

# **ELECTORAL CODE**

**OSCE UNOFFICIAL TRANSLATION  
of the  
ELECTORAL CODE published in the Official Gazette 40/2006  
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(Consolidated version)**

## **I. BASIC PROVISIONS**

### **Article 1**

This Code shall regulate the manner, conditions and procedure for election of the: President of the Republic of Macedonia (hereinafter: "President of the Republic"), election of Members of the Parliament of the Republic of Macedonia (hereinafter: "Members of Parliament"), election of the Members of Council of units of Local Self-Government and the Council of the City of Skopje (hereinafter: "Members of Council"), and election of the Mayors of municipalities and Mayor of the City of Skopje (hereinafter: "Mayor"), the manner and the procedure of registering the right to vote, maintaining of the Voters List, determining of the boundaries of the electoral districts and determining, changing and publishing the polling stations as well as the conditions for functioning of the polling stations.

### **1. Glossary**

#### **Article 2**

Specific terms used in this Code shall have the following meaning:

1. Every citizen of the Republic of Macedonia who is at least 18 years of age and has active legal capacity shall have the "Right to vote";
2. The "Voters List" is public document in which all the citizens with a right to vote are registered;
3. "Election management bodies" are the bodies in charge of administering the elections determined in this Code;
4. "Member of an election management body" is the president, the members, and their deputies; they compose the election management bodies and administer electoral actions;
5. "List submitters" are registered political parties or coalitions of political parties registered in the State Election Commission, group of voters and Members of Parliament;
6. "Candidate" is a citizen of the Republic of Macedonia confirmed by the competent election commission in accordance with this Code, for whom votes will be cast in the elections;
7. "Independent candidate" is a candidate for election of President of the Republic, Member of Parliament, Mayor or Member of Council supported by a "group of voters";
8. "Political party" is political party registered in accordance with the Law;
9. "Ruling Parties" are political parties in power that won the majority of votes in the last election for Members of Parliament;
10. "Opposition parties" is composed of the political parties in opposition that won the majority of votes in the last election for Members of Parliament;
11. "Authorised representative" is a person authorised by one of the registered candidates, political party, or coalition to represent their interests before the election management bodies;
12. "Coalition" is an association based on an agreement for joint participation in the elections by, expressed by two or more registered political parties;
13. "Election campaign" is public presentation of the candidates, confirmed by the authorised election management bodies, and their programmes in the pre-election period of the respective election process;
14. "Participant in an election campaign" is a person who is authorised by a political party, coalition or a group of voters that organise the election campaign;
15. "Observers" are representatives of domestic or foreign registered associations of citizens accredited by the State Election Commission to observe the elections;

16. "Diplomatic – consular offices of the Republic of Macedonia" are the representations of the Republic of Macedonia in other states and international organizations that perform tasks assigned by Law;
17. "Citizens of the Republic of Macedonia who are temporarily employed or residing abroad", according to this Code, are the citizens of the Republic of Macedonia who have a registered last residence in the Republic of Macedonia, and on Election Day are temporarily residing abroad for the duration of more than three months or have a temporary employment or residence abroad for more than one year, according to the records of the competent body;
18. "Employees in the public administration" is a category of persons employed in the education, health, culture, science and social protection sector who execute tasks of public interest, in accordance with the Law;
19. "Employees in the state, municipal administration and administration of the City of Skopje" is a category of persons with a status of civil servant in accordance with the Law;
20. "Election administration" is composed of employees in the Professional Service of the State Election Commission, members of election management bodies, secretaries of municipal commissions, their deputies and other individuals temporarily engaged in the electoral process within supporting bodies of the State Election Commission;
21. "Election process" is the time from adoption of the act for calling the elections until the announcement of the final results of the held elections at the level of a municipality, the City of Skopje, i.e. the electoral district where elections are held;
22. "Forms of election media presentation" shall refer to: daily information shows, programmes that provide the participants in the election campaign with a direct access to voters, and special information shows;
23. "Daily information shows" shall refer to all editions of radio and television news and magazines;
24. "Direct access to voters" shall refer to the free political presentation and paid political advertising through which the participants in the electoral campaign shall freely promote their programmes, viewpoints and candidates;
25. "Free political presentation" shall refer to the direct access of the participants in the election campaign to the voters, through which the election programmes, viewpoints and candidates shall be presented freely and without financial compensation.
26. "Paid political advertising" shall refer to the direct access of the participants in the election campaign to the voters, through which the election programmes, viewpoints and candidates shall be presented at a fee. The forms of paid political advertising shall include advertisements, announcements, political election videos, music videos that serve as anthems of the participants in the election campaign, live broadcasting or recordings of rallies, meetings and other appearances of the participants in the election campaign;
27. "Special information programmes" shall refer to: programmes intended to inform citizens of the voting manner and technique and the fulfilment of voter right and informative political programmes in the form of interviews, debates or TV/radio confrontations, current information programmes, current information programmes with a documentary approach and thematic specialized information programmes, and
28. "Election media presentation" shall refer to (direct or indirect) promotion of viewpoints, programmes, platforms, achievements, activities etc. of political parties, coalitions, groups of voters and their representatives.

## **2. Equal right to vote**

### **Article 3**

- (1) The President of the Republic, the Members of Parliament, the Members of Councils and the Mayor, shall be elected at general, direct, and free elections, by secret ballot.
- (2) No one shall be allowed to call the voter to responsibility because of his/her voting, or ask him/her to declare for whom he/she cast her/his vote or why he/she abstained from voting.

### **3. Electoral system**

#### **Article 4**

- (1) Election of the President of the Republic of Macedonia shall be administered on the territory of the Republic of Macedonia and in the Diplomatic – consular offices of the Republic of Macedonia in Europe and Africa, North and South America, and Australia and Asia as one electoral district according to the majoritarian system.
- (2) In the Parliament of the Republic of Macedonia, 123 Members of Parliament shall be elected, from which 120 according to proportional model, whereby the territory of the Republic of Macedonia shall be divided into six electoral districts determined in this Code and for each electoral district 20 Members of Parliament shall be elected, 3 Members of Parliament shall be elected according to the majority model in one round of elections of which 1 Member of Parliament from each of the three electoral districts in Europe and Africa, in Northern and Southern America, and in Australia and Asia respectively, as determined by this Code.
- (3) In the electoral districts the number of voters may vary at most from minus 5% to plus 5% in reference to the average number of voters in the electoral district, with the exception of the electoral districts in Europe and Africa, North and South America and Australia and Asia.
- (4) The election of the Members of Council shall be administered on the territory of the municipality according to the proportional system.
- (5) The election of a Mayor shall be administered on the territory of the municipality according to the majoritarian system.

### **4. Voters List**

#### **Article 5**

- (1) The Voters List shall be considered a public document and shall be administered for the entire territory of the Republic of Macedonia.
- (2) The elections and the referendum on national and local level in the Republic of Macedonia shall be conducted based on the Voters List.

### **5. The right to vote and to stand for election**

#### **Article 6**

- (1) Every citizen of the Republic of Macedonia who is at least 18 years of age, has active legal capacity and permanent residence in the constituency, municipality, i.e. in the City of Skopje, where the election takes place, shall have the right to vote.
- (2) The citizens of the Republic of Macedonia who on Election Day are temporarily employed or residing abroad and are registered in the Voters List based on the records of the competent organ and the application for voting, shall vote for the election of the President of the Republic and for the election of Members of Parliament of the Republic of Macedonia in the Diplomatic-Consular Offices abroad i.e. consular offices, in accordance with this Code.

#### **Article 7**

- (1) Any person who meets the conditions for election of President of the Republic, as set forth in the Constitution, may stand as candidate for President of the Republic.
- (2) Candidate for Member of Parliament, Member of Council and Mayor may be citizen of the Republic of Macedonia provided if he/she is:
  - 18 years old; and
  - with active legal capacity.

- (3) Candidate for Member of Parliament, Member of Council and Mayor cannot be a person who:
  - has been sentenced with a final court decision for unconditional imprisonment above six months, and serving of the sentence has not commenced yet; and
  - is serving an imprisonment for a committed criminal offence.
- (4) In addition to the conditions stipulated in paragraph (2) of this article, candidate for Member of Council and Mayor may be every citizen who has permanent residence in the municipality and the City of Skopje, where the election takes place.

## **6. Incompatibility of the office of President of the Republic, Member of Parliament, Mayor and Member of Council**

### **Article 8**

- (1) The office of a Member of Parliament, Member of Council and Mayor shall be incompatible with the office of the President of the Republic, President of the Government of the Republic of Macedonia, Minister, Judge, Public Prosecutor, Public Attorney, Ombudsman, and with other holders of offices elected or appointed by the Parliament of the Republic of Macedonia (hereinafter: the Parliament) and the Government of the Republic of Macedonia (hereinafter: the Government)
- (2) The office of a Member of Parliament shall be incompatible with the office of Mayor and Member of Council in a municipality and in the City of Skopje.
- (3) The office of a Member of Parliament and Mayor shall be incompatible with the:
  - performance of professional and administrative work in the state administration bodies;
  - performance of business or other profitable activity; and
  - membership in management boards of public enterprises, public institutions, funds, agencies, bureaus and other legal entities, as well as with the appointment of a trustee of state- and publicly-owned capital in commercial enterprise.
- (4) The office of Mayor of the City of Skopje and the office of Member of the Council of the City of Skopje shall be incompatible with the office of Mayor of Municipality and the office of Member of Council of the municipalities in the City of Skopje.
- (5) On the day of verification of their mandate as Member of Parliament, Member of Council and Mayor, the holding of the offices under paragraphs (1) and (2) of this article shall terminate.
- (6) On the day of verification of the mandate as Member of the Parliament and Mayor, the employment of the persons, referred to in paragraph (3) line 1 of this article shall cease temporarily.
- (7) On the day of verification of the mandate as Member of Parliament, the business or other profitable activity of the persons referred to in paragraph (3) line 2 and 3 of this article shall be temporarily suspended, whilst their membership in management boards of public enterprises, public institutions, funds, agencies, bureaus and other legal entities, as well as the appointment as a trustee of state- and publicly-owned capital in commercial enterprise shall cease.
- (8) On the day of the verification of the mandate as a Member of Council, the employment of the persons working in the municipal administration shall cease temporarily in accordance with the Law.

### **Article 8-a**

- (1) From the day of the adoption of the decision for announcement of the elections until the completion of the election of a President of the Republic of Macedonia, Members of the

- Parliament of the Republic of Macedonia and election of the Government of the Republic of Macedonia, pursuant to the election results, as well as from the day of the adoption of the decision for announcement of the elections until the day of the completion of the election of Mayor or Members of the Council, i.e. until the establishment of the Council of the Municipalities and the City of Skopje, the following shall not be allowed:
- managing resources from the Budget of the Republic of Macedonia, resources from the budgets of the municipalities and the City of Skopje, public funds and resources from public enterprises and public institutions or legal entities that have state capital at their disposal;
  - use of Budget funds or public funds or funds of public enterprises or other legal entities that have state capital at their disposal for the commencement of construction of new infrastructural facilities, such as roads, waterworks, transmission lines, sewage, sports playgrounds and other facilities, or social activities' facilities - schools, kindergartens and other buildings, unless Budget funds have previously been allocated for that purpose, i.e. unless it is part of the implementation of the program adopted based on a law in the current year; and
  - payment of salaries, pensions, social welfare or other payments and financial compensations from budget funds or public funds that are not regular monthly payments i.e. all annual transfers and payments or single transfers from budget funds or public funds, as well as selling of public capital or signing collective agreements.
- (2) Within a period of 20 days prior to the commencement of the election campaign until the completion of the election of a President of the Republic of Macedonia, Members of the Parliament of the Republic of Macedonia and the election of the Government of the Republic of Macedonia, pursuant to the election results and until the completion of the elections for electing a Mayor or Members of the Councils, i.e. the establishment of the Council of the Municipalities and the City of Skopje, the following shall be forbidden:
- payment of subsidies that are not regular monthly payments;
  - holding public events on the occasion of the commencement of construction or use of facilities with resources from the Budget or from public funds, or with resources from public enterprises or other legal entities that have state capital at their disposal that are infrastructural facilities, such as roads, waterworks, transmission lines, sewage, sports playgrounds and other facilities, or social activities' facilities - schools, kindergartens and other buildings. Prohibition for holding public events shall particularly not refer to: giving a public statement of a public official or a candidate for a public official during a rally, an interview in the media, a debate in the media or an answer to a journalist's question.
- (3) From the day of the adoption of the decision for announcement of the elections until the completion of the election of a President of the Republic of Macedonia, Members of the Parliament of the Republic of Macedonia and election of the Government of the Republic of Macedonia, pursuant to the election results, as well as from the day of the adoption of the decision for announcement of the elections until the day of the completion of the election of Mayors or Members of the Council, i.e. until the establishment of the Council of the Municipalities and the City of Skopje, the Ministry of Finance shall make public all budget payments, except the regular salaries, pensions and utilities, by publishing them on the website in a special data basis for budget costs in the election period.
- (4) Two weeks following the announcement of the elections, the Government of the Republic of Macedonia shall submit a pre-elections financial reports that shall contain an overview of all planned and realized incomes and expenditures from the Budget presented per item, in the period from the beginning of the fiscal year until the day of the publishing of the report on the website of the Ministry of Finance.

#### **Article 9**

- (1) The employment of the members of the armed forces of the Republic of Macedonia, the uniformed police officers, and the authorized officials in the Ministry of the Internal Affairs, the Ministry of Defence, and the Intelligence Agency shall cease temporarily on the day they are confirmed as candidates.
- (2) On the day of the verification of their mandate, the employment of the persons from paragraph (1) of this article shall cease temporarily.

### **7. Professionalism and irrevocability of the office**

#### **Article 10**

- (1) The Members of Parliament cannot be recalled.
- (2) The office of Member of Parliament and Mayor shall be executed in a professional manner.

### **8. Tax, customs and fee exemption**

#### **Article 11**

- (1) Any actions, acts, submissions and other documents related to the administration of the elections, procurement of goods, works and services for the needs of the election process shall be exempted from payment of customs duty and tax.
- (2) All the actions and acts of the state bodies, all submissions and evidence related to the registration of the citizens in the Voters List shall be exempt from fees and taxes.
- (3) The Minister of Finance shall regulate the proceedings regarding the payment of Value Added Tax on the transactions concerning ballots and election materials needed for the administration of the elections, as well as the related custom proceedings.

## **II. CALLING AND ADMINISTERING THE ELECTIONS**

### **1. Calling elections**

#### **Article 12**

- (1) The Act on Calling Election shall be adopted by the President of the Parliament and it shall determine the day from which the deadlines for performing election activities are counted and Election Day.
- (2) The Act on Calling Election shall be submitted to the State Election Commission, the Ministry of Foreign Affairs, and to the Ministry of Justice.
- (3) The Act on Calling Election shall be published in the "Official Gazette of the Republic of Macedonia".
- (4) From the day of calling elections, until the day of holding elections, a period of no more than 90 days or less than 70 days may pass.

### **2. Information on holding elections**

#### **Article 13**

- (1) The citizens shall be informed about the elections through a public call and by displaying posters on visible places.
- (2) The information from paragraph (1) of this article shall be provided by the competent election commission.

### **3. Administering the elections**

#### **Article 14**

- (1) Elections for President of the Republic shall be held in the last 60 days of the mandate of the outgoing President.
- (2) In case of cessation of the mandate of the President due to any reason the election of the new President shall be conducted within 40 days from the day of the cessation of the mandate.

#### Election of Members of Parliament

#### **Article 15**

- (1) Elections for Members of Parliament shall be held each fourth year, in the last 90 days of the mandate of the outgoing Parliament, or within 60 days from the day the Parliament is dissolved.
- (2) Early elections for Members of Parliament shall be held in accordance with the provisions of this Code and all the deadlines for the election activities shall be five days shorter, except for the deadline determined for the duration of the election campaign.
- (3) The deadlines for holding the electoral activities from paragraph (2) of this article shall be determined by the State Election Commission with a calendar.
- (4) The mandate of the Members of Parliament shall last from the day of its verification until the day of verification of the mandate of the newly elected Members of Parliament, but no longer than four years.

#### Election of Member of Council and Mayor

#### **Article 16**

- (1) The elections of Members of Council and Mayor shall be held each fourth year simultaneously in all municipalities, in the first half of the month of May.
- (2) Early elections for Members of Council and Mayor shall be called and held in accordance with the provisions of this Code, upon the fulfilment of the conditions for termination of the mandate determined by the Law on Local Self-Government.
- (3) The early elections for Members of Council and Mayor shall not be held if less than six months are left until the regular elections.

### **III. BODIES RESPONSIBLE FOR ADMINISTERING ELECTIONS**

#### **1. Types of election management bodies**

#### **Article 17**

- (1) The bodies responsible for administering the elections are:
  - The State Election Commission,
  - Municipal Election Commissions and Election Commission of the City of Skopje,
  - Election Boards, and
  - The Election Boards for voting in the diplomatic – consular offices of the Republic of Macedonia (hereinafter “DCO”), i.e. consular offices.

#### **2. Member of an election management body**

#### **Article 18**



- (1) A person may not be nominated for a member of an election body if:
  - he/she does not meet the special conditions stipulated in this Law,
  - he/she was convicted of a criminal offence related to elections; and,
  - he/she had previously participated in organizing the elections and due to identified irregularities in his/her work as member of an election body the voting was annulled.
- (2) The following persons may not be members of Municipal Election Commission, Election Commission of the City of Skopje and Election Board:
  - elected or appointed officials of the Government, Parliament and persons employed in the state administration of the Ombudsman Office, Ministry of Justice, Ministry of Defence, Ministry of Internal Affairs, Secretariat for Legislation, State Statistical Office, Bureau for Protection and Rescue, Crisis Management Centre, the Professional Service of the Administrative Court, the Professional Service of the State Election Commission, the Professional Service of the State Commission for the Prevention of Corruption and the staff from the Professional Service of the Agency for Audio and Audiovisual Media Services.
- (3) A person selected as a member of an election management body may decide to refuse that duty only in case of health or family reasons; the organ that selects the person decides whether to grant he exemption from duty based on the submitted, appropriate documentation.
- (4) The performance of the work and working tasks of the employees in the bodies of the state authority shall be organised in shifts on the Election Day, for the purpose of enjoyment of their voting right.

#### **Article 19**

- (1) The president and the members of the election management bodies shall execute the duties of their office independently, in good faith and responsibly in accordance with their competences determined in this Code.
- (2) The president and the members of the election management bodies and the election administration shall have the right to reimbursement, which will be determined with an act of the State Election Commission.

### **3. Incompatibility of the office of member of election management body**

#### **Article 20**

If a president, member of election management body, secretary or a deputy accepts a nomination for President of the Republic, Member of Parliament, Member of Council or Mayor his/her function as president, member, secretary or deputy shall terminate.

### **4. Principle of adequate and equitable and gender representation in the election management bodies**

#### **Article 21**

- (1) When selecting the members of the State Election Commission the principle of adequate and equitable representation shall be applied.
- (2) When selecting the members of Municipal Election Commissions i.e. Election Commission of the City of Skopje and the Election Boards in the municipalities in which at least 20% of the citizens are members of other ethnic communities the principle of adequate and equitable representation of all ethnic communities shall be respected.
- (3) Each gender shall be represented in the election management bodies with at least 30%.

- (4) For the implementation of paragraphs (1), (2) and (3) from this article, the State Election Commission shall determine the composition of the members of the municipal election commissions i.e. the Election Commission of the City of Skopje and the election boards by means of an act.
- (5) The decisions on appointing the members of Municipal Election Commissions i.e. Election Commission of the City of Skopje shall be published in the "Official Gazette of the Republic of Macedonia".

## **5. Nominating the representative of the list submitter**

### **Article 22**

- (1) Each submitter of a list of candidates for election of President of the Republic, Members of Parliament, Members of Council, and Mayor, shall have the right to appoint a representative and deputy to the representative, who will follow the work of the election management bodies from the beginning of the elections up until the determining and publishing of the results.
- (2) Each submitter of the candidate list for election of President of the Republic or the Members of the Parliament for voting in electoral districts in Europe and Africa, North and South America and Australia and Asia shall appoint official representative and his deputy in the Republic of Macedonia who will follow the work of the electoral management bodies from commencement of the elections until determining and announcing of final results.
- (3) Official representative and his deputy before the electoral management bodies from paragraphs (1) and (2) of this article cannot be a person accepted as a candidate.
- (4) The list submitter shall issue an authorization to the representative and shall inform the election bodies of this authorisation two days before the day of election, at latest.
- (5) The representative of the list submitter may point to irregularities in the work during sessions of the election management bodies and, if this is not accepted, the representative may ask for it to be entered in the protocol.
- (6) The official representative of the submitter of the list is required to wear a badge with a number of the polling station he is authorised to observe.
- (7) Authorized representative of the list submitter has the right to request and perform complete inspection in the entire documentation of the electoral body during a session of the election management body.

## **6. The manner of functioning of election management bodies**

### **Article 23**

- (1) The election management bodies may work and take decisions if the majority of the members are present at the meeting, whereby the decisions are adopted with a majority of the votes of the total number of members.
- (2) In case a member of Municipal Election Commission i.e. Election Commission of the City of Skopje or member of Election Board is absent, their deputies shall take part in the work on the sessions.
- (3) While administering the elections, in the municipalities where at least 20% of the citizens speak an official language different from the Macedonian language, the Municipal Election Commissions i.e. Election Commission of the City of Skopje and the Election Boards shall use, in addition to the Macedonian language and its Cyrillic alphabet, also the official language and alphabet spoken by at least 20% of the citizens in that municipality.

### **Article 24**

The work of the election management bodies shall be public, authorised representatives of the list submitters and accredited observers shall have the right to be present during the work of the election management bodies.

## **7. Support of the functioning of the election management bodies**

### **Article 25**

- (1) The Parliament, the Ministry of Justice, the Ministry of Internal Affairs, the State Statistical Office, the General Services Department of the Government of the Republic of Macedonia and their regional offices as well as the municipalities and the City of Skopje shall be obliged to provide the bodies in charge of administering the elections with the technical, spatial and other conditions for their functioning.
- (2) For implementing the activities from paragraph (1) of this article, the bodies shall be provided with resources from the Budget of the Republic of Macedonia.

## **8. State Election Commission**

### **8.1 Composition of the State Election Commission**

#### **Article 26**

- (1) The State Election Commission shall be composed of president, vice-president and five members.
- (2) The president and the vice-president shall be members of the State Election Commission.
- (3) The president, vice-president and the members of the State Election Commission shall fulfil the responsibilities of their office professionally and shall have the right of re-election.
- (4) The president, vice-president and the members of the State Election Commission shall be elected within 60 days from the day of the constitutive session of the Parliament of Republic of Macedonia, for a period of 4 years.
- (5) The State Election Commission shall have a Secretary General and his/her Deputy.
- (6) The State Election Commission shall have the capacity of a legal entity.
- (7) The resources for the work of the State Election Commission shall be provided from the Budget of the Republic of Macedonia.
- (8) In principle, the session of the State Election Commission is convened and chaired by the president of the State Election Commission.
- (9) In case of absence or impediment of the president of the State Election Commission, the session of the State Election Commission shall be convened and chaired by the vice-president of the State Election Commission.
- (10) The State Election Commission shall hold a session upon a suggestion from a member of the State Election Commission if that suggestion is endorsed by the majority of the total number of members of the State Election Commission.

### Selection of the composition of the State Election Commission

#### **Article 27**

- (1) Any person who fulfils the following criteria may be elected as president, vice-president or member of the State Election Commission:
  - is citizen of the Republic of Macedonia with a permanent residence in the Republic of Macedonia;
  - is a law faculty graduate with at least 8 years of work experience in legal affairs; and

- is not a member of a body of a political party.
- (2) The Parliament shall announce the election of the president and the members of the State Election Commission in the “Official Gazette of the Republic of Macedonia” and in daily newspapers. The vacancy shall remain open for 8 days from the day of its publication in the “Official Gazette of the Republic of Macedonia”.
  - (3) The Parliamentary Committee on Election and Appointment Affairs shall prepare a draft list from the candidates who have applied and shall submit it to the Parliament.
  - (4) From the candidates on the draft list, the political parties in opposition shall nominate the president of the State Election Commission and two members of the State Election Commission and the ruling parties shall nominate the vice-president and three members of the State Election Commission.
  - (5) The president, vice-president and the members of State Election Commission are elected by the Parliament with a two third majority from the total number of Members of Parliament.
  - (6) From the day of the election, the previous employment of the president, vice-president and the members of the State Election Commission shall be temporarily suspended.

