisions cited in this law, except that this deadline has to expire at least three days before scheduled elections are held.

If the repeated procedure from paragraph 1 of this article does not enable elections to be carried out additional elections shall be scheduled in an electoral district.

#### Article 31.

As soon as it prepares the joint list of candidates, and at the latest five days before scheduled elections are held the vote counting committee shall announce the joint list.

The joint list shall be announced through advertisements in inhabited places and an appropriate official gazette.

Announcing of the joint list of assemblymen shall also be performed in the local newspapers, and for representatives of the republican assembly in other main newspapers as well.

#### VI. Presentation of candidates

##### Article 32.

Candidates for representatives in assemblies shall have the right to presentation under equal conditions, and the right to present and justify their election programs in front of the public.

Presentation of candidates shall be achieved with organization of discussions of candidates with citizens in special meetings in organizations and communities, with the participation of candidates in public discussions, on the media and in other appropriate way.

Registered political organizations and other forms of organization and association may organize a preselection campaign for their candidates. A citizen who collects signatures in order to propose an independent candidate may also organize a preselection campaign.

Presentation of candidates and the preselection campaign shall be performed in the way determined by statute or other general enactment of political organizations and other forms of organization and association.

In the preselection campaign political organizations and other forms of organization and association are supposed to observe the mutually determined rules of the game (the code) in order to protect dignity, reputation and integrity of candidate's personality. These rules of the game must also be observed by the citizen from paragraph 3 of this article.

#### Article 33.

Presentation of candidates and preselection campaign cannot be performed 48 hours before the date of scheduled elections.

#### VII. Administration of Elections

##### 1. Polling places and election material

##### Article 34.

Voting for the election of representatives shall be performed in polling places.

Each polling place shall have an ordinal number.

At least five days before the date of scheduled elections, a local community vote counting committee, or a vote counting committee of an electoral district shall announce which polling places were determined and specify in which polling places citizens from a particular region shall vote.

##### Article 35.

Polling places shall be determined depending on the number of voters and distance between a polling place and inhabited areas, ensuring that the number of voters permits voting to take place promptly and without difficulty.

Special premises shall be determined for each polling place.

Premises determined for voting shall be equipped with cabins, curtains or screens so that it cannot be seen how the voter filled the voting paper.

##### Article 36.

A local community vote counting committee or a vote counting committee of an electoral district is supposed to promptly prepare and distribute election material to the polling places. Election material shall include: the required number of ballot boxes, voting papers, certified voting roll for each polling place, a form for minutes on the working of the polling board and other material needed to administer voting.

Together with a certified voting roll the vote counting committee shall also attach an officially certified list of voters from a particular polling place who are temporarily working in a foreign country and those who are serving the army.

A polling board shall be given as many voting papers as there are voters in a particular polling place, and the number of voting papers shall be equal to the number of voters cited on the voting roll including the attached list cited in paragraph 2 of this article.

Exceptionally from paragraph 3 of this article, a polling board shall also receive a sealed envelope with a certain number of voting papers, the number of which shall be written on the envelope. These voting papers shall only be used if a citizen approaches the voting and was excluded from the voting roll with no fault of his own. This shall be specially recorded in the minutes.

## 2. Voting

### Article 37.

Voting shall be carried out personally.

Voting shall be carried out with voting papers.

### Article 38.

A voting paper shall contain:

1. Name of assembly for which elections are held;
2. Name of electoral district in which elections are administered;
3. Specified number of representatives that are elected in polling places;
4. Full names of candidates; and
5. Name of political organization or other form of organization and association which initiated the procedure for proposing a candidate, or a note that there is an "independent candidate" in accordance with paragraph 2 of article 28 of this law.

Names of candidates shall be listed on a voting paper by the same order in which they were listed in the joint list of candidates of an electoral district.

An ordinal number shall be placed before the name of each candidate.

### Article 39.

A voting paper for voting on recalling a representative shall contain his full name.

The words "in favor of recall" and "against recall" shall be placed in front of the name of a representative.

### Article 40.

Voters can only vote on candidates mentioned by name on the voting paper and they can select at the most the number of candidates that equals the number of representatives that will be elected.

A voting paper is filled out by circling the ordinal number in front of the candidate for whom a voter is voting.

On recalling a candidate a voter votes by circling either the words "for recall" or "against recall".

### Article 41.

Voting papers on which the ordinal numbers of more candidates than the number that should be elected are circled, voting papers with new names entered and circled, incompletely filled out voting papers, and voting papers filled illegibly so that it cannot be distinguished with certainty who the elected candidates are, shall be considered as invalid voting papers.

### Article 42.

Voting shall take place without interruption from 7:00 A.M. through 19:00 P.M. At 19:00 hours polling places shall be closed, but the voters who happened to be on the polling place at that time shall be enabled to vote.

Polling places in which all voters from a certified voting roll voted can be closed before the expiry of the deadline cited in paragraph 1 of this article.

### Article 43.

All members of the polling board or their deputies must attend the whole course of voting.

Polling boards shall be responsible for ensuring order and peace in polling places.



A polling board is authorized to remove persons who make disorder and disturbance.

If necessary a polling board may call police officers for assistance.

No one can come to the polling place armed with weapons or dangerous tools, except for police officers cited in paragraph 4 of this article.

#### Article 43.

A polling board shall check whether a voter who came to vote is entered in a certified voting roll. If a voter is not entered, the polling board will not allow him to vote unless he proves with a certificate of an authorized governmental agency or an identity card that he has the right to vote. The polling board shall register every such case in the minutes.

#### Article 45.

A voter who cannot vote in the way prescribed by this law because of a physical defect or illiteracy is entitled to bring a person, with his consent, to help him with the voting

The polling board will register every such case in the minutes.

#### Article 46.

Those citizens who are not in their place of residence on the voting day because of military service or military exercise shall be enabled to vote for their representatives in a military unit or military institution.

Citizens temporarily employed in a foreign country shall vote in polling places on the territory of the Socialist Republic of Macedonia where they lived before departure to a foreign country, or they may vote in diplomatic and consular missions of the Socialist Federal Republic of Yugoslavia.

#### Article 47.

The local community agency for national defense shall prepare a list of citizens on military service or military exercise, while the local community secretariat for internal affairs shall prepare the list of persons temporarily employed in foreign countries. These lists shall be submitted to authorized vote counting committees.

An authorized vote counting committee is supposed to immediately submit the necessary number of unfilled voting papers and sealed envelopes addressed to the vote counting commission to military units and institutions or diplomatic consular missions of the SFRY in countries where citizens from paragraphs 1 and 2 of article 46 are located.

#### Article 48.

A citizen from paragraphs 1 and 2 of article 46 of this law who votes shall then place the filled out voting paper in an envelope and submit the closed envelope to his military unit or institution or diplomatic consular mission which will deliver it by mail to the authorized vote counting committee.

As soon as voting from paragraph 1 of this article is completed all envelopes with voting papers must be delivered to the vote counting committee.

Voting by citizens from paragraphs 1 and 2 of article 46 of this law should be completed promptly so that filled out voting papers can reach the vote counting committee before the deadline for vote counting and result finding.

#### Article 49.

All types of campaign are banned on the election or recall day.

A building in which voting takes place and the area in its direct neighborhood shall be considered as a voting place.

### 3. Vote counting in polling places

#### Article 50.

As soon as voting is finished polling boards shall immediately start counting votes.

Finding election results starts when the polling board counts unused voting papers and puts them in a special envelope and seals it. After that, based on a voting roll, the polling board starts opening ballot boxes and counting votes.

When the votes are counted the polling board determines how many votes each candidate received and how many voting papers are invalid.

If the counting reveals that less voters voted than the number of voting papers in the ballot box the polling board shall be dismissed and voting in that polling place shall be repeated.

#### Article 51.

When the polling board counts the votes it shall enter the following information in the minutes: number of voters according to the voting roll, number of voters that voted, number of votes that each candidate received and how many voting papers were proclaimed invalid.

The minutes on the work of the polling board shall also include other circumstances and facts which are of significance for the voting.

Each member of the polling board may give remarks and opinions which shall also be entered in the minutes.

Representatives of certain candidates may also give remarks and opinions if they attended the work of the polling board which shall also be entered in the minutes.

Minutes shall be signed by all members of the polling board.

#### Article 52.

The polling board shall submit the minutes and other election material to an authorized vote counting committee within 18 hours from the time of closing of polling places.

#### 4. Finding election results

#### Article 53.

Based on voting results from all polling places authorized vote counting committees shall determine election results for representatives in an electoral district.

Authorized vote counting committee shall also take into consideration the voting papers cited in paragraph 3 of article 48 of this law before it finds the final election result.

#### Article 54.

A candidate shall be elected for a representative if he received the majority of votes from voters that voted in an electoral district, on condition that the number of votes he received is not smaller than one third of the total number of voters according to the voting roll.

If none of the candidates received the necessary number of votes cited in paragraph 1 of this article, or if that number of votes was received by a smaller number of candidates than the number that should be elected for representatives, voting in a particular electoral district shall be repeated 14 days after the day when first voting took place.

Only those candidates who received at least 7% of of votes from voters who voted can enter the second voting round and repeated voting.

If none of the candidates received the necessary majority from paragraph 3 of this article the whole election procedure of an electoral district shall be repeated.

In the repeated voting, a candidate who received the highest number of votes from the voters who voted shall be elected for representative. If in the repeated voting two or more candidates received the same number of votes the selection between them shall be made by drawing lots.

#### Article 55.

If a vote counting committee confirms that there were irregularities on polling places which could have influence on election results, voting shall be canceled in some or all polling places and repeated elections shall be scheduled for canceled elections.

#### Article 56.

A vote counting committee shall keep minutes with the following official information included: number of voters enlisted on the voting roll, number of voters that voted, number of invalid voting papers, full name of each candidate with a specification of the number of received votes, and full name of elected candidate.

Each member of a vote counting committee may give remarks which shall be entered in minutes.

Minutes shall be signed by all members of a vote counting committee.

#### Article 57.

After confirming election results a vote counting committee of an electoral district shall submit the whole material to the republican vote counting committee which shall make public election results for representatives in the assembly of the Socialist Republic of Macedonia and submit a report to the asse,by on that.

Election results in assemblies of local communities shall be made public by the local community vote counting committee which is supposed to submit a report to its assembly about the course of elections and election results.

Article 58.

VIII. Cessation of a term of office.

Article 59.

A term of office of a representative shall cease prematurely in the following cases:

1. If a representative is recalled;
2. If a representative resigns;
3. If a representative is convicted with a non-suspended sentence to six months of imprisonment and the court sentence went into effect;
4. If a case of incompatibility with the function of a representative occurs;
5. In case of death;
6. If a representative was deprived of legal capacity on the basis of a court sentence that went into effect.

A term of office of a representative shall cease with the occurrence of cases from points 3, 4, 5 and 6 from paragraph 1 of this article. In the first next session after the occurrence of an appropriate case assembly shall confirm cessation of term of office.

In the first next session after submission of resignation assembly shall confirm that a term of office ceased for a representative effectively with the day that session was held.

In case of recall, term of office of a representative shall cease when a decision to recall him was made.

IX. Repeated and additional elections

1. Repeated elections

Article 60.

Repeated elections shall be carried out in the following cases:

1. If an authorized vote counting committee cancels the voting because of irregularities in the administration of elections; and
2. In cases envisaged in paragraph 4 of article 54 of this article.

Repeated elections shall also be carried out if an assembly cancels the procedure of verification of a term of office because of irregularities in the administration of elections.

Article 61.

In the repeated elections, carried out because of circumstances cited in paragraph 1, point 1 of article 60 of this law, voting shall take place according to the existent list of candidates. In the repeated elections, carried out because of circumstances cited in paragraph 1, point 2 of article 60 of this law, voting shall take place according to the new list of candidates created in the way envisaged by this law.

The new list of candidates for repeated elections shall be submitted at the latest 10 days before the day of scheduled repeated elections.

Article 62.

Repeated elections in cases cited in paragraphs 1 and 2 of article 60 of this law shall be scheduled by an authorized vote counting committee, while the repeated elections from paragraph 2 of article 60 shall be scheduled by an assembly.

The decision on scheduling elections shall also set the date for these elections.

2. Additional elections

Article 63.

Additional elections shall be carried out when a term of office ceases for a representative prematurely, and in the case cited in paragraph 3 of article 30 of this law.

Article 64.

Additional elections cannot be scheduled six months before the expiry of the term of office of the assembly.

Additional elections shall be scheduled by the president of an assembly at the latest 15 days before the term of office of a representative expires.

Article 65.

Unless the provisions cited in articles 60 through 64 envisage otherwise, provisions of this law on regular elections shall apply on repeated and additional elections as well.

X. Recall

Article 66.

Provisions of this law which relate to the procedure for proposing and confirming candidates for representatives in assemblies shall also appropriately be applied on the procedure for proposing a recall of representatives, except that in order to initiate the procedure for recall it is necessary to collect three times as many signatures of citizens than the number mentioned in article 20 of this law.

A proposal must contain the full name of a representative whose recall is proposed, name of assembly where the representative is a member, and reasons because of which recall is proposed.

Article 67.

Provisions of this law which concern elections shall also be appropriately applied on scheduling the voting on recall, on voting on recall, minutes of the vote counting committee, polling boards and submission of reports on voting results.

Article 68.

Voting results on recall shall be valid if more than one half of the total number of voters from an electoral district voted. A representative shall be recalled if more than one half of the voters who voted voted in favor of recall.

XI. Financial resources for administration of elections and recall.

Article 70.

Financial resources for administration of elections and recall of representatives in assemblies shall be provided in the republican budget, that is to say in the local community budget. These financial resources shall be made available to the local community vote counting committee, that is to say the republican vote counting committee.

From the total amount disposable for administration of elections, two thirds shall serve for coverage of costs relating to election activities of bodies for administration of elections.

One third of the financial resources for administration of elections shall serve for coverage of a part of the costs created by political organizations and other forms of political organization and association whose candidates were elected for representatives, and by the elected representative who was elected as "an independent candidate".

