

Law on Amending and Supplementing the Law on Presidential Elections in the Republic of Macedonia

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Article 1

In the Law on Presidential Elections in the Republic of Macedonia (Official Gazette of the Republic of Macedonia No.20/94 and 48/99) the title of Chapter II shall be changed and shall read:

“II ANNOUNCING AND CONDUCTING ELECTIONS, ELECTION MANAGEMENT BODIES AND BALLOT”

Article 2

After Article 5 two new articles, Article 5-a and Article 5-b shall be added, which shall read:

“Article 5-a

(1) ¹Election Management Bodies for conducting Presidential elections in the Republic of Macedonia are the State Election Commission, Municipal Election Commissions and Electoral Boards.

(2) The State Election Commission shall:

- 1) Take care of the legality in the preparation and conduct of the elections and give instructions;
- 2) appoint the president and members of the Municipal Election Commissions and their deputies;
- 3) confirm and publish the lists of candidates for election of President and determine their order on the ballot by drawing lots;
- 4) establish common standards concerning the election material;
- 5) provide resources and funds and ensure their implementation;
- 6) prescribe forms for conducting elections and publish them in the “Official Gazette of the Republic of Macedonia”;
- 7) determine the way of handling and securing the election material;
- 8) organize the printing of ballots and of the lists of candidates;
- 9) determine the form, size, color, and serial numbers of the ballots;

¹ The numbered paragraphs, i.e. those numbers in parenthesis are not included in the original Macedonian version

- 10) Hand over to, and receive election material to the Municipal Election Commissions;
- 11) Conduct education of the Municipal Election Commissions members;
- 12) inform the public of the way of voting and of the exercise of the right to vote;
- 13) adopt a code on the rules for monitoring of elections by domestic and foreign observers, in accordance with international standards, and provide them with identification documents;
- 14) decide upon complaints;
- 15) calculate and determine the election results;
- 16) publish the final results of the conducted elections within three days following the day of their conduct;
- 17) submit a report to the Parliament about the elections held;
- 18) submit a financial report to the Parliament about the elections held;
- 19) pass a Rulebook and Guide for compensation for the members of the Election Management Bodies;
- 20) perform duties stipulated by the Law on Voters' List;
- 21) prescribe the type of device for marking and controlling the persons who have voted (UV lamps, spray, graphite pad);
- 22) form assisting bodies to carry out organizational and technical matters;
- 23) publish polling station descriptions in the daily press;
- 24) perform other duties provided by law.

(3) The Municipal Election Commission shall:

- 1) take care of the legal conduct of the elections;
- 2) appoint the composition of the Electoral Boards and give instructions concerning their work;
- 3) post determined lists of candidates;
- 4) perform education of the Electoral Board members;
- 5) undertake technical preparations for conducting the elections according to the directions and instructions by the State Election Commission;
- 6) inform citizens of the way and technique of voting;
- 7) register the authorized representatives for monitoring the work of the Municipal Election Commission and the Electoral Boards;
- 8) hand over to, and collect the election materials from the Electoral Boards;
- 9) hand over election material to the State Election Commission within three hours following the receipt of the election material from the Electoral Boards;
- 10) sum up the results of voting for the lists of candidates, make minutes and deliver them with all election materials to the State Election Commission;
- 11) fill in and submit statistical data for the needs of the State Bureau of Statistics of the Republic of Macedonia;

12)perform other duties provided by law.

(4) The Electoral Board shall directly manage the voting at the polling station, ensure the regularity and secrecy of the voting, provide free and peaceful conduct of the voting and sum up the voting result at the polling station.

(5) The Electoral Board shall make minutes of its work and after the voting shall submit them to the Municipal Election Commission, together with the election material.

Article 5-b

(1) The ballot for election of President shall contain:

- 1) the title of the ballot;
- 2) the ordinal number, name and symbol (if any) of the list submitter;
- 3) name and surname of the of candidates according to the data in the register of births, and
- 4) the serial number of the ballot in the part remaining on the ballot stub of the booklet.

(2) The candidates on the ballot shall be listed in the order determined in the single candidate list.

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

(4) The title of the ballot shall contain the flag of the Republic of Macedonia.

(5) The name of the list submitter and name and surname of the candidate shall be written in the Macedonian language and in the Cyrillic alphabet.

(6) For the members of the other communities, the name of the list submitter, and the name and surname of the candidate shall be written in Macedonian language and its Cyrillic alphabet, and in the language and alphabet of the community to which they belong.

(7) In the units of the local self-government where the members of the communities are at least 20%, lists of confirmed candidates who are not an integral part of the ballot, shall be also given in the language and alphabet of the community to which they belong, along with the Macedonian language and its Cyrillic alphabet.