#### Cessation of a mandate in the State Election Commission before the expiry of the mandate

##### **Article 28**

- (1) The term in office of the president, vice-president or a member of the SEC shall cease before the expiry of the mandate:
  - if any of the conditions stipulated in article 27 paragraph (1) of this Code cease to exist;
  - upon their personal request;
  - due to unprofessional and unsound execution of the responsibilities of their office;
  - due to fulfilling the conditions for pension, as determined by Law;
  - due to death; and
  - if he/she has been sentenced with a final court decision for a term of imprisonment of at least six months.
- (2) With a two third majority from the total number of members, the State Election Commission may submit a proposal to the Parliamentary Committee on Election and Appointment Affairs for dismissing a member due to unprofessional and unsound execution of the responsibilities of their office.

#### Deadline for nomination of President, Vice-president and Members of the State Election Commission

##### **Article 29**

- (1) The political parties from article 27 paragraph (4) of this Code shall nominate the president and two members i.e. vice-president and members, and three members of the State Election Commission within three days from receiving the notification to submit nominations from the President of the Parliament.
- (2) In case the political parties do not determine and do not submit the names of the president, vice-president and members of the State Election Commission within the deadline determined in paragraph (1) of this article, the president, vice-president and members of the State Election Commission shall be nominated by the Parliamentary Committee on Election and Appointment Affairs.

## **8.2 Professional service of the State Election Commission**

##### **Article 30**

- (1) The State Election Commission shall appoint its Secretary General and his/her deputy from the graduated lawyer for a period of five years.
- (2) The Secretary General shall not be a member of the State Election Commission and shall not have the right to vote.
- (3) The Secretary General shall execute his/her responsibilities professionally.
- (4) A Professional Service shall be established to the State Election Commission, for executing the professional-administrative and organizational-technical responsibilities of the State Election Commission.
- (5) The Professional Service shall be headed by the Secretary General of the State Election Commission.
- (6) The Secretary General and the staff of the Professional Service of the State Election Commission shall have the status of civil servants.

### **8.3 Competencies of the State Election Commission**

#### **Article 31**

- (1) The State Election Commission shall safeguard the legality of the preparation and the administration of the elections in accordance with this Code and shall supervise the work of the election management bodies.
- (2) The State Election Commission shall:
  1. request data from the competent bodies regarding the employees in the state administration, municipal administration and the administration of the City of Skopje as well as regarding the employees in the public administration and shall appoint the members of the Municipal Election Commissions and the Election Commission of the City of Skopje;
  2. give instructions, explanations and recommendations on the implementation of the provisions of this Code and the implementation of other laws referring to elections related issues;
  3. dismiss any member of an election management body in case of unlawful activities;
  4. control the legality of the work of the election bodies and undertake measures in cases of determined legal violations in the preparations, the procedure for nomination, the administration of the elections and the determining of the election results, as well as in case of violation of the instructions and recommendations issued by the State Election Commission;
  5. confirm and publish the lists of candidates for election of President and election of Members of Parliament and determine their sequence on the ballot by drawing lots;
  - 5-a determines the sequence of the unified list of candidates for members of the council, i.e. candidates for mayor by drawing lots.
  6. adopt a programme and establish standards for obligatory education of all election bodies and coordinate them;
  7. administer obligatory education of the members of the Municipal Election Commissions i.e. Election Commission of the City of Skopje before every elections and shall issue certificates in manner and in timeframe prescribed by the programme;
  8. prescribe the template for the education attendance certificate for the members of the election management bodies;
  9. establish common standards regarding the election material, take care of its procurement and prescribe the means of marking and checking the persons who have voted (UV lamp, spray<sup>1</sup> and graphite pad);

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<sup>1</sup> OSCE comment: UV lamps and sprays shall not be used. Most probably is a technical mistake by the MoJ. Corrigendum is needed.

10. prescribe templates for conducting elections and templates for collecting signatures of voters and Members of Parliament for nominating candidates and publish them in the "Official Gazette of the Republic of Macedonia";
11. determine the manner of handling and securing the election material;
12. determine the quality, form, size, colour and serial numbers of the ballots;
13. organize the printing of ballots and candidates' lists and procurement of the voter identification system;
14. deliver, receive and keep the election materials from the Municipal Election Commissions, i.e. and Election Commission of the City of Skopje;
- 14-a keep the election materials from the elections of the President of the Republic, members of the Parliament of the Republic of Macedonia and referendum on a national level.
15. inform and educate the public about the manner of voting and the exercise of the right to vote;
16. adopt a Code on the rules for observing the elections by domestic and foreign observers, in accordance with international standards, and provide them with identification documents;
17. control the polling stations where irregularities are reported on Election Day;
18. confirm with a decision the adopted lists of candidates or reject the same in cases when they are not composed in accordance with the provisions of this Code;
19. adopt a Rulebook to determine the criteria for the manner and procedure of election and dismissal of president, his/her deputy president, members and their deputies in election management bodies;
20. tabulate and determine the results from the voting for the lists of candidates on the level of electoral district;
21. publish the preliminary results of the elections of President of the Republic, Members of Parliament, Members of Council and Mayor based on the data in the protocols of the election bodies;
22. publish the final results of the elections held;
23. issue certificates to the candidate elected as President of the Republic and to the candidates elected as Members of Parliament;
24. adopt a Rulebook and Instruction for the reimbursement of members of the election management bodies and the election administration, based on the number of voters, type, complexity and the scope of activities and the time needed for their completion;
25. submit a report to the Parliament on the administered elections within 45 days of the date of the announcement of the final results of the elections at the level of the municipality, the City of Skopje i.e. the electoral district where the elections take place and a financial overview and shall publish it on its web page;
26. allocate the compensation of the expenses of the elected candidates according to the submitted financial report and publishes it on its web page;
27. adopt the act for organization and systematization of the Professional Service of the State Election Commission within which a Legal Service shall be organized and systematized and shall establish the supporting bodies;
28. publish the descriptions of the polling stations in the daily press;
29. keep records and safeguards the protection of the personal data of the citizens contained the Voters List;
30. check the integrity of the database on the Voters List;
31. sign the Voters List, i.e. the excerpts of the Voters List used for voting, no later than 15 days prior to Election Day;

32. establish contacts with the international associations and organizations authorized to observe the elections i.e. the referendum on the national level, on issues regarding the Voters List;
  33. provide the media with data regarding the number of voters registered in the signed Voters List i.e. the excerpts;
  34. adopt Rulebook for its own work and the decision-making of the members of the State Election Commission;
  35. decide upon complaints based on inspection of the election materials and other evidence;
  36. adopt Rulebook on the behaviour of the police during the elections in co-operation with the Ministry of Internal Affairs;
  37. adopt an instruction for taking decisions on complaints and appeals;
  38. monitor the commencement and the completion of the election campaign and undertakes measures determined by this Code;
  39. prescribe the template for voter application for voting in the DCO, i.e. consular offices;
  40. establish the Election Boards for voting at the DCO, i.e. the consular offices and the Election Board for the voting of the members of the Election Boards at the DCO, i.e. the consular offices;
  - 40-a adopt Guidelines on the manner of voting of the members of the Election Boards in the DCO, i.e. consular offices;
  41. deliver and receive the election material to and from the Election Boards for voting at the DCO, i.e. consular offices, through the Ministry of Foreign Affairs;
  42. tabulate and determine the results from the voting for the lists of candidates for the election of three Members of Parliament one from each electoral districts for Europe and Africa, North and South America, and Australia and Asia;
  43. complete and submit statistical data for the needs of the State Statistical Office of the Republic of Macedonia;
  - 43-a publicly announce the price lists of broadcasting and printed media on its web site;
  - 43-b keeps minutes of its sessions and publishes the approved minutes on its website within 48 hours from the date of their adoption.
  44. Perform other duties prescribed by this Code.
- (3) The State Election Commission shall initiate disciplinary proceedings, misdemeanour proceedings or submit a criminal complaint to the competent body when there are bases of suspicion that there has been a violation of the provisions of this Code.
  - (4) The templates and the entire election material for the municipality where at least 20% of the citizens speak an official language different from Macedonian, shall be printed in the Macedonian language and its Cyrillic alphabet and also in the official language and alphabet spoken by at least 20% of the citizens in that municipality.
  - (5) The templates and the entire election material for the electoral districts 7, 8 and 9 from this Code, in which at least 20% of voters registered in the Voters List speak official language different from Macedonian shall be printed in Macedonian language and its Cyrillic alphabet and in the official language and the alphabet used by at least 20% of the voters registered in the Voters List for that electoral district.
  - (6) The authorised representatives of the list submitters, whose objections are being considered, have the right to be present during the work and the decision making of the State Election Commission.

### **Article 32**

- (1) Within three days from the day of calling elections, the State Election Commission shall submit a request to the state administrative body responsible for record keeping of the state and public servants and the competent bodies to submit data on

the employees in the state and municipal administration, the administration of the City of Skopje as well as the public service, systematised by municipality according to their address and place of residence.

- (2) The bodies from paragraph (1) of this article shall submit the data to the State Election Commission within five days from the day of having received the request.

## **9. Municipal Election Commissions**

### **9.1 Selection and composition of Municipal Election Commission**

#### **Article 33**

- (1) Municipal Election Commissions shall be established:

a) In municipalities that have their seat in a town:

1. Municipality of Berovo
2. Municipality of Bitola
3. Municipality of Bogdanci
4. Municipality of Valandovo
5. Municipality of Veles
6. Municipality of Vinica
7. Municipality of Gevgelija
8. Municipality of Gostivar
9. Municipality of Debar
10. Municipality of Delchevo
11. Municipality of Demir Kapija
12. Municipality of Demir Hisar
13. Municipality of Kavadarci
14. Municipality of Kichevo
15. Municipality of Kochani
16. Municipality of Kratovo
17. Municipality of Kriva Palanka
18. Municipality of Krushevo
19. Municipality of Kumanovo
20. Municipality of Makedonska Kamenica
21. Municipality of Makedonski Brod
22. Municipality of Negotino
23. Municipality of Ohrid
24. Municipality of Pehchevo
25. Municipality of Prilep
26. Municipality of Probishtip
27. Municipality of Radovish
28. Municipality of Resen
29. Municipality of Sveti Nikole
30. Municipality of Struga
31. Municipality of Strumica
32. Municipality of Tetovo
33. Municipality of Shtip

b) In municipalities that have their seat in a village:

34. Municipality of Arachinovo
35. Municipality of Bosilovo
36. Municipality of Brvenica
37. Municipality of Vasilevo
38. Municipality of Vevchani
39. Municipality of Vrapchiste
40. Municipality of Gradsko
41. Municipality of Debarca



42. Municipality of Dojran
43. Municipality of Dolneni
44. Municipality of Zhelino
45. Municipality of Zelenikovo
46. Municipality of Zrnovci
47. Municipality of Ilinden
48. Municipality of Jegunovce
49. Municipality of Bogovinje
50. Municipality of Karbinci
51. Municipality of Konche
52. Municipality of Krivogashtani
53. Municipality of Lipkovo
54. Municipality of Lozovo
55. Municipality of Mavrovo and Rostusha
56. Municipality of Mogila
57. Municipality of Novaci
58. Municipality of Novo Selo
59. Municipality of Petrovec
60. Municipality of Plasnica
61. Municipality of Rankovce
62. Municipality of Rosoman
63. Municipality of Sopishte
64. Municipality of Staro Nagorichane
65. Municipality of Studenichani
66. Municipality of Tearce
67. Municipality of Centar Zhupa
68. Municipality of Chashka
69. Municipality of Cheshinovo - Obleshevo
70. Municipality of Chucher - Sandevo

c) Municipalities in the city of Skopje:

71. Municipality of Aerodrom
72. Municipality of Butel
73. Municipality of Gazi Baba
74. Municipality of Gjorche Petrov
75. Municipality of Karposh
76. Municipality of Kisela Voda
77. Municipality of Saraj
78. Municipality of Centar
79. Municipality of Chair
80. Municipality of Shuto Orizari
81. City of Skopje (this election commission shall be formed only for the purpose of administering the elections for Mayor and Members of Council of the City of Skopje)

- (2) The Municipal Election Commissions shall have their seat in the municipalities determined in paragraph (1) of this article and shall be responsible for administering election activities in the electoral districts and at the polling stations determined with this Code.

**Article 34**

- (1) The Municipal Election Commission i.e. Election Commission of the City of Skopje shall be composed of a president and four members.
- (2) The president and members of paragraph (1) of this article have deputies.
- (3) The Municipal Election Commission i.e. Election Commission of the City of Skopje shall have a secretary and his/her deputy appointed by the president of the

Municipal Election Commission, from among graduated lawyers, for a period of 5 years.

- (4) The presidents of the Municipal Election Commissions i.e. Election Commission of the City of Skopje and their deputies, four members and their deputies shall be selected from among the employees having university education in the state administration, municipal administration and the administration of the City of Skopje. They shall be randomly selected and serve a five year term.
- (5) The secretary and his/her deputy shall perform professional, administrative and organizational-technical duties of the Municipal Election Commission.

#### **Article 35**

- (1) The State Election Commission within 5 days from the day of receiving the data from article 32 of this Code shall establish the Municipal Election Commissions i.e. Election Commission of the City of Skopje. The decisions establishing the Municipal Election Commissions i.e. Election Commission of the City of Skopje shall be published in the "Official Gazette of Republic of Macedonia".
- (2) The manner and the procedure for appointing the president, his/her deputy, the members and their deputies of the Municipal Election Commissions i.e. Election Commission of the City of Skopje shall be determined with an act of the State Election Commission.
- (3) The manner and the procedure for determining the responsibility in case of unlawful activities of the president, his/her deputy, the members and deputies of the members of the Municipal Election Commissions i.e. Election Commission of the City of Skopje shall be determined with the Law on Civil Servants.

#### **Article 36**

The president and members of the Municipal Election Commission i.e. the Election Commission of the City of Skopje and their deputies, in principal, shall have their domicile in the municipality for which the Municipal Election Commission has been formed.

### **9.2 Competencies of the Municipal Election Commission and the Election Commission of the City of Skopje**

#### **Article 37**

- (1) The Municipal Election Commission and the Election Commission of the City of Skopje shall safeguard the legality in the preparation and implementation of the elections in accordance with this Code and shall supervise the work of the Election Boards.
- (2) The Municipal Election Commission and the Election Commission of the City of Skopje shall:
  1. appoint the composition of the Election Boards with a decision and shall submit the same, with deposited signatures of the members, to the State Election Commission;
  2. dismiss the members of the Election Board in case they work unlawfully before the Election Day and on the Election Day;
  3. give instructions for the work of the Election Boards;
  4. announce the verified lists of candidates;
  5. organize and administer the education of Election Board members, according to the plan and program of the State Election Commission before every elections and issue certificates for the completed training;
  6. undertake technical preparations for administering the elections according to guidelines and instructions of the State Election Commission;
  7. control the legality of the work of the Election Boards and intervene in cases when violation of the legality has been determined in the preparations,

nomination and implementation of the elections and determination of the election results, as well as in case of violation of the instructions and recommendations provided by this Commission;

8. prepare a report and submit it to the State Election Commission;
  9. inform the citizens about the location where voting takes place;
  10. register and confirm the authorised representatives for monitoring the work of the Municipal Election Commission and of the Election Boards and issue badges with the numbers of the polling stations to authorized representatives who will follow the work of the Election Boards.
  11. hand over and collect the election materials to and from the Election Boards in a manner determined with this Code;
  12. tabulate the results from the voting for the list of candidates in the elections for President of the Republic, compile and submit the protocol, together with the entire election material, to the State Election Commission immediately, and at the latest 12 hours after the voting has finished;
  13. fill in and submit statistical data for the needs of the State Statistical Office;
  14. after administering the elections for Members of Parliament, based on the protocols of the Election Boards, the Municipal Election Commission i.e. the Election Commission of the City of Skopje shall tabulate the results according to the electoral districts for the polling stations for which it is competent and in accordance with their belonging to the electoral district;
  15. tabulates the results of voting for the list of candidates from the polling stations for which it is responsible, prepares records and submits them to the State Election Commission within five hours from the receipt of the entire election material from the Election Boards;
  16. decide upon complaints in accordance with this Code;
  17. provide evidence while deciding on the legal remedies.
- (3) During Local Elections, the Election Commission of the City of Skopje shall perform the competences determined in paragraph (2) of this article, except for the competences stipulated in lines 1, 2, 3, 5, 10, 11, 12, and 14.
- (4) During Local Elections, in addition to the competencies stipulated in paragraphs (1) and (2) of this article, the Municipal Election Commission and the Election Commission of the City of Skopje shall:
1. determine whether the nominated lists of candidates for election of Members of Council and the candidate lists for Mayor have been submitted in accordance with this Code.
  2. confirm the lists of nominated candidates;
  3. keeps the election material from the local elections.
  4. determine the results from the voting in the municipality and the City of Skopje and immediately after the results have become final shall issue, to the elected candidates for Members of Council, i.e. to the elected Mayor, certificate for election; and
  5. perform other duties, prescribed by this Code.

## **10. Election Board**

### **10.1 Selection and composition of the Election Board**

#### **Article 38**

- (1) Election Board shall be established for each polling station.
- (2) Election Boards shall be composed of president and four members.
- (3) The president and members have deputies.
- (4) The president of the Election Board and its deputy shall be selected from the employees with university education working in the state, public, municipal administration or the administration of the City of Skopje, two members and their

deputies shall be randomly selected from among the employees in the state, public, municipal and the administration of the City of Skopje with a minimum of secondary education for a period of 4 years.

- (5) One member of the Election Board and his/her deputy shall be selected on a nomination of those political parties in opposition, which during the last elections for Members of Parliament won the majority of votes.
- (6) One member of the Election Board and his/her deputy shall be selected on a nomination of the ruling political parties, which during the last elections for Members of Parliament won the majority of votes.
- (7) The political parties of paragraphs (5) and (6) of this article shall submit their proposals for members in the Election Board to the Municipal Election Commission within five days from the day of receiving the notification from the Municipal Election Commission.
- (8) The political parties from paragraphs (5) and (6) of this article, shall submit for all elections new nominations for members of the Election Boards and their deputies.
- (9) If the political parties do not submit their nominations within the deadline prescribed in paragraph (7) of this article, the members will be nominated by the Municipal Election Commission in accordance with paragraph (4) of this article.

#### **Article 38-a**

- (1) The voting in the DCO shall be conducted by the Election Board consisting of a president and four members.
- (2) The president and the members shall have their deputies.
- (3) The president shall be randomly selected from among the diplomats employed at the corresponding DCO, for a period of four years.
- (4) The deputy of the president, two members and their deputies shall be randomly selected from among the employees in the state, public, municipal administration or the administration of the City of Skopje for a period of four years.
- (5) The other members and their deputies shall be selected in accordance with article 38 of this Law.

#### **Article 38-b**

For the voting of the members of the Election Boards for voting at the DCO, i.e. the consular offices, the composition of the Election board for voting at the State Election Commission shall be identical to the composition of the Election Boards for voting in the Republic of Macedonia which shall be established pursuant to article 38 of this Law.

#### **Article 39**

- (1) For the purpose of forming the Election Boards, the State Election Commission, within three days from the day of forming the Municipal Election Commission i.e. the Election Commission of the City of Skopje, shall submit the data from article 32 of this Code to the Municipal Election Commission.
- (2) Within five days from the day of receiving the data from paragraph (1) of this article the Municipal Election Commission, i.e. Election Commission of the City of Skopje shall form the Election Boards for the polling stations that are under its competence.
- (3) The manner and the procedure for appointing the president, his/her deputy, the members and their deputies in the Election Boards shall be determined with an act of the State Election Commission.
- (4) The manner and the procedure for determining the responsibility for unlawful activities of the president, his/her deputy, the members and their deputies in the Election Boards shall be determined in the Law on Civil Servants and the Law on Labour Relations.

## **10.2 Competencies of the Election Boards**

### **Article 40**

- (1) The Election Board shall safeguard the legality in the administration of the elections.
- (2) The Election Board shall:
  1. directly administer the voting procedure at the polling station;
  2. provide regularity and secrecy in casting the ballot;
  3. provide free and peaceful voting process;
  4. determine and tabulate the election result at the polling station;
  5. announce the election results at the polling station;
  6. prepare a report and keep a log on its work and submit them to the Municipal Election Commission i.e. Election Commission of the City of Skopje.
- (3) The Election Board shall prepare protocol about its work and the tabulation of the results on a unified template prescribed and confirmed with the seal of the State Election Commission and together with the election material submits it to the Municipal Election Commission i.e. Election Commission of the City of Skopje.
- (4) In case of error in filling in the protocol, the Election Board shall proceed according to the instructions of the State Election Commission.
- (5) The Election Board shall perform its duties in accordance with this Code and the instructions of the State Election Commission.
- (6) The Election Boards for voting in DCO shall execute their duties in accordance with the competencies stipulated in this article.

## **IV. REGISTRATION OF THE RIGHT TO VOTE**

### **1. Maintaining the Voters List**

#### **Article 41**

- (1) The Voters List shall be maintained by the State Election Commission.
- (2) The Voters List shall be maintained according to the Registry of Citizens in the form of a Registry of Voters, with automatic data processing in electronic form.
- (3) The personal data of the citizens in the Voters List shall be written in the languages and alphabets in which the original records are kept, in accordance with law.
- (4) All citizens aged 18 and have residence on the territory of the Republic of Macedonia and who have a valid personal ID card or passport shall be registered in the Voters List.
- (5) All citizens of the Republic of Macedonia, who are temporarily employed or residing abroad, with a residence on the territory of the Republic of Macedonia and with a valid travel document, shall also be registered in the Voters List. These persons shall be registered according to their last place of residence in the Republic of Macedonia, prior to their departure abroad.
- (6) Citizens who have been deprived of their active legal capacity with a final court decision shall not be registered in the Voters List.
- (7) In the Voters List, the citizens shall be registered according to the municipality where they reside.
- (8) Excerpts of the Voters List shall be prepared for each electoral district, municipality and polling station.
- (9) In cases when election processes are being held simultaneously, each polling station shall receive as many signed excerpts of the voters list as the number of election i.e. election rounds.
- (10) The contents of the Voters List i.e. the excerpts (first round) as issued on Election Day cannot be changed until the end of the elections.
- (11) The resources for updating and preparing the Voters List shall be provided from the Budget of the Republic of Macedonia.

#### **Article 42**

- (1) Based on ex-officio, the State Election Commission shall enter, amend and delete data in the Voters List, based on data from civil registries, registries of residence and citizenship of the Republic of Macedonia, other official records, and through direct inspection.
- (2) The State Election Commission shall enter, amend and delete data in the Voters List at the request of citizens, based on a personal ID card and travel document.
- (3) The State Election Commission shall delete from the Voters List a deceased person or a person who has lost, on any account, his/her voting right upon a request from a political party by submitting data on the deceased person or other person who has lost, on any account, his/her voting right, based on previous inspection of the data in the register books, place of residence and citizenship of the Republic of Macedonia, other official records and direct inspection.
- (4) Registration of citizens of the Republic of Macedonia who are temporarily employed or residing abroad can also be done based on the application submitted to DCO, i.e. consular offices.

## **2. Competencies of the bodies for submitting data to be recorded in the Voters List**

### **Article 43**

- (1) The Ministry of Internal Affairs shall submit data, to the State Election Commission, for citizens who:
  - are 18 years on the Election Day and have a valid personal ID card or travel document;
  - are 18 years and have died;
  - are 18 years and have moved to or out of a given municipality, or have changed their address within the municipality;
  - are 18 and have changed their first or last name;
  - are 18 and have acquired or lost citizenship of the Republic of Macedonia;
  - are 18 and are temporarily employed or residing abroad.
- (2) The Basic Courts shall submit data to the State Election Commission on persons who have been deprived of their active legal capacity with a final court decision and data for persons to whom a home custody measure has been pronounced.
- (3) The data, referred to in paragraphs (1) and (2) of this article, shall be delivered four times a year, from 1 to 10 February, from 1 May to 10 May, from 1 September to 10 September and from 1 December to 10 December. In cases when elections or a referendum are called, the data shall be delivered the day following the day of calling of the elections or referendum and shall as a rule contain the personal identification number of the citizen (EMBG).