Financial resources shall be distributed among representatives on the basis of the number of received votes by each elected representative.

XII. Protection of the right to vote and elect

Article 70.

Based on irregularities in the procedure of candidacy, procedure of collecting signatures or the procedure for election and recall, each candidate and each voter is entitled to submit a complaint to an authorized vote counting committee.

A complaint on irregularities in the procedure of candidacy, in the procedure of collecting signatures, and a complaint on the list of candidates of an electoral district shall be submitted within 48 hours from the day an irregularity was discovered, that is to say 48 hours from the day when the list of candidates was made public.

A complaint because of irregularity in the procedure for election and recall shall be submitted within three days from the day of completion of voting on election, or recall.

An authorized vote counting committee has to officially decide on a complaint within three days from the day a complaint was submitted.

Article 71.

If an authorized vote counting committee establishes that irregularities in the procedure of candidacy, procedure for election and recall had significant influence or could have had significant influence on the results of candidacy, election and recall, it shall cancel the effects of previous procedure and decide to repeat it within a certain period of time. If these irregularities were established in the procedure for election and recall the committee shall cancel the election or recall and new voting shall be scheduled in a polling place where voting on election or recall was canceled.

Article 72.

A submitted is entitled to file an appeal on the decision which the vote counting committee reached.

An appeal against the decision of a local community vote counting committee shall be filed with an authorized regular district court, while an appeal against the decision of a vote counting committee of an electoral district or the republican vote counting committee shall be submitted to the Supreme Court of Macedonia within 48 hours from the day original decision was received.

Authorized court shall decide on appeals within 48 hours from the day it receives them.

#### XIII. Punitive provisions

##### Article 73.

Registered political organizations and other forms of organization and association shall be fined with 2,000 to 25,000 dinars for an offense if they organize presentation of candidates and pre-election campaign contrary to provisions cited in articles 32 and 33 of this law.

A responsible person in a political organization or other form of organization and association shall be fined with 1,000 to 2,500 dinars for an offense cited in paragraph 1 of this article.

##### Article 74.

A physical person shall be fined with 500 to 2,500 dinars or with imprisonment up to 30 days for offense:

1. If a physical person holds a citizen responsible or demands from the citizen to say for whom he voted and why he voted (article 3, paragraph 2);
2. If a physical person participates in presentation and pre-election campaign 48 hours before the date of scheduled elections (article 33);
3. If a physical person causes disorder and disturbance in a polling place and refuses to leave the polling place when so requested by the polling board ( article 43, paragraph 3 );
4. If a physical person campaigns in a polling place.

#### XIV. Transitional and final provisions

##### Article 75.

When this law enters into force the law on election of members of delegations and delegates in assemblies of social-political communities and self management communities of interest ("Official Gazette of the Socialist Republic of Macedonia" 148/89) shall cease to be in effect.

##### Article 76.

This law shall enter into force on the eight day after the day it is published in the "Official Gazette of the Socialist Republic of Macedonia".

H.V.

#### Appendix V

#### Electoral Laws of Croatia

On the basis of Amendment LXIII (63) to the Constitution of the Socialist Republic of Croatia, Sabor (Parliament) of the SR of Croatia, at the session of the Council of United Labor, Municipalities Council and the Socio-political Council, held February 14, 1990, brings forth the following

#### RESOLUTION

on promulgation of a Constitutional law for implementation of the Amendments LIV (54) to LXII (62) to the Constitution of the SR of Croatia.

The Constitutional law is promulgated for the implementation of Amendments 54 to 62 to the Constitution of the SR of Croatia, which was promulgated by the Sabor of the SR of Croatia during a session of the Council of United Labor, Municipalities Council and Socio-Political Council, held on February 14, 1990.

No. 021-03/90-08/01  
Zagreb, February 14, 1990

#### SABOR OF SOCIALIST REPUBLIC OF CROATIA

President  
Council of Labor  
Milan Janus

Vice-President of Sabor  
Mate Grkovic

President  
Municipalities Council  
Mirko Sotina

President  
Socio-Political Council  
Zvonimir Novak

#### CONSTITUTIONAL LAW

For implementation of Amendments 54 to 62 of the Constitution of the SR of Croatia

- Article 1  
Amendments 54 to 62 to the Constitution of the SR of Croatia (List now on Amendment) will be implemented from the day on which they are promulgated by the Council of United Labor, Municipalities Council and Socio-Political Council of the Sabor of the SR of Croatia, except Amendments 59, 60, 61, and 62, which will be implemented from the day when newly elected Sabor convenes.

Article 2  
Ordinance of Amendment 57, point 1 will be implemented from the day on which mandate of Presidents of Executive Council of Municipality Assembly, respectively of a City Union of Municipalities, ceases, because they will be caring on their duties on the day when this law takes effect.

Article 3  
Presidency of the SR of Croatia elected 1986 (? not clear) will remain in power till the new Presidency is elected.

Article 4  
This law will take effect when, simultaneously with the promulgation of Amendments 54 to 63 to the Constitution of the SR of Croatia, it is promulgated by Council of United Labor, Municipalities Council and Socio-Political Council of the Sabor of the SR of Croatia.

\*\*\*  
On the basis of the Article 289 (? not clear) of the Constitution of the SR of Croatia, I declare the following

DEKRE (DECREE)  
on promulgation of law regarding election and recall of committeemen and representatives

This promulgates the Law on the election and recall of committeemen and representatives which was passed by the Sabor of the SR of Croatia at the session of Council of United Labor on Feb. 15, 1990, of Municipalities Council on Feb. 15, 1990, and of Socio-Political Council on Feb. 15, 1990.

Class: 011.01/90-01/01  
No.: 71090-1  
Zagreb, February 15, 1990

President  
Presidency of the SR Croatia  
Ivo Ljutić

LAW  
on elections and recall of committeemen and representatives

### I. GENERAL REGULATION

Article 1  
This law regulates elections and recall of committeemen to municipality assembly and city union of municipalities, and representatives to the Sabor of the SR of Croatia.

Article 2  
Elections for assemblies of the socio-political communes are direct and secret.

Article 3  
Universal voting right, according to this law, have the citizens of the Socialist Federative Republic of Yugoslavia who are 18 and over.

Workers who are part of organizations and communes have extraordinary, separate election right to elect Councils of United Labor regardless of age.

Article 4  
Committeemen and representatives to a council of local communes in a municipality assembly, council of municipalities in the assembly of city union of municipalities, Municipalities Council in the Sabor, and Socio-Political Councils of the assemblies of socio-political communes are elected by the citizens who have voting rights, in the election districts they live in.

Committeemen and representatives to council of united labor of the assemblies of socio-political communes are elected by workers working in organizations and communes, individual farmers and other working people who work independently, and their employees, within an election district.

To the councils of assemblies of socio-political communes, except to the council of united labor, only those citizens who live in the district in which elections are taking place, can be elected.

To the council of united labor of assemblies of the socio-political communes elected are alleageable workers who work in organizations and communes in a respected election district.

Article 5  
Every citizen, who fulfills requirements from the articles 3 and 4, has the right to be listed on the voters list and has the right to vote in the elections.

Article 6  
Freedom of choice and secrecy of voting is guaranteed.  
No one is allowed to call anyone else to answer to the authorities because the way he voted, or because had chosen not to vote.  
No one is allowed to demand from a voter to reveal for whom he has voted.

Article 7  
Committeeman, respectively representative, can not be at the same time a functionary and a judge who is elected, respectively appointed by the assembly of the same socio-political commune or of executive council of the assembly.

Article 8  
Mandate of a committeemen, respectively representative, can end before the actual expiration of date of the mandate he was elected to if:

1. he resigns;

2. he is recalled;

3. he is found by the court to be incapable of carrying on his duties;

4. he is found guilty by the courts and unconditionally sentenced to term of six months of jail or more;

5. elected, respectively appointed, as a functionary or a judge who is elected or appointed by assembly, respectively who is appointed by the executive council of the assembly of the same socio-political commune, except if he is elected to a professional function in the assembly in which he is councilman or representative;

6. he moves from district of respective socio-political commune, or if he stops working in the respective electoral district.

Mandate of a committeeman, respectively representative, in the council of united labor at the assembly of a socio-political commune ends after 60 (7 not clear) days from the day when he stops working at the election district in which he was elected, if he does not begin working again at the same district during that time period.

#### Article 9

Committeeman, respectively representative, can be recalled only by the voters who have elected him.

#### Article 10

Competent election committee for every election district declares the official election results separately.

Any announcements regarding the election results or estimates of election outcome before the closure of polling stations is banned.

### II AGENCIES FOR ADMINISTERING ELECTIONS AND RECALLS

#### Article 11

Agencies for administering elections are election commissions and elections committees.

Member of an election commission and election committee, as well as his alternate, can only be a person who has universal right to vote.

Members and their alternates can not be candidates for committeemen and representatives.

None of political organizations can have more than one third of members, or their alternates, on an election commission or election committee.

#### Article 12

Election commission is made up of president and four members, if it is not stated otherwise by this law.

President of a commission and each of the members have an alternate.

Election commission must have an uneven number of members all of the time.

Composition of a commission, or changes in it, are published

in the official organ of a respective socio-political commune.

#### Article 13

Election of a committeemen to a municipality assembly is carried out by the municipality election commission, which is appointed by the county assembly.

President and his alternate of a municipality election commission have to be lawyers and are appointed from among the judges.

#### Article 14

Municipal election commission

1. makes sure that committeemen are lawfully elected or recalled;

2. on the basis of a valid motion of a candidate it brings decision which candidates qualify to run for the office of a committeeman in an electoral district;

3. designates polling stations;

4. appoints election committees;

5. verifies election results and proclaims which candidates in a particular election district are elected to the municipality assembly;

6. verifies and publishes voting results in case of a recall of a committeeman in municipality assembly;

7. takes care of election or recall technicalities;

8. functions also in other capacities if prescribed by this law.

#### Article 15

Election of a committeemen to an assembly of city union of municipalities is carried out by an election commission of the union.

In regard to the appointment, composition and jurisdiction of an election commission from point 1 of this article, stipulations of this law regarding municipal election commission will be implemented in corresponding manner.

#### Article 16

Elections of representatives is carried out by election commissions in election districts.

President of an election commission and his alternate are appointed from the rank of judges.

#### Article 17

Election commission in an election district:

1. makes sure that elections or recalls are carried out according to the law;

2. on basis of valid motion of candidates it brings decision which candidates qualify to run for a representative seat of a district;

3. verifies the election results and proclaims which candidates are elected, and also verifies voting results in case of a recall.

4. taken care of election or recall technicalities;

5. functions also in other capacities if prescribed by this law.

#### Article 18

Implementation of elections and recalls in the Republic is entrusted to a Republican election commission.

President and four members of a commission of the Republican Election Commission and their alternates, who act as a permanent component of the Republican Election Commission, are appointed by the Sabor of the SR of Croatia. President of the Supreme Court of Croatia is by the nature of his office also President of the Republican Election Commission, his alternate is appointed from the rank of judges on the Supreme Court of Croatia.

Members of the Republican election commission and their alternates must be lawyers.

In addition, every organization which has nominated its candidates for elections of representatives to the Socio-Political Council in the Sabor at least in a half of election districts should have one member and his alternate on the Republican Election Commission, as a changeable part of the Republican election commission.

Eight days after nomination process is finished, President of the Republican Election Commission calls a meeting of the Commission. Organizations which qualify to have their representatives in the commission must bring proof of qualification, as in provision 4 of this article. Permanent members of the Republican Election Commission verify submitted applications and rule individually on the notable part of the Republican election commission.

#### Article 19

Republican Election Commission in its permanent constitution:

1. takes care of lawful preparations for elections or recalls, until the full Republican Election Commission is constituted;
2. gives instructions to election commissions concerning the elections and recalls;
3. defines forms on carrying out elections and recalls;
4. appoints election commissions in election districts for election of representatives to the Sabor of the SR of Croatia.
5. taken care of other business stipulated by this law.

Republican Election Commission in its full composition:

1. makes sure that elections and recalls are carried out according to the law;
2. overlooks the work of election commissions;
3. declares election results and voting outcome in case of a recall of a representative;

4. It submits a report to the Sabor of the SR of Croatia regarding elections and voting in case of a recall of a representative;

5. it carries out other duties if stipulated by this law. Republican Election Commission determines handling and preservation of the election materials.

#### Article 20

Election committees directly handle voting during an election, and voting in case of a recall, and they make sure that voting is carried out correctly and secretly.

Election committees are appointed for every polling station. Election committee is made of a President and two members. Alternates are assigned to the President and to the members.

Resolution about an appointment of a election committee has to be carried out at least three days before the election day, or before the day of a recall vote.

#### Article 21

Officials of socio-political communes and officials of organizations and communes are required to secure necessary technical and other help to the people in charge of elections and give them all necessary documentation needed for elections.

#### Article 22

General supervision of political and other organizations and of candidates during the pre-election campaign is entrusted to the Republican Supervisory Committee for elections.

Republican Supervisory Committee for elections has seven members. It is appointed by the Sabor of the SR of Croatia on the motion of the Constitutional Court of Croatia. Members of the Republican Supervisory Committee for elections can not be from the leadership of political organizations that have candidates in the elections. President of the Republican Supervisory Committee, by the nature of his office, is the President of the Constitutional Court of Croatia. Decisions of the Republican Supervisory Committee for elections have to be unanimous.

#### Article 23

Republican Supervisory Committee for elections:

1. supervises lawfulness of the pre-election campaign in the spirit of this law;
2. takes care of fairness regarding equal rights of candidates to expose their programs to the public;
3. protects dignity of candidates in the public eye;
4. points out to the actions of mass media, political and other organizations, government officials or candidates who are disrupting proper procedures of election campaign and by doing so are threatening the equal rights of all candidates in the election.



In case that any candidate during the pre-election campaign calls for a use of force, spreads national, religious, or racial hatred, or urges inequality of sexes, the Republican Supervisory Committee will initiate a lawful action with proper authorities.