(8) The voting instructions shall not be part of the ballot. The instructions shall be posted in a visible place on the voting screen and in other visible places in the polling stations, in accordance with the Instruction given by the State Election Commission. The instructions shall be printed in the Macedonian language and its Cyrillic alphabet and in the languages and alphabets of the other communities listed in the Preamble of the Constitution of the Republic of Macedonia.

Article 3

After Article 10, a new Chapter IV shall be added and ten new articles, Article 10-a, Article 10-b, Article 10-c, Article 10-d, Article 10-e, Article 10-f, Article 10-g, Article 10-h, Article 10-i, and Article 10-j, which shall read:

“IV. ELECTION OF PRESIDENT OF THE REPUBLIC OF MACEDONIA IN A CASE OF CESSATION OF MANDATE

Article 10-a

(1) When the Constitutional Court of the Republic of Macedonia passes a decision, which determines that conditions for the cessation of function of the President of the Republic are met in accordance with Article 81 paragraph 8 of the Constitution of the Republic of Macedonia, it shall submit it to the President of the Parliament of the Republic of Macedonia within 24 hours and shall publish it in the Official Gazette of the Republic of Macedonia. .

(2) Within 48 hours of publishing of the decision referred to in paragraph 1 of this Article, the President of the Parliament of the Republic of Macedonia shall pass an Act for announcing elections for election of a President of the Republic of Macedonia.

(3) With the publishing of the act referred to in paragraph 2 of this Article, the deadlines for the performance of the election activities shall start running and the Election day shall be determined.

(4) The act for announcing elections referred to in paragraph 2 of this article shall be submitted to the State Election Commission and the Ministry of Justice.

(5) The act for announcing elections referred to in paragraph 2 of this article shall be published in the "Official Gazette of the Republic of Macedonia."

Article 10-b

The collection of signatures in the procedure for candidacy for a President of the Republic and the public inspection of the Voters' List shall be performed before the body in charge of keeping the records of the electoral right and shall start on the fifth day from the day elections were announced for the election of President as a result of cessation of mandate and shall last for ten days.

Article 10-c

(1) The List of Candidates for President of the Republic of Macedonia shall be submitted to the State Election Commission no later than the sixteenth day from the day elections were announced.

(2) The candidate may give up the candidacy no later than the seventeenth day from the day of the election announcement.

Article 10-d

(1) Within 24 hours upon receipt of the Lists of candidates for President, the State Election Commission shall determine if they have been submitted within the deadline defined in Article 10-c of this Law and if they have been composed in accordance with the law.

(2) Should the Commission of paragraph 1 of this Article, after the receipt of the list, determine that certain omissions or irregularities have been made, it will call the submitters of the lists immediately but within no more than 24 hours, to eliminate the omissions or irregularities found.

(3) Should the Commission of paragraph 1 of this Article establish that the lists have been submitted within the stipulated deadline given and have been made in accordance with Law, that the omissions and irregularities found have been eliminated by the submitters of the lists within the deadline referred to in paragraph 2 of this Article, it shall confirm the submitted lists by a decision within 24 hours from the time of receipt of the lists, i.e. the removal of the omissions and irregularities.

Article 10-e

(1) Should the State Election Commission establish that the lists have not been submitted on time, and/or the omissions and irregularities found have not been eliminated by the submitters of the lists within the deadline referred to in Article 10-d paragraph 2 of this Law, it shall reject the list by a decision within 24 hours.

(2) An appeal against the decision of the State Election Commission may be filed to the Supreme Court of the Republic of Macedonia within 24 hours following the receipt of the decision.

(3) The Supreme Court of the Republic of Macedonia shall be obliged to reach a decision within 24 hours following the receipt of the appeal.

(4) The appeal referred to in paragraph 2 of this Article is submitted through the State Election Commission, and submission of an appeal via mail is not allowed.

Article 10-f

The State Election Commission shall publish the determined lists in the "Official Gazette of the Republic of Macedonia" at the latest on the 21st day of the election announcement.

Article 10-g

The election campaign shall start on the 22nd day of the election announcement and shall end 24 hours before Election Day.

Article 10-h

An election campaign organizer shall open a bank account with reference "for election campaign", no later than 15 days following the announcement of the presidential elections, based on a certificate issued by the State Election Commission a submitted list of candidate for president of the Republic of Macedonia.

Article 10-i

(1) The Broadcasting Council shall submit the proposed decision on the Rules for Equal Access to Media Presentation for the election of a President of the Republic of Macedonia due to cessation of mandate to the Parliament no later than 15 days following the election announcement, and the Parliament shall pass it within two days from the day of receipt.

(2) The Decision referred to in paragraph 1 of this Article shall be published immediately but not later than within 24 hours in the "Official Gazette of the Republic of Macedonia."

Article 10-j

(1) The state body in charge of keeping records of the Voters' List shall submit a copy of the decision for determining the number and the description of every polling station to the MEC at least 10 days prior to Elections Day.