### **Article 44**

- (1) No later than 30 days prior to Election Day or referendum at the national level, the body in charge of administering sanctions shall submit data to the State Election Commission on persons who are in custody or serving prison sentence, based on the records kept by this body.
- (2) The data from paragraphs (1) and (2) of this article shall be submitted on a magnetic medium and must contain the personal identification number of the citizen (EMBG).

## **3. Content of the Voters List and the printed excerpts**

### **Article 45**

- (1) The Voters List shall contain the following data: the personal identification number of the citizen (EMBG), surname, name of one of the parents and personal name, sex, residential address (municipality, settlement, street, house number, entrance and apartment), date of entering and deleting, and date and type of the data amended.

- (2) The printed excerpts of the Voters List and the special excerpts shall be kept in alphabetical order according to the surname of the citizen and shall contain the following columns: ordinal number, surname and name, sex, date of birth, address (settlement, street, house number, entrance and apartment), signature or fingerprint of the voter.
- (3) The citizens who during the elections are temporarily employed or residing abroad and have submitted an application for voting to a DCO, i.e. consular offices shall not be included in the excerpt of the Voters List used for voting in the Republic of Macedonia.
- (4) The citizens who are temporarily employed or residing abroad during the elections, and who have not submitted an application for out-of-country voting to a DCO, i.e. consular offices shall be registered in special excerpts from the Voter List for voting in the Republic of Macedonia.

#### **4. Printing of the special excerpts of the Voters List**

##### **Article 46**

Special excerpts of the Voters List shall be prepared for administering the elections in DCO, i.e. consular offices, penitentiary institutions, and at the State Election Commission for

- Voting of the citizens who during the elections are temporarily employed or residing abroad, based on a voting application.
- The persons who during the elections are in custody or are serving a prison sentence.
- For the voting of the members of the Election Boards for voting at the DCO, i.e. the consular offices.

##### **Article 47**

The special excerpts from the Voters List, referred to in article 46 of this Code, shall be prepared in two copies, as follows:

- for the citizens who during the election are temporarily employed or residing abroad the first excerpt is systematized according to the polling station and the electoral district and the in the remark column the state in which the citizen has a temporary employment or residence abroad and the location of the DCO, i.e. consular offices is stipulated, and the second excerpt is systematized according to the country in which the citizens are temporarily employed or residing abroad, the location of the DCO, i.e. consular offices and in the remark column it is stipulated the number of the polling station and the electoral district,
- for citizens who are in custody or are serving prison sentence during the elections, one copy is systematized according to polling station or municipality, the remark column contains the municipality in which the penitentiary institution is located; the second copy is systematized according to the penitentiary institution and the municipality in which it is located: the remark column contains the number of the polling station, and the municipality to which that polling station belongs, and
- for the members of the Election Boards for voting at the DCO i.e. the consular offices one copy shall be systematized according to the polling station, municipality and electoral district and the word SEC shall be entered in the remarks section, whereas the second copy shall be systematized according to the SEC, and the polling station, municipality and electoral district shall be entered in the remark column.

#### **5. Inspection of the data in the Voters List**

#### **Article 48**

- (1) A citizen may, throughout the year, request to inspect the excerpt of the Voters List in the regional offices of the State Election Commission, DCO, i.e. consular offices and through Internet.
- (2) If during the inspection, the citizen determines that either he/she or another citizen has not been registered in the Voters List, or it is found that data should be entered, added or deleted, he/she shall have the right to submit a request to the regional office of the State Election Commission to enter, add or delete data. Adequate documentation shall be submitted along with the request.
- (3) If the citizens of the Republic of Macedonia who are temporarily employed or residing abroad during the inspection in the DCO, i.e. consular offices establish that they or some other citizen are not enlisted in the Voters List or there is a need to enter, add or delete data, the request for entering, adding and deleting data shall be submitted, together with supporting documentation, by e-mail through the DCO, i.e. consular offices to the State Election Commission or directly to the State Election Commission.
- (4) The State Election Commission shall check the accuracy of the data and the documents enclosed by the citizen, no later than three days from the day of receiving the request and if it is determined that the request is well founded, they shall enter, add or delete data in the Voters List or, if the request is not well founded, it shall reject the same with a decision based on the authentic documentation.
- (5) Within three days following the day of receipt of the decision, the citizen may submit an appeal against the decision of the State Election Commission to initiate an administrative dispute before the Administrative Court.
- (6) The Administrative Court shall decide upon the appeal, referred to in paragraph (5) of this article, within 3 days following the day of receipt of the appeal.
- (7) The final decision reached on the appeal by the Administrative Court, shall be considered as the basis to enter, change and delete data in the Voters List;
- (8) The citizens of the Republic of Macedonia who are temporarily employed or residing abroad can submit a lawsuit against the decision of the State Election Commission by e-mail through the DCO, i.e. consular offices to the Administrative Court or directly to the Administrative Court.

### **6. Public inspection of the Voters List**

#### **Article 49**

- (1) The State Election Commission shall, no later than 15 days after the calling of the elections, display the Voters List on public inspection in its regional units and local offices, which shall include the following data:
  - citizens aged 18 or older on Election Day (first round of voting);
  - deceased persons, 30 days before the day of calling of the elections, and
  - other information from the Voters List, on the day of calling of the elections.
- (2) The State Election Commission through the Ministry of Foreign Affairs delivers to the DCO, i.e. consular offices the special excerpts from the Voters List for the persons who are temporarily employed or residing abroad based on the records from the competent organ in order to have them available for public inspection.
- (3) Upon displaying the excerpts from the Voters List on public inspection, the State Election Commission shall inform the citizens through the media of the place and the duration of the inspection, the manner of the inspection and the possibility for entering, adding or deleting data in the Voters List.
- (4) The public inspection shall last 20 days.



- (5) The political parties during the public inspection period can perform inspection to the data in the Voters List until the closing and signing the Voters List.

#### **Article 49-a**

- (1) Within five days from the day of the ending of the public inspection, the State Election Commission shall submit the Voters List to the political parties.
- (2) Within five days from the day of the receipt of the Voters List, the political parties shall submit a request to the State Election Commission for entering, adding or deleting data.
- (3) The State Election Commission shall decide upon the submitted request within three days from the day of the receipt of the request.
- (4) Against the decision from paragraph (3) of this article, a lawsuit can be submitted to the Administrative Court within 24 hours from the receipt of the decision.
- (5) The Administrative Court shall decide within 24 hours from the day of the receipt of the lawsuit.

### **7. Change of data in the Voters List placed on public inspection**

#### **Article 50**

- (1) A request for entering, adding or deleting data in the Voters List excerpts that are placed on public inspection, within the deadline referred to in article 49 paragraph (4) of this Code, may be submitted by any citizen if:
  - he/she or some other citizen is not registered in the Voters List;
  - a person is registered, who does not have the right to vote, or does not have residence within the territory of the municipality, or who has died;
  - his/her personal name and address, or the personal name and address of another person, are not entered correctly.
- (2) The request for entering, adding or deleting data referred to in paragraph (1) of this article shall be submitted in written to the regional unit of the State Election Commission or to the local office where the person resides.
- (3) The necessary evidence shall be attached to the request.

### **7-a. Registration and inspection into the Voters List for out-of-country voting**

#### **Article 50-a**

- (1) The State Election Commission, immediately and no later than two days after announcement of elections, shall submit to the Ministry of Foreign Affairs notification on publishing a public call for announcement of elections.
- (2) The Ministry of Foreign Affairs, immediately and no later than three days upon receiving the notification from paragraph (1) of this article shall submit it to the DCO, i.e. consular offices for its publication in the corresponding country.
- (3) The notification from paragraph (1) of this article shall be published in Macedonian language and Cyrillic alphabet, in languages and alphabets of the communities listed in the preamble of the Constitution of the Republic of Macedonia and in the official language of the corresponding country in at least one of the three most widely circulated national newspapers, with the highest amount of taxes paid in the previous year, on at least one quarter of the newspaper page.
- (4) The notification from paragraph (1) of this article contains the data on the type of elections to be held, call for public inspection of the Voters List as well as for voting application, the start and the end date of the period for submitting the voting application, the necessary documents, as well as clarification on who may vote and where the voting will take place.

- (5) The public call within the deadline determined in paragraph (1) of this article shall also be published on the website of the Ministry of Foreign Affairs, State Election Commission and DCO, i.e. consular offices.
- (6) The request for entering, adding or deleting the data in the separate extracts from the Voters Lists, during the public inspection, the citizens of the Republic of Macedonia who are temporarily employed or residing abroad may submit it by email through DCO, i.e. consular offices to the State Election Commission or to the State Election Commission.
- (7) In the separate extracts from the Voters Lists shall be registered the citizens of the Republic of Macedonia who are temporarily employed or residing abroad, who have their latest residence registered in the Republic of Macedonia and who have submitted voting application for the upcoming elections to the DCO, i.e. consular offices of the Republic of Macedonia in the corresponding country.
- (8) From the day of announcement of the elections until the completion of the public inspection, the citizens of the Republic of Macedonia from paragraph (7) of this article may submit a hand-signed or emailed voting application by which they register for the voting on the upcoming elections.
- (9) For the elections for President and members of Parliament may vote the citizens of the Republic of Macedonia who are temporarily employed or residing abroad, who have submitted voting application and are registered in the separate extracts of the Voters List.
- (10) The request from paragraph (6) and the voting application from paragraph (8) of this article, the DCO, i.e. consular offices shall immediately and no later than two days after the completion of the public inspection, submit through the Ministry of Foreign Affairs, while the Ministry of Foreign Affairs shall immediately and no later than 24 hours from the day of their receipt shall submit them to the State Election Commission.

#### **Article 51**

- (1) The State Election Commission shall decide upon the requests and applications of the citizens, referred to in article 50 and article 50-a of this Code, within 24 hours from the day of receiving the request and if it determines that the request is well founded, it will enter, add or delete data, if not, it will reject the request with a decision.
- (2) The citizen may file a lawsuit against the decision referred to in paragraph (1) of this article to the Administrative Court within 24 hours from receiving the decision.
- (3) The Administrative Court shall decide upon the lawsuit referred to in paragraph (2) of this article within 24 hours from receiving the complaint.
- (4) The final decision of the Administrative Court on the appeal to enter, add and delete data shall become an integral part of the Voters List confirmed by the State Election Commission.

### **8. Closing and signing of the Voters List**

#### **Article 52**

The State Election Commission shall close the Voters List, with all the changes resulting from the inspection, printed as excerpts, no later than 15 days after the ending of the public inspection.

#### **Article 53**

- (1) The Voters List i.e. the excerpts shall be closed by noting the following: number of pages of the Voters List i.e. excerpt, number of voters on the Voters List (marked with number and letters), the critical moment for the data determined in article 49, paragraph (1) of this Code, closing date, signature of the authorized person and stamp.

- (2) The closed Voters List shall contain the data of citizens whose requests for deleting, entering or change of data in the Voters List have been positively resolved by the State Election Commission and the Administrative Court.

#### **Article 54**

(Deleted)

### **9. Protection of data in the Voters List**

#### **Article 55**

- (1) The personal data contained in the Voters List shall be protected in accordance with the Law, and shall not be used for any purpose other than exercising the citizens' right to vote, in accordance with this Code.
- (2) The State Election Commission shall issue, in hard copy or electronic form on CD, to the registered political parties and to the independent candidates, when taking part in the elections, upon their written request, data from the signed or previously prepared excerpt of the Voters List for each polling station and the excerpts from the Voters List for the voting in the DCO, i.e. consular offices, containing the data referred to in article 45, paragraph (2) of this Code, within ten days.
- (3) The expenses for the preparation of the data of the Voters List in hard copy or electronic form shall be covered by the submitters of the request.
- (4) The registered political parties, coalitions and the independent candidates, i.e. the authorized representatives of the list submitters and their deputies, may not use the Voters Lists for tracking the persons who voted on Election Day.

#### **Article 56**

An authorized employee or any other person, body or organ, acquainted with the personal data contained in the Voters List, shall be obliged to secure and protect them, in accordance with article 55 of this Code.

## **V. NOMINATING CANDIDATES**

### **1. Nominating candidates**

#### **Article 57**

- (1) The nomination of candidates for the election of President of the Republic, Members of Parliament, and candidates for Members of Council and for Mayor, shall be done by submitting a list of candidate for President of the Republic, a list of candidates for Members of Parliament, and a list of candidates for Members of Council i.e. list of candidate for Mayor.
- (2) A candidate for President of the Republic, Member of Parliament, candidates for Members of Council and for Mayor may be nominated in only one list.

### **2. List Submitter**

#### **Article 58**

- (1) The list submitter may submit only one list of candidate for President of the Republic, candidates for Members of Parliament, candidates for Members of Council as well as only one list of candidate for Mayor.
- (2) During the administration of the local election, the list submitter from paragraph (1) of this article, in the units of local self-government where at least 20% of the citizens speak an official language other than Macedonian, shall submit the candidates lists, i.e. the candidate list for Mayor, in addition to the Macedonian language and its Cyrillic Alphabet, and also in the official language and alphabet used by citizens in that unit of local self-government.
- (3) During the administration of the elections for Members of Parliament, the lists submitter from paragraph (1) of this article, in the electoral districts where at least

20% of the citizens speak an official language other than Macedonian, may submit the lists of candidates, in the Macedonian language and its Cyrillic Alphabet, and also in the official language and alphabet used by citizens in that unit of local self-government.

#### Submitter of a list of candidate for President of the Republic

##### **Article 59**

- (1) A list of candidate for President of the Republic may be submitted by at least 10,000 voters or at least 30 Members of Parliament.
- (2) In cases when a list submitter of candidate for President of the Republic is a group of voters, it is required to collect at least 10,000 signatures of the voters registered in the Voters List.
- (3) In cases when the list submitter of candidate for President of the Republic is a group of Members of Parliament, it is required to collect at least 30 signatures of Member of Parliament.

#### Submitter of a list of candidate/s for Members of Parliament, Members of Council and Mayor

##### **Article 60**

- (1) Registered political parties independently, coalitions, as well as a group of voters (hereinafter: "list submitter") have the right to submit a list of candidates for Members of Parliament, Members of Council, i.e. list of candidate for Mayor.
- (2) The State Election Commission shall determine the legal subjectivity of the submitter of a list of candidates for election of Members of Parliament based on the agreement of the political parties that are participating in the elections as a coalition.
- (3) The Municipal Election Commission and the Election Commission of the City of Skopje shall determine the legal subjectivity of the submitter of the candidate list for election of Members of the Council and Mayors, based on the agreement of the political parties that act as coalition for the elections of the Members of the Council and Mayors.
- (4) The coalition agreement from paragraph (2) and (3) of this article shall be concluded by the representatives of the political parties that are participating in the elections together and it shall contain the name of the coalition, the symbol, the municipality/-ties i.e. the electoral district/s in which they are participating together.
- (5) The candidates' list shall be signed personally by an authorised representative of the list submitter.
- (6) The title of the list shall be marked according to the name of the list submitter.
- (7) If the submitter of a list of candidates is a group of voters, the name of the list shall be marked with "group of voters" and the name and surname of the candidate.

#### Submitter of a list of candidates for Members of Parliament with collected signatures

##### **Article 61**

- (1) In cases when submitter of a list of candidates for Members of Parliament, is a group of voters, at least 1,000 signatures of the voters registered in the excerpts of the Voters List of the electoral district, shall be collected.
- (2) When a list submitter is a group of voters from the electoral districts abroad, it is necessary to collect at least 1,000 signatures from the registered voters in the excerpt of the Voting List for these elections districts, in front of the official persons in the DCO, i.e. consular offices on a template prescribed by the State Elections Commission.

#### Submitter of a list of candidate/s for Members of Council and Mayor with collected signatures

#### **Article 62**

In cases when submitter of a list of candidates for Members of Council, i.e., candidate list for a Mayor, is a group of voters, it shall be required to collect:

- in a municipality that has no more than 10,000 inhabitants, at least 100 signatures of the registered voters in the excerpt of the Voters List of the municipality;
- in a municipality that has between 10,001 and 30,000 inhabitants, at least 150 signatures of the registered voters in the excerpt of the Voters List of the municipality;
- in a municipality that has between 30,001 and 50,000 inhabitants, at least 250 signatures of the registered voters in the excerpt of the Voters List of the municipality;
- in a municipality that has between 50,001 and 100,000 inhabitants, at least 350 signatures of the registered voters in the excerpt of the Voters List of the municipality;
- in a municipality with more than 100,001 inhabitants at least 450 signatures of the registered voters in the excerpt of the Voters List of the municipality; and
- in the City of Skopje at least 1,000 signatures of the registered voters in the excerpt of the Voters List for the area of the City of Skopje.

### **3. Procedure of the collection of signatures for nominating candidates**

#### **Article 63**

- (1) The signatures of the voters in the nomination procedure shall be collected in front of officials from the State Election Commission on a template that shall contain the name and surname, the domicile and personal identification number of the candidates nominated, as well as the name and surname, and the personal identification number of the voter signing the nomination.
- (2) Collecting signatures before the State Elections Commission shall commence at the 15th day from the day of calling the elections and shall last for 15 days.
- (3) Each voter may give his/her signature only for one candidate list for President of the Republic, candidates for Members of Parliament, Members of Council, and candidate for Mayor.
- (4) Voters submitting the list are required to be eligible to vote and to have domicile within the area of the electoral district, the municipality, i.e. the City of Skopje.

### **4. Contents of the submitted list**

#### **Article 64**

- (1) The submitted list of candidate for President of the Republic shall contain the following: title of the list, name and symbol (if the list submitter has one), name and surname of the nominated candidate for President along with his/her domicile and personal identification number of the citizen.
- (2) The submitted list of candidates for Members of Parliament shall contain the following: number of electoral district, title of the list, name and symbol (if the list submitter has one), name and surname of the list carrier, name and surname of each candidate for Member of Parliament, and contains as many candidates as chosen in the district, with the registration of their domicile and personal identification number of the citizen and a statement declaring belonging to an ethnic community.
- (3) The submitted list of candidates for Members of Council, i.e. list of candidate for Mayor shall contain the following: the municipality, i.e. the City of Skopje for which the elections are being administered, title of the list, name and symbol (if the list submitter has one), name and surname of the list carrier, name and surname of each

candidate for Members of Council , and contains as many candidates as chosen in the district, with the registration of their domicile and personal identification number of the citizen and a statement declaring belonging to an ethnic community.

- (4) The submitted list of candidate for Mayor shall contain the following: the municipality i.e. the City of Skopje for which the candidate is nominated, title of the list, name and symbol (if the list submitter has one), name and surname of the nominated candidate for Mayor along with his/her domicile and personal identification number of the citizen.
- (5) In the submitted list of candidates for Members of Parliament from paragraph (2) of this article and list of candidate for Member of Council of the municipality and the City of Skopje from paragraph (3) of this article, in each consecutive three places at least one will be reserved for the less represented gender.
- (6) The coalition agreement, the confirmation from the Central Registry and the decision of the competent court for registration of the political party, which are submitted along with the submitted candidates list, shall be submitted as originals or notary certified copies.
- (7) As an exception to paragraph (6) of this article, the coalition agreement, the confirmation from the Central Registry and the decision of the competent court for registration of the political party, which are submitted along with the submitted candidate list for election of Members of the Council, i.e. a Mayor, shall be submitted as originals or copies. If copies submitted, the original coalition agreement, the confirmation from the Central Registry and the decision of the competent court for registration of the political party shall be deposited in the State Election Commission.

## **5. Procedure for submitting a list**

### **Article 65**

- (1) The list of candidate, i.e. candidates shall be submitted on a template prescribed by the State Election Commission.
- (2) When submitter of a list of candidate i.e. candidates is political party, its registration certificate from the competent court must be attached.
- (3) When a coalition is submitting a list of candidate, i.e. candidates, the statement from article 60, paragraph (4) of this Code must be attached.
- (4) When submitter of a list of candidate i.e. candidates is a group of voters, the required number of signatures stipulated in article 61 i.e. article 62 of this Code must be submitted as well.
- (5) For each nomination, the candidate needs to make a written, irrevocable consent (statement).
- (6) The order of the candidates on the list shall be determined by the submitter of the list in accordance with article 64 of this Code.

### **Article 66**

- (1) The authorised representatives of the list submitters shall submit the list of candidate for President of the Republic to the State Election Commission.
- (2) The authorised representatives of the list submitters shall submit the list of candidates for Members of Parliament to the State Election Commission.
- (3) The authorised representatives of the list submitters shall submit the list of candidates for Members of Council, i.e. the list of candidate for Mayor to the Municipal Election Commission and the Election Commission of the City of Skopje.
- (4) The lists of candidates from paragraphs (1), (2) and (3) shall be submitted to the competent election commission no later than 30 days prior to the Election Day.

### **Article 67**

- (1) The State i.e. Municipal Election Commission i.e. Election Commission of the City of Skopje from article 66 of this Code, shall, upon the receipt of the lists of candidate i.e. candidates, examine whether they have been submitted within the prescribed deadline and whether the lists have been compiled in accordance with the provisions of this Code.
- (2) Should the State i.e. Municipal Election Commission i.e. Election Commission of the City of Skopje determine that there are irregularities in the list, it shall call upon the authorised representative of the submitter, i.e., the first signed candidate for Member of Parliament, to eliminate the irregularities within 48 hours from the receipt of the lists.
- (3) Should the State i.e. Municipal Election Commission i.e. Election Commission of the City of Skopje determine that the lists have been submitted within the prescribed deadline and have been compiled in accordance with the provisions of this Code, i.e. the irregularities and the omissions have been eliminated by the lists submitters within the deadline set in paragraph (2) of this article, it shall confirm the submitted lists with a decision.
- (4) Should the State i.e. Municipal Election Commission i.e. Election Commission of the City of Skopje determine that the lists have not been submitted timely, i.e. the irregularities and the omissions have not been eliminated by the list submitters within the deadline set in paragraph (2) of this article, the submitted lists shall be rejected with a decision within 24 hours from the receipt of the lists.
- (5) Against the decision of the Municipal Election Commission i.e. Election Commission of the City of Skopje stipulated in paragraph (4) of this article, lawsuit may be submitted to the Administrative Court, within 24 hours upon the receipt of the decision.
- (6) Against the decision of the State Election Commission from paragraph (4) of this article, a lawsuit may be submitted to the Administrative Court through the State Election Commission within 24 hours upon receipt of the decision.
- (7) The Administrative Court is obliged to take a decision within 24 hours upon receipt of the lawsuit.
- (8) Submitting complaints and lawsuit by post shall not be permitted.
- (9) Filing complaints and lawsuits on the voting in electoral districts in Europe and Africa, North and South America and Australia and Asia may not be done by post and shall be done through the official representative of the candidates for those electoral districts in the Republic of Macedonia.

**6. Procedure in case of death of a candidate on the confirmed list of candidates for a Member of the Council of the municipality and the City of Skopje**

**Article 67-a**

- (1) If some of the candidates from the confirmed candidate list passes away in the period after the day of the candidate lists confirmation, the political party, i.e. coalition, which has proposed the candidate can propose another candidate instead, and if the candidate has been proposed by a group of voters, they can propose another candidate instead, without collecting signatures in the candidacy procedure stipulated by this Law, in the period up until 10 days before the Election Day.
- (2) The deceased candidate shall be erased from the candidate list, and the candidate added to the candidate list shall be introduced under the ordinal number of the deceased proposed candidate or shall be introduced as last on the candidate list, in which case the order of the remaining candidates listed below the deceased candidate shall be moved one position higher on the list.
- (3) If the candidate who has deceased is the carrier of the list, the list shall be amended in the manner stipulated in paragraph (2) of this article, and head of the list shall become the candidate from the candidate list nominated by the list submitter.