### III. NOMINATIONS

#### Article 24

Candidates for the office of committeeman and representative to councils of local communes in municipal assemblies, council of municipalities in the assembly of city union of municipalities, Municipalities Council in the Sabor of the SR of Croatia, as well candidates to socio-political councils in assemblies of socio-political communes, are nominated and confirmed on the basis of certain number of signatures of citizens.

Candidates for a council of united labor in the assemblies of socio-political communes are nominated and confirmed on the basis of a certain number of signatures of workers.

Candidate can be nominated only in one election district at the same time.

#### Article 25

Collection of a certain number of signatures for a nomination purposes of a candidate to a respective council in the assembly of a socio-political commune, according to this law, can be initiated and carried out by a political and other civil, or workers organizations, or by citizens or workers individually.

Nomination procedure of candidates by collecting signatures, as in provision 1 of this article, can be carried out also during public meetings of citizens or workers. This kind of meetings are convened and organized according to the regulations of the Law on referendum and other forms of personal expression.

#### Article 26

Signatures of citizens, respectively workers, as in article 23 of this law, are collected on an official form, on which must be inscribed first and last names, address and registration number of a nominated candidate. The name information has to be record for every nominator signing the form.

The undersigned nominators of a candidate to a council of local communes in a municipal assembly, council of municipalities in the assembly of city union of municipalities, Municipalities Council in the Sabor of the SR of Croatia, and to socio-political councils in assemblies of socio-political communes, must have universal voting rights and a domicile at the same election district as the candidate they are nominating.

Those who, by their signatures, nominate a candidate to the council of united labor in assemblies of socio-political communes have to be citizens of the SFRJ and employed in an organization or in a workers unit which is located in the same election district as

their nominee, or if they have a right to another basis to elect a committeeman or representative to the council of united labor in that election district.

#### Article 27

Candidates in an election district to a council of local communes and socio-political council in municipal assembly are all those who on the basis of validly collected signatures are nominated by at least 50 voters or minimum of 5% of voters in that election district, and to the council of united labor in a municipal assembly, all those who were in the same way nominated by at least 50 workers or at least 5% of voters in the voting unit.

#### Article 28

Candidates in an election district to a municipal council and socio-political council in municipal assembly of a city union of municipalities are all those who, on the basis of validly collected, signatures are nominated by at least 100 voters or at least by 5% of voters in an election district; and candidates to the council of united labor in municipal assembly of a city union of municipalities are all those who in the same way are nominated by at least 100 workers or at least 5% of voters in the election district.

#### Article 29

Candidates in an election district for the municipalities council in the Sabor SR of Croatia are all those who were on the basis of validly collected signatures nominated by at least 200 voters or at least by 5% of voters in an election district.

Candidates in an electoral district to the council of united labor in the Sabor of the SR of Croatia are all those who were on the basis of validly collected signatures nominated by at least 200 workers or at least 5% of voters in an election unit.

Candidates in an election district to the socio-political council in the Sabor SR of Croatia are all those who were on the basis of validly collected signatures nominated by at least 200 voters.

#### Article 30

Nomination of a candidate for a committeeman to a respective council in a municipal assembly or in an assembly of a city union of municipalities is submitted to the municipal election commission, or to the election commission of the city union of municipalities, on an official form as stated in the article 26 of this law, no later than 20 days before designated day of the first round of elections.

Nomination of a candidate for a representative in a respective council in the Sabor of the SR of Croatia is submitted to the election commission of an election district on an official form as stated in the article 26 of this law, no later than 20 days before designated day of the first round of elections.

Along with a nomination of a candidate as in provisions 1 and 2 of this article, it is mandatory to file candidate's declaration of acceptance of the nomination.

#### Article 31

Respective election commission will, at the latest, three days after the designated period from the article 30, provisions 1 and 2 of this law, put together a list of candidates in an election district, on which it will include all of the candidates to a respective council in the assembly of socio-political commune who were, according to this law, validly nominated and verified as candidates.

#### Article 32

Candidates are entered on the candidates' list in an electoral district according to alphabetical order of their last names.

On the candidates' list in an electoral district to all of the councils of assemblies of socio-political communes, along with the first and last names of every candidate, it is mandatory to indicate name of the political or other organization that, according to the article 25 of this law, has initiated the process of nomination, on the basis of which he was verified as a candidate.

If a candidate is verified on the basis of an action taken by an individual citizen, or of a worker, or of a group of citizens or workers, along with his first and last names on the official candidates' list, also "An independent candidate" must be inscribed.

#### Article 33

Candidates have the right to bring out and explain their election platform under equal conditions.

### IV. ELECTIONS

#### Article 34

Election districts for an election of committeemen and representatives to the council in assemblies of socio-political communes are created in such a way that in every election district, on the basis of verified list of candidates, one committeeman and one representative is elected.

Exception is made for elections of committeemen to a council of a municipal assembly in municipalities which have less than 20,000 citizens: election districts can be created in such a way that in a specific election district one or more committeemen are elected.

#### Article 35

Election districts for councils in a municipal assembly are determined by the municipal assembly.

Election districts for councils in an assembly of city union of municipalities are determined by the assembly of the city union of municipalities.

Election districts for socio-political council in a municipal assembly and for socio-political council in assembly of city union of municipalities are established in such a way that on approximately the same number of citizens one committeeman is elected.

#### Article 36

Election district for election of representatives to the Municipalities Council in the Sabor SR of Croatia is made of a municipality territory. Election district for election of representatives to this Council is also made of the territories of the city union of municipalities.

Election districts for election of representatives to the Council of United Labor in the Sabor of the SR of Croatia are determined by a separate law.

Election districts for election of representatives to the Socio-political Council in the Sabor of the SR of Croatia are determined by a separate law in a such a way that on approximately the same number of citizens one representative is elected.

#### Article 37

Elections of representatives are declared by the President of the Sabor of the SR of Croatia.

Elections of committeemen declares President of the assembly in the particular socio-political commune.

Decision on declaring an election is published in the official voice of the particular socio-political commune.

Day of elections is announced in the same proclamation in which new elections are declared. From the day elections are announced till the day of the elections, can not be more than two months, nor less than one month.

The latest, elections can take place 15 days before the mandate of the assembly lapses.

### V. ELECTIONS PROCEDURE

#### 1. Polling stations and election material

#### Article 38

Voting to elect committeemen and representatives takes place in polling stations.

Every polling station is given a number.

At the latest three days before elections, municipal election commission will designate polling stations, with the instruction which voters will vote at particular stations.

#### Article 39

Polling stations are established according to the number of voters and relative distances in that way that number of voters at one polling station will be such that without difficulties voting can be completed within the time designated for polling. For every polling station there will be a separate room.

In an election room the space will be arranged in such a way that no one in the room can see how voters are filling out voting ballots.

#### Article 40

Municipal election commission, respectively election commission in an election district, has duty to give election material to the election committee: ballot box, ballots, voters list, or a section of the list which relates to the polling station, and the forms for the minutes of the election committee.

To the voters list, or to the section of the list for a particular polling station at which committeemen and representatives to council of local communes, municipality council in assembly of city union of municipalities and Municipalities Council in the Sabor, as well as committeemen and representatives to socio-political councils in the socio-political assemblies of the communes are elected, attached are special and officially approved list of those voters who belong to that particular polling station but are temporarily working outside the country, or are in the military service at the time.

Election committee is given so many ballots as there are alleageable voters assigned to vote in that polling station, according to the voters list, or according to the excerpt of the list, together with specially certified list of voters, as stated in the previous paragraph of this article.

Exceptionally to the point 3 of this article, election committee is given in an sealed envelope a specific number of ballots, the number is indicated on the envelope itself. These ballots will be used only in the case that an alleageable voter at that polling station comes to vote but who was, without his fault, omitted from the voters list, or from a section of the list for that particular station.

#### 2 Voting

##### Article 41

- Voting is done personally.
- Voting is done by ballots.

##### Article 42

Voting ballot contains:

1. stamp of the election district in which elections are taking place;
2. sign of the council in assembly of socio-political commune for which elections are being held;
3. first and last names, and domicile of candidates;
4. name of political or other organization that has initiated the process of nomination of the candidate, or a classification "An independent candidate," according to provisions 2. and 3. of the article 32 of this law.

Names of candidates on the ballot are listed in the same way as they are written on the list of candidates of the election

district.

Cardinal number is placed in front of the name of every candidate.

##### Article 43

Ballots for a recall contain first and last name of a committeeman or of a representative on whose mandate vote is being taken.

Under the name of a committeeman or of a representative the following words are inscribed: "For the recall" and "Against the recall."

##### Article 44

It is permitted to vote only for the candidates whose names are on the ballot.

Ballot is filled out in that way that a voter puts a circle around the cardinal number of the candidate for whom vote is given. In the case of a recall, voter circles either "For the recall" or "Against the recall."

##### Article 45

Unmarked ballot, or one which is marked in the way that it is not possible with certainty to determine for which candidate the voter has cast his vote, will be considered invalid.

Signed ballots will be considered invalid.

If a voter has voted for more candidates than the number of the positions being voted on, the ballot will be considered invalid.

##### Article 46

Ballot on which the words "For the recall" and "Against the recall" are not circled, or the ballot which is marked in such a way that it is impossible to determine with certainty whether the voter voted for or against recall, will be considered invalid.

##### Article 47

On the election day, respectively on the day a recall vote is taken, as well as during the preceding 24 hours every campaign is banned.

##### Article 48

Voting lasts continuously from 8 to 6 P.M. At 8 P.M. the polling station is closed. Voters who are at a polling station at the time of closing, are given a chance to vote.

Polling station in which all of the registered voters have cast their ballots is allowed to be closed before designated time as in point 1 of this article.

In certain exceptions, election committee with the consent of the election commission, can designate some other time for voting for the council of united labor than it is stated in the point 1 of this article, with the provision that the voting can not begin before 8 (not clear) nor to end after 9 P.M.

#### Article 49

Elections for committeemen and representatives to the council of united labor voting takes place on the first working day after the elections for committeemen and representatives to other councils in the assembly of socio-political commune.

Exception to the point 1 of this article is made in elections of committeemen and representatives to the council of united labor in election districts in which committeemen and representatives are elected among individual farmers. In this case voting takes place on the same day when elections are held for committeemen and representatives to other councils in the assembly of socio-political commune.

#### Article 50

During the entire voting time, every member of the election committee has to be present, or their alternates.

President of the election committee concerns himself with keeping order and peace during the voting. In case of a need, president will request police help, who will on the arrival to the polling station act according to the president's instructions, but within the framework of the law.

No one is allowed to come to a polling station armed or with dangerous instruments, except those provided in the point 2 of this article.

#### Article 51

President of an election committee inspects the voters list and determines if a voter who has come to vote is on that list.

A voter who, because of some physical incapability or because of illiteracy, is not capable to vote in the way as defined in this law, can come to the polling station with another person who is literate and who will, with his consent, circle cardinal numbers in front of the names of candidates the voter wishes to vote for.

If a voter's name is not found on the voters list, president will not allow him to vote, except if the voter has an official document from an organization or commune, that is, from a designated authority in the municipality, which proves that the voter has the right to vote.

If a voter is not able to come to a polling station and vote and if he notifies the election committee, the committee will find a way for him to cast his ballot.

Voting that takes place according to the points 3 and 4 of this article will be entered into the minutes of the election committee.

#### Article 52

Workers in organizations and communes who are members of ship crews of commercial ocean or river fleets, and are not on the election day present at the organization center or in the commune, will cast their ballots for committeemen and representatives to the council of united labor at polling stations which will be established on such ships, and on the basis of voters list in which

the names of the crew are listed.

President and members of an election committee on such ship are taken from the members of the ship's crew, and are appointed by the municipal election commission.

If, because of a great distance from the centers of an organization or from the commune, some election committees on ocean or river boats are not able to deliver the election material to the municipal election commission on time, commission can empower the election committee to communicate the election results to the commission by shortest appropriate way.

#### 3. Verification of election results at polling stations.

##### Article 53

After the voting is done, election committee will first count the unused voting ballots, deposit them in a special envelope and seal it.

After that, election committee determines, according to the voters list, that is according to the section of the list, on the basis of the minutes, total number of those who have voted, then opens the ballot box and begins counting votes.

If, during counting of ballots at a polling station, it is determined that the number of votes is bigger according to the voters list than according to the ballots, the number of voting ballots will be taken as valid.

If, during counting of ballots at a polling station, it is determined that the number of voters who voted is less than the number of the voting ballots in the voting box or boxes, the election committee is dismissed and a new one is appointed, and voting is repeated at that polling station. Election results at that polling station are determined after repeated polling.

##### Article 54

During the process of determining election results for committeemen and representatives to local communes, municipal councils, as well as for committeemen and representatives to socio-political councils, election committee proceeds in such a way that out of the total number of voters on the voters list, or on the section of the list, first, subtracts the number of voters who did not vote and those who are on a special, officially approved, list as stated in article 40, point 2 of this law. This will determine the actual basis for calculating the election results in that polling station.

##### Article 55

After an election committee determines election results, it will record them in the minutes, particularly the following: number of voters as in the voters list; how many voters from the voters list, or section of that list, have voted, and how many voted on the basis of article 51, point 3 of this law; what is the total of the two; how many votes every candidate has received, and how many voting ballots were declared invalid.

In the minutes of the election committee, the number of voters found on the special voters list (article 40, point 2) will be recorded.

In the minutes of an election committee all other facts pertinent for the election will be recorded.

Every member of the election committee is allowed to give his comments on the minutes.

Minutes are signed by all members of the election committee.

#### Article 56

Minutes on its work, along with other election materials, election committee takes to the election commission no later than 18 hours after the polling station had been closed.

#### 4. Determining election results

##### Article 57

Election results are determined by the election commission on the basis of voting results in all polling stations within an election district.

##### Article 58

Elected committeeman or representative is a candidate for whom majority of the voters, who had participated in the election, have cast their ballots, under the condition that the number of votes he has received is (not?? - not clear) less than one third of the total number of voters registered on the voters list.