(2) The Municipal Election Commission shall post in a visible place the descriptions of the polling stations determined for voting and shall indicate in which polling station the voters from different areas will vote.

Article 4

After Article 10-j, a new Chapter V, shall be added, and three new Articles, Articles 10-k, 10-l, and 10-m, which shall read:

“V. PROTECTION OF THE RIGHT TO VOTE

Article 10-k

(1) The procedure for the protection of the right to vote shall be considered urgent.

(2) Submissions (objections and complaints) for the protection of the right to vote shall be submitted to the competent bodies through the organs that have made previous decisions.

(3) The second instance decisions of the competent bodies shall be considered final.

(4) Submission of objections and appeals via mail is not allowed.

Article 10-l

(1) Each submitter of a list of candidates in the procedure for voting, summing up and determining the results of the voting, has the right to file an objection with the State Election Commission.

(2) An objection referred to in paragraph 1 of this Article shall be submitted within 48 hours of the time the irregularities have been found.

(3) The State Election Commission is obliged to reach a decision within 48 hours after it has received an objection.

(4) A complaint may be lodged against the decision of the State Election Commission before the Supreme Court of the Republic of Macedonia within 48 hours following the receipt of the decision.

(5) The complaint shall be lodged through the State Election Commission.

Article 10-m

(1) If any voter or submitter of a list of candidates notices irregularities in the election procedure, he may lodge an objection with the State Election Commission within 48 hours.

(2) The State Election Commission is obliged to reach a decision within 48 after the receipt of the objection.

(3) The decision of the State Election Commission may be contested before the Supreme Court of the Republic of Macedonia within 48 hours after the receipt of the decision.

(4) The Supreme Court rules on the appeals from Article 10-j paragraph 4 of this Law and on the appeals from paragraph 3 of this Article in a council of five judges selected by drawing lots.

(5) The Supreme Court is obliged to reach a decision within 48 hours after the receipt of the appeal from Article 10-j paragraph 4 of this Law and on the appeals from paragraph 3 of this Article.

(6) The Supreme Court may confirm or change the decision.

Article 5

(1) In Article 16, after paragraph 1, a new paragraph 2 shall be added and shall read:

(2) "The statement referred to in paragraph 1 of this Article shall be given by the President of the Republic of Macedonia elected on elections for president as a result of cessation of mandate, within 3 days following the announcement of the final results."

Article 6

The existing Chapters III-a, IV, V and VI, shall become chapters VI, VII, VIII, and IX, and Article 10-a, shall become Article 10-n.

X. Transitional and Final Provisions

Article 7

(1) The State Election Commission and the Municipal Election Commissions established for conduct of the Elections for Members of the Parliament in the Republic of Macedonia in 2002 shall conduct the elections for President of the Republic of Macedonia as of the day of entering of this law into force.

(2) If the mandates of the President and deputy President of the State Election Commission cease for any reason, the President of the Republic of Macedonia shall appoint new President and deputy President of the State

Election Commission within 24 hours following the day of the election announcement.

(3) If the mandates of the members, their deputies and the Secretary of the State Election Commission cease for any reason, the Parliament of the Republic of Macedonia shall appoint new members and their deputies and Secretary of the State Election Commission within 48 hours following the day of the election announcement.

(4) If the mandates of the president, members of the Municipal Election Commissions and their deputies cease for any reason, the president, the members and their deputies shall be appointed by the State Election Commission within 5 days following the receipt of the notification for cessation of the mandate.

(5) The employment of the Secretary of the State Election Commission shall be ceased until the end of the mandate.

Article 8

(1) An Electoral Board shall be established for each polling unit.

(2) Electoral Boards shall be composed of a president, four members, and their deputies.

(3) The president of the Electoral Board and his deputy shall, as a rule, be law graduates.

(4) Two members of the Electoral Board and their deputies shall be appointed upon a proposal of the political parties in opposition, which have won the largest number of votes in the last elections for Members of Parliament.

(5) Two members of the Electoral Board and their deputies shall be appointed upon a proposal of the ruling political parties, which have won the largest number of votes in the last elections for Members of Parliament.

(6) The presidents, members of the Electoral Boards and their deputies shall be appointed by the Municipal Election Commission, no later than 10 days before Election Day.

Article 9

(1) The political parties referred to in Article 8 of this Law shall propose the members of the Electoral Boards and their deputies, referred to in Article 8, paragraphs (4) and (5) of this Law, no later than 15 days prior to Election Day.

(2) If the political parties fail to submit a proposal within the deadline determined in paragraph (1) of this Article, the members of the Electoral Boards shall be appointed by the Municipal Election Commission.

(3) The president of the Municipal Election Commission shall appoint new members to the Electoral Board and their deputies, in case of unjustified abandoning of the polling station by members of the Electoral Board and their deputies during the elections, with a decision submitted to the members of the Commission.

Article 10

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