- (4) The candidate list amended with a new candidate in accordance with paragraphs (2) and (3) of this article shall be published in the manner stipulated with this Law regarding the publishing of the unified list no later than 24 hours from the day of the amendments to the candidate list.
- (5) Providing some of the confirmed candidates in the candidate lists passes away in the period shorter than 10 days before the holding of the elections, the candidate list remains effective.

**7. Procedure in the case of death of a candidate in the confirmed candidate list for the election of a Mayor**

**Article 67-b**

- (1) If some candidate from the confirmed candidate list for the election of a Mayor passes away in the period after the day of the candidate lists confirmation, the political party, i.e. coalition, which has nominated the candidate can nominate another candidate instead, and if the candidate has been nominated by a group of voters, they can nominate another candidate instead, without collecting signatures in the procedure for nominations stipulated by this Law, in the period up until ten days before the Election Day.
- (2) The candidates list amended with a new candidate in accordance with paragraph (1) of this article shall be published in the manner stipulated with this Law regarding the publishing of the unified list no later than 24 hours from the day of the change of the candidate in the candidate list.
- (3) Providing some of the confirmed candidates in the candidate lists passes away in the period shorter than 10 days before the holding of the elections, the replacement of the candidate in the candidate list shall be done in a procedure stipulated in paragraphs (1) and (2) of this Law, and the competent election commission, in collaboration with the SEC, shall determine a postponement of the date for the holding of the elections for that municipality for 14 days.

**8. Procedure in the case of death of a candidate on the confirmed candidate list for the election of Members of Parliament**

**Article 67-c**

- (1) If some of the candidates from the confirmed candidate list for the election of Members of Parliament passes away in the period after the day of the candidate lists confirmation, the political party, i.e. coalition, which has nominated the candidate can nominate another candidate instead, and if the candidate has been nominated by a group of voters, they can nominate another candidate instead, without collecting signatures in the procedure for nominations stipulated by this Law, in the period up until ten days before the Election Day.
- (2) The candidate list amended with a new candidate in accordance with paragraph (1) of this article shall be published in the manner stipulated with this Law regarding the publishing of the unified list no later than 24 hours from the day of the change of the candidate in the candidate list.
- (3) Providing some of the confirmed candidates in the candidate lists passes away in the period shorter than 10 days before the holding of the elections, the procedure shall be that the deceased candidate who has been elected as a Member of Parliament shall be replaced by the first candidate in line who has not been elected, and has been nominated by the political party which has nominated the candidate list, i.e. one of the following candidates who has not been elected, and who has been nominated by the coalition leader. The candidate who has passed away and has been elected from an independent list in the electoral district shall be replaced by the first candidate in line who has not been elected from that list.



#### **Article 68**

- (1) The order of the candidates in the list of candidates i.e. the order of the lists of candidates shall be determined by the State Election Commission by drawing lots. This number shall be the same in all electoral districts, i.e. municipality, and in the electoral district i.e. the municipality where there is no own representative, the respective number of the list submitter shall be left out and in his place shall be written the ordinal number of the following head of the list without leaving an empty space.
- (2) The candidates' lists for Members of the Council and for Mayor that have been submitted by the same submitter shall receive the same ordinal number in all municipalities (or just in the respective municipality).
- (3) Candidates' lists proposed by a coalition that is led by one and same political party, regardless of the number of political parties in the coalition in different municipalities, i.e. electoral districts, have the same ordinal number in all municipalities, i.e. in all electoral districts.
- (4) The Municipal Election Commission i.e. the Election Commission of the City of Skopje, after confirming the list of candidates for Members of the Council and the list of candidates for Mayor, shall submit the lists to the State Election Commission for determining the order of candidates in the unified list of candidates, based on paragraph (1) and (2) of this article.
- (5) The State Election Commission shall previously notify the authorised representatives of the list submitters about the activities it will undertake in line with the paragraphs (1) and (2) of this article.

### **9. Publishing the lists**

#### **Article 69**

- (1) The State Election Commission shall publish the verified unified list of candidate for Election of President of the Republic in the "Official Gazette of the Republic of Macedonia", at the latest 25 days prior to Election Day.
- (2) The State Election Commission shall publish the verified unified lists of candidates for Members of Parliament in the electoral districts in the daily newspapers, of which one shall be in the language of the community spoken by at least 20% of the citizens of the Republic of Macedonia, at the latest 23 days prior to Election Day.
- (3) State Election Commission through the Ministry of Foreign Affairs shall deliver to the DCO, i.e. consular offices unified lists for their publication within 48 hours.
- (4) The Municipal Election Commission i.e. Election Commission of the City of Skopje shall announce the verified unified lists of candidates for Members of Council i.e. lists of candidate for Mayor, by displaying them in all inhabited places and in the polling stations in the municipality, at the latest 23 days prior to Election Day.
- (5) The Municipal Election Commissions i.e. Election Commission of the City of Skopje shall post the verified unified lists of candidates for Members of Parliament in the polling stations in the municipalities for which they are competent.
- (6) In the units of the municipalities where at least 20% of citizens speak an official language other than the Macedonian, the verified lists of candidates shall be published, in addition to the Macedonian language and its Cyrillic alphabet, also in the official language and alphabet that are used by citizens in that municipality.

## **VI. ELECTION CAMPAIGN**

### **1. Participants of election campaign**

#### **Article 69-a**

- (1) As an election campaign is considered: public gathering and other public events organised by the campaign participant, public display of posters, video presentations in public areas, electoral media and internet presentation, dissemination of printed

materials and public presentation of confirmed candidates by official election bodies and their programmes.

- (2) The election campaign commences 20 days prior the Election Day and in the first and the second round of election cannot continue 24 hours before the election day and on the Election Day.
- (3) In case of submission of a complaint about disrespecting the provisions from paragraphs (1) and (2) from this article, the State Election Commission is obligated to look into the allegations and address the submitted complaint in a period that is not longer than 7 days from the date of the submission of the complaint.

#### **Article 70**

- (1) Submitter of a list of candidates whose list of candidates for election of President of the Republic, Members of Parliament, Members of Council, i.e. candidates for Mayor, have been confirmed by the competent election commission, shall have the right to organise election campaigns (hereinafter: "participants of election campaign").
- (2) The participants of election campaign shall have the right to use equally and under the same conditions all forms of political propaganda, reporting and other forms of propaganda, which aim to influence the voters' decision during voting.
- (3) Foreign legal entities and persons may not organise election campaigns.

#### **Article 71**

- (1) For the purpose of collecting funds for financing of an election campaign, the political party, coalition, the submitter of a independent list of a group of voters, i.e. persons having an intention to candidate, are obliged to register unique tax number labeled "for election campaign" and to open a bank account labeled "for the election campaign", which may not be used for other purpose whatsoever.
- (2) The entities referred to in paragraph (1) of this Article, are obliged to register unique tax number and to open a bank account from paragraph (1) of this article the latest within 48 hours after verification of the list of candidates, and the earliest within 48 hours after calling the elections. During this 48 hours deadline, the evidence for the registered unique tax number and the opened bank account shall be submitted to the competent election commission.
- (3) The registering of unique tax number and the opening of the bank account from paragraph (1) of this article for a coalition, political party, group of voters, i.e. persons having an intention to candidate, shall be agreed upon by a coalition agreement, i.e. statement of intention, notary certified, given by the political party, group of voters, i.e. persons having an intention to candidate.
- (4) Should the political party, the coalition, the submitter of independent list of group of voters, i.e. persons having an intention to candidate, fail to register a unique tax number and open a bank account within the time period specified in paragraph (2) of this article, the list of candidates shall be rejected by a decision taken by the competent Election Commission, or nullified by a decision.
- (5) In case when the bank account is opened by the submitter of independent list of group of voters, i.e. persons having an intention to candidate, the authorized signatory of the bank account shall be the submitter of independent list or person authorized by the list submitter.
- (6) All funds transferred by legal entities or private persons for financing the election campaign shall be deposited on the bank account from paragraph (1) of this article. The donations for financing the election campaigns may be transferred only onto the bank account from paragraph (1) of this article, and latest by the date determined for submitting the financial report for financing the election campaign defined by article 85, paragraph (1) of this Code.
- (7) In case of not submitting or not confirming the list of candidates, the entities from paragraph (1) of this article who have registered unique tax number and have

- opened a bank account are obliged to return the unspent funds to the donor proportionally to the donated amount of funds and within a time period of 60 days.
- (8) In case a coalition agreement has been made between entities from paragraph (1) of this article, the entities from paragraph (1) of this article, who had previously registered a unique tax number and had opened a bank account, shall be obliged to delete the registered unique tax number from the respective registry and to close the bank account after having transferred the funds, the rights and obligations of the bank account under the coalition agreement and the registered unique tax number, within the deadlines from paragraph (2) of this article.
- (9) All funds aimed for financing of the election campaign shall be transferred onto the bank account from paragraph (1) of this article and all expenses aimed for the election campaign shall be made only from this bank account.

#### **Article 72**

- (1) The participant of election campaign shall be responsible for the legality of the conduct of the election campaign.
- (2) The participant of election campaign shall also be responsible for the election campaign activities of other persons that are authorised by election campaign participant.

#### **Article 73**

- (1) If during the election campaign or during the public events or promotional activities by participants of election campaigns, the rights of candidates are being violated (by preventing and disturbing the opponents' campaign), the candidates have the right to immediately initiate a procedure before the competent Basic Court for the protection of their rights.
- (2) The Basic Court shall decide upon the request for protection of voting rights within 48 hours after the request has been submitted.
- (3) Appeal against the decision of the Basic Court may be submitted before the competent Court of Appeals within 48 hours from the receipt of the decision.
- (4) The competent Court of Appeals shall decide within 48 hours of the day the appeal was submitted.
- (5) The final decision shall immediately be announced in the media.

#### **Article 74**

- (1) From the day of the adoption of the decision for announcement of the elections until the completion of the election of a President of the Republic of Macedonia, Members of the Parliament of the Republic of Macedonia and election of the Government of the Republic of Macedonia, pursuant to the election results, as well as from the day of the adoption of the decision for announcement of the elections until the day of the completion of the election of Mayor or Members of the Council, i.e. until the establishment of the Council of the Municipalities and the City of Skopje shall not be allowed exceptional payments of salaries, pensions, social welfare or other payments from the state Budget or other public funds.
- (2) In case of submission of a complaint about disrespecting the provision from paragraph (1) from this article, the State Commission for Prevention of Corruption is obligated to look into the allegations and address the submitted complaint in a period not longer than 7 days from the date of submission of the complaint.

## **2. Media Presentation**

#### **Article 75**

- (1) Broadcasters, i.e. the Public broadcasting service and trading broadcasting companies that decided to cover the elections are obligated to do that in a fair, balanced and unbiased manner in their overall program.
- (2) Broadcasters, regardless of the language in which they broadcast the program are obligated during the election campaign to enable the participants of the election campaign to have equal conditions for access to all forms of electoral media presentation – news, special informative programs (interviews, debates, TV/radio duel, informative news programs, informative news programs with documentary approach and thematic specialized informative programs), free political presentation and paid political advertising.
- (3) Programs aimed for juvenile audience must not be used for electoral presentation in the media.

#### **Article 75-a**

- (1) The broadcasters shall ensure balanced coverage of the elections in all forms of electoral presentation in the media in the following manner:
  - a) with regard to the elections for President of the Republic, in accordance with the principle of equality for all presidential candidates both in the first and the second round of elections;
  - b) with regard to the elections for Members of the Parliament of Republic of Macedonia, in accordance with the principle of proportionality based on the number of confirmed candidate' lists for Members of Parliament; and
  - c) with regard to the local elections:
    - the election of Mayor of municipality, i.e. Mayor of the City of Skopje, in accordance with the principle of equality for all candidates for Mayors both in the first and second round of elections;
    - the election of Members of the Municipal Councils, i.e. Members of the Council of the City of Skopje, for broadcasters on national and regional level in accordance with the principle of proportionality based on the number of confirmed candidates' lists for Members of the Municipal Councils, i.e. Members of the Council of the City of Skopje, whereas for the broadcasters on local level in accordance with the principle of equality.
- (2) When establishing whether the media coverage of the elections was balanced, one shall take into consideration the intensity of the activities in the framework of the campaigns of the organizers of the election campaign.
- (3) Paid political advertising shall be exempted from the principle of proportionality, i.e. equality.

#### **Article 75-b**

The reporting about the regular activities of the state bodies, bodies of the municipalities and the City of Skopje, of the state institutions and organizations, as well as the activities of legal and other entities which are entrusted public authorizations by law, in the period from calling the elections until the completion of the elections must not be used in the programs of broadcasters for electoral media presentation of any of the political entities.

#### **Article 75-c**

- (1) Editors, journalists, program hosts and presenters who are engaged in the preparation of the broadcasters' programs must not participate in the pre-election activities of the political parties, coalitions, groups of voters and their representatives, i.e. participants in the election campaign.
- (2) If they decide to participate in such activities, their engagement in the broadcasters' programs shall be suspended from the day when elections are called until the completion of elections.

#### **Article 75-d**

- (1) The broadcasters are obligated to record the exit signal of their program from the day when elections are called until their completion, and the recordings of the overall program should be kept at least 30 days after the end of elections.
- (2) On request by the Agency for Audio and Audiovisual Media Services, the broadcasters are obligated within 48 hours at latest from the receipt of the request, to submit the recordings of the requested program, as well as other data related to the media coverage of elections to the Agency.

#### **Article 75-e**

- (1) From the day of the announcement of the elections until the beginning of the election campaign, the broadcasters and printed media shall not broadcast, i.e. publish paid political advertisements, except for advertisements and announcements for collecting signatures for supporting a candidature of a group of voters.
- (2) The advertisements and announcements for collecting signatures for supporting a candidature of a group of voters should be broadcasted by the commercial broadcasting companies only within marked advertising blocks, within the allowed time for advertisements per one real hour of broadcasted programme (total of 12 minutes), out of which one participant in the election campaign cannot be given more than 8 minutes, and the purchaser should be clearly marked.
- (3) The advertisements and announcements from paragraph (2) of this article should only contain basic data – who the signatures are being collected for, where citizens can deposit their signatures and at what time of the day. They must not contain additional information about the candidates.
- (4) From the day of the announcement of the elections until the day of their completion, the broadcasters and printed media must not broadcast, i.e. publish advertisements financed by the Budget of the Republic of Macedonia, the budgets of the municipalities and the City of Skopje and other persons who have been entrusted by law with performing public authorities.

#### **Article 75-f**

- (1) During the election campaign both for the first and the second round of elections, broadcasters that cover the elections can broadcast 12 minutes additional time for advertising of the real hour broadcast program, which is aimed only for paid political advertising, whereby for one participant in the election campaign they can allocate 8 minutes at the most.
- (2) Broadcasters and printed media are obligated within five days from the day of calling the elections to establish the pricelists for paid political advertising of the participants in the election process.
- (3) In the period from having established the pricelists until the start of the election campaign, public broadcasters and printed media are obligated at least twice to publicly announce the pricelists from paragraph (2) of this Article, in their programs, i.e. in their printed editions.
- (4) Printed media are obligated to submit the pricelists from paragraph (2) of this article to the State Election Commission, the State Audit Office and the State Commission for Prevention of Corruption within five days from the day of the announcement of the elections, and the broadcasters shall submit them to the Agency for Audio and Audiovisual Media Services, the State Election Commission, the State Audit Office and the State Commission for Prevention of Corruption within five days from the day of the announcement of the elections.
- (5) Pricelists must not be changed in the course of the election campaign.
- (6) Broadcasters and printed media in the Republic of Macedonia are required to provide equal access to paid political advertisement for all participants in the election process.

#### **Article 76**

- (1) Paid political advertising must be properly and visibly indicated as “paid political advertising” and clearly separated from other media contents.
- (2) The client ordering the advertising must be clearly indicated in all the forms of paid political advertising.
- (3) Participation of minors in paid political advertising is prohibited.
- (4) Broadcasters cannot broadcast paid political advertising during news, special informative programmes, educational and children programmes and during live broadcast from religious, sport, cultural, entertainment and other events.
- (5) The public broadcasting service shall not broadcast paid political advertising.
- (6) For the purpose of providing objective information to the voters about the course of the election campaign and for the purpose of protecting the profession of journalism from any political influence during the electoral presentation in the media, the special informative programs must not be used as a form of paid political advertising.
- (7) The campaigns of the State Election Commission aimed to educate the voters about exercising their right to vote and for fair and democratic elections shall not be considered as paid political advertising. They should be separated from the rest of the program and the purchaser must be clearly indicated.

#### **Article 76-a**

- (1) The Public broadcasting service is obligated in cooperation with the State Election Commission to inform the citizens about the manner and technique of voting and to broadcast other information related to the election process.
- (2) During the election campaign, the Public broadcasting service is obligated to provide equitable access in the information program by allocating one third of the time to daily events from the country and the world, one third of the time for the activities of the ruling political parties and one third of the time for the activities of the political parties in opposition.
- (3) The time for the informing of the campaign activities of both the ruling and the opposition political parties shall be distributed pursuant to the results from the last parliamentary elections.
- (4) The Public broadcasting service is obligated to provide regular information about the election process also for the people with impaired hearing.
- (5) During the election campaign, both in the first and the second round of voting, the Public broadcasting service is obligated to broadcast free political presentation of the participants in the election process in accordance with the principles of balanced coverage of elections as specified in Article 75-a of this Code.
- (6) The date and schedule of broadcasting free political presentation of the participants of the election campaign are established by drawing of lots.
- (7) The free political presentation on the television programs of the Public broadcasting service should be broadcast in the period from 16:00 until 23:00 hrs.
- (8) The programme service that is intended for broadcasting the activities of the Parliament of the Republic of Macedonia shall provide a time period of three hours for free political presentation of the campaigns of all the ruling political parties and the political parties in opposition pursuant to the results from the last parliamentary elections.
- (9) The free political presentation must be adequately and visibly marked as „free political presentation” throughout the whole duration of the broadcasting.

#### **Article 76-b**

- (1) During the election silence, all forms of electoral media presentation of the participants of electoral campaign shall stop.
- (2) Broadcasters shall continue to report about the election process on the day of voting also during the election silence.
- (3) During the reporting on the days of election silence it shall be considered that media violated the election silence if they broadcast, i.e. publish: any information, photographs, audio and audio-visual materials related to or in which the participants of the elections participate; any forms of media reporting which is openly or covertly in favour of certain electoral campaign and can impact the voters' decision; data that reveal the identity of the political entities and/or individuals involved in incidents or other irregularities on the day of voting, as well as statements made by candidates in the election process, participants of the election campaign, representatives of political parties, and officials in the state administration bodies.

#### **Article 76-c**

- (1) The Agency for Audio and Audiovisual Media Services is obligated to follow the electoral media presentation and Program service of broadcasters in the Republic of Macedonia from the day of announcement of elections until the end of voting on the Election Day.
- (2) The Agency for Audio and Audiovisual Media Services is obligated within three days from having established the violations of the provisions from the Electoral Code, to initiate a misdemeanour procedure in front of a competent court against the broadcaster that violated the provisions.
- (3) The competent court is required to decide upon the request for a misdemeanor appeal from paragraph (2) of this article within three days from the day of the receipt of the request.
- (4) The decision of the competent court can be appealed within 48 hours from the receipt of the decision.
- (5) The second instance court is required to decide upon the appeal within 48 hours from the day of the receipt of the appeal.
- (6) If the Agency for Audio and Audiovisual Media Services establishes a violation of the provisions for balanced media coverage by the public broadcasting service, it shall submit a proposal for instituting proceedings for the dismissal of the Director of the Public broadcasting service.

#### **Article 76-d**

- (1) The funds for realization of the legal obligations of the Agency for Audio and Audiovisual Media Services are provided from the Budget of Republic of Macedonia and they are paid on the special account of the Agency for Audio and Audiovisual Media Services.
- (2) These funds are aimed only for financing the activities of the Agency during the election process.
- (3) If the approved funds exceed the real costs incurred for the activities of the Agency with regard to the election process, the Agency is obligated to return the rest of the funds on the account of the Budget of Republic of Macedonia.

### **4. Opinion polls**

#### **Article 77**

- (1) Opinion polls related to participants in the election process shall be published no later than five days before Election Day for the first and the second round of voting.
- (2) When publishing the opinion polls related to participants in the election process the media are obligated to provide information on the client who ordered and financed

the poll, the institution that conducted the poll, applied methodology, size and the structure of the sample and the period when the poll was conducted.

- (3) The results of the opinion polls carried out on the day of voting must not be announced before 19:00 hours, i.e. before the closure of polling stations.

## **5. Election posters**

### **Article 78**

- (1) Displaying election posters free of charge shall be allowed only at locations determined by the municipality, i.e. the City of Skopje.
- (2) The municipality and the City of Skopje have an obligation to mark the locations from paragraph (1) of this article separately for each list submitter.
- (3) The municipality and the City of Skopje may determine additional places where posters can be displayed for a fee.
- (4) Municipalities and the City of Skopje immediately after the end of elections are obliged to utilize part of the funds referred to in paragraph (3) of this article in order to eliminate the garbage left during the election campaign.
- (5) The municipality and the City of Skopje are obliged to announce the conditions for obtaining the right to use the locations for displaying posters no later than 50 days prior to Election Day.
- (6) The municipality and the City of Skopje are obliged to ensure equal conditions for all election campaign participants when displaying posters at the designated locations.
- (7) Election posters may be displayed on residential buildings and other private buildings, with prior consent of the owner of the building.
- (8) Election posters may not be displayed on buildings where the polling station is located or in the room where voting takes place.

### **Article 79**

- (1) Destroying election posters or affixing posters on top of the posters of the other election campaign participants shall be forbidden.
- (2) The participant of the election campaign is obliged, within 30 days after the end of the elections, to clean up the garbage left over from the posters.

## **6. Pre-election rallies**

### **Article 80**

- (1) The pre-election rallies shall be public.
- (2) The body in charge of internal affairs shall be in charge of keeping law and order during the pre-election rallies.

### **Article 81**

The election campaign participant shall inform in writing the competent body for internal affairs, through the regional office regarding the organisation of a pre-election rally on public places and on public transport places, no later than 48 hours prior to the scheduled time for the rally.

### **Article 82**

- (1) Pre-election rallies may not be held in military buildings, religious buildings, hospitals, retirement homes, schools, kindergartens, and other public institutions.
- (2) As an exception, the participants of election campaign shall be allowed to hold pre-election rallies in schools, or cultural centres if there is no other appropriate building in the municipality where the rally could be held.
- (3) The permission for holding a pre-election rally shall be issued by a person in charge of the institution, under equal conditions for all election campaign participants.
- (4) The facilities, equipment or other property of the state bodies and bodies of local self-government and the City of Skopje may not be used for the purposes of election campaigns.



- (5) As an exception, the facilities of the bodies from paragraph (4) of this article may be used if there are no other appropriate facilities in the place that may be used for the purposes of election campaign.
- (6) The permission shall be issued by the person in charge of the institution, under equal conditions for all election campaign participants.

## **7. Financing of the elections**

### **Article 83**

- (1) The election campaign may not be financed from:
  - funds from the Budget of the Republic of Macedonia, except the funds defined in article 86, paragraph (2) of this Code;
  - funds from the budget of municipalities and the City of Skopje, except the funds defined in article 86, paragraph (2) of this Code;
  - funds from public enterprises and public institutions;
  - funds from citizens' associations, religious communities, religious groups, and foundations;
  - funds from foreign governments, international institutions, bodies, and organisations of foreign states and other foreigners;
  - funds from joint ventures with dominant foreign capital; and
  - funds from unidentified sources.
- (2) The election campaign may be financed by:
  - the membership fee of the political party;
  - private persons, up to 5,000 Euro in MKD equivalent; and
  - legal entities, to the amount of 50,000 Euro in MKD equivalent.
- (3) The election campaign may be financed by donations of private persons and legal entities in a form of money, goods and services in a value that may not exceed the amount determined in paragraph (2), lines 2 and 3 of this article.
- (4) If the amount of the donation is larger than the amount determined in paragraph (2), lines 2 and 3 of this article, the participant of the election campaign shall be obliged to transfer the difference between the allowed and donated value to the Budget of Republic of Macedonia, within five days of receiving the donation.
- (5) If the origin of the donation cannot be determined, the participant of the election campaign is obliged within the five days of receiving the donation, to transfer the donated value to the Budget of Republic of Macedonia.