If none of the candidates has received the necessary number of votes, as determined in point 1 of this article, the election is repeated in ?? days.

In run-off elections, those candidates who have received at least 2/3 of votes in the first elections, from voters who had voted, can participate.

At a run-off election, at least two candidates must participate, regardless of the point 1 of this article.

If, by any reason, in run-off elections do (not??) participate at least two candidates, the entire election process is repeated in that election district.

In run-off elections (second round of elections) candidate who receives the largest number of votes from the participating voters is elected as a committeeman or representative. If in run-off elections two or more candidates receive (the same ??) number of votes, elections are repeated once more.

##### Article 59

Election commission takes minutes of its work, and it records into the minutes especially the following:

1. number of voters on the voters list, or section of the list;
2. number of those who voted and number of ballots declared invalid;
3. first and last names, and domicile of every candidate and how many votes each candidate has received.

#### 4. first and last name of the elected candidate.

Every member of an election commission is allowed to give his comments on the minutes. Minutes are signed by every member of the commission.

#### Article 60

After it finishes its work, election commission will declare the following:

1. number of voters on the voters list, or on the section of the list; number of those voted, how many votes each candidate has received, and the number of invalid ballots;

2. first and last name of a candidate who was elected;

Election commission issues an affidavit concerning the elections to the election committee, respectively to its representative.

After election results are determined, it is duty of the election commission to give a report on the course and results of elections to the appropriate assembly.

#### 5. Elections and recall expenditure

##### Article 61

Means to cover election and recall costs of a committeeman are provided by socio-political commune.

Appropriate municipal or city election commission controls the means in point 1 of this article.

Means to cover election and recall costs of a representative are provided by republican budget.

Republican election commission in its permanent formation controls the means in point 3 of this article.

Republican election commission allots appropriate means to the election commissions in election districts.

Republican election commission determines the way in which appropriated means are to be used during election and recall processes, and supervises the use of appropriated means.

##### Article 62

Elected committeeman or representative has the right to recover general expenses that he had endured from the day when he was officially declared as a candidate in an election district till the election day.

Means to cover the costs in point 1 of this article are recovered from the election funds as in point 1, article 61 of this law.

All elected committeemen and representatives to a council in an assembly, that is of a socio-political commune, have the right to the same expense reimbursement as in point 1 of this article. Amount of the reimbursement is determined before elections by the assembly, respectively socio-political commune in which elections are taking place.

## VI. RUN-OFF, SUPPLEMENTARY AND PRECIPITATED ELECTIONS

### 1. Run-off elections

#### Article 63

Run-off elections take place:

1. if a competent election commission invalidates the elections because of irregularities during the voting procedure;
2. if none of the candidates is elected, according to the regulations of this law;

Run-off elections take place in case that during a verification procedure of mandates, an assembly council nullifies the election of committeemen, respectively representatives, because of irregularity in the election procedure.

#### Article 64

If elections are nullified because of the irregularities in the election procedure in a particular polling stations of an election district, run-off elections take place only in the polling stations in which irregularities had occurred.

In case of point 1 of this article, election results are not to be determined till the rerun elections are completed.

#### Article 65

Run-off elections are declared by a competent election commission. Run-off elections must be held within 16 days from the previously held elections.

In run-off elections which are held for the reasons stated in article 63, points 1 and 2 of this law, candidates who can participate in the elections are the same candidates who had been verified for previously nullified elections.

If the run-off elections are held because of the point 2, article 63 of this law, day of the run-off elections is set by a competent election commission.

### 2. Supplementary elections

#### Article 66

Supplementary elections are held if mandate of a committeeman, respectively representative, is terminated before the time to which he was elected.

Decision about supplementary elections for representatives to the Sabor of SR of Croatia is published in the Harodno novine, and decision about supplementary elections for committeemen is published in official voice of particular socio-political commune.

#### Article 67

Mandate of a committeeman, respectively representative, elected in a supplementary elections, lasts till the expiration date of a mandate to which a committeeman, respectively representatives, whose mandates was terminated, had been elected.

#### Article 68

Supplementary elections can not be declared within the period of six months before mandate of the assembly of a socio-political

commune is to expire.

#### Article 69

If by ordinances of article 63 to 68 of this law it is not prescribed differently, run-off and supplementary elections are held in accordance with regulations of this election law.

### 3. Precipitated elections

#### Article 70

In case of dissolution of an assembly or of one of the councils in an assembly, early elections are declared.

Early elections are held in the same way and according to the same procedure as specified by this election law.

## VII. RECALL

#### Article 71

Process of initiating a recall of a committeeman and representative in an assembly of socio-political commune is implemented in the way and under conditions which are found in articles 21 to 30 of this law, according to which process of nomination and verification of committeeman, respectively representative candidates to an assembly council of a responding socio-political commune is realized, with the exception that for initiating a recall it is necessary to have three times more of citizens' signatures, respectively workers, than what is stated in articles 27, 28, and 29 of this law.

Motion for a recall has to include first and last name of a committeeman, respectively representative, whose recall is asked for, and the name of the council in the assembly of which he is a member, and the reason for which recall is being initiated.

#### Article 72

Announcement of recall elections, recall voting, taking of minutes on the work of the election commission and of the election committee, and reporting on the election results will be accomplished in accordance of the sections of this law which pertain to the general elections.

#### Article 73

Citizens, respectively workers, of an election district in which a committeeman, respectively representative, was elected, vote on a recall.

## VIII. PROTECTION OF THE ELECTION RIGHTS

#### Article 74

Every candidate, committeeman, respectively representative, whose recall is being initiated and every voter has the right to submit an objection to a county election commission, respectively to election commission of an voting district, because of irregularities in the process of nomination, election, or recall.

An objection, because of an irregularity in the process of nomination, and an objection to the make-up of list of candidates in an election district, must be submitted within 48 hours from the time that, according to the candidate, the wrong was done, respectively from the time the list was published.

Objection because of voting irregularities, or in a recall, are submitted within 48 hours after the election, respectively after recall vote has been taken.

An answer to an objection must be given within three days of the expiration time as in points 2 and 3 in this article.

If a response, in the case of an objection from points 2 and 3 of this article, has not been given within the time limit given in point 4 of this article, it means the objection has been accepted.

#### Article 75

If an election committee, while debating on an objection from point 1, article 74 of this law, finds that there were irregularities which have fundamentally altered, or might have altered, the outcome of nomination, election, or recall, it will nullify the previous actions in that process, and it will order a repetition of the previous process within the specific time, which has to allow enough time so that elections take place on the designated day. If such irregularities are found in an election or a recall process - election, respectively recall, of a committeeman, respectively representative, will be nullified.

#### Article 76

Those who have submitted objections have the right to appeal the decision of the election commission.

An appeal from point 1 of this article, in the case of an election or recall of a representative, is submitted to the Supreme Court of Croatia; and in the case of an election or recall of a committeeman, it is submitted to the respective local court within 48 hours from the reception of a reply.

Appeal is submitted through a respective election commission. Court that has jurisdiction over the case will bring a decision on the appeal within 48 hours from its admittance.

#### Article 77

Supreme Court of Croatia will make a judgment in case of an appeal against the decision of an election commission in an election district in case of election or a recall of a delegate to the Federal Council in the Assembly of the SFRJ.

### IX. CONCLUDING STIPULATIONS

#### Article 78

For petitioning judgments, documents and actions in procedure as given in this law, there are no charges.

## Appendix VI

### Announcement of Plebiscite of Slovenia

A S S E M B L Y  
OF THE REPUBLIC SLOVENIA

Commission for Constitutional Affairs

T H I S  
L A W  
ON THE PLEBISCITE ON SOVEREIGNTY AND INDEPENDENCE  
OF THE REPUBLIC SLOVENIA

#### Article 1

On the basis of the permanent and inalienable right of the Slovenian people to self-determination a universal popular referendum (hereinafter plebiscite) shall be held in the Republic Slovenia concerning the decision whether the Republic of Slovenia should become a sovereign and independent state.

#### Article 2

At the plebiscite the voters shall answer with "YES" or "NO" to the following question: "Should the Republic Slovenia become a sovereign and independent state?"

The substantial text printed on the voting slip shall read:

"Question: SHOULD THE REPUBLIC SLOVENIA BECOME A SOVEREIGN AND INDEPENDENT STATE ?

Answer: YES  NO

(encircle the answer that expresses your will)"

#### Article 3

The decision that the Republic Slovenia become a sovereign and independent state shall be adopted provided a majority of individuals who have the right to vote were in favour of this decision.

#### Article 4

The decision adopted at the plebiscite that the Republic Slovenia become a sovereign and independent state shall oblige the Assembly of the Republic Slovenia to pass, within a period of six months, following the proclamation of the plebiscitary decision, constitutional and other enactments as well as adopt the measures required for the Republic Slovenia to assume upon itself the execution of the sovereign rights that it had transferred to the bodies of the Socialist Republic of Yugoslavia, and to initiate negotiations with the other republics of the SFR of Yugoslavia concerning legal succession of the Socialist Federal Republic of Yugoslavia and the future external relations, including an offer to sign an agreement on confederation.

#### Article 5

The plebiscite shall be held on Sunday, December 11, 1990.

**APPENDIX 9**



IFES UNOFFICIAL ELECTION CALENDAR  
 REPUBLIC OF MACEDONIA  
 As of July 1994

<u>Current Law</u> # Days Prior to Election	<u>Article</u> In Current Law	<u>Event or Activity Required</u>	<u>Proposed Law</u> # of Days Prior to Election
3 Months	Art. 10 Const. Law On Entry Into Force of the Consti- tution	Laws on Election of President, Representatives and Political Parties Must Be Passed	N/A
90 Days	Const. Art. 63	Starts Window During Final 90 Days Before Expiration of Terms of Current Assembly During Which Elections for a New Assembly Must Take Place	N/A
60 Days	Const. Art. 81	Starts Window During Final Period Before Expiration of the President's Term Within Which the Next Presidential Election Must Take Place	N/A
60	6	Maximum # Days Allowed Between Scheduling of Election and Election Day	90
60	Const. Art. 63	Maximum # Days Between Dissolution of Assembly And New Election Day	60
30	6	Least # Days Allowed Between Scheduling of Election and Election Day	No Change

IFES UNOFFICIAL ELECTION CALENDAR - Continued  
 REPUBLIC OF MACEDONIA  
 As of July 1994

<u>Current Law</u> # Days Prior to Election	<u>Article</u> In Current Law	<u>Event or Activity Required</u>	<u>Proposed Law</u> # of Days Prior to Election
	Not Covered	Minimum # Days Between Dissolution of Assembly And New Election Day	30
20	25	Final Day By Which Candidate Lists Must be Submitted to Appropriate Vote Counting Committee	No Change
As Soon As List of Can- dates Is Received	26	VCC Must Determine if Proposed Candidate List was Submitted Timely and in Conformity With Law	Within 24 Hours of Receipt, By Resolu- tion
Within 3 Days After VCC Notes Irregulari- ties	26	A Submitter May Correct Deficiencies in a Proposed Candidate List Which Has Been Determined by the VCC to Con- tain Irregularities  Submitter May Submit Resolution by Which "the Demands for the Confirmation of the List Cannot Be Denied"	No Change  Within 48 Hours Of Denial
15*	6	Minimum # of Days Allowed When Election Must Be Held Before Expiration of Assembly Terms	30

\* Related to Article 63 of the Constitution requiring elections to be held "during the last 90 days" of the term of the Assembly.

IFES UNOFFICIAL ELECTION CALENDAR - Continued  
 REPUBLIC OF MACEDONIA  
 As of July 1994

<u>Current Law</u> # Days Prior to Election	<u>Article</u> In Current Law	<u>Event or Activity Required</u>	<u>Proposed Law</u> # of Days Prior to Election
15	27	Last Day by Which VCC Must Create Joint List of Candidates	12
15	29	Date By Which Candidates May Withdraw	No Change
12	10	Last Possible Day By Which VCC Must Convoke Session At Which Parties, Organizations And Independent Candidates Present Representatives and Their Deputies to Serve as Changeable Members of VCC	No Change
5	31	Last Day By Which Joint List of Candidates Must Be Published	No Change
5	34	Polling Sites and Voter Assignments Must Be Announced	No Change
3	16	Last Day By Which Polling Boards Must be Appointed	No Change
3	30	Last Possible Date for Deadline for New Proposal & Confirmation of Candidates # if Withdrawals Require Process to be Repeated	No Change
3	70	Last Day Complaint May Be Submitted Regarding Irregularities in Candidacy Procedure or Gathering of Signatures (Within 48 Hours of Time List Of Candidates Is Made Public)	Within 24 Hours of of Time List Is Made Public

IFES UNOFFICIAL MACEDONIA ELECTION CALENDAR (Continued)

<u>Current Law</u> # Days Prior to Election	Article In Current Law	Event or Activity Required	<u>Proposed Law</u> # of Days Prior to Election
48 Hrs	33	Presentation of Campaigns Must Cease	24 Hrs
ELECTION DAY	49	All Campaigning Prohibited	No Change
ELECTION DAY	50	Ballots Counted at Polling Sites	No Change
Plus 18 Hrs	52	Polling Boards Must Submit Results of Ballot Count to VCC's	No Change
Plus 3 Days	70	Complaints on Irregularities in the Process of Election Must be Submitted	Within 24 Hours After Completion of Voting
Plus 6 Days	70	Appropriate VCC Must Decide On Complaint Regarding Irregularities in Process of of Election	Within 48 Hours of Receipt
Plus 10 Days	61	New List of Candidates For Repeated Elections Must Be Submitted if No Candidates in First Round Received Required Threshold of Votes To Be Eligible to Run in 2nd Round	No Change
Plus 14 Days	54	Repeated (Second Round) Elections To Be Held If No Candidate Receives Votes Equal to or Greater than 1/3 Number of Voters on the Rolls	No Change

IFES UNOFFICIAL ELECTION CALENDAR - Continued  
 REPUBLIC OF MACEDONIA  
 As of July 1994

<u>Current Law</u> # Days After the Election	Article In Current Law	Event or Activity Required	<u>Proposed Law</u> # of Days After the Election
Plus 14 Days	Const. Art. 81	2nd Round Election for President Must Be Held	N/A
Plus 20	Const. Art. 63	Newly Elected Assembly Must Hold Its Constituent Session to Verify Mandates of Newly Elected Assembly Members	N/A
Plus 21	Const. Art. 63	If No Constituent Session Is Held, Representatives Must Assemble and Open the Assembly	N/A

IFES UNOFFICIAL ELECTION CALENDAR - Continued  
 REPUBLIC OF MACEDONIA  
 As of July 1994

DEADLINES DICTATED BY SPECIFIC PRIOR EVENTS

<u>Current Law</u> Deadline or Timeline To Be Met	<u>Article</u> In Current Law	<u>Required Activity Prompted By</u> Prior Event	<u>Proposed Law</u> Deadline or Timeline To Be Met
Within 3 Days of Receipt	70	VCC Must Decide on Complaint Regarding Candidacy or Process of Election	Within 48 of Receipt
Within 48 Hours of Original VCC Decision	72	Appeals of Community VCC Decisions on Complaints May Be Submitted to District Court	No Change
Within 48 Hours of Original VCC Decision	72	Appeals of District Or Republican VCC Decisions on Complaints May be Submitted to Supreme Court	No Change
Within 48 Hours of Day Appeal Is Received	72	Appropriate Court Must Decide on Appeals	No Change

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**APPENDIX 10**

*OFFICIAL GAZETTE OF THE REPUBLIC OF MACEDONIA*

No. 32, 17 october 1992

RESOLUTION

For the Prescription of the Forms for the Implementation of Election Activities for the Election and Recall of Representatives and Councilors and their Use by Electoral Bodies

1. With this resolution the forms are being issued for the implementation of specific activities in the process of electing and recalling representatives and councilors, and their use by the bodies that execute the election and recall of representatives and councilors.
2. These forms are being issued for the execution of specific electoral activities in conformity with the law for the election and recall of representatives and councilors (henceforth, the Law).

The electoral forms in paragraph 1 of this matter are an integral part of this resolution.

These forms are correspondingly prescribed for the election of councilors to municipal (opstina) assemblies as well as for the city community (gradska zaednica).

3. The electoral bodies that execute the election and recall of representatives and councilors are obligated to use the forms issued in this resolution in conformity with the corresponding electoral activities prescribed by the Law.
4. The forms prescribed in this resolution as well as other electoral materials (ballots, forms for the work of electoral bodies, reports, etc.) are all maintained by the authorized electoral commission until the expiration of the mandates of the representatives and councilors.
5. The day that this resolution comes into effect marks the expiration of the Instruction for the Use of the Forms for the Implementation of Specific Electoral Activities established under the Law for the Election of Members of the Delegations and of the Delegations to the Assembly of the Socio-Political Communities and the Self-Managing Interest-Communities (Official Gazette of the Republic of Macedonia No. 7/82 and 8/86).
6. This resolution comes into effect on the day it is passed and published in the Official Gazette of the SRM.

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REPUBLIC ELECTION COMMISSION

No. 20-3337/1

6 October 1990  
Skopje

President of the REC, Nikola Koneski, s.r.

Form No. 1  
Article 23 of the Law for the Election and Recall of Representatives and Councilors

FORM FOR THE COLLECTION OF SIGNATURES

for the nomination of a candidate as a representative to the Parliament of the Socialist Republic of Macedonia

Nominator: \_\_\_\_\_  
political organization, other forms of political organization and association, or name of citizen who is nominating.

For candidate to the Parliament of the Socialist Republic of Macedonia, in electoral district No. \_\_\_\_\_ of District \_\_\_\_\_, the nominator is \_\_\_\_\_  
(name, last name; exact address; personal registration number)  
\_\_\_\_\_  
(political affiliation; other political organization/association; or independent)

Nominator

First and last name; personal registration number

The following citizens have signed their names in nomination of this candidate as a representative to the Parliament of the Socialist Republic of Macedonia:

LIST

<u>Number</u>	<u>First &amp; Last Name</u>	<u>Address</u>	<u>Personal Reg. No.</u>	<u>Signature</u>
-				

Form 2

Article 21 of the Law for the Election and Recall of Representatives and Councilors

**CANDIDATES' LIST**  
for representatives to the Parliament of the Socialist Republic of Macedonia

\_\_\_\_\_

(name of political organization; other forms of organization or association; or independent candidate)

The following candidates have been confirmed for nomination as representatives to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_ of Municipality \_\_\_\_\_.

1. \_\_\_\_\_  
(first and last name; place of residence)

2. \_\_\_\_\_  
(first and last name; place of residence)

Presented at \_\_\_\_\_  
(Place and Date)

Authorized representative of the submitter of the list

Form 3

Article 25, paragraph 3, of the Law for the Election and Recall of Representatives and Councilors

ANNOUNCEMENT  
of acceptance of candidacy

I accept the candidacy for representative to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_ to conform with the procedure of determining candidacy.

Submitted at \_\_\_\_\_  
(Place and Date)

Candidate

(first/last name, place of residence, tel. number)

Form 4  
Article 25 of the Law for the Election and Recall of Representatives and Councilors

CERTIFICATION

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Form 6

Article 27 & 28, Law for the Election and Recall of Representatives and Councilors

COMBINED LIST OF CANDIDATES

for representatives to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_.

The Election Commission of electoral district No. \_\_\_\_\_ Municipality \_\_\_\_\_ having confirmed that the examination and confirmation of the candidates has been conducted in accordance with the Law, confirms the following Combined List Candidates:

1. \_\_\_\_\_  
(First/Last name of candidate, pol org or other form of org/assoc, or indep. candidate)

2. \_\_\_\_\_  
(First/Last name of candidate, pol org or other form of org/assoc, or indep. candidate)

ELECTION COMMISSION OF ELECTORAL DISTRICT NO. \_\_\_\_\_,  
MUNICIPALITY \_\_\_\_\_.

AT: \_\_\_\_\_  
(Place and Date)

Secretary

President

Members:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

M.P.

Form 7

Article 10, paragraph 6, Law for the Election and Recall of Representatives and Councilors

The REC's permanent membership, on the basis of paragraph 10 of the Law for the Election and Recall of Representatives and Councilors, at a session held on \_\_\_\_\_ day, 199\_\_\_\_, has taken a

RESOLUTION

for the confirmation of the nonpermanent membership of the REC.

As members and their deputies in the nonpermanent membership of the REC, the following have been confirmed:

- 1. Member: \_\_\_\_\_  
(First/Last name, pol org or other form of org/assoc, or indep candidate)  
Deputy to Member: \_\_\_\_\_  
(First/Last name, pol org or other form of org/assoc, or indep candidate)
- 2. Member: \_\_\_\_\_

REPUBLIC ELECTION COMMISSION

SECRETARY

PRESIDENT

MEMBERS

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

Form 8

Article 31, Law for the Election and Recall of Representatives and Councilors

NOTIFICATION

of the combined list of candidates for election as representatives to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_, which will be held on \_\_\_\_\_ day, 199\_\_\_\_.

The Election Commission of electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_, on the basis of Articles 27 and 28 of the Law for the Election and Recall of Representatives and Councilors, at a session held on \_\_\_\_\_, 199\_\_, has compiled the following combined list of candidates for representatives:

1. \_\_\_\_\_  
(First/Last name, pol org or other form of org/assoc, or indep candidate)
2. \_\_\_\_\_  
(First/Last name, pol org or other form of org/assoc, or indep candidate)

ELECTION COMMISSION FOR ELECTORAL DISTRICT NO., MUNICIPALITY

At \_\_\_\_\_  
(Place and Date)

SECRETARY

MEMBERS

PRESIDENT

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Form 9

Article 38, Law for the Election and Recall of Representatives and Councilors

**BALLOT\***

for the election of a representative to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_.

In the electoral district, one representative has been elected:

1. \_\_\_\_\_  
(First/Last name, pol org or other form of org/assoc, or indep candidate)
2. \_\_\_\_\_

M.P.

\* The candidates listed on the ballot appear in the same order as on the combined list of candidates.



Form 10

Article 67, Law for the Election and Recall of Representatives and Councilors

**BALLOT**

for the recall of a representative in the Parliament of the Socialist Republic of Macedonia  
from electoral district No. \_\_, Municipality \_\_\_\_\_.

1. \_\_\_\_\_

First and last name of representative whose recall is being voted upon

**FOR RECALL**

M.P.

**AGAINST RECALL**

LOG FOR THE WORK OF THE ELECTION BOARD  
ON THE EVE OF THE ELECTIONS

The election board of the polling station No. \_\_\_\_\_, electoral district No. \_\_\_\_\_,  
Municipality \_\_\_\_\_, whose membership is:

- 1. \_\_\_\_\_, president  
\_\_\_\_\_ president's alternate (deputy)
- 2. \_\_\_\_\_, member  
\_\_\_\_\_ member's alternate
- 3. \_\_\_\_\_, member  
\_\_\_\_\_ member's alternate

has met on \_\_\_\_\_(date) at \_\_\_\_\_ o'clock on the premises established for this polling station and has confirmed that these premises are/are not suitable, (if not suitable, the reasons therefore should be noted, as per Article 35, paragraph 3: \_\_\_\_\_)

and will take measures for the correction of deficiencies.

The election board of the election commission of the electoral district has accepted the combined list of candidates, the compilation of the voter registration list, the ballot box, ballots, and the form for the log (minutes) for the work of the election board.

At \_\_\_\_\_  
(Place and Date)

President of the Election Board

Members

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Form 12

Article 51, Law for the Election and Recall of Representatives and Councilors

LOG FOR THE WORK OF THE ELECTION BOARD FOR THE CONFIRMATION  
OF THE RESULTS OF THE VOTING AT POLLING STATION NO. ,  
ELECTORAL DISTRICT NO. , MUNICIPALITY

The election board has met on \_\_\_\_\_ (date) at \_\_\_\_\_ o'clock, with these members:

President \_\_\_\_\_ (first and last name)

Members: \_\_\_\_\_ (first and last name)

\_\_\_\_\_ (first and last name)

Prior to 7:00, in the presence of the election board, the polling station premises were opened and it was confirmed that they are in the same condition as they were when the election board left them the preceding evening.

The polling station was opened at exactly 7:00.

During the time set for voting, a total of \_\_\_\_\_ voters cast ballots according to the calculations made from the voter registration list.

The polling station was closed at \_\_\_\_\_ o'clock. Those voters who were already inside were allowed to vote, and the voting ceased at \_\_\_\_\_ o'clock.

During the voting, nothing occurred requiring that it be entered into the log.

At the polling station, order and calm were disrupted, due to \_\_\_\_\_ (describe the events).

Later, the election board commenced the process of confirming the results of the voting at the polling station.

The election board confirms that at the polling station \_\_\_ unused ballots remain, which have been stamped in a special wrapper with an identifying mark and the number of unused ballots.

The election board confirms that no ballots have been taken from the special wrapper; namely, that \_\_\_\_\_ ballots were used and the remainder were stamped.

The election board confirms that in the compilation of the voter registration list for this polling station, \_\_\_\_\_ voters were registered, of whom \_\_\_\_\_ voted. \_\_\_\_\_ voters cast ballots using their personal id cards (licna karta).

In \_\_\_ cases, people were helped by others to vote because of an infirmity or illiteracy.

The ballot box was opened and following the vote count it was confirmed that according to the voter registration list \_\_\_\_\_ voters cast ballots and that the number of ballots cast was \_\_\_\_\_.

The vote count has confirmed that the following candidates from the list have received the following number of votes:

1. \_\_\_\_\_ (First/Last name, pol orf, or other org/assoc, or indep candidate) received \_\_\_ votes.

2. \_\_\_\_\_

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(First/Last name, pol orf, or other org/assoc, or indep candidate) received \_\_\_\_ votes.

The number of invalid ballots is \_\_\_\_.

At \_\_\_\_\_

(Place and Date)

President

Members:

1. \_\_\_\_\_

2. \_\_\_\_\_

Form 13

Article 54, Law for the Election and Recall of Representatives and Councilors

LOG

for the work of the election commission for electoral district No. \_\_\_\_\_,  
Municipality \_\_\_\_\_ for the election of a  
representative to the Parliament of the Socialist Republic of Macedonia, for the  
confirmation of the results of the election of a representative.

The session was held on \_\_\_\_, 199\_\_, beginning at \_\_\_\_\_ o'clock.

Present at the sitting of the commission were president \_\_\_\_\_, ~~secretary~~  
\_\_\_\_\_, and members

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

1) In the elections for representatives to the Parliament of the Socialist Republic of  
Macedonia, held on \_\_\_\_\_, 199\_\_, this commission announced the candidacy  
of:

1. For candidate \_\_\_\_\_  
(First/last name, pol org, other org/assoc or indep  
candidate)

2. For candidate \_\_\_\_\_  
(First/last name, pol org, other org/assoc or indep  
candidate)

2) The commission accepted the election materials from all election boards in electoral  
district No. \_\_\_\_\_, Municipality \_\_\_\_\_. U p o n t h e  
recommendation of all these and following the completion of the vote count, the  
commission has confirmed that the results of the election in all the polling stations in this  
electoral district are as follows:

In electoral district No. \_\_\_\_

line #	poll.sta.	total # reg. voters	# of reg voters who voted	voters using id card. or document	invalid ballots	Voted for
						candidate I, II, III, etc.
1.						
2.						
3.						
TOTAL						

IFES DRAFT

3) According to the compilation of the voter registration list for electoral district No. \_\_\_\_\_ Municipality \_\_\_\_\_, there is a total of \_\_\_\_\_, \_\_\_\_\_ (same number in words) voters.

4) Until the results of the voting are confirmed, the commission confirms that \_\_\_\_\_ ballots arrived from citizens serving in the military or working abroad temporarily.