### **Article 83-a**

- (1) In terms of article 83 of this Code, the following shall also be considered as a donation:
  - providing services free of charge to the participant of the election campaign;
  - providing services to the participant of the election campaign, which are funded by a third party;
  - selling of goods and providing services to the participant of the election campaign at price lower than the market one.
- (2) The seller of the goods, i.e. the service provider shall be obliged to inform the participant of the election campaign of the market price of the goods sold, i.e. the services provided and shall be obliged to send him/her the invoice.
- (3) The difference between the market price and the invoiced value shall be considered as donation.
- (4) The public enterprises shall be obliged to offer equal prices for their services to all the participants in the campaign through their official price lists.
- (5) The discounts in the prices that the broadcasters and printed media give for political advertising to the participants of the election campaign shall be considered as a

donation, expressed in money value, that is not higher than 50,000 Euro in MKD equivalent.

#### **Article 83-b**

- (1) The participant of election campaign during the campaign shall keep a registry of donations with the following data:
  - the name, i.e. title of each of the donors;
  - the type and the value of the donation;
  - the date of receipt of the donation
- (2) The registry of donations shall also contain data of paid donation of subjects which are directly or indirectly related to the political party or are under its control.
- (3) The registry of donations is kept in a template prescribed by a rulebook adopted by the Minister of Finance, which establishes the form, the content and the manner of keeping the registry of donations.

#### **Article 84**

When financing the election campaign, the election campaign participant may spend no more than 180 Denars per registered voter in the electoral district i.e. municipality for which they have submitted list of candidate/s, both in the first and the second round of voting.

#### **Article 84-a**

From the day of the adoption of the decision for announcement of the elections until the completion of the election, the state bodies and the bodies of the local self-government and of the City of Skopje shall not publish advertisements financed by the Budget of the Republic of Macedonia, i.e. the budgets of the municipalities and of the City of Skopje.

#### **Article 84-b**

- (1) The participant of the election campaign is required on the eleventh day from the day of the election campaign to submit financial report on the incomes and expenditures on the election campaign bank account from the day it was open until the end of the tenth day of the election campaign.
- (2) The participant of the election campaign is obligated one day prior to the second round of voting to submit financial report about the revenues and expenditure on the bank account for organization of the election campaign for the second round of voting.
- (3) The participant of the election campaign is required one day after the end of the election campaign to submit financial report on the incomes and expenditures on the election campaign bank account for the second half of the election campaign.
- (4) Reports from paragraphs (1) and (2) of this article shall be submitted on a template adopted by the Minister of Finance, which includes information on the name or designation of the donor, type and amount of donations, dates when donations were received and expenditures for each donation as well as incomes and expenditures throughout the election campaign.
- (5) Integral part of the template from paragraph (3) of this article shall form the Guidelines for the manner of filling out the template of the report.
- (6) Reports shall be submitted to the State Election Commission, State Audit Office and the State Commission for Preventing Corruption, which are required to publish them on their web sites.

## **8. Financial Report**

#### **Article 85**

- (1) The participant of the election campaign is required, immediately and no later than 30 days after the end of the election campaign for the first and second round of elections respectively, to submit an overall financial report on the election campaign.
- (2) The financial report on the election campaign shall be submitted in a template prescribed in article 84-b, paragraph (3).
- (3) The financial report shall be submitted to the State Election Commission, State Audit Office, State Commission for Preventing Corruption and the Parliament of the Republic of Macedonia, and for the local elections also to the Municipal Council and the Council of the City of Skopje.
- (4) The financial report from paragraph (3) of this article shall be published by State Election Commission, State Audit Office and the State Commission for Preventing Corruption on their websites.
- (5) When the participant of election campaign is a group of voters, the excess of collected funds shall be donated to charity.
- (6) The State Audit Office shall, within 60 days of the submission of the report from paragraph (1) of this article, conduct audit. The audit shall include all transactions conducted as of the day of the opening of the election account until its closure.
- (7) Should the State Audit Office detect irregularities in the financial report of the election campaign participant, which are contrary to the provisions of this Code, the State Audit Office shall initiate a misdemeanour procedure or it shall report the irregularities to the respective public prosecutor within 30 days of the day of its detection.
- (8) The State Election Commission, the State Audit Office and the State Commission on Prevention of Corruption shall sign a Memorandum of Cooperation. This Memorandum shall govern the implementation of the provisions on election campaign financing for exchange of information on detected irregularities in the submitted financial reports and the respective measures taken against the party which is subject of oversight.

#### **Article 85-a**

- (1) The broadcasters and the printed media in the Republic of Macedonia shall be obliged to submit a report on the advertising space that has been used by the each participant of the election campaign and on the financial funds reimbursed or requested to be reimbursed.
- (2) The report from paragraph (1) of this article shall be submitted no later than 15 days following the day of the completion of the election campaign.
- (3) The report from paragraph (1) of this article shall be submitted to the State Election Commission, the State Audit Office and State Commission for the Prevention of Corruption, which shall be obliged to publish them on their web sites.
- (4) The report from paragraph (1) of this article shall be submitted on a template prescribed by the Minister of Finance.

#### **Article 85-b**

The audit reports on the conducted audit of the financial reports of the election campaign participants shall be published on the State Audit Office website, within a deadline prescribed by law.

### **9. Reimbursement of election expenses**

#### **Article 86**

- (1) The election campaign participants whose candidates have been elected President of the Republic, Members of Parliament, Member of Council, and Mayors, shall have the right to reimbursement of the election expenses of 15 Denars per vote won.

- (2) The participants of election campaign from whose candidates' lists have not been elected candidate for President of the Republic, candidate for Member of Parliament, candidate for Member of Council, candidate for Mayor, shall have the right to reimbursement of election expenses in the amount of 15 Denars per vote won, if they have won at least 1.5% of the total number of cast votes on the level of the Republic, the electoral district, i.e. the municipality.
- (3) The reimbursement of election expenses shall be paid from the Budget of the Republic of Macedonia, i.e. from the budget of the municipality and the City of Skopje, within three months from the day of submitting the financial report on the election campaign, based on the report from the State Election Commission regarding the elections.
- (4) The reimbursement of the election expenses shall be determined with a decision of the Parliament, of the Municipal Council and the Council of the City of Skopje.

#### **Article 87**

- (1) Based on the decision from article 86, paragraph (4) of this Code, the competent body shall adopt a decision for non-reimbursement of the expenses to the election campaign participants in accordance with article 85, paragraph (7) of this Code.

### **VII. ADMINISTERING THE ELECTIONS**

#### **1. Funds for administering the elections**

#### **Article 88**

- (1) The funds for administering elections shall be provided from the Budget of the Republic of Macedonia and they shall be at the disposal of the State Election Commission.
- (2) Two thirds of the funds intended for the elections shall be used to cover the expenses related to the election activities of the bodies in charge of administering the elections.
- (3) One third of the funds intended for administering the elections shall be used to cover part of the expenses incurred by the election campaign participants whose candidates have been elected.
- (4) The funds for administering local elections shall be provided for from the budget of the municipality and the City of Skopje and they shall be at the disposal of the Municipal Election Commission i.e. the Election Commission of the City of Skopje; the funds for the election material shall be provided from the Budget of the Republic of Macedonia and they shall be at disposal of the State Election Commission.
- (5) As an exception to paragraph (4) of this article, in case of failure to provide the funds for administering the local elections as a result of a blocked bank account of the municipality and the City of Skopje, the funds for administering the local elections shall be provided from the Budget of the Republic of Macedonia and they shall be at the disposal of the municipal election commission, i.e. the Election Commission of the City of Skopje.

#### **2. Election material**

#### **Article 89**

The election material for administering the elections shall consist of:

- ballot boxes and panels;
- templates for protocols and a notebook for the work of the Election Boards;
- ballot booklet, according to the excerpts of the Voters List;
- candidates lists;
- signed excerpt from the Voters List;
- devices for marking and inspection of persons who have voted (Visible ink and pad);

- seals;
- scanner with a biometric sensor;
- computer, reader for ID cards or travel documents with biometric data;
- voting guidelines; and
- other materials necessary for voting.

#### **Article 90**

- (1) The voting instruction shall be displayed on a visible place on the voting panel and other visible places at the polling stations in accordance with the instruction issued by the State Election Commission. The instruction shall be printed in the Macedonian language and its Cyrillic alphabet and in the languages and alphabets of the other communities mentioned in the Preamble of the Constitution of the Republic of Macedonia.
- (2) The candidate list shall be displayed in the polling station.

### **3. Handover of the election material**

#### **Article 91**

- (1) The State Election Commission shall handover the election material to the Municipal Election Commissions no later than 72 hours prior to Election Day.
- (2) The State Elections Commission shall handover the election material to the authorised person from the Ministry of Foreign Affairs, no later than 5 days prior to Election Day.
- (3) The Ministry of Foreign Affairs shall handover the election material to the DCO, i.e. consular offices, immediately and no later than 24 hours upon receipt.
- (4) For the handover of the election material, protocol shall be filled out, in which the total number of ballots with the related serial numbers and the required number of lists of candidates to be displayed in the voting facilities shall be indicated.

#### **Article 92**

- (1) The Municipal Election Commission shall be obliged to handover the election material to the Election Boards on the territory of the Republic of Macedonia one day prior to Election Day.
- (2) For the handover of the election material from the Municipal Election Commission to the Election Boards a protocol shall be filled out, in which the total number of ballots with the related serial numbers and the rest of the necessary voting material shall be indicated.
- (3) The president and Election Board members and the member of the election commission who is handing over the material shall all sign the protocol.
- (4) Should the present representatives of the lists submitters have objections to the handover of the election materials, they shall have the right to record the same in the protocol and they may be used as a basis in the procedure for protection of the right to vote.
- (5) If the objections of the authorised representatives from paragraph (4) of this article are not recorded in the protocol, they shall have the right to submit them to the Municipal Election Commission within 5 hours of the signing of the protocol.
- (6) Accredited observers shall have the right to be present at the handover of election material.

### **4. Ballot**

#### **Article 93**

- (1) The ballot shall be printed in the Macedonian language and its Cyrillic alphabet.
- (2) The name of the list submitter, the name and the surname of the candidate i.e. the head of the list shall be written in the Macedonian language and its Cyrillic alphabet.

- (3) For the members of the other communities, the name of the list submitter, the name and the surname of the candidate i.e. the head of the list shall be written in the Macedonian language and its Cyrillic alphabet and in the language and the alphabet of the community to which they belong.
- (4) In the municipalities where at least 20% of citizens speak an official language other than Macedonian, the ballots for the elections shall be printed, in addition to Macedonian and its Cyrillic alphabet, also in the official language and alphabet that are used by citizens in that municipality.

#### **Article 94**

- (1) If there are list submitters with the same name and surname, then the initial letter of their middle name shall also be written.
- (2) On the ballot, the candidates shall be given the same order as defined in the unified candidates' list.
- (3) The ballot shall contain a part for voting and a part that shall remain on the ballot stub.

#### For President of the Republic

#### **Article 95**

- (1) The part of the ballot for voting in the election of President of the Republic shall contain:
  - title of the ballot, municipality and number of the polling station, for voting in the Republic of Macedonia;
  - title of the ballot, the location of the DCO, i.e. consular offices for the out-of-country voting;
  - ordinal number, name and symbol (if any) of the list submitter; and
  - name and surname of the candidates, according to data from the public registry.
- (2) The part of the ballot that remains on the ballot stub shall contain the serial number of the ballot, the municipality, i.e. the seat of the DCO i.e. consular offices and the number of the polling station.
- (3) The name of the ballot shall contain the flag of the Republic of Macedonia.

#### For Members of Parliament

#### **Article 96**

- (1) The part of the ballot used for voting in the election of Members of Parliament shall contain:
  - title of the ballot, number of electoral district, municipality and number of the polling station;
  - ordinal number, name and symbol (if any) of the list submitter; and
  - name and surname of the candidates, according to data from the public registry.
- (2) The part of the ballot that remains on the ballot stub shall contain the serial number of the ballot, the number of the electoral district, the municipality and the number of the polling station.
- (3) The name of the ballot shall contain the number of the electoral district and the flag of the Republic of Macedonia.

#### For Members of Council

#### **Article 97**

- (1) The part of the ballot used for voting in the election of Members of Council shall contain:
  - title of the ballot, number of polling station, and municipality;

- ordinal number, name and symbol (if any) of the list submitter; and
  - name and surname of the first candidate on the list, according to data from the public registry.
- (2) The part of the ballot that remains on the ballot stub shall contain the serial number of the ballot, the municipality, and the number of the polling station.
  - (3) The name of the ballot for election of Members of Council shall contain the name of the municipality, i.e. the City of Skopje, for which the election is being administered.

#### For Mayor

##### **Article 98**

- (1) The part of the ballot used for voting in the elections of Mayor shall contain:
  - Title of the ballot, number of the polling station, and municipality;
  - Name and symbol (if any) of the list submitter; and
  - Ordinal number, name and surname of the candidates, according to data from the public registry.
- (2) The part of the ballot that remains on the ballot stub shall contain the serial number of the ballot, the municipality, and the number of the polling station.
- (3) The name of the ballot for election of Mayor shall contain the name of the municipality, i.e. the City of Skopje, for which the election is being administered.

#### **5. Polling station**

##### **Article 99**

- (1) A place where voting will take place (premises in the facility) shall be determined for each polling station (hereinafter: polling station).
- (2) The list of candidates shall be posted in the premises that have been determined.

##### **Article 100**

- (1) The president and members of the Election Board shall gather in the premises where voting takes place no later than one hour prior to the beginning of the voting to determine whether:
  - the room is in the same condition as was left on the day before Election Day;
  - the election materials are in the same condition as left on the day before Election Day; and
  - the ballot box is empty.
- (2) The Election Board shall prepare a protocol on the condition encountered, which is signed by the president and members of the Election Board.
- (3) The remarks of the President and the board members shall be entered into the protocol.
- (4) Should the present representatives of the lists submitters have any remarks, the president shall be obliged to enable them to enter them in the protocol and they may be used as a basis in the procedure for protection of the right to vote.
- (5) If the remarks of the present representatives of the lists submitters from paragraph (4) of this article are not entered in the protocol, they shall have the right to submit the remarks to the Municipal Election Commission within 5 hours after the signing of the protocol.
- (6) Accredited observers shall also have the right to be present at the inspection of the conditions before voting begins.

#### **6. Duration of voting**

##### **Article 101**

- (1) Voting shall begin at 7:00 hours and last uninterruptedly until 19:00 hours, and in the DCO, i.e. consular offices the time difference in the country shall be taken into

consideration, i.e. from 7:00 to 19:00 hours according to the time zone in the country where the voting takes place.

- (2) The polling station shall be closed at 19:00 hours, and the voters who happen to be in the building and the premises where the voting takes place will be allowed to cast their vote.
- (3) The Election Board may close the polling station before the end of the period from paragraph (1) of this article, in case when all the voters registered on the excerpt of the Voters List have already cast their votes, but shall not start with the counting of the votes before 19:00 hours.

## **7. Securing the polling station**

### **Article 102**

- (1) The police shall secure the polling station from 6:00 hour until 19:00 hours.
- (2) Upon closure of the polling station and during the counting of the votes, the police shall secure the building where the polling station and the Election Board are located and shall remove all unauthorised persons from the building.
- (3) Upon request by the Election Board, the police shall secure the Election Board until the protocol and the electoral material are handed over to the Municipal Election Commission i.e. Election Commission of the City of Skopje.

## **8. Competencies of the Election Board during voting**

### **Article 103**

- (1) The Election Board shall maintain peace and order at the polling station.
- (2) The Election Board may remove anybody who disrupts the peace and order at the polling station.
- (3) The facility where the polling station is located and access to it shall be secured by the police during voting.
- (4) The Election Board may ask for police assistance in order to restore order at the polling station.
- (5) Nobody shall be allowed to come to the polling station armed, except for the police in the case provided for in paragraphs (3) and (4) of this article.
- (6) The Election Board in co-operation with police shall be obliged to remove the promotional materials from the building or the room where voting takes place.
- (7) The police, upon request from the President or Deputy President of the Election Board shall be obliged to remove the unauthorised persons from the building and the room where voting takes place as well as the unauthorised persons in a radius of 100 meters from the building where voting takes place.

### **Article 104**

- (1) The Election Board may suspend the voting when the order at the polling station is disrupted, up until the moment it is again restored.
- (2) The voting may be suspended in cases of natural disasters or other emergency circumstances.
- (3) The Election Board shall suspend the voting if the building where the polling station is located is not secured by the police, and this was needed, or if the police was summoned but failed to respond to the request.
- (4) The president or the deputy of the president of the Election Board may summon the police to enter in the room where voting is taking place if there is a need for that.
- (5) If voting has been disrupted for more than an hour, it will be prolonged for as much time as the disruption lasted, but no longer than three hours.
- (6) The reasons for the disruption of the voting and its duration shall be entered into the protocol.



**9. Rights and obligations of the list submitters and the accredited observers during voting**

**Article 105**

- (1) Should the representatives of the lists submitters have any remarks on the work of the Election Board during voting, they may point out the irregularities in order to eliminate the same.
- (2) Should the present representatives of the lists submitters have any remarks, the president of the Election Board shall be obliged to enable them to enter the remarks in the protocols and they may be used as a basis in the procedure for protection of the right to vote.
- (3) If the remarks from paragraph (2) of this article raised by the representatives of the lists submitters were not entered in the protocol, they shall have the right to submit the same to the Municipal Election Commission within 5 hours after the signing of the protocols.
- (4) Accredited observers, should they have any remarks about the work of the Election Board, shall have the right to enter them in the log of the polling station.
- (5) Representatives of the list submitters and accredited observers may follow up-closely the verification of a voter's identity who is approaching to vote.

**Article 106**

- (1) The president, the members of Municipal Election Commissions and Election Boards, as well as the Election Boards in the DCO i.e. consular offices, and their deputies, as well as the representatives of list submitters, and the observers shall not be allowed to have any designation or symbols of a political party, coalition or candidate, during the voting or within the voting premises.
- (2) Authorized representatives of submitters of lists, during the voting at the polling stations, shall wear badge with the number of the polling station they are authorised to observe.
- (3) The Election Board can remove from the polling station any person who uses mobile phone or a camera to take photographs of the ballot paper during voting.

**10. Voting**

**Article 107**

- (1) The voting takes place in person at the polling stations in the Republic of Macedonia and in the DCO, i.e. consular offices.
- (2) Voting on behalf of other person shall not be permitted, except in cases stipulated in article 111 of this Code.

Verifying the identity of the voter

**Article 108**

- (1) The voters vote one at a time.
- (2) When the voter approaches to vote, a member of the Election Board examines if the voter is at the appropriate polling station and if he/she has a mark from visible ink on the nail and the thumb of the right hand of the voter.
- (3) When the voter approaches to vote, the Election Board checks his/her personal identity.
- (4) The voter shall prove his/her personal identity with an identity card or a passport.
- (5) Having verified the voter's identity, the Election Board circles the ordinal number of the voter in the excerpt of the Voters List and the voter puts his/her signature there. If the voter is illiterate, then the voter shall affix his/her fingerprint of the right thumb. If the voter does not have a right thumb, then the voter shall affix the fingerprint of the left thumb. If he/she does not have a left thumb as well, then no fingerprint shall be affixed.
- (6) After the identification, the voter shall be given a ballot and his/her right thumb shall be marked with invisible ink, that is, the left thumb, if no right thumb, paying close

attention to mark the thumbnail as well. If the voter has no thumbs on both hands, then the right index finger shall be marked with visible ink, i.e. the left index finger if he/she does not have an index finger on the right hand.

#### **Article 108-a**

- (1) Voters shall proceed to voting one at a time.
- (2) When the voter approaches to cast a vote, the Election Board shall verify whether the voter is at the correct polling station.
- (3) When the voter approaches to cast a vote, the Election Board shall verify the voter's personal identity.
- (4) Personal identity shall be verified through the electronic system consisting of a computer, biometric data reader of ID cards and travel documents and a scanner with a biometric sensor placed at the polling station.
- (5) The verification from paragraph (4) of this article shall commence by inserting the ID card or travel document with the voter's biometric data in the reader of ID cards and travel documents, followed by the voter placing the correct finger on the scanner with a biometric sensor.
- (6) The voter's fingerprint received from the scanner shall be compared, through the electronic system, with the data on the voter's fingerprint received from reading the ID card or the travel document.
- (7) If the biometric data received from the reader and the scanner from paragraph (6) match, it shall be considered that the voter's identity has been established.
- (8) After the voter's identity has been determined, the Election Board shall circle the voter's ordinal number in the Voters List excerpt and the voter shall place his/her signature, and if the voter is illiterate, he/she shall leave a fingerprint from the index finger on the right hand. If the voter does not have a right index finger, he/she shall leave a fingerprint from the index finger on the left hand, but if the voter does not have a left index finger either, no fingerprints shall be left.
- (9) After the identification, the voter shall be given a ballot and his/her right thumb shall be marked with visible ink, i.e. the left thumb if the voter does not have a right thumb, making sure that the thumb nail has also been marked. If the voter does not have a thumb on either hand, then the right index finger shall be marked with visible ink, i.e. the left index finger if he/she does not have an index finger on the right hand.

### **11. Manner of voting**

#### **Article 109**

- (1) Voting shall be performed with one ballot for each type of election determined by this Code.
- (2) The ballot shall be removed in numerical sequence from the stub of the booklet, a stamp shall be put on the front side of the ballot and it shall be given to the voter.
- (3) The voter shall be instructed of the manner of voting and shall be allowed to vote.
- (4) The voter cast his vote concurrently when there are two or more elections or a referendum.

#### **Article 110**

The voter shall cast their vote by circling the ordinal number of the list submitter i.e. the ordinal number of the candidate for whom he/she has decided to vote and shall put the folded ballot into the ballot box.

#### Voting of incapacitated and ill persons

#### **Article 111**

- (1) The voter who is unable to vote at the polling station (incapacitated or ill person, pursuant to the Instruction of the State Election Commission) but wants to vote, shall notify the Municipal Election Commission i.e. the Election Commission of the City of Skopje thereof no later than seven days prior to Election Day.
- (2) The notification from paragraph (1) of this Article shall refer both to the first and the second round of voting.
- (3) The notification from paragraph (1) of this article may also be submitted through a proxy.
- (4) The Election Board shall enable the person from paragraph (1) of this article to vote in his/her home, one day prior to Election Day in a manner that will guarantee the secrecy of the voting.
- (5) The Election Board shall provide a special ballot box for the voting referred to in paragraph (3) of this article, which is taken empty to the home where the voter is located.
- (6) The voting, from paragraph (3) of this article, shall be recorded in the protocol of the Election Board.
- (7) For the date and time of voting, from paragraph (3) of this article, the president of the Municipal Election Commission i.e. the Election Commission of the City of Skopje shall notify the representatives of the list submitters in writing.

Voting of persons who are not able to vote by themselves

**Article 112**

- (1) A voter, who due to a physical disability or illiteracy is unable to vote in the manner defined by this Code, shall have the right to bring along a person to assist him/her with voting.
- (2) If the voter from paragraph (1) of this article does not bring along a person to assist him/her with voting, the Election Board shall appoint another person from among the voters.
- (3) The person helping another person with voting shall not be among the Election Board members, representatives of the list submitters or observers.
- (4) The same person may provide voting assistance to no more than two voters, as of paragraph (1) of this article.
- (5) The Election Board shall instruct the person from paragraphs (1) and (2) of this article that his/her assistance should not influence the voter's choice.
- (6) The voting from paragraph (1) of this article shall be recorded in the protocol of the Election Board.

Voting of voter – person with special needs

**Article 112-a**

The Election Board shall enable the voting of a person with special needs who cannot enter in the polling station and vote in accordance with this Code, based on the Instruction of the State Election Commission.

Voting of persons who on Election Day are serving a penitentiary sentence or are in custody or in home custody

**Article 113**

- (1) Voters who on Election Day are serving a prison sentence or are in custody, i.e. home custody shall vote in the penitentiary institutions or in the place where the home custody is located.
- (2) Following receipt of the lists of voters who on Election Day are serving a prison sentence or are in custody, the Municipal Election Commission is required to

immediately submit the lists to the penitentiary institutions where the voters serve a prison sentence or are held in custody.

- (3) The voters who on Election Day are serving home custody and are willing to vote shall use an authorised person to inform the Municipal Election Commission or the Election Commission of the city of Skopje, at the latest three days prior to the Election Day.
- (4) For the voters from paragraphs (2) and (3) of this article, the elections shall be administered by the Electoral Board of the nearest polling station or a special Electoral Board, in accordance with this Code, one day before Election Day, and the representatives of the list submitters are notified thereof with a view to their being present at the voting.
- (5) The Electoral Board shall enable voting for the voters from paragraph (3) of this article in the place of home custody, one day before the Election Day, while preserving secrecy of the vote.
- (6) For the voting from paragraph (5) of this article the Electoral Board shall provide a separate empty ballot box, brought in the place where the voter is serving his/her home custody.
- (7) With regard to the voting of voters referred to in paragraph (3) of this article, the corresponding election commission shall inform the respective authorities that ordered the home custody and the respective law enforcement authority.
- (8) The Electoral Board shall produce separate protocols about the voting of these voters.
- (9) The protocols and the election material shall be submitted to the respective Municipal Election Commissions after the completion of voting.

#### **Article 113-a**

- (1) The voters who are temporarily employed or residing abroad on Election Day shall vote in the DCO, i.e. consular offices of the Republic of Macedonia abroad, one day prior to the Election Day in the Republic of Macedonia.
- (2) Out of country voting will be conducted in the DCO or consular offices of the Republic of Macedonia abroad:
  - Republic of Albania – Tirana;
  - Republic of Austria – Vienna, which covers Slovak Republic and Japan;
  - Commonwealth of Australia – Canberra and Melbourne;
  - Kingdom of Belgium – Brussels, which covers Grand Dutch of Luxembourg;
  - Bosnia and Herzegovina – Sarajevo;
  - Republic of Bulgaria – Sofia, which covers Republic of Moldova;
  - Canada – Ottawa and Toronto;
  - People’s Republic of China – Beijing, which covers the Democratic People’s Republic of Korea and Socialistic Republic of Vietnam;
  - Republic of Croatia – Zagreb;
  - Kingdom of Denmark – Copenhagen;
  - Arabic Republic of Egypt – Cairo;
  - Republic of Estonia – Tallinn;
  - Republic of France – Paris and Strasbourg, which covers the Portuguese Republic;
  - Federal Republic of Germany – Berlin, Bonn and Munich;
  - Republic of Greece – Athens and Thessaloniki;
  - Republic of Hungary – Budapest;
  - India – New Delhi;
  - Italy – Rome and Venice, which covers Malta;
  - State of Israel – Tel Aviv;
  - The Holy See of Vatican;

- Kingdom of Holland –The Hague;
  - Republic of Poland – Warsaw;
  - Romania – Bucharest;
  - Russian Federation – Moscow, which covers the Republic of Belarus;
  - Republic of Serbia – Belgrade;
  - Republic of Slovenia – Ljubljana;
  - Kingdom of Spain – Madrid;
  - Kingdom of Sweden – Stockholm, which covers the Republic of Finland;
  - Switzerland – Bern and Geneva, which cover the Principality of Lichtenstein;
  - Republic of Turkey – Ankara and Istanbul, which covers Saudi Arabia, United Arab Emirates, Republic of Kazakhstan, Kyrgyzstan Republic, Azerbaijan Republic and Republic of Uzbekistan;
  - Ukraine – Kiev;
  - Great Britain – London, which covers Ireland and Republic of Iceland;
  - USA – Washington, Detroit, Chicago and New York;
  - State of Qatar – Doha;
  - Montenegro – Podgorica;
  - Czech Republic – Prague;
  - Republic of Kosovo – Pristina; and
  - Kingdom of Norway – Oslo
- (3) The State Election Commission is obliged immediately after receiving the election material to deliver it to the DCO, i.e. consular offices through the Ministry of Foreign Affairs.
- (4) For the voters from the paragraph (1) of this article, the elections shall be conducted by the Election Boards in the DCO, i.e. consular offices.
- (5) Election Boards in the DCO, i.e. consular offices shall prepare protocols for the voting in the DCO, i.e. consular offices.
- (6) The ballots shall be placed in separate envelopes, which shall indicate the location of the DCO, i.e. consular offices and electoral district and it shall be sealed.
- (7) Election Boards through the Ministry of Foreign Affairs shall deliver the protocols, sealed envelopes and other election material to the State Election Commission after voting is completed.
- (8) State Election Commission shall tabulate and determine the results from the out of country voting.

#### **Article 113-b**

- (1) The members of the Election Boards for voting at the DCO, i.e. consular offices, shall vote at the State Election Commission three days prior to the election day in the Republic of Macedonia.
- (2) The elections for the voters from paragraph (1) of this article shall be administered by the Election Board for voting at the SEC.
- (3) For the purposes of the voting, from paragraph (2) of this article, a special ballot box shall be provided which following the end of the voting shall be kept sealed in the offices of the SEC and shall be opened after the end of the voting in the Republic of Macedonia.
- (4) For the purposes of voting of these voters, the Election Board shall take separate protocol.
- (5) The minutes and the voting material shall be submitted to the corresponding Municipal Election Commissions after the end of the voting in the Republic of Macedonia.

## **12. Tabulating and determining the election results at polling stations**

### **Article 114**

- (1) The results of the voting at polling stations shall be tabulated and determined in the following manner:
  - the unused ballot shall be counted and first the lower right hand corner shall be torn off and then they shall be put in a special envelope which shall be closed, sealed and the number of the unused ballots shall be written on it;
  - the total number of voters registered in the excerpt of the Voters List who have cast their vote and have placed their signature or fingerprint, shall be determined;
  - the ballot box shall be opened and the counting of votes shall begin;
  - by drawing lots, one member will be selected who will take out and open the ballots from the ballot box one at a time and hand them over to the president of the Election Board;
  - the ballot is shown to all Election Board members, to the present representatives of the lists submitters, and to the observers;
  - the Election Board shall determine whether or not the ballot is valid and for which list of candidates i.e. candidate the vote has been cast;
  - the cast vote shall be recorded, the ballot shall be put in the corresponding place and a new ballot shall be taken out of the ballot box.

#### Valid ballot

##### **Article 115**

- (1) The ballot shall be considered valid if in compliance with article 110 of this Code.
- (2) A valid ballot shall be considered the one from which in a reliable and unambiguous way it can be established for which list of candidate, i.e. list of candidates the voter has cast his/her vote.
- (3) The ballot shall be invalid if it is not filled out or multiple lists of candidates or candidate are circled.

#### Voting protocol

##### **Article 116**

- (1) The Election Board shall enter the following information in the protocol: the ordinal number of the polling station, the number of the decision for establishing the polling station, the number of the decision for establishing the Election Board, the time of beginning and concluding the voting; the total number of voters in the polling station according to the excerpt of the Voters List; the total number of voters who have voted; the total number of ill and incapacitated persons who have voted; the total number of ballots put in the ballot box; the total number of ballots that have not been used; the total number of invalid ballots and the total number of votes each list of candidates has won separately.
- (2) The protocol shall contain a separate tabular section for the tabulation and the determination of the results from the polling station.
- (3) Remarks by the Election Board members shall be recorded in the protocol as well.

##### **Article 117**

- (1) The protocol shall be signed by the president and Election Board members.
- (2) The protocol shall be considered valid if signed by the majority of the Election Board members whose signatures have been deposited.
- (3) The president of the Election Board should state the reasons for the protocol not being signed by a member of the Election Board.
- (4) If the majority of members of the Election Board do not sign the protocol, the protocol shall be completed and signed by the Municipal Election Commission i.e. the Election Commission of the City of Skopje, based upon the entire election material.

- (5) Should the present representatives of the list submitters have remarks, the president of the Election Board shall be obliged to enable them to enter their remarks in the protocol, and the remarks may be used as a basis in the procedure for protection of the right to vote.
- (6) If the remarks by the representatives of the list submitters referred to in paragraph (5) of this article are not recorded in the protocol, they shall have the right to submit them to the Municipal Election Commission of the City of Skopje within 5 hours after the completion of the protocol and those comments may serve as ground for submitting a complaint.
- (7) If the protocol from the voting at the DCO i.e. the consular offices have not been signed by the majority of members of the Election Board, the protocol shall be prepared and signed by the State Election Commission based on the entire election material.
- (8) If the accredited observers have any remarks on the work of the Election Board, they shall be entitled to enter them in the log at the polling station.

#### Handover of the election materials to the Municipal Election Commission

##### **Article 118**

- (1) The protocols and the other election material shall be submitted to the Municipal Election Commission i.e. the Election Commission of the City of Skopje by the Election Board within 5 hours after voting is completed.
- (2) A copy of the protocols duplicated as a carbon copy shall be given to every representative of the list submitter, and the accredited observers. The original sample that has been previously verified with a seal from the State Election Commission shall be submitted to the Municipal Election Commission i.e. the Election Commission of the City of Skopje.
- (3) Upon the completion of the activities described in paragraphs (1) and (2) of this article, the Election Board shall immediately announce and post the results tabulated from the voting conducted at the polling station.
- (4) The election material shall be submitted to the Municipal Election Commission i.e. Election Commission of the City of Skopje by the president of the Election Board escorted by interested Election Board members or representatives of the lists submitters and representatives of the police, if deemed necessary.
- (5) Separate protocols shall be prepared for the handover of the material of paragraph (1) of this article.

##### **Article 118-a**

- (1) The protocol and other election material from the voting in the DCO, i.e. consular offices shall be handed over by the Election Board to the responsible person of the DCO, i.e. consular offices, designated by the State Election Commission (hereinafter "the responsible person of the DCO") within 5 hours from the end of voting. A special protocol is prepared for this handover.
- (2) Every representative of the submitter of the list and accredited observers shall get a carbon copy of the protocol from the voting. The original sample, stamped earlier by the State Election Commission shall be delivered to the responsible person of the DCO, i.e. consular offices.
- (3) The responsible person of the DCO, i.e. consular offices is obliged immediately to submit the State Election Commission via diplomatic post, the protocol from voting in the DCO, i.e. consular offices, the entire electoral material from the voting in the DCO, i.e. consular offices and one copy of the special protocol from paragraph (1).

### **13. Tabulating and determining the results from the voting for election of President of the Republic**

#### **Article 119**

- (1) The Municipal Election Commission shall, within 5 hours after receipt of the entire election material from the Election Boards, tabulate the results of the voting for the list of candidates in the polling stations for which it is competent, and shall submit them to the State Election Commission.
- (2) For its activities, the Municipal Election Commission prepares a protocol.
- (3) The protocol on voting shall incorporate the data on the summed-up votes, the ordinal number of the polling stations in the electoral district for which the municipal commission is in charge, the total number of voters recorded in the excerpts of the Voters List for those polling stations, the total number of voters who voted, the total number of ill and incapacitated persons who voted, the total number of invalid ballots and the total number of votes received by each candidate list from the polling stations for which this Municipal Election Commission is in charge.
- (4) Remarks from the members of the Municipal Election Commission are also entered into the protocol.

#### **Article 119-a**

- (1) The protocol from article 119 of this Code is signed by the president and members of the Municipal Election Commission.
- (2) The protocol shall be valid if it is signed by the majority of the members of the Municipal Election Commission.
- (3) The president of the Municipal Election Commission is obliged to list the reasons for a member of the Municipal Election Commission refusing to sign the protocol.
- (4) The president of the Municipal Election Commission is obliged to allow the present representatives of submitters of the lists, if they have remarks, to record them into the protocol so that the remarks will serve as a basis in the procedure for the protection of the voting right.
- (5) Each representative of the list submitter and accredited observers shall receive a copy of the protocol.

#### First round

#### **Article 120**

The candidate who wins a majority of votes from the total number of voters registered in the Voters List shall be elected as President of the Republic.

#### Second round

#### **Article 121**

- (1) If no candidate for President of the Republic wins the required majority in the first round, then voting will be administered in the second round for two candidates who won the most votes in the first round.
- (2) The second-round of voting shall take place within 14 days after the first-round of voting.
- (3) For president is elected a candidate who received majority of the votes providing that more than 40% of the voters have cast their votes.

#### Repetition of the voting

#### **Article 122**

- (1) The entire election procedure shall be repeated if no candidate wins the required majority in the second round of voting as well.
- (2) The entire election procedure shall be repeated if only one candidate is nominated for President of the Republic and that candidate fails to win the required majority in the first round of voting.

#### Statement



#### **Article 123**

- (1) Before assuming office, no later than ten days from the day the results are announced, but not prior to the end of the term of the previous President, the President of the Republic shall give and sign an ceremonial oath before the Parliament of the Republic of Macedonia, as follows:  
"I hereby declare that I shall execute the Office of the President of the Republic of Macedonia in conscientious and responsible manner, that I shall respect the Constitution and the Laws, and that I shall protect the sovereignty, the territorial integrity and the independence of the Republic of Macedonia".
- (2) The President of the Republic of Macedonia, elected in presidential elections due to cessation of term, shall deliver the oath from paragraph (1) of this article three days after the final results are announced.

### **14. Tabulating and determining of the result from the voting for election of Members of Parliament**

#### **Article 124**

- (1) The Municipal Election Commission, within 5 hours from receiving the entire election material from the Election Boards for which it is competent, shall tabulate the results of the voting for the lists of candidates, at the polling stations of the corresponding electoral district.

#### The protocol for voting

#### **Article 125**

- (1) The Municipal Election Commission shall prepare protocol for its work.
- (2) The protocol on the voting shall contain data on the tabulated results of the voting such as: ordinal number of the polling stations in the electoral district for which it is competent, the total number of voters for those polling stations registered in the excerpts in the Voters List, the total number of voters who have voted, the total number of ill and incapacitated persons who voted, the total number of invalid ballots and the total number of votes cast for each list of candidates at a level of electoral district and from the polling stations for which the Municipal Election Commission is competent.

#### **Article 126**

- (1) The protocol from article 125 of this Code shall be signed by the president and the members of the Municipal Election Commission.
- (2) The protocols shall be considered valid if signed by the majority of the members of the Municipal Election Commission.
- (3) The president of the Municipal Election Commission should state the reasons for the protocol not being signed by a member of the commission.
- (4) In case the present representatives of the lists submitters have remarks, the President of the Municipal Election Commission shall be obliged to enable them to enter the remarks in the protocol and they may serve as basis in the procedure for protection of the right to vote.
- (5) Each representative of the list submitter and accredited observers shall receive a copy of the protocols.

### **15. Determining results and distributing mandates for the election of Members of Parliament**

#### **Article 127**

- (1) The State Election Commission shall tabulate and determine the total results of the voting in the electoral districts.
- (2) The State Election Commission shall determine the voting results based on the result protocols tabulated by the Municipal Election Commissions and the entire election material.

- (3) The State Election Commission shall determine the results for each individual electoral district according to the number of the total votes that individual lists of candidates have won based on the tabulated results by the Municipal Election Commission for the polling stations in the electoral district for which it is competent.
- (4) When determining the election results, the d'Hondt formula shall be applied.
- (5) Having determined the total number of votes cast for that number of candidates in the electoral district (so-called electorate), each list is divided by the sequence of quotients 1, 2, 3, 4, etc. until all seats in the electoral district are allocated according to the determined principle.
- (6) The quotients of the division, referred to in paragraph (5) of this article, are classified by size, whereby relevant are as many of the largest quotients as there are Members of Parliament being elected in the electoral district.
- (7) A list of candidates shall obtain as many parliamentary seats as there are largest quotients out of the number of quotients referred to in paragraph (6) of this article.
- (8) Should there be two identical quotients when distributing the last seat in the Parliament the mandate shall be allotted by drawing lots.
- (9) When allocating the seats in the Parliament, the number of mandates shall correspond to the number of seats won by the list.
- (10) Candidates are elected from the list of candidates according to the established sequence.

#### **Article 127-a**

- (1) The State Election Commission shall tabulate and determine the total results from the voting in the three electoral districts in Europe and Africa, North and South America and Australia and Asia.
- (2) The elected member of the Parliament shall be the candidate who received greater number of votes from the voters who cast their votes but no less than 2% of the total number of registered voters in the electoral district.

#### **Article 128**

- (1) For each electoral district, the State Election Commission shall prepare a separate protocol for determining the results of the voting.
- (2) The protocols shall contain the following information on the voting results:
  - the total number of polling stations;
  - the total number of voters registered in the excerpts of the Voters List for the electoral district;
  - the total number of ill and incapacitated persons; and
  - the total number of voters who have cast their vote;
  - the total number of invalid ballots;
  - the total number of votes that each individual list of candidates won;
  - the number of parliamentary seats won by the list of candidates; and
  - the name and surname of the candidates elected.

#### **Article 129**

(Deleted)

### **16. Tabulating and determining of the results from the voting for election of Member of Council**

#### **Article 130**

- (1) The overall results of the voting in a municipality shall be determined by the Municipal Election Commission.
- (2) The Municipal Election Commission shall determine the voting results based on the received protocols with the tabulated votes from the Election Boards as well as the complete election material.

- (3) The Municipal Election Commission shall determine the results according to the number of the votes won by lists of candidates for Members of Council, based on the tabulated results from Election Boards.
- (4) The Election Commission of the City of Skopje shall determine the results from the voting in the City of Skopje for Members of Council according to the number of the votes won by lists of candidates for Members of Council, based on the tabulated results received from the election commissions in the area of the City of Skopje.
- (5) When determining the election results, the d'Hondt formula shall be applied.
- (6) Having determined the total number of votes cast for each list of candidates (called electorate), each list is divided by the sequence of divisors 1,2,3,4, etc. until the number of Members of Council for the municipality and the City of Skopje is reached.
- (7) The quotients of the division referred to in paragraph (6) of this article are placed in a sequence according to size whereby as many largest integers are relevant as the number of Members of Council being elected.
- (8) The list of candidates for Member of Council shall obtain as many municipal councillor seats as there are the large quotients from the number of results referred to in paragraph (6) of this article.
- (9) Should there be two identical quotients when distributing the last seat in the Parliament the mandate shall be allotted by drawing lots.
- (10) When allocating municipal councillor seats, the number of elected candidates shall correspond with the number of seats won by the list.
- (11) The candidates for Members of Council are elected from the list of candidates according to the established sequence.

#### **Article 131**

- (1) The Municipal Election Commission shall prepare protocol to determine the results of the voting.
- (2) The protocol shall contain the following information on the voting results:
  - the total number of polling stations in the municipality and the City of Skopje,
  - the total number of voters registered in excerpts of the Voters List for the municipality and the City of Skopje,
  - the total number of ill and incapacitated persons who voted ,
  - the total number of voters who have cast their vote,
  - the number of invalid ballots,
  - the total number of votes that each candidates list has won separately,
  - the number of seats for Members of Council won by the list of candidates, and
  - name and surname of the candidates elected.
- (3) A copy of the protocol shall be given to every representative of the list submitter and accredited observers.

### **17. Determining the results from elections for Mayor**

#### First round

#### **Article 132**

- (1) The candidate who wins the majority of the votes from the voters who have voted shall be considered as elected in the first round of voting for Mayor, provided one third of the total number of voters registered in the excerpt of the Voters List for the municipality in question have voted.
- (2) If within the first round of voting for the election of a mayor of the municipality, i.e. Mayor of the City of Skopje, one third of the total number of voters registered in the excerpt of the Voters List for the corresponding municipality, i.e. the City of Skopje fail to turn up for voting, the entire election procedure shall be repeated for the corresponding municipality.

- (3) The Election Commission of the City of Skopje shall determine the results of the voting for Mayor according to the number of votes that each of the lists of candidates for Mayor wins, based on the tabulated results received from the Municipal Election Commissions in the area of the City of Skopje.
- (4) The entire election procedure shall be repeated if there is one candidate nominated for Mayor and this candidate fails to win the required majority votes in the first round of voting referred to in paragraph (1) of this article.

#### Second round

##### **Article 133**

- (1) If in the first round no candidate for Mayor wins the required majority votes in accordance with article 132, paragraph (1) of this Code, then voting in the second round shall be organised for two candidates who won the most votes in the first round.
- (2) The second round shall take place within 14 days after the first round of voting.
- (3) The candidate who wins the most votes in the second round, shall be considered elected for Mayor.

#### Appointing a trustee until the new elections

##### **Article 134**

- (1) Should there be no elected Mayor even after the second round of voting, for any reason, then the election commission shall, within 15 days from the completion of the elections, notify thereof the Government of the Republic of Macedonia.
- (2) Upon receiving the notification referred to in paragraph (1) of this article, the Government of the Republic of Macedonia shall appoint, within 15 days, a trustee to execute the office of Mayor.
- (3) Within 15 days of having appointed a trustee, the Government of the Republic of Macedonia shall notify the President of the Assembly of the Republic of Macedonia for the purpose of calling elections for Mayor.

### **18. Announcing the results of the elections**

#### State Election Commission

##### **Article 135**

- (1) The State Election Commission shall announce the initial results of the elections consecutively as they receive them electronically; the results based on the protocols of the Municipal Election Commissions i.e. the Election Commission of the City of Skopje shall be announced within 12 hours after the elections are completed.
- (2) The State Election Commission shall announce the final results of the voting immediately and no later than 24 hours from the day they become final.

#### Municipal Election Commission

##### **Article 136**

- (1) Within 7 hours after the voting is completed, the Municipal Election Commission shall announce the initial results of the elections for Members of Council i.e. Mayor based on the data from the Election Boards by displaying the results on a bulletin board in the municipality and announcing them to the media.
- (2) Within 10 hours after the voting is completed the Election Commission of the City of Skopje shall announce the initial results of the elections for Members of Council i.e. Mayor, based on the data from Municipal Election Commissions for the City of Skopje, by displaying them on a bulletin board in the City of Skopje and announcing them to the media.
- (3) The Municipal Election Commissions i.e. the Election Commission of the City of Skopje shall announce the final results of the elections for Members of Council and Mayor immediately and no later than 24 hours from the day they become final.

## **19. Elections for President of the Republic of Macedonia due to the termination of the mandate**

### Calling election

#### **Article 137**

- (1) Should the Constitutional Court of the Republic of Macedonia render an Act that confirms the existence of conditions for cessation of the office of President of the Republic of Macedonia, in accordance with article 81 paragraph (8) of the Constitution of the Republic of Macedonia, the Court shall submit it, within 24 hours, to the President of the Parliament of the Republic of Macedonia and shall publish it in the "Official Gazette of the Republic of Macedonia".
- (2) Within 48 hours of the moment of the Act referred to in paragraph (1) of this article is published, the President of the Parliament of the Republic of Macedonia shall issue an act calling elections for President of the Republic of Macedonia.

### Procedure for collection of signatures

#### **Article 138**

The collection of signatures in the procedure for nominating a candidate for President of the Republic of Macedonia and the public inspection of the Voters List shall be administered before State Election Commission, and shall commence on the fifth day from the day the presidential elections are called, due to termination of the mandate and shall last ten days.

### Submitting a list of candidate

#### **Article 139**

- (1) The list of candidates for President of the Republic of Macedonia shall be submitted to the State Election Commission, at the latest, on the sixteenth day from the day elections are called.
- (2) A candidate may revoke his/her candidacy, at the latest, within 17 days from the day elections are called.

### Competency of the State Election Commission

#### **Article 140**

- (1) Within 24 hours upon receipt of the list of presidential candidates, the State Election Commission shall determine whether they have been submitted within the deadline stipulated in article 139, paragraph (1) of this Code.
- (2) Should the Commission of paragraph (1) of this article conclude, upon receiving the lists, that certain irregularities or omissions have been committed, then it shall call upon the lists submitters to eliminate them immediately and at the latest within 24 hours after the submission of the lists.
- (3) Should the Commission of paragraph (1) of this article conclude that the lists have been submitted within the prescribed deadline and have been made in accordance with this Code, i.e. the lists submitters did eliminate the irregularities and omissions, within the deadline set in paragraph (2) of this article, then the Commission shall confirm the submitted lists with a decision within 24 hours after receiving the corrected lists.

#### **Article 141**

- (1) Should the State Election Commission conclude that the lists were not submitted on time, i.e. the lists submitters did not eliminate the irregularities and failures found within the deadline stipulated in article 140, paragraph (2), of this Code the Commission shall, within 24 hours, reject the submitted list with a decision.
- (2) A lawsuit against the decision of the State Election Commission shall be submitted to the Administrative Court within 24 hours upon receipt of the decision.
- (3) The Administrative Court shall decide on the lawsuit within 24 hours upon receipt.

- (4) The lawsuit referred to in paragraph (2) of this article shall be submitted through the State Election Commission, and postal delivery of the lawsuit shall not be permitted.

#### Publishing the lists

##### **Article 142**

The State Election Commission shall announce the verified lists in the "Official Gazette of the Republic of Macedonia", no later than the twenty-first day from the day elections are called.

#### Electoral campaign

##### **Article 143**

The electoral campaigns shall commence on the twenty second day from the day elections are called and shall end 24 hours before Election Day.

##### **Article 144**

(Deleted)

##### **Article 145**

(Deleted)

#### Publishing the descriptions of the polling stations

##### **Article 146**

- (1) The State Election Commission shall submit a copy of the decision on determining the number and the description of every polling station, to the Municipal Election Commission, no later than ten days prior to Election Day.
- (2) The Municipal Election Commission shall, no later than five days prior to Election Day, display at a visible location the descriptions of the determined polling stations, thus indicating which polling stations are designated for voters from a particular area.

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

##### **Article 147**

- (1) The procedure for the protection of the right to vote is urgent.
- (2) The submissions (complaints and appeals) for the protection of the right to vote shall be submitted directly to the competent bodies via the institutions that have made the previous decisions.
- (3) The complaints shall be submitted in writing and shall incorporate:
  - time, place, description of the committed irregularity, the perpetrator and the evidence the submitter calls upon;
  - name, surname and a signature of the submitter of the complaint or authorized representative respectively, and
  - electronic mailbox for receiving correspondence.
- (4) Submitting a complaint and lawsuit by post shall not be permitted.
- (5) The complaints may also be submitted on separate templates, prescribed by the State Election Commission, which are published in the "Official Gazette of the Republic of Macedonia" and on the website of the State Election Commission.
- (6) The submission of complaints and lawsuits for the voting in electoral districts in Europe and Africa, North and South America and Australia and Asia is not allowed through post, but shall be done through the official representative in the Republic of Macedonia.
- (7) The decisions of the Administrative Court are final and against them no appeal or other form of legal protection may be submitted.

**1. Procedure for protection of the right to vote of the list submitters**

**Article 148**

- (1) Each submitter of a list of candidates in the procedure for voting, tabulating and determining the results has the right to submit a complaint to the State Election Commission.
- (2) The complaint from paragraph (1) of this article shall be submitted within 48 hours after the end of the voting, i.e. after the preliminary results are announced.
- (3) The State Election Commission shall decide on the complaint within 48 hours from having received it.
- (4) The decision from paragraph (3) of this article shall be delivered through the electronic mailbox for receiving correspondence and the decision shall be considered as delivered within five hours after it has been delivered in the electronic mailbox.
- (5) A lawsuit against the decision of the State Election Commission may be submitted before the Administrative Court by the submitter, within 48 hours from the receiving of the decision.
- (6) The lawsuit to the Administrative Court shall be based on the grounds and allegations listed in the complaint on which the first instance decision was adopted.

**2. Procedure for protection of the voters right to vote**

**Article 149**

- (1) Every voter whose right to vote has been violated in the election procedure may submit a complaint to the State Election Commission within 24 hours.
- (2) Every voter whose election right was violated in the procedure for out-of-country voting may submit complaint to the State Election Commission within 24 hours, through express mail and time of handing over the shipment shall be considered as a time of submission of the complaint.
- (3) The first instance organ shall be obliged to make a decision upon the complaint within 4 hours from having received it.
- (4) Against the decision made by the first instance organ, i.e. the State Election Commission, lawsuit may be submitted before the Administrative Court within 24 hours from having received the decision.
- (5) If the decision of paragraph (2) refers to the certain action of the Election Board and the voting process is still ongoing, the voter shall be enabled to exercise his/her voting rights.

The decision-making procedure of the Administrative Court

**Article 150**

- (1) The Administrative Court decides upon the lawsuit from article 148 and article 149 of this Code in a panel of five judges elected by drawing lots, during a session open to the public for which it shall inform the official representatives upon whose lawsuits the court shall decide.
- (2) The Administrative Court shall decide upon the lawsuit within 48 hours upon receipt.
- (3) The Administrative Court may confirm or change the decision.
- (4) Decisions related to complaints and lawsuits shall, as they are adopted, be published on the website of the Administrative Court, the State Election Commission, the Municipal Election Commissions and the Election Commission of the City of Skopje and in another appropriate manner.

**IX. ANNULMENT AND REPETITION OF VOTING**

**Article 151**

- (1) The State Election Commission, ex officio or based on a filed complaint, shall with a decision annul the voting at the polling station in the following cases:
  - if the Election Board fails to conduct the voting in the manner defined by this Code;
  - if the secrecy of voting has been violated;
  - if the voting has been suspended for more than three hours;
  - if the police has failed to respond to the request for intervention made by the Election Board, provided there was a need for such intervention and that this has influenced the conduct of the voting in the polling station;
  - in case it has been established that there is a greater number of ballots in the ballot box than the number of voter turnout; and
  - if any person or persons have voted for other persons.
- (2) When deciding upon complaints the State Election Commission is obliged to inspect the overall election material in the cases stipulated in the lines 1, 2, 5 and 6 of paragraph (1) of this article, if the facts which are referred to have been entered in the protocol.
- (3) The State Election Commission shall repeat the voting with a decision in cases stipulated in paragraph (1) of this article at the polling stations where the voting has been annulled, only if the total number of voters registered at those polling stations on the level of electoral district, city, i.e. municipality has an impact on the overall results.
- (4) A lawsuit against the decision from paragraphs (1) and (2) of this article may be submitted to the Administrative Court through the State Election Commission within 24 hours from the receipt of the decision.
- (5) The Administrative Court must act on the lawsuit within 72 hours of its receipt.
- (6) The voting at the polling station that has been annulled shall be repeated 14 days from Election Day.

## **X. REPEATED ELECTIONS**

### **1. Termination of the mandate and additional elections for Members of Parliament**

#### **Article 152**

- (1) The mandate of a Member of Parliament shall terminate before the period for which he/she has been elected if
  - he/she resigns;
  - he/she is sentenced for a criminal offence for which a sentence of at least five years is prescribed;
  - there is incompatibility with the office of Member of Parliament;
  - he/she dies;
  - he/she is declared deprived of active legal capacity by an effective decision.
- (2) If the Member of Parliament resigns, the Parliament at its next session shall determine that his/her mandate terminates from the day that session is held.
- (3) The mandate of a Member of Parliament shall terminate on the day the conditions from paragraph (1), line 2, 3, 4, 5, of this article are fulfilled, which is determined by the Parliament at the first following session.

#### **Article 153**

- (1) If the mandate of the candidate elected from the list of candidates terminates, pursuant to one of the grounds defined in article 152 of this Code, the next candidate on the list shall become Member of Parliament for the remaining duration of the mandate.
- (2) The State Election Commission shall notify the next candidate on the list in the cases referred to paragraph (1) of this article within three days of the termination of the mandate.



- (3) If the following candidate on the list from paragraph (2) of this article does not notify the State Election Commission within eight days whether he/she accepts the mandate, this right shall be transferred to the next candidate on the list.
- (4) In case when the list of candidates has been exhausted in accordance with the provisions in paragraphs (1), (2), and (3) of this article, realisation of this right shall commence again from the very start of the list of candidates, if there are any on the list.

#### **Article 153-a**

- (1) As an exception to article 153 of this Code, if the Member of Parliament whose mandate has been terminated pursuant to one of the grounds defined in article 152 of this Code is female, then the next female candidate on the list shall become a Member of Parliament for the remaining duration of the mandate.
- (2) The State Election Commission shall notify the next female candidate on the list in the cases from paragraph (1) of this article within three days of the termination of the mandate of the Member of Parliament.
- (3) If the candidate from paragraph (2) of this article fails to notify the State Election Commission within the eight days whether she accepts the mandate, this right shall be transferred to the next female candidate on the list.
- (4) In case when the list of candidates has been exhausted in accordance with paragraphs (1), (2) and (3) of this article, this right shall be fulfilled in accordance with article 155 of this Code.

#### **Article 154**

- (1) If the list of candidates has no candidates and if the grounds for acquiring the mandate of Member of Parliament as determined in article 153 of this Code are exhausted, additional elections are called for Members of Parliament in the electoral district where the Member of Parliament was originally elected.
- (2) If the mandate of the member of the Parliament who has been elected from the list of candidates in the three electoral districts in Europe and Asia,<sup>2</sup> North and South America and Australia and Asia has been terminated in accordance with one of the conditions stipulated in article 152 of this Code, additional elections for member of the Parliament shall be announced in the electoral district from which the member was elected.

## **2. Termination, revoke of the mandate and additional elections for Member of Council and Mayor**

#### **Article 155**

- (1) If the mandate of a Member of Council terminates or is revoked, pursuant to one of the grounds defined in the Law on Local Self-Government and in this Code, then the next candidate on the list shall become municipal councillor for the remaining duration of the mandate.
- (2) The Municipal Election Commission i.e. the Election Commission of the City of Skopje shall notify the next candidate on the list in the cases from paragraph (1) of this article within three days of the termination of the mandate of the Member of Council.
- (3) Within 8 days from the day of receipt of the notification from paragraph (2) of this article, the candidate from paragraph (1) of this article shall be obliged to notify, in written form, the Municipal Election Commission i.e. the Election Commission of the City of Skopje whether he/she accepts the mandate.

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<sup>2</sup> A corrigendum shall be needed; apparently, in the amendments a mistake was made. Instead of Europe and Asia, should be Europe and Africa.

- (4) If the candidate, pursuant to paragraph (3) of this article, does not accept the mandate, this right shall be transferred to the next candidate on the list.

#### **Article 155-a**

- (1) As an exception to Article 155 of this Code, if the member of council whose mandate has been terminated or revoked pursuant to one of the grounds defined in the Law on Local Self-Government and in this Code is female, the next female candidate on the list shall become a municipal councillor for the remaining duration of the mandate.
- (2) The Municipal Election Commission i.e. the Election Commission of the City of Skopje shall notify the next female candidate on the list in the cases from paragraph (1) of this article within three days of the termination of the mandate of the Member of Council .
- (3) If the female candidate from paragraph (2) of this article fails to notify the Municipal Election Commission i.e. the Election Commission of the City of Skopje within the eight days whether she accepts the mandate, this right shall be transferred to the next female candidate on the list.
- (4) In case when the list of candidates has been exhausted in accordance with paragraphs (1), (2) and (3) of this article, this right shall be fulfilled in accordance with Article 155 of this Code.

#### **Article 156**

- (1) In case when the list of candidates, in accordance with article 155, is exhausted, the realisation of this right shall commence again from the very start of the list of candidates, if there are any on the list.
- (2) If there are no candidates on the list of candidates and if the conditions for acquiring the mandate as Members of Council have been exhausted, additional elections for municipal councillors and members of the council of the City of Skopje shall be conducted.
- (3) The additional elections shall be announced by the Parliament of the Republic of Macedonia within 15 days from the day the mandate is revoked.

### **3. Elections for substituting Members of Councils**

#### **Article 157**

- (1) If an effective court decision establishes that during the election a political party, coalition or a group of voters, used bribe and means acquired through criminal acts to win votes, the mandates won by this political party, coalition i.e. group of voters, shall be annulled by the Municipal Election Commission i.e. the Election Commission of the City of Skopje and replacement elections shall be conducted for these mandates.
- (2) Replacement elections may not be called six months before the end of the mandate for which the council was elected.
- (3) The mandate of a Member of Council, pursuant to paragraph (1) of this article, i.e. elected at replacement elections, shall last until the end of the mandate of the municipal councillor whose mandate was terminated i.e. revoked.
- (4) The replacement election shall be called by the President of the Parliament upon suggestion of the competent Municipal Election Commission.

### **4. Early elections of Mayor and Members of Councils**

#### **Article 158**

- (1) If a mandate of a Mayor is terminated due to one of the reasons stipulated in the Law on Local Self-Government and in this Code and if the Mayor receives a non-confidence vote in accordance with the Law early elections for Mayor shall be called.
- (2) If less than six months remain until the regular elections for Mayor, the early elections of paragraph (1) of this article shall not be called.

#### **Article 159**

Early elections for Members of Council shall be called before the end of the mandate, if one of the conditions stipulated in the Law on Local Self-Government and in this Code takes place.

### **5. Repeated election of Members of Councils**

#### **Article 160**

If the session of the council does not take place until the thirty-first day from the day the elections are completed, in accordance with article 37, paragraphs (2) and (3) of the Law on Local Self-Government, repeated elections for Member of Council shall take place, which shall be called by the President of the Parliament.

## **XI. ELECTION OBSERVATION**

#### **Article 161**

- (1) Elections and election procedures may be observed by:
  - domestic associations and foreign organisations registered according to the Law, at least one year before the Election Day and in whose statutes the principle of protection of human rights is incorporated ;
  - international organisations; and
  - representatives of foreign countries.
- (2) The State Election Commission shall determine the procedure for observing the elections and the electoral procedure.

#### **Article 162**

- (1) Upon obtaining accreditation from the State Election Commission, the organisations and persons from article 161 of this Code may observe the entire election process.
- (2) Applications for observation, together with the required identification documents, shall be submitted to the State Election Commission from the day elections are called, but not later than 10 days prior to Election Day.
- (3) The State Election Commission shall issue accreditation to the observers no later than seven days from the day the application is received.
- (4) The State Election Commission has the right to revoke the observation accreditation from the entities referred to in article 161 of this Code, if they start expressing support for a candidate, party, or a coalition.

#### **Article 162-a**

Only accredited observers can report on the course of the electoral process and the related observation activities.

## **XII. POLLING STATIONS**

#### **Article 163**

Under this Code, a polling station shall be considered the inhabited place or part of inhabited place where the voters from that area exercise their right to vote.

### **1. Criteria for determining polling stations**

#### **Article 164**

- (1) The polling stations shall be determined for inhabited places or parts of inhabited places that have voters entered in the excerpts of the Voters List for those inhabited places or parts of the inhabited places.
- (2) The polling stations shall be within the boundaries of the municipality.
- (3) For the out-of-country voting within the DCO, i.e. consular offices of the Republic of Macedonia, special polling stations shall be determined.

#### **Article 165**

- (1) The number of voters voting in the polling station shall be determined in a manner that shall enable unimpeded voting during the voting time.
- (2) The number of voters voting at a polling station place cannot be higher than 1,000 voters.
- (3) A polling station may not be established for an inhabited place that has less than 10 voters and in a DCO, i.e. consular offices where less than 10 voters are registered to vote.

#### **Article 166**

- (1) As a rule, the polling station shall be located no more than 3 km away from the furthest address in urban inhabited places and no more than 5 km in the rural inhabited places.
- (2) The rule determined in the paragraph (1) of this article shall not apply for the polling stations in the DCO, i.e. consular offices.

## **2. Procedure for determining, changing and announcing polling stations**

#### **Article 167**

The State Election Commission, in cooperation with the Ministry of Foreign Affairs, the body in charge of affairs in the area of urban planning and construction, the body in charge of land surveying and cadastre and the administrative organisation in charge of statistical affairs and organisational-technical and methodological processing of the data in the Voters List, prepares the administrative-technical descriptions of the polling stations. The administrative-technical description of the polling stations contains: municipality, number of electoral district, number of polling station, inhabited area and location of the polling station (facility and address of the facility where the voting will be conducted, inhabited area), whether the polling station is an entire inhabited area, street (name), indicator of division and house number (from – to).

#### **Article 168**

- (1) Based on the administrative-technical descriptions of the polling stations prepared in accordance with article 167 of this Code, the State Election Commission will reach a decision determining the number and description for each polling station separately, by pointing out the inhabited areas, i.e. streets and house numbers included in the polling stations and the voting facility.

#### **Article 169**

- (1) The change of the description of the polling station shall be done when changing the names of the streets or house numbers and if the number of voters or the distance from the polling station increase.
- (2) The State Election Commission adopts a decision determining the change of the description of the polling station.
- (3) The changes in the description of the polling stations may be conducted no later than 30 days prior to Election Day or the day of holding a Referendum.

#### **Article 170**

- (1) The Municipal Election Commission i.e. the Election Commission of the City of Skopje shall, no later than 15 days prior to Election Day i.e. the day of holding a Referendum, shall affix on a visible location the descriptions of the polling stations that have been designated for voting, marking the allocation of voters per polling station, according to area where the voter resides.
- (2) The announcement of the descriptions of the polling stations may also be conducted through the local media.

- (3) The State Election Commission shall be obliged to inform the citizens by publishing the descriptions of the polling stations in the press and the other means that provide information to the public.

### 3. Conditions for functioning of polling stations

#### Article 171

- (1) Each polling station has an ordinal number.
- (2) The ordinal number of the polling station is displayed on the facility where voting for that particular polling station takes place; if voting for two or more polling stations is conducted in the same facility, on the outer walls of the facility, with the ordinal number of the polling station, every room that is selected for voting in that polling station is clearly indicated.

#### Article 172

The premises in which the voting takes place cannot be selected in a facility where offices of a political party are located or which is used for activities of political parties.

#### Article 173

- (1) The voting takes place in a closed room that fulfils the conditions for the individual, free and secret voting of the voters.
- (2) The names of the inhabited places and parts of the inhabited places (streets and parts of streets) that are covered by the polling station are displayed in the room where the voting takes place.
- (3) The room selected for voting is equipped with booths i.e. partitions or curtains so that it cannot be seen how the voter marks the ballot.
- (4) Every polling booth must be equipped with a pen for the needs of the voters.
- (5) Transparent ballot boxes made from a hard material are placed in the room for voting and those are transferred to the Election Boards sealed with a protocol.
- (6) The rooms designated for voting must be administratively-technically equipped in order to be able to be locked and sealed.

### XIII. ELECTORAL DISTRICTS FOR ELECTION OF MEMBERS OF PARLIAMENT OF THE REPUBLIC OF MACEDONIA

#### Article 174

- (1) Electoral districts comprise (contain) of the polling stations within the municipal borders where the citizens exercise their right to vote.
- (2) Electoral districts for out-of-country voting shall contain the polling stations, i.e. DCO, i.e. consular offices in the elections district where the citizens exercise their electoral right in accordance with this Code.

#### Article 175

- (1) There are nine electoral districts in the Republic of Macedonia:

<b>ELECTORAL DISTRICT 1</b>
Municipality Karposh polling stations from 2592 to 2653
Municipality Karposh polling stations from 2593/1 to 2593/1
Municipality Karposh polling stations from 2597/1 to 2597/1
Municipality Karposh polling stations from 2601/1 to 2601/1

Municipality Karposh polling stations from 2614/1 to 2614/1
Municipality Karposh polling stations from 2617/1 to 2618/1
Municipality Karposh polling stations from 2626/1 to 2626/1
Municipality Karposh polling stations from 2644/1 to 2644/1
Municipality Karposh polling stations from 2649/1 to 2649/1
Municipality Karposh polling stations from 2651/1 to 2653/1
Municipality Kisela Voda polling stations from 2425 to 2427
Municipality Kisela Voda polling stations from 2425/1 to 2426/1
Municipality Kisela Voda polling stations from 2654 to 2672
Municipality Kisela Voda polling stations from 2667/1 to 2667/1
Municipality Kisela Voda polling stations from 2669/1 to 2669/1
Municipality Kisela Voda polling stations from 2671/1 to 2671/1
Municipality Kisela Voda polling stations from 2739 to 2751
Municipality Kisela Voda polling stations from 2748/1 to 2748/1
Municipality Kisela Voda polling stations from 2751/1 to 2751/1
Municipality Kisela Voda polling stations from 2761 to 2771
Municipality Kisela Voda polling stations from 2762/1 to 2762/1
Municipality Kisela Voda polling stations from 2774 to 2795
Municipality Kisela Voda polling stations from 2781/1 to 2782/1
Municipality Kisela Voda polling stations from 2784/1 to 2784/1
Municipality Kisela Voda polling stations from 2789/1 to 2789/1
Municipality Kisela Voda polling stations from 2793/1 to 2793/1
Municipality Kisela Voda polling stations from 2795/1 to 2795/1
Municipality Centar polling stations from 2796 to 2818
Municipality Centar polling stations from 2796/1 to 2797/1
Municipality Centar polling stations from 2805/1 to 2806/1
Municipality Centar polling stations from 2822 to 2822
Municipality Centar polling stations from 2828 to 2828
Municipality Centar polling stations from 2830 to 2868
Municipality Centar polling stations from 2842/1 to 2844/1
Municipality Centar polling stations from 2847/1 to 2847/1
Municipality Centar polling stations from 2861/1 to 2861/1

Municipality Centar polling stations from 2867/1 to 2867/1
Municipality Centar polling stations from 2870 to 2871
Municipality Centar polling stations from 2870/1 to 2871/1
Municipality Chair polling stations from 2819 to 2821
Municipality Chair polling stations from 2819/1 to 2819/1
Municipality Chair polling stations from 2823 to 2827
Municipality Chair polling stations from 2826/1 to 2826/1
Municipality Chair polling stations from 2829 to 2829
Municipality Chair polling stations from 2829/1 to 2829/1
Municipality Chair polling stations from 2869 to 2869
Municipality Chair polling stations from 2869/1 to 2869/1
Municipality Chair polling stations from 2872 to 2898
Municipality Chair polling stations from 2873/1 to 2874/1
Municipality Chair polling stations from 2876/1 to 2877/1
Municipality Chair polling stations from 2884/1 to 2884/1
Municipality Chair polling stations from 2886/1 to 2889/1
Municipality Chair polling stations from 2893/1 to 2893/1
Municipality Aerodrom polling stations from 2673 to 2738
Municipality Aerodrom polling stations from 2679/1 to 2680/1
Municipality Aerodrom polling stations from 2682/1 to 2684/1
Municipality Aerodrom polling stations from 2714/1 to 2717/1
Municipality Aerodrom polling stations from 2719/1 to 2721/1
Municipality Aerodrom polling stations from 2730/1 to 2730/1
Municipality Aerodrom polling stations from 2732/1 to 2733/1
Municipality Aerodrom polling stations from 2752 to 2760
Municipality Aerodrom polling stations from 2772 to 2773
Municipality Aerodrom polling stations from 2772/1 to 2772/1
Municipality Saraj polling stations from 2428 to 2461
Municipality Saraj polling stations from 2428/1 to 2428/1
Municipality Saraj polling stations from 2430/1 to 2431/1
Municipality Saraj polling stations from 2433/1 to 2435/1
Municipality Saraj polling stations from 2438/1 to 2438/1

Municipality Saraj polling stations from 2447/1 to 2447/1
Municipality Saraj polling stations from 2451/1 to 2452/1
Municipality Saraj polling stations from 2458/1 to 2458/1
Municipality Saraj polling stations from 2460/1 to 2460/1
Municipality Makedonski Brod polling stations from 0224 to 0274
Municipality Makedonski Brod polling stations from 0247/1 to 0248/1
Municipality Sopishte polling stations from 2412 to 2424
Municipality Sopishte polling stations from 2423/1 to 2423/1
Municipality Studenichani polling stations from 2341 to 2361
Municipality Studenichani polling stations from 2341/1 to 2341/1
Municipality Studenichani polling stations from 2345/1 to 2351/1
Municipality Studenichani polling stations from 2353/1 to 2353/1
Municipality Studenichani polling stations from 2359/1 to 2359/1

<b>ELECTORAL DISTRICT 2</b>
Municipality Gazi Baba polling stations from 2332 to 2332
Municipality Gazi Baba polling stations from 2476 to 2552
Municipality Gazi Baba polling stations from 2476/1 to 2476/1
Municipality Gazi Baba polling stations from 2493/1 to 2493/1
Municipality Gazi Baba polling stations from 2499/1 to 2499/1
Municipality Gazi Baba polling stations from 2503/1 to 2503/1
Municipality Gazi Baba polling stations from 2507/1 to 2507/1
Municipality Gazi Baba polling stations from 2509/1 to 2511/1
Municipality Gazi Baba polling stations from 2514/1 to 2515/1
Municipality Gazi Baba polling stations from 2531/1 to 2531/1
Municipality Gazi Baba polling stations from 2538/1 to 2540/1
Municipality Gjorche Petrov polling stations from 2553 to 2591
Municipality Gjorche Petrov polling stations from 2553/1 to 2554/1
Municipality Gjorche Petrov polling stations from 2560/1 to 2560/1
Municipality Gjorche Petrov polling stations from 2571/1 to 2572/1
Municipality Gjorche Petrov polling stations from 2574/1 to 2574/1
Municipality Gjorche Petrov polling stations from 2576/1 to 2576/1



Municipality Gjorche Petrov polling stations from 2579/1 to 2582/1
Municipality Gjorche Petrov polling stations from 2587/1 to 2588/1
Municipality Gjorche Petrov polling stations from 2590/1 to 2590/1
Municipality Chair polling stations from 2899 to 2903
Municipality Chair polling stations from 2900/1 to 2900/1
Municipality Chair polling stations from 2916 to 2917
Municipality Chair polling stations from 2916/1 to 2917/1
Municipality Chair polling stations from 2922 to 2922
Municipality Chair polling stations from 2922/1 to 2922/1
Municipality Chair polling stations from 2924 to 2928
Municipality Chair polling stations from 2934 to 2945
Municipality Chair polling stations from 2934/1 to 2937/1
Municipality Chair polling stations from 2939/1 to 2939/1
Municipality Chair polling stations from 2941/1 to 2941/1
Municipality Shuto Orizari polling stations from 2955 to 2973
Municipality Shuto Orizari polling stations from 2955/1 to 2967/1
Municipality Shuto Orizari polling stations from 2969/1 to 2972/1
Municipality Butel polling stations from 2904 to 2915
Municipality Butel polling stations from 2904/1 to 2905/1
Municipality Butel polling stations from 2907/1 to 2907/1
Municipality Butel polling stations from 2909/1 to 2909/1
Municipality Butel polling stations from 2911/1 to 2911/1
Municipality Butel polling stations from 2914/1 to 2915/1
Municipality Butel polling stations from 2918 to 2921
Municipality Butel polling stations from 2918/1 to 2921/1
Municipality Butel polling stations from 2923 to 2923
Municipality Butel polling stations from 2929 to 2933
Municipality Butel polling stations from 2946 to 2954
Municipality Butel polling stations from 2948/1 to 2948/1
Municipality Butel polling stations from 2950/1 to 2951/1
Municipality Arachinovo polling stations from 2333 to 2340
Municipality Arachinovo polling stations from 2333/1 to 2337/1

Municipality Kumanovo polling stations from 0995 to 1104
Municipality Kumanovo polling stations from 0995/1 to 0995/1
Municipality Kumanovo polling stations from 1000/1 to 1001/1
Municipality Kumanovo polling stations from 1006/1 to 1006/1
Municipality Kumanovo polling stations from 1008/1 to 1011/1
Municipality Kumanovo polling stations from 1013/1 to 1014/1
Municipality Kumanovo polling stations from 1017/1 to 1017/1
Municipality Kumanovo polling stations from 1020/1 to 1020/1
Municipality Kumanovo polling stations from 1026/1 to 1026/1
Municipality Kumanovo polling stations from 1040/1 to 1042/1
Municipality Kumanovo polling stations from 1047/1 to 1051/1
Municipality Kumanovo polling stations from 1055/1 to 1055/1
Municipality Kumanovo polling stations from 1057/1 to 1061/1
Municipality Kumanovo polling stations from 1064/1 to 1064/1
Municipality Kumanovo polling stations from 1078/1 to 1080/1
Municipality Kumanovo polling stations from 1086/1 to 1087/1
Municipality Kumanovo polling stations from 1091/1 to 1091/1
Municipality Kumanovo polling stations from 1097/1 to 1098/1
Municipality Kumanovo polling stations from 1101/1 to 1103/1
Municipality Lipkovo polling stations from 1105 to 1130
Municipality Lipkovo polling stations from 1111/1 to 1113/1
Municipality Lipkovo polling stations from 1119/1 to 1121/1
Municipality Lipkovo polling stations from 1125/1 to 1125/1
Municipality Lipkovo polling stations from 1128/1 to 1130/1
Municipality Staro Nagorichane polling stations from 1156 to 1186
Municipality Chucher – Sandevo polling stations from 2462 to 2475

<b>ELECTORAL DISTRICT 3</b>
Municipality Berovo polling stations from 0001 to 0016
Municipality Veles polling stations from 2135 to 2203
Municipality Veles polling stations from 2138/1 to 2138/1
Municipality Veles polling stations from 2143/1 to 2144/1

Municipality Veles polling stations from 2146/1 to 2146/1
Municipality Veles polling stations from 2153/1 to 2153/1
Municipality Veles polling stations from 2159/1 to 2159/1
Municipality Veles polling stations from 2170/1 to 2170/1
Municipality Veles polling stations from 2172/1 to 2173/1
Municipality Veles polling stations from 2201/1 to 2201/1
Municipality Veles polling stations from 2207 to 2210
Municipality Veles polling stations from 2210/1 to 2210/1
Municipality Vinica polling stations from 0303 to 0332
Municipality Vinica polling stations from 0310/1 to 0311/1
Municipality Vinica polling stations from 0315/1 to 0315/1
Municipality Gradsko polling stations from 2217 to 2226
Municipality Gradsko polling stations from 2219/1 to 2219/1
Municipality Delchevo polling stations from 0572 to 0604
Municipality Delchevo polling stations from 0577/1 to 0577/1
Municipality Delchevo polling stations from 0582/1 to 0583/1
Municipality Zelenikovo polling stations from 2362 to 2376
Municipality Zrnovci polling stations from 0888 to 0891
Municipality Ilinden polling stations from 2393 to 2411
Municipality Ilinden polling stations from 2393/1 to 2397/1
Municipality Ilinden polling stations from 2399/1 to 2399/1
Municipality Karbinci polling stations from 2316 to 2331
Municipality Kochani polling stations from 0830 to 0874
Municipality Kochani polling stations from 0834/1 to 0834/1
Municipality Kochani polling stations from 0836/1 to 0838/1
Municipality Kochani polling stations from 0857/1 to 0857/1
Municipality Kochani polling stations from 0860/1 to 0861/1
Municipality Kochani polling stations from 0892 to 0902
Municipality Kratovo polling stations from 0903 to 0937
Municipality Kratovo polling stations from 0931/1 to 0932/1
Municipality Kriva Palanka polling stations from 0938 to 0981

Municipality Kriva Palanka polling stations from 0945/1 to 0947/1
Municipality Kumanovo polling stations from 1131 to 1141
Municipality Kumanovo polling stations from 1144 to 1150
Municipality Lozovo polling stations from 1704 to 1712
Municipality Makedonska Kamenica polling stations from 0605 to 0618
Municipality Makedonska Kamenica polling stations from 0610/1 to 0612/1
Municipality Petrovec polling stations from 2377 to 2392
Municipality Petrovec polling stations from 2377/1 to 2378/1
Municipality Petrovec polling stations from 2382/1 to 2382/1
Municipality Pehchevo polling stations from 0017 to 0025
Municipality Probishtip polling stations from 1530 to 1573
Municipality Probishtip polling stations from 1539/1 to 1539/1
Municipality Probishtip polling stations from 1566/1 to 1566/1
Municipality Rankovce polling stations from 0982 to 0994
Municipality Sveti Nikole polling stations from 1671 to 1703
Municipality Sveti Nikole polling stations from 1675/1 to 1675/1
Municipality Sveti Nikole polling stations from 1684/1 to 1684/1
Municipality Staro Nagorichane polling stations from 1142 to 1143
Municipality Staro Nagorichane polling stations from 1151 to 1155
Municipality Chashka polling stations from 2204 to 2206
Municipality Chashka polling stations from 2205/1 to 2205/1
Municipality Chashka polling stations from 2211 to 2216
Municipality Chashka polling stations from 2227 to 2246
Municipality Chashka polling stations from 2234/1 to 2234/1
Municipality Cheshinovo – Obleshevo polling stations from 0875 to 0887
Municipality Shtip polling stations from 2247 to 2315
Municipality Shtip polling stations from 2247/1 to 2250/1
Municipality Shtip polling stations from 2255/1 to 2255/1
Municipality Shtip polling stations from 2268/1 to 2271/1
Municipality Shtip polling stations from 2280/1 to 2280/1
Municipality Shtip polling stations from 2294/1 to 2294/1

<b>ELECTORAL DISTRICT 4</b>
Municipality Bitola polling stations from 0194 to 0204
Municipality Bogdanci polling stations from 0368 to 0377
Municipality Bogdanci polling stations from 0371/1 to 0371/1
Municipality Bogdanci polling stations from 0376/1 to 0376/1
Municipality Bosilovo polling stations from 1811 to 1826
Municipality Bosilovo polling stations from 1824/1 to 1824/1
Municipality Bosilovo polling stations from 1842 to 1843
Municipality Valandovo polling stations from 0280 to 0302
Municipality Valandovo polling stations from 284/1 to 284/1
Municipality Vasilevo polling stations from 1794 to 1810
Municipality Vasilevo polling stations from 1800/1 to 1800/1
Municipality Vasilevo polling stations from 1804/1 to 1804/1
Municipality Gevgelija polling stations from 0333 to 0367
Municipality Gevgelija polling stations from 0349/1 to 0350/1
Municipality Demir Kapija polling stations from 1238 to 1248
Municipality Kavadarci polling stations from 0659 to 0712
Municipality Kavadarci polling stations from 0660/1 to 0660/1
Municipality Kavadarci polling stations from 0668/1 to 0668/1
Municipality Kavadarci polling stations from 0672/1 to 0674/1
Municipality Kavadarci polling stations from 0684/1 to 0684/1
Municipality Konche polling stations from 1608 to 1617
Municipality Krivogashtani polling stations from 1508 to 1519
Municipality Mogila polling stations from 0181 to 0193
Municipality Mogila polling stations from 0214 to 0223
Municipality Negotino polling stations from 1213 to 1237
Municipality Negotino polling stations from 1216/1 to 1216/1
Municipality Negotino polling stations from 1221/1 to 1221/1
Municipality Negotino polling stations from 1223/1 to 1223/1
Municipality Novaci polling stations from 0158 to 0180

Municipality Novaci polling stations from 0161/1 to 0161/1
Municipality Novo Selo polling stations from 1774 to 1792
Municipality Novo Selo polling stations from 1791/1 to 1791/1
Municipality Prilep polling stations from 1350 to 1457
Municipality Prilep polling stations from 1367/1 to 1367/1
Municipality Prilep polling stations from 1374/1 to 1375/1
Municipality Prilep polling stations from 1380/1 to 1380/1
Municipality Prilep polling stations from 1385/1 to 1385/1
Municipality Prilep polling stations from 1387/1 to 1387/1
Municipality Prilep polling stations from 1392/1 to 1392/1
Municipality Prilep polling stations from 1400/1 to 1400/1
Municipality Prilep polling stations from 1402/1 to 1402/1
Municipality Prilep polling stations from 1456/1 to 1456/1
Municipality Prilep polling stations from 1494 to 1507
Municipality Prilep polling stations from 1520 to 1529
Municipality Radovish polling stations from 1574 to 1607
Municipality Radovish polling stations from 1578/1 to 1583/1
Municipality Radovish polling stations from 1618 to 1623
Municipality Rosoman polling stations from 0713 to 0722
Municipality Dojran polling stations from 0378 to 0385
Municipality Strumica polling stations from 1713 to 1773
Municipality Strumica polling stations from 1720/1 to 1720/1
Municipality Strumica polling stations from 1727/1 to 1728/1
Municipality Strumica polling stations from 1730/1 to 1731/1
Municipality Strumica polling stations from 1763/1 to 1763/1
Municipality Strumica polling stations from 1793 to 1793
Municipality Strumica polling stations from 1827 to 1841

<b>ELECTORAL DISTRICT 5</b>
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Municipality Debar polling stations from 0549 to 0554
Municipality Debar polling stations from 0534 to 0542
Municipality Centar Zhupa polling stations from 0557 to 0571

Municipality Centar Zhupa polling stations from 0562/1 to 0562/1
Municipality Debarca polling stations from 1314 to 1334
Municipality Debarca polling stations from 1343 to 1349
Municipality Bitola polling stations from 0026 to 0157
Municipality Bitola polling stations from 0038/1 to 0040/1
Municipality Bitola polling stations from 0066/1 to 0066/1
Municipality Bitola polling stations from 0076/1 to 0076/1
Municipality Bitola polling stations from 0089/1 to 0089/1
Municipality Bitola polling stations from 0093/1 to 0094/1
Municipality Bitola polling stations from 0102/1 to 0102/1
Municipality Bitola polling stations from 0106/1 to 0106/1
Municipality Bitola polling stations from 0119/1 to 0125/1
Municipality Bitola polling stations from 0150/1 to 0150/1
Municipality Bitola polling stations from 0205 to 0213
Municipality Vevchani polling stations from 1921 to 1923
Municipality Demir Hisar polling stations from 0619 to 0658
Municipality Demir Hisar polling stations from 0623/1 to 0623/1
Municipality Dolneni polling stations from 1209 to 1211
Municipality Dolneni polling stations from 1458 to 1493
Municipality Dolneni polling stations from 1470/1 to 1470/1
Municipality Kichevo polling stations from 0723 to 0757
Municipality Kichevo polling stations from 0726/1 to 0726/1
Municipality Kichevo polling stations from 0733/1 to 0733/1
Municipality Kichevo polling stations from 0736/1 to 0739/1
Municipality Kichevo polling stations from 0745/1 to 0745/1
Municipality Kichevo polling stations from 0751/1 to 0752/1
Municipality Kichevo polling stations from 0758 to 0781
Municipality Kichevo polling stations from 0802 to 0813
Municipality Krivogashtani polling stations from 1212 to 1212
Municipality Krushevo polling stations from 1187 to 1208
Municipality Krushevo polling stations from 1187/1 to 1187/1

Municipality Ohrid polling stations from 1249 to 1313
Municipality Ohrid polling stations from 1253/1 to 1255/1
Municipality Ohrid polling stations from 1258/1 to 1259/1
Municipality Ohrid polling stations from 1263/1 to 1264/1
Municipality Ohrid polling stations from 1268/1 to 1268/1
Municipality Ohrid polling stations from 1278/1 to 1278/1
Municipality Ohrid polling stations from 1281/1 to 1283/1
Municipality Ohrid polling stations from 1298/1 to 1298/1
Municipality Ohrid polling stations from 1308/1 to 1310/1
Municipality Ohrid polling stations from 1335 to 1342
Municipality Plasnica polling stations from 0275 to 0279
Municipality Plasnica polling stations from 0276/1 to 0279/1
Municipality Resen polling stations from 1624 to 1670
Municipality Resen polling stations from 1631/1 to 1631/1
Municipality Resen polling stations from 1638/1 to 1638/1
Municipality Resen polling stations from 1640/1 to 1640/1
Municipality Struga polling stations from 1844 to 1920
Municipality Struga polling stations from 1846/1 to 1846/1
Municipality Struga polling stations from 1848/1 to 1848/1
Municipality Struga polling stations from 1853/1 to 1853/1
Municipality Struga polling stations from 1858/1 to 1859/1
Municipality Struga polling stations from 1863/1 to 1863/1
Municipality Struga polling stations from 1872/1 to 1873/1
Municipality Struga polling stations from 1875/1 to 1876/1
Municipality Struga polling stations from 1883/1 to 1884/1
Municipality Struga polling stations from 1895/1 to 1896/1
Municipality Struga polling stations from 1899/1 to 1899/1
Municipality Struga polling stations from 1905/1 to 1907/1
Municipality Struga polling stations from 1909/1 to 1910/1
Municipality Struga polling stations from 1916/1 to 1918/1
Municipality Struga polling stations from 2976 to 2976



<b>ELECTORAL DISTRICT 6</b>
Municipality Bogovinje polling stations from 2050 to 2079
Municipality Bogovinje polling stations from 2050/1 to 2050/1
Municipality Bogovinje polling stations from 2062/1 to 2062/1
Municipality Bogovinje polling stations from 2065/1 to 2065/1
Municipality Bogovinje polling stations from 2069/1 to 2071/1
Municipality Bogovinje polling stations from 2073/1 to 2074/1
Municipality Brvenica polling stations from 2032 to 2049
Municipality Brvenica polling stations from 2036/1 to 2040/1
Municipality Brvenica polling stations from 2049/1 to 2049/1
Municipality Vrapchishte polling stations from 0436 to 0462
Municipality Vrapchishte polling stations from 0436/1 to 0439/1
Municipality Vrapchishte polling stations from 0444/1 to 0445/1
Municipality Vrapchishte polling stations from 0447/1 to 0447/1
Municipality Vrapchishte polling stations from 0455/1 to 0458/1
Municipality Vrapchishte polling stations from 0461/1 to 0461/1
Municipality Gostivar polling stations from 0386 to 0435
Municipality Gostivar polling stations from 0387/1 to 0388/1
Municipality Gostivar polling stations from 0396/1 to 0398/1
Municipality Gostivar polling stations from 0403/1 to 0403/1
Municipality Gostivar polling stations from 0406/1 to 0407/1
Municipality Gostivar polling stations from 0413/1 to 0413/1
Municipality Gostivar polling stations from 0419/1 to 0419/1
Municipality Gostivar polling stations from 0422/1 to 0422/1
Municipality Gostivar polling stations from 0424/1 to 0427/1
Municipality Gostivar polling stations from 0435/1 to 0435/1
Municipality Gostivar polling stations from 0480 to 0480
Municipality Gostivar polling stations from 0499 to 0533
Municipality Gostivar polling stations from 0499/1 to 0501/1
Municipality Gostivar polling stations from 0504/1 to 0508/1

Municipality Gostivar polling stations from 0510/1 to 0511/1
Municipality Gostivar polling stations from 0518/1 to 0519/1
Municipality Gostivar polling stations from 0521/1 to 0521/1
Municipality Gostivar polling stations from 0527/1 to 0528/1
Municipality Gostivar polling stations from 0531/1 to 0531/1
Municipality Gostivar polling stations from 0782 to 0782
Municipality Gostivar polling stations from 2974 to 2975
Municipality Debar polling stations from 0477 to 0477
Municipality Debar polling stations from 0477/1 to 0477/1
Municipality Debar polling stations from 0543 to 0548
Municipality Debar polling stations from 0544/1 to 0544/1
Municipality Debar polling stations from 0547/1 to 0547/1
Municipality Debar polling stations from 0555 to 0556
Municipality Zhelino polling stations from 2089 to 2114
Municipality Zhelino polling stations from 2090/1 to 2091/1
Municipality Zhelino polling stations from 2106/1 to 2110/1
Municipality Zhelino polling stations from 2113/1 to 2114/1
Municipality Jegunovce polling stations from 2115 to 2134
Municipality Jegunovce polling stations from 2132/1 to 2132/1
Municipality Kichevo polling stations from 0783 to 0801
Municipality Kichevo polling stations from 0783/1 to 0783/1
Municipality Kichevo polling stations from 0793/1 to 793/1
Municipality Kichevo polling stations from 0814 to 0829
Municipality Kichevo polling stations from 0816/1 to 0817/1
Municipality Kichevo polling stations from 0828/1 to 0828/1
Municipality Mavrovo and Rostusha polling stations from 0463 to 0476
Municipality Mavrovo and Rostusha polling stations from 0464/1 to 0465/1
Municipality Mavrovo and Rostusha polling stations from 0470/1 to 0470/1
Municipality Mavrovo and Rostusha polling stations from 0473/1 to 0474/1
Municipality Mavrovo and Rostusha polling stations from 0478 to 0479
Municipality Mavrovo and Rostusha polling stations from 0481 to 0498

Municipality Tearce polling stations from 2007 to 2031
Municipality Tearce polling stations from 2021/1 to 2022/1
Municipality Tearce polling stations from 2029/1 to 2031/1
Municipality Tetovo polling stations from 1924 to 2006
Municipality Tetovo polling stations from 1927/1 to 1932/1
Municipality Tetovo polling stations from 1939/1 to 1939/1
Municipality Tetovo polling stations from 1941/1 to 1942/1
Municipality Tetovo polling stations from 1954/1 to 1954/1
Municipality Tetovo polling stations from 1958/1 to 1958/1
Municipality Tetovo polling stations from 1968/1 to 1968/1
Municipality Tetovo polling stations from 1971/1 to 1973/1
Municipality Tetovo polling stations from 1981/1 to 1981/1
Municipality Tetovo polling stations from 1989/1 to 1994/1
Municipality Tetovo polling stations from 1997/1 to 1997/1
Municipality Tetovo polling stations from 2000/1 to 2000/1
Municipality Tetovo polling stations from 2004/1 to 2004/1
Municipality Tetovo polling stations from 2080 to 2088

(2) For administering the election of three Members of Parliament, three elections districts shall be formed:

- electoral district number 7 for the voting of the citizens of the Republic of Macedonia who temporarily work and reside in Europe and Africa comprised of the polling stations, i.e. DCO, i.e. consular offices in those countries;
- electoral district number 8 for the voting of the citizens of the Republic of Macedonia who temporarily work and reside in North and South America comprised of the polling stations, i.e. DCO, i.e. consular offices in those countries; and
- electoral district number 9 for voting of the citizens of the Republic of Macedonia who temporarily work and reside in Australia and Asia comprised of the polling stations, i.e. DCO, i.e. consular offices in those countries.

#### **Article 176**

If a polling station is altered in accordance with this Code, the voters from the new polling station shall exercise their right to vote in the electoral district in which the polling station used to belong.

#### **Article 177**

The State Election Commission shall, no later than 30 days prior to Election Day, publish the descriptions of the polling stations determined with this Code.

### **XIV. PENAL AND MISDEMEANOR PROVISIONS**

#### **Article 177-a**

- (1) Regardless of the misdemeanour liability for not complying with the provisions of this Code related to limitation of expenses for the election campaign and submission of financial reports for financing of election campaign to the participant of election campaign shall be imposed:
  - partial loss of compensation of expenses for the election campaign;
  - complete loss of compensation of expenses for the election campaign; or
  - suspension of compensation payment of expenses for the election campaign.
- (2) Partial loss of compensation of expenses for the election campaign shall be imposed to an participant of an election campaign in case when the permitted amount of expenses for the election campaign is exceeded, pursuant to article 84 of this Code;
- (3) Partial loss of compensation of expenses for the election campaign as of paragraph (2) of this article consists of reduction of the amount for compensation of expenses for the election campaign for the amount exceeding the permitted amount of costs and expenses for the election campaign. If the amount of funds exceeding the permitted amount of costs for the election campaign is higher than the amount for compensation of expenses for the election campaign, in such a case, a complete loss of the right of compensation of expenses for the election campaign shall be imposed.
- (4) Suspension of payment of expenses for the election campaign shall be imposed to the participant of election campaign in the cases when they do not submit the financial report in the determined time framework and content, pursuant to article 84-b, paragraphs (1) and (2) and article 85 of this Code.
- (5) The suspension of payment of compensation of expenses for the election campaign from paragraph (4) of this article shall last until the proper fulfilment of determined obligation pursuant to article 84-b, paragraphs (1) and (2) and article 85 of this Code.
- (6) The decision for partial or complete loss of compensation of expenses for the election campaign from paragraphs (2) and (3) of this article and the decision for suspension of payment from paragraph (4) of this article shall be taken by the State Election Commission upon a proposal by the State Audit Office.
- (7) The decision from paragraph (6) of this article is final, but an administrative dispute may be initiated against it.
- (8) The decision, as of paragraph (7) of this article, shall be published in the “Official Gazette of the Republic of Macedonia”.

#### **Article 178**

- (1) For acts of preventing the elections and voting, violating and abusing the right to vote, violating the voter’s freedom of choice, bribing during the elections and voting, destroying electoral documents, for acting contrary to Article 8-a of this Code, and committing electoral fraud, shall be punished pursuant to the provisions of the Criminal Code.
- (2) For the criminal acts from paragraph (1) of this