5) According to the results from all polling stations in the entire electoral district, individual candidates received the following numbers of votes:

1. For candidate \_\_\_\_\_  
(First/last name, pol org or other form of org/assoc, or indep candidate \_\_\_\_\_, \_\_\_\_\_ (same number in words) votes.

2. For candidate \_\_\_\_\_  
(First/last name, pol org or other form of org/assoc, or indep candidate \_\_\_\_\_, \_\_\_\_\_ (same number in words) votes.

6) According to the calculated result, the commission of the electoral district confirms that in conformity with Article 54, paragraph 1 of the Law for the Election and Recall of Representatives and Councilors, \_\_\_\_\_ (first/last name, place of residence, political organization or other form of organization or association, or independent candidate) has been elected as representative to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_.

The session of the commission was concluded at \_\_\_\_\_ o'clock.

ELECTION COMMISSION FOR ELECTORAL DISTRICT NO. \_\_\_\_\_,  
MUNICIPALITY \_\_\_\_\_

At \_\_\_\_\_  
(Place and Date)

SECRETARY

PRESIDENT

Members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

\_Form 14

Article 54, paragraph 2, Law for the Election and Recall of Representatives and Councilors

AUTHORIZED ELECTION COMMISSION NO. \_\_\_\_\_, \_\_\_\_\_, 199\_\_.

The election commission of the election district confirms that no single candidate for representative to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_ received the required number of votes established in Article 54, paragraph 1 of the Law for the Election and Recall of Representatives and Councilors, due to which, on the basis of Article 54, paragraph 2 of this Law, at a session held on \_\_\_\_, 199\_\_, it has been

#### RESOLVED TO REPEAT THE VOTING

In electoral district No. \_\_\_\_, Municipality \_\_\_\_\_ in the election for representative to the Parliament of the Socialist Republic of Macedonia, the voting shall be repeated.

According to the notion in Article 54, paragraph 3, it is determined that this is

#### THE LIST OF CANDIDATES

1. \_\_\_\_\_  
(First/Last name, pol orf, or other org/assoc, or indep candidate)
2. \_\_\_\_\_  
(First/Last name, pol orf, or other org/assoc, or indep candidate)

The repeated voting shall take place on \_\_\_\_\_.

#### Justification

\_\_\_\_\_  
(enter the reasons due to which the voting is to be repeated)

SECRETARY

PRESIDENT

Members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

M.P.

Form 15

Article 62, paragraph 4, Law for the Election and Recall of Representatives and Councilors

AUTHORIZED ELECTION COMMISSION NO. \_\_\_\_\_, \_\_\_\_\_, 199\_\_.

The election commission for election district No. \_\_\_\_\_, Municipality \_\_\_\_\_, on the basis of Article 62 and in conenction with Article 54, paragraph 4 of the Law for the election and recall of representatives and councilors, in a session held on \_\_\_\_\_, 199\_\_, has

**RESOLVED TO ANNOUNCE A REPETITION OF VOTING**

Repeated election are being announced for electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_, for the election of a representative to the Parliament of the Socialist Republic of Macedonia.

The balloting is to take place using a new list of candidates (Article 61, paragraph 1 of the Law).

The new voting is to take palce on \_\_\_\_\_.

SECRETARY

PRESIDENT

Members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**IFES DRAFT**



Form 16

Article 55, Law for the Election and Recall of Representatives and Councilors

AUTHORIZED ELECTION COMMISSION NO. \_\_\_\_\_, \_\_\_\_\_, 199\_\_.

The election commission for electoral district No. \_\_\_\_\_ confirms that during the elections at polling station No. \_\_, Municipality \_\_\_\_\_ irregularities took place, due to which, on the basis of Article 55 of the Law for the Election and Recall of Representatives and Councilors, at a session held on \_\_\_\_\_, 199\_\_, it has

RESOLVED TO ANNUL THE ELECTION

The elections which were held at polling station No. \_\_\_\_, electoral district No. \_\_\_\_\_ in Municipality \_\_\_\_\_ for representative to the Parliament of the Socialist Republic of Macedonia are being annulled.

The voting at polling station No. \_\_, electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_, is to be repeated.

Justification

---

(enter the irregularities that influenced the election results)

SECRETARY

PRESIDENT

Members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Form 17

Articles 62 and 55, Law for the Election and Recall of Representatives and Councilors

AUTHORIZED ELECTION COMMISSION NO. \_\_\_\_\_, \_\_\_\_\_, 199\_\_.

The election commission for electoral district No. \_\_\_\_\_ confirms that during the elections at polling station No. \_\_, Municipality \_\_\_\_\_ irregularities took place, due to which, on the basis of Article 62 and in connection to Article 55 of the Law for the Election and Recall of Representatives and Councilors, at a session held on \_\_\_\_\_, 199\_\_, it has

RESOLVED TO REPEAT THE ELECTION

This is to announce the repetition of the elections which were annulled by resolution No. \_\_\_\_\_, of \_\_\_\_\_, 199\_\_, at polling station No. \_\_\_\_\_, belonging to electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_.

The voting will take place using the existing list of candidates on \_\_\_\_\_, 199\_\_.

Justification

---

(enter the reasons for which repeated elections have been called)

SECRETARY

PRESIDENT

Members:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

IFES DRAFT

Form 18

Article 56, Law for the Election and Recall of Representatives and Councilors

ELECTION COMMISSION OF THE SOCIALIST REPUBLIC OF MACEDONIA  
NO. , , 199

CERTIFICATION OF ELECTION AS REPRESENTATIVE

On the basis of the results of the elections for representative to the Parliament of the Socialist Republic of Macedonia from electoral district No. \_\_\_\_\_, Municipality \_\_\_\_\_, \_\_\_\_\_ (first/last name and residence) has been elected.

PRESIDENT OF THE REPUBLIC ELECTION COMMISSION

M.P.

On the basis of Article 22 of the Law for the Election and Recall of Representatives and Councilors (Official Gazette of the SRM No. 28/90), the Republic Election Commission at a session held on 6 October 1990, has confirmed the

#### PROVISIONS

for the nomination and confirmation of candidates as representatives and councilors by citizens.

##### Article 1

These provisions confirm the process for the nominations and confirmation of candidates for representatives to the Parliament of the SRM and as councilors to the assemblies of the municipalities and city communities by citizens (independent candidates).

##### Article 2

The nomination of independent candidates may be brought by any citizen who has the general right to vote and whose residence is in the territory of the election district for which the independent candidate is to stand.

##### Article 3

The process of nominating and independent candidate begins with the signature of the first nominating person on the form as per Article 25 of the Law for the Election and Recall of Representatives and Councilors (the Law).

The nominator in paragraph 1 of this Article organizes the gathering of signatures from the required number of citizens.

##### Article 4

The signatures for the nomination of an independent candidate are brought to the authorized body that maintains records regarding electoral procedure for the voters of a particular district.

##### Article 5

An independent candidate is considered confirmed when he has collected the minimum number of signatures as per paragraphs 4 and 5 of Article 20 in the Law.

##### Article 6

The confirmed list of independent candidates, within the period of time established in Article 25, is presented to the authorized election commission and is signed by the authorized representative of the independent candidate.

Presented with the list of candidate are: the form as per Article 23 and the announcement of acceptance of nomination by the nominated candidate (Article 25, paragraph 2).

##### Article 7

**IFES DRAFT**

An independent candidate has his own authorized representative.

The authorized representative of the independent candidate is a person who will nominate the candidate.

The authorized representative must prove [his status] himself before the authorized election commission by means of written proof that is verified by a notary of signatures.

#### Article 8

These provisions comes into effect on the day they are confirmed and appear in the *Official Gazette of the SRM*.

REPUBLIC ELECTION COMMISSION

No. 20-12

6 October 1990

Skopje

President of the Republic Election Commission  
Nikola Koneski s.r.

Secretary of the Republic Election Commission  
Georgina Mickoska s.r.

**APPENDIX 11**

## MANIFESTO OF THE RHOMA PARTY OF MACEDONIA

On this day, the 12th of June 1994, we, the representatives of the Rhomas from all municipalities and larger inhabited places in the Republic of Macedonia, have gathered at the 4th plenum of the PTSERM, where we have examined the question of the upcoming census and the issue of education and are therefore passing the following:

### MANIFESTO

We are turning to all Rhomas in the Republic of Macedonia as well as to our neighboring Macedonians, Albanians, Turks, Vlachs, Serbs, and all other citizens, in these days when the population census is being conducted, to help us in all spheres of our survival and coexistence.

1. Because all our representatives from the municipalities in western Macedonia have almost unanimously expressed their satisfaction that in this census there will be few obstructions on the part of the other nationalities, namely the Albanians, we are turning to the leadership of the PDP/NDP and to the enumerators to help the Rhomas identify themselves for what they actually are, in the belief that coexistence in the future will continue in an even better environment.

2. We are also turning to the Turkish part, to the leadership of the humanitarian organization El Hilal, to all hodjas in the mosques of eastern Macedonia, as well as to all of our Turkish neighbors, to leave the Rhomas in peace and not to try to influence their national identification, since in the future this will be a great shame in the eventual progress and emancipation of this most backward segment of the citizenry of the Republic of Macedonia.

3. We turn to the leadership of the organization of Macedonian Muslims [EF: Macedonian Slavs who are Muslims] to properly interpret their program and goals to their population; as a negative example we cite a number of places around certain villages in certain municipalities, for example Krivolak and others, where Rhomas have been directed to identify themselves as Macedonian Muslims, etc.

We turn to our Macedonian neighbors to have a positive influence upon the Rhomas, their neighbors, in their national and religious identification, since for centuries in eastern Macedonia the Rhomas were forced to declare themselves as Turks, thereby losing their identity--linguistic, cultural, economic, and political--and in western Macedonia had to declare themselves Albanians thereby losing their national identity and even forgetting their mother tongue as a consequence.

If our fellow citizens and neighboring Macedonians, Albanians, Turks, and others, help us in this, certainly temporarily, the Rhomas in the Republic of Macedonia will also start to become educated and will raise their social awareness regarding education, culture, economics, and politics. This will mean a greater interest in and contribution to the Republic of Macedonia which will have more conscious and economically strong citizens who will not need to live from the handouts of the Red Cross, Red Crescent, social or other assistance, but who will be able to create their own funds for the development of their municipalities, the city of Skopje, and the Republic of Macedonia.

We stress in this Manifesto that in the past the struggle has always been for votes, so that more citizens of various nationalities could sit in the Parliament of the Republic of Macedonia. We are certain that this is still the case. We believe that the contact we have made with international institutes and institutions, as well as your social consciousness, will not permit the past to be repeated, since no one any benefit from citizens who are at this level of development, as are, for example, a fair number of the Rhomas.

We trust in you and know that you will help us, that we will become good neighbors and coexist perpetually, for good and for bad. When we speak of bad, we are thinking of family joys and griefs.

Skopje, 12 June 1994

From the Fourth Plenum of the Party for the Complete Emancipation of the Rhomas in Macedonia.

**APPENDIX 12**



**Ministry Lists Registered Political Parties**

AU1609164294 Skopje MILS-NEWS in English  
16 Sep 94

[Text] According to the figures of the Ministry of Interior (where political parties were registered up to a month ago), the number of political parties in Macedonia [The Former Yugoslav Republic of Macedonia—FYROM] is currently somewhat over sixty. Here they are listed in the order of their registration. The list lacks several parties registered lately, along with the names of some parties' leaders.

1. Social Democratic Party of Macedonia, seated in Skopje, registered May 25, 1990, president Tihomir Jovanovski.
2. Democratic Alliance-Party of Farmers in Macedonia, seated in Skopje, registered June 8, 1990, president Dimitar Galev.
3. Movement for All-Macedonian Action (MAAK), seated in Skopje, registered June 12, 1990, president Ante Popovski.
4. Macedonian People's Party, seated in Skopje, registered June 19, 1990, president Vladimir Stefanovski.
5. Social Democratic Alliance of Macedonia, seated in Skopje, registered July 5, 1990, president Branko Crvenkovski.
6. Party of Yugoslavs in the Republic of Macedonia, seated in Skopje, registered July 17, 1990, president Milan Gjurginov.
7. People's Democratic Party, seated in Tetovo, registered August 1, 1990, president Iliaz Halili.
8. VMRO [Internal Macedonian Revolutionary Organization]- Democratic Party for Macedonian National Unity, seated in Skopje, registered August 3, 1990, president Ljupco Georgievski.
9. Party for Democratic Macedonian Uniting of Workers (DMRO), seated in Prilep, president Zlate Stojkovski.
10. Party for Democratic Prosperity, seated in Tetovo, registered May 25, 1990, president Abdurahman Aliti.
11. Workers' Party, seated in Skopje, registered August 3, 1990, president Krste Jankovski.
12. Party of Complete Emancipation of Romanies in Macedonia, seated in Skopje, registered August 28, 1990, president Faik Abdi.
13. Socialist Party of Macedonia, seated in Skopje, registered September 11, 1990, president Kiro Popovski.
14. Political Party of Non-Employed in Macedonia, seated in Prilep, registered September 12, 1990, president Radoslav Dimitrievski.
15. Demo Christian Party, seated in Ohrid, registered October 6, 1990, president Vasil Risteski.
16. Liberal Party, seated in Skopje, registered October 16, 1990, president Stojan Andov.
17. Workers and Farmers Party of Macedonia, seated in Skopje, registered October 16, 1990, president Boris Stojceviski.
18. Democratic Party of Education and Cultural Workers in Macedonia, seated in Skopje, registered November 15, 1990, president Atanas Kuzevski.
19. Balkan Federation-Balkans Without Frontiers, seated in Skopje, registered December 5, 1990, president Dimitar Daskalov.
20. VMRO-DP[Democratic Party], seated in Skopje, registered February 1, 1991, president Vladimir Golubovski.
21. Party of Progress (Marxists), seated in Skopje, registered February 15, 1991, president Lazar Gogov.
22. Party of United Macedonians, seated in Skopje, registered March 1, 1991.
23. Party for Direct Action, seated in Skopje, registered March 5, 1990, president Milan Sarceviski.
24. Macedonian Democratic Party, seated in Skopje, registered May 7, 1991, president Ivko Cvetkovski.
25. Liberal Party of Macedonia, seated in the village Oktisi, near Struga, registered February 6, 1991, president Asan Canovski.
26. Civilian-Liberal Party of Macedonia, seated in Skopje, registered July 10, 1991, president Boris Gegaj.
27. Green Party of Macedonia, seated in Skopje, registered July 11, 1991, Jovan Manasievski.
28. Party of Democratic Action, seated in Tetovo, registered August 1, 1991, president Kenan Mazlam.
29. Multinational Party of Macedonia, seated in Prilep, registered July 5, 1991, president Metodija Bogoeviski.
30. Macedonian Party for Peace and Independence, seated in Kicevo, registered March 15, 1991, president Goran Arizanovski.
31. Democratic Progressive Party of Romanies, seated in Skopje, registered February 11, 1991, president Arif Bekhir.
32. Democratic Movement of Macedonia, seated in Struga, registered February 3, 1992, president Napoleon Kamberi.
33. Democratic Party of Macedonia, seated in Tetovo, registered April 1, 1992, president Tomislav Stojanovski.
34. Democratic Party of Serbs in Macedonia, seated in Skopje, registered March 18, 1992, president Boro Ristic.

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35. Party of Democratic Action in Macedonia, seated in Skopje, registered March 30, 1992.
36. Democratic Party of Macedonia-Justice, seated in Skopje, registered April 9, 1992, president Gligor Krstevski.
37. Albanian Democratic Alliance-Liberal Party, seated in Skopje, registered March 13, 1992, president Dzemail Idrizi.
38. Communist Party of Macedonia, seated in Skopje, registered April 29, 1992, president Todor Pelivanov.
39. League of Communists of Macedonia-Movement for Yugoslavia, seated in Skopje, registered May 29, 1992.
40. VMRO-Goce Delcev-Radical Democratic Party, seated in Stip, registered May 28, 1992, president Mikhail Saltirov.
41. Republican Party of Macedonia, seated in Skopje, registered June 19, 1992, president Ivan Petrevski.
42. Workers' Party of Macedonia, seated in Skopje, registered July 6, 1992, president Momcilo Ivanovski.
43. Democratic Party of Turks in Macedonia, seated in Skopje, registered October 15, 1992, president Erdogan Sarac.
44. Ghuven-Party of Turks, seated in Gostivar, registered November 4, president Aziz Shen.
45. Western Macedonian Democratic Party, seated in Skopje, registered December 18, 1992, president Risto Angelkovski.
46. Renaissance Party of Macedonia, seated in Ohrid, registered December 4, 1992, president Slave Banar.
47. Communist Party of Macedonia, seated in Tetovo, registered January 28, 1993, secretary Vojo Zafirovski.
48. Democratic Party of Yugoslavs in Macedonia, seated in Gostivar, registered February 24, 1992, president Zivko Leskovski.
49. New Communist Movement in Macedonia, seated in Gostivar, registered March 9, 1993.
50. Democratic Party for Economic Union in the Balkans, seated in Skopje, registered March 14, 1992, 1993, president Angel Dzambazovski.
51. Macedonian National Front, seated in Skopje, registered May 5, 1993.
52. VMRO-United, seated in Skopje, registered June 8, 1993, president Atanas Aleksovski.
53. Democratic Party, seated in Skopje, registered July 29, 1993, president Petar Gosev.
54. VMRO-Fatherland Party, seated in Bitola, registered October 15, 1993, president Dimitar Crnomarov.
55. Islamic Light in the Republic of Macedonia, seated in Kicevo, registered September 25, 1993, president Jusuf Selim.
56. League of Democrats in Macedonia, seated in Prilep, registered October 25, 1993, party representative Dimitar Caevski.
57. Party for Social Justice in Macedonia, seated in Skopje, registered January 20, 1994, party president Kosta Jancevski.

**APPENDIX 13**



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Политички и  
економски  
индекс

Political and  
economic  
index

- \* ДОВЕРБА ВО ИНСТИТУЦИИТЕ  
CONFIDENCE IN INSTITUTIONS
- \* МАС МЕДИУМИ  
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- \* ГРАГАНСКИ СЛОБОДИ  
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- \* СОЦИЈАЛЕН И ЕКОНОМСКИ ИНДЕКС  
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- \* АВТОРИТАРНОСТ, АНОМИЈА  
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- \* ИЗБОРНО РАСПОЛОЖЕНИЕ  
ELECTORAL SITUATION



A joint venture with

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## ОД ИЗДАВАЧОТ

## FROM THE EDITOR

БРИТАНСКО-МАКЕДОНСКАТА АГЕНЦИЈА "BriMa" во соработка со GALLUP-London спроведува истражувања на јавното мислење и маркетингот во Македонија. Реализацијата на вакви истражувања како и реализацијата на цела низа компаративни меѓународни истражувања овозможуваат непосредно вклучување во процесот на меѓународна размена на информации во доменот на јавното мислење и маркетингот.

Целта на оваа публикација е да даде основна информација за истражувањето на јавното мислење во Македонија спроведено во периодот од 15.11. до 23.11.93г. Врз основа на податоците од нашите политички и економски индекси ќе можете да формирате претстава за "моменталната снимка" на јавното мислење како и за основните тенденции на неговата динамика.

Податоците ги презентираме без коментар, затоа што сметаме дека наша првостепенa задача е да обезбедиме автентични и коректни податоци, а не да ги осмислуваме наместо вас.

Во одговорите на некои прашања заради заокружувањето на процентите, сумата не изнесува 100% така да некои износи може да се движат меѓу 99% или 101%.

Се надеваме дека сме Ви од полза.

BRITISH-MACEDONIAN AGENCY "BriMa" a joint venture with GALLUP-London offers research of the public opinion and marketing research in Macedonia. The realization of these researches as well as the research in other countries gives opportunity to join international exchange of information in public opinion and marketing.

The main purpose of this publication is to give basic information for the survey which undertaken in the period between 15.11. to 23.11.93.

According to these data from our political and economical indexes You can get a vision of the "instant picture" of public opinion and also of the basic tendencies of its dynamics.

We present the data without comment because our basic intention is to ensure authentic and correct data and not to analyze it for you.

Due to rounding some question answers do not add to 100 percent. Thus some totals may show 99% or 101%.

We hope that We are useful for You.

ПРЕТПЛАТА ЗА СЛЕДНИ ИЗДАНИЈА  
НА ТЕЛ: 11 68 79 И 16 54 25

ГОРГИ КИМОВ  
ЕЛИДА МЕДАРОВСКА  
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ИЗДАВАЧ/EDITOR:  
ГОРГИ КИМОВ  
ЕЛИДА МЕДАРОВСКА

ПОДАТОЦИТЕ ОД ОВА ИЗДАНИЕ МОЖАТ ДА БИ-  
ДАТ ПУБЛИКУВАНИ САМО СО СОГЛАСНОСТ НА  
ИЗДАВАЧОТ  
NONE OF THE CONTENT OF THIS REPORT MAY  
BE PUBLISHED WITHOUT OUR WRITTEN  
CONSENT



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Д О В Е Р Б А   В О   И Н С Т И Т У Ц И И Т Е  
 CONFIDENCE IN INSTITUTIONS

ИМАТЕ ЛИ ДОВЕРБА ВО:  
 DO YOU HAVE CONFIDENCE IN:

	ДА YES	НЕ NO	НЕ ЗНАМ DON'T KNOW
а. ПАРЛАМЕНТОТ PARLIAMENT	20	66	14
б. ВЛАДАТА НА БРАНКО ЦРВЕНКОВСКИ THE GOVERNMENT OF BRANKO CRVENKOVSKI	38	45	17
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MAC MEДИУМИ  
 MASS MEDIA

ИМАТЕ ЛИ ДОВЕРБА ВО :  
 DO YOU HAVE CONFIDENCE IN:

	ДА YES	НЕ NO	НЕ ЗНАМ DON'T KNOW
а. МАКЕДОНСКАТА ТЕЛЕВИЗИЈА MACEDONIAN TELEVISION	42	48	10
б. МАКЕДОНСКОТО РАДИО MACEDONIAN RADIO	54	36	10
в. ВЕСНИКОТ "НОВА МАКЕДОНИЈА" NEWSPAPER "NOVA MAKEDONIJA"	36	38	26
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СТАВОВИ КОН ВАЖНИ ОПШТЕСТВЕНИ ПРАШАЊА

ATTITUDE TOWARDS MAJOR SOCIAL MATTERS

1. ГЛЕДАНО ВО ЦЕЛИНА, ДАЛИ РАБОТИТЕ СЕ ПОДОБРИ СЕГА ВО ОВОЈ ПОЛИТИЧКИ СИСТЕМ ИЛИ ПАК БЕА ПОДОБРИ ЗА ВРЕМЕ НА ПРЕТХОДНИОТ СИСТЕМ?

GENERALLY SPEAKING, ARE THINGS BETTER WITH THE CURRENT POLITICAL SYSTEM, OR WERE THEY BETTER WITH THE PREVIOUS ONE?

А. ДЕНЕШНИОТ СИСТЕМ Е ПОДОБАР CURRENT SYSTEM IS BETTER	34
Б. ПРЕТХОДНИОТ СИСТЕМ БЕШЕ ПОДОБАР PREVIOUS WAS BETTER	40
В. НИТУ ЕДЕН ОД НИВ NONE OF THEM	17
Г. НЕ ЗНАЕ DONT KNOW	9

2. СЕ СОГЛАСУВАТЕ ЛИ СО ТВРДЕЊЕТО ДЕКА: КОЈ И ДА ДОЈДЕ НА ВЛАСТ ЗА ОБИЧНИОТ ЧОВЕК НЕМА НИШТО ДА СЕ ПРОМЕНИ?

DO YOU AGREE WITH THE STATEMENT THAT, NO MATTER WHO HAS THE POLITICAL POWER, NOTHING WOULD CHANGE FOR THE ORDINARY PEOPLE?

А. СЕ СОГЛАСУВАМ AGREE	56
Б. НЕ СЕ СОГЛАСУВАМ DON'T AGREE	34
В. НЕ ЗНАЕ DON'T KNOW	11

ДЕСЕТТЕ НАЈПОПУЛАРНИ ПОЛИТИЧАРИ

THE TEN MOST POPULAR POLITICIANS

ИМАТЕ ЛИ ДОВЕРБА ВО:  
DO YOU HAVE CONFIDENCE IN:

	ДА YES	НЕ NO	НЕ ЗНАМ DON'T KNOW
1. КИРО ГЛИГОРОВ KIRO GLIGOROV	76	15	9
2. ВАСИЛ ТУПУРКОВСКИ VASIL TUPURKOVSKI	50	36	15
3. ЛЈУБОМИР ФРЧКОВСКИ LJUBOMIR FRČKOVSKI	50	42	9
4. СТОЈАН АНДОВ STOJAN ANDOV	48	41	11
5. БРАНКО ЦРВЕНКОВСКИ BRANKO CRVENKOVSKI	46	41	13
6. ВЛАДО ПОПОВСКИ VLADO PPOVSKI	41	41	18
7. СТЕВО ЦРВЕНКОВСКИ STEVO CRVENKOVSKI	40	43	17
8. ПЕТАР ГОШЕВ PETAR GOŠEV	34	53	13
9. ТОДОР ПЕТРОВ TODOR PETROV	32	51	17
10. НИКОЛА ПОПОВСКИ NIKOLA PPOVSKI	29	46	25



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<p style="text-align: center;">А К Т У Е Л Н О</p> <p style="text-align: center;">А С Т У А Л</p>
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ГИ ГЛЕДАТЕ ЛИ ТЕЛЕВИЗИСКИТЕ ПРЕНОСИ ОД СОБРАНИЕТО НА РЕПУБЛИКА МАКЕДОНИЈА:  
 DO YOU WATCH THE TV BROADCASTS FROM THE PARLIAMENT SESSIONS:

А.РЕДОВНО ORDINARILY	28
Б.ПОВРЕМЕНО PERIODICALLY	37
В.РЕТКО RARELY	26
Г.НИКОГАШ NEVER	10

ПОСТОИ МИСЛЕЊЕ ДЕКА ТРЕБА ДА СЕ УКИНАТ ДИРЕКТНИТЕ ПРЕНОСИ ОД СОБРАНИЕТО НА РЕПУБЛИКА МАКЕДОНИЈА, ДОДЕКА ДРУГИ ПАК МИСЛАТ ДЕКА НЕ ТРЕБА ДА СЕ УКИНАТ. КАКВО Е ВАШЕТО МИСЛЕЊЕ?  
 THERE IS OPINION THAT DIRECT TV BROADCASTING OF THE PARLIAMENT SESSIONS PERMANENTLY, AND, ON THE OTHER HAND, OTHERS THINK THAT IT SHOULD NOT BE DONE, WHICH IS YOUR OPINION?

А.ДА НЕ СЕ УКИНАТ NOT CANCELLED	69
Б.ДА СЕ УКИНАТ CANCELLED	18
В.НЕ ЗНАЕ DON'T KNOW	13

ГРАГАНСКИ СЛОБОДИ  
CIVIL LIBERTIES

	СЕ СОГЛАСУВАМ AGREE	НЕ СЕ СОГЛАСУВАМ DON'T AGREE	НЕ ЗНАМ DON'T KNOW
а. ВО МАКЕДОНИЈА НЕМА ПОЛИТИЧКИ ПРОГОНУВАЊА THERE IS NO PERSECUTION FOR POLITICAL REASONS IN MACEDONIA	51	34	15
б. ВО МАКЕДОНИЈА ИМА СЛОБОДА НА ПЕЧАТОТ И ГОВОРОТ THERE IS FREEDOM OF THE SPEECH AND THE PRESS IN MACEDONIA	66	22	12
в. ТРЕБА ДА СЕ ОГРАНИЧИ ДЕМОКРАТИЈАТА И ДА СЕ ВОВЕДЕ РЕД ВО ЗЕМЈАТА DEMOCRACY MUST BE CURBED AND LAW AND ORDER INFORCED IN THE COUNTRY	63	28	10
г. ВО ОВА ВРЕМЕ НЕ Е БЕЗОПАСНО ЧОВЕК ДА СИ ГО КАЖУВА МИСЛЕЊЕТО ЗА ПОЛИТИЧКИ ПРАШАЊА THERE IS GREAT DANGER FOR EVERYBODY WHO WANTS TO EXPRESS HIS POLITICAL REASONS	46	37	17

АВТОРИТАРНОСТ, АНОМИЈА

AUTHORITARIANISM, ANOMY

МАЛ БРОЈ СИЛНИ ЛИЧНОСТИ ЗА ЗЕМЈАТА МОЖАТ ДА НАПРАВАТ ПОВЕ-  
КЕ ОТКОЛКУ ПАРТИИТЕ И ПОЛИТИЧАРИТЕ, КОИ ГО ТРОШАТ ВРЕМЕТО  
ВО МЕГУСЕБНИ СПОРОВИ.

A VERY SMALL NUMBER OF TRULY STRONG INDIVIDUALS CAN CONTRI-  
BUTE FOR THE COUNTRY MORE THAN THE PARTIES AND POLITICIANS  
THAT ARE WASTING THEIR TIME IN MUTUAL CONFLICTS.

а. ПОТПОЛНО СЕ СОГЛАСУВАМ I AGREE COMPLETELY	39
б. ДОНЕКАДЕ СЕ СОГЛАСУВАМ I AGREE PARTIALLY	24
в. НЕ МОЖАМ ДА СЕ ОПРЕДЕЛАМ I CAN NOT DECIDE	18
г. ДОНЕКАДЕ НЕ СЕ СОГЛАСУВАМ I DO NOT AGREE PARTIALLY	10
д. ВООПШТО НЕ СЕ СОГЛАСУВАМ I DO NOT AGREE COMPLETELY	9

СЕ Е РЕЛАТИВНО И НЕМА НИКАКВИ СТРОГО ОПРЕДЕЛЕНИ ПРАВИЛА  
СПОРЕД КОИ ТРЕБА ДА ЖИВЕЕМЕ.  
EVERYTHING IS RELATIVE AND THERE ARE NO STRICT RULES BY  
WHICH WE SHOULD ABIDE.

а. ПОТПОЛНО СЕ СОГЛАСУВАМ I AGREE COMPLETELY	40
б. ДОНЕКАДЕ СЕ СОГЛАСУВАМ I AGREE PARTIALLY	26
в. НЕ МОЖАМ ДА СЕ ОПРЕДЕЛАМ I CAN NOT DECIDE	19
г. ДОНЕКАДЕ НЕ СЕ СОГЛАСУВАМ I DO NOT AGREE PARTIALLY	8
д. ВООПШТО НЕ СЕ СОГЛАСУВАМ I DO NOT AGREE COMPLETELY	7

ИЗБОРНО РАСПОЛОЖЕНИЕ

ELECTORAL SITUATION

ЗА ЗЕМЈАТА БИ БИЛО ДОБРО ШТО ПОБРГУ ДА ИМА ИЗБОРИ ЗА ПРАТЕНИЦИ ВО РЕПУБЛИЧКОТО СОБРАНИЕ.  
IT WILL BE GOOD FOR THE COUNTRY TO HAVE ELECTIONS FOR THE PARLIAMENT.

А.СЕ СОГЛАСУВАМ AGREE	62
Б.НЕ СЕ СОГЛАСУВАМ DON'T AGREE	20
В.НЕ ЗНАЕ DON'T KNOW	18

КАКВО ЗНАЧЕЊЕ ЗА ВАС ИМА КОЈА ОД ПАРТИИТЕ ГИ ДОБИВА ИЗБОРИТЕ?  
WHAT IS THE SIGNIFICANCE FOR YOU AS TO WHICH PARTIES WINS THE ELECTIONS?

А.ИМА ГОЛЕМО ЗНАЧЕЊЕ OF CONSIDERABLE SIGNIFICANCE	40
Б.ИМА ИЗВЕСНО ЗНАЧЕЊЕ OF CERTAIN SIGNIFICANCE	27
В.НЕМА ЗНАЧЕЊЕ OF NO SIGN. WHATSOEVER	22
Г.НЕ ЗНАЕ DON'T KNOW	11

СПОРЕД ВАС, ВРЕДИ ЛИ ЧОВЕК ДА ИЗЛЕЗЕ НА ИЗБОРИТЕ И ДА ГЛАСА?  
IS IT WORTH TO VOTE ON THE ELECTIONS?

А.ДА YES	80
Б.НЕ NO	14
В.НЕ ЗНАЕ DONT KNOW	7



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АКО ИЗБОРИТЕ ЗА ПАРЛАМЕНТОТ НА РЕПУБЛИКА МАКЕДОНИЈА СЕ  
ОДРЖЕА ДЕНЕС, ЗА КОЈА ПАРТИЈА БИ ГЛАСАЛЕ:  
IF THE ELECTIONS FOR THE PARLIAMENT OF REPUBLIC OF MACE-  
DONIA WERE TO TAKE PLACE TODAY, WHICH PARTY WOULD YOU  
VOTE FOR:

1. СДСМ SOCIAL DEMOCRATIC UNION	22,8
2. ПДП-НДП DEMOCRATIC PROSPERITY	18,4
3. ВМРО-ДПМНЕ NATIONAL PARTY	11,2
4. ДЕМОКРАТСКА ПАРТИЈА DEMOCRATIC PARTY	6,3
5. СОЦИЈАЛИСТИЧКА ПАРТИЈА SOCIALIST PARTY	3,3
6. ЛИБЕРАЛНА ПАРТИЈА LIBERAL PARTY	3,2
7. РАБОТНИЧКА ПАРТИЈА LABOUR PARTY	2,9
8. ПЦЕРМ GIPSY PARTY	1,8
9. ДЕМОКР. ПАР. НА ТУРЦ. ВО МАКЕД. TURKISH PARTY	0,8
10. МААК MACEDONIAN ACTION	0,3
11. ЗА ДРУГА ПАРТИЈА ANOTHER PARTY.	4,0
12. НЕ ЗНАЕ DON'T KNOW	18,6
13. НЕМА ДА ГЛАСА DON'T VOTE	6,6

СОЦИЈАЛЕН И ЕКОНОМСКИ ИНДЕКС

SOCIAL AND ECONOMIC INDEX

1. АКО УСЛОВНО ГО ПОДЕЛИМЕ МАКЕДОНСКОТО ОПШТЕСТВО НА НЕКОЛКУ ГРУПИ, ВО КОЈА БИ ПРИПАГАЛЕ ВНЕ И ВАШЕТО СЕМЕЈСТВО:  
CONSIDERING THE PROPERTY YOU AND YOUR FAMILY POSSES WHICH IS YOUR GROUP:

а. МНОГУ БОГАТИ VERY WELL-OFF	1
б. НАДПРОСЕЧНО БОГАТИ RICH ABOVE THE AVERAGE	3
в. ПРОСЕЧНО БОГАТИ AVERAGE WELL-TO-DO	42
г. ПОДПРОСЕЧНО БОГАТИ RICH BELOW THE AVERAGE	33
д. СИРОМАШНИ POOR	22

2. ЈАС ЛИЧНО ИМАМ ДОБРИ ФИНАНСИСКИ ПЕРСПЕКТИВИ ВО СЛЕДНИТЕ ЕДНА-ДВЕ ГОДИНИ?  
PERSONALLY, I HAVE GOOD FINANCIAL PERSPECTIVES IN THE NEXT ONE-TWO YEARS?

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
22	58	20

3. МИ СЕ СЛУЧУВА МЕНЕ И НА ЧЛЕНОВИТЕ НА МОЕТО СЕМЕЈСТВО ДА БИДЕМЕ НЕДОВОЛНО НАХРАНЕТИ ЗАРАДИ НЕДОСТИГ НА СРЕДСТВА.  
HAVE YOU AND YOUR FAMILY EXPERIENCED UNDERNOURISHMENT BECAUSE OF LACK OF ENOUGH MONEY.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
35	60	4





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4. СОСЕМА Е ПРИРОДНО ВО ЕДНА НОРМАЛНА ДРЖАВА ЛУЃЕТО ДА СЕ ДЕЛАТ НА СИРОМАШНИ И БОГАТИ.  
 IT'S QUITE NATURAL FOR CITIZENS OF ANY COUNTRY TO BE DIVIDED INTO RICH AND POOR

a. СЕ СОГЛАСУВАМ AGREE	б. НЕ СЕ СОГЛАСУВАМ DON'T AGREE	в. НЕ ЗНАМ DON'T KNOW
49	41	9

5. ВО ОВА ВРЕМЕ НЕМА НИШТО ПОВАЖНО ОД ПАРИТЕ.  
 NOW DAYS THERE IS NO IMPORTANT THING THAN MONEY.

a. СЕ СОГЛАСУВАМ AGREE	б. НЕ СЕ СОГЛАСУВАМ DON'T AGREE	в. НЕ ЗНАМ DON'T KNOW
51	46	3

6. РАЗЛИКАТА ВО ПРИХОДИТЕ ПОМЕГУ НАЈБОГАТИТЕ И НАЈСИРОМАШНИТЕ ЛУЃЕ КАЈ НАС НЕ ТРЕБА ДА Е ПОГОЛЕМА ОД ТРИ ПАТИ.  
 THE INCOMES OF THE RICHEST PEOPLE MUST NOT TOP THE INCOMES OF THE POOREST MORE THAN THREE TIMES.

a. СЕ СОГЛАСУВАМ AGREE	б. НЕ СЕ СОГЛАСУВАМ DON'T AGREE	в. НЕ ЗНАМ DON'T KNOW
70	22	8

П Р И В А Т И З А Ц И Ј А

PRIVATIZATION

1. ПРИВАТИЗАЦИЈАТА НА ОПШТЕСТВЕНИТЕ ПРЕТПРИЈАТИЈА Е ПОГРЕШЕН ЧЕКОР.

PRIVATIZATION OF THE STATE COMPANIES IS A WRONG STEP.

а. СЕ СОГЛАСУВАМ AGREE	б. НЕ СЕ СОГЛАСУВАМ DON'T AGREE	в. НЕ ЗНАМ DON'T KNOW
42	42	16

2. СПОРЕД ВАС, ПРИ ПОЈАВУВАЊЕТО НА КОИ ОД ПОДОЛУ НАВЕДЕНИТЕ ПРОБЛЕМИ Е ДОЗВОЛЕНО ДА СЕ ЗАБАВИ ПРОЦЕСОТ НА ПРИВАТИЗАЦИЈАТА?  
WHICH OF THE FOLLOWING PROBLEMS, IN CASE THEY OCCUR WOULD YOU CONSIDER ACCEPTABLE FOR THE SLOW DOWN IN THE PROSESS OF PRIVATIZATION?

А. ПРИ ЗНАЧИТЕЛНО ЗГОЛЕМУВАЊЕ НА НЕВРАБОТЕНОСТА.  
IN CASE OF CONSIDERABLE INCREASE OF UNEMPLOYMENT.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
45	31	24

Б. ГОЛЕМ ПОРАСТ НА ИНФЛАЦИЈАТА.  
IN CASE OF GREAT CONSIDERABLE INCREASE OF INFLATION.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
54	23	23

В. ПРИ ПОЈАВА НА МНОГУБРОЈНИ СЛУЧАИ НА КОРУПЦИЈА.  
IN CASE OF MULTIPLE OCCURANCES OF CORRUPTION.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
58	20	23

Г. ГОЛЕМО РАСЛОЈУВАЊЕ НА ЛУЃЕТО НА БОГАТИ И СИРОМАШНИ.  
 IN CASE OF CONSIDERABLE DIVIDING OF PEOPLE INTO RICH AND POOR.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
56	25	19

Д. ПРИ НЕМОЖНОСТ ДА СЕ КОНТРОЛИРААТ СТРАНСКИТЕ ИНВЕСТИЦИИ.  
 IN CASE OF INABILITY TO CONTROL FOREIGN INVESTMENTS.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
51	26	23

Г. ПРИ НЕМОЖНОСТ ДА СЕ КОНТРОЛИРА ПОТЕКЛОТО НА СРЕДСТВАТА  
 СО КОИ ПРЕТПРИЕМАЧИТЕ УЧЕСТВУВААТ ВО ПРИВАТИЗАЦИЈАТА.  
 IN CASE OF INABILITY TO CONTROL THE SOURCE OF THE FONDS WITH  
 WHICH THE PRIVATE INVESTOR PARTICIPATES IN THE PRIVATIZATION.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
57	20	23

Е. ПРИ НАРУШУВАЊЕ НА ПРАВАТА НА РАБОТНИЦИТЕ ОД СТРАНА НА  
 ПРИВАТНИТЕ СОПСТВЕНИЦИ.  
 IN CASE OF DISTURBANCE OF THE RIGHTS OF THE EMPLOYEES BY  
 THE EMPLOYER.

а. ДА YES	б. НЕ NO	в. НЕ ЗНАМ DON'T KNOW
62	18	20



БРИМА

ОВА ИЗДАНИЕ ПРЕТСТАВУВА ОБЛИК НА ПУБЛИКАЦИЈА НА РЕЗУЛТАТИТЕ ОД ИСТРАЖУВАЧКАТА ПРОГРАМА НА "БриМа".

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УЛ.ВЕЉКО ВЛАХОВИК 19/21

ТЕЛ.И ФАКС 11 68 79 ИЛИ 16 54 25

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THIS EDITION IS A FORM OF A PUBLICATION OF THE RESULTS OF BriMa RESEARCH PROGRAM.

THE PRICE FOR EACH ISUUE IS 40 US \$ (OR THR RATE OF EXCHANGE FOR THE DAY IN MACEDONIAN DENARS).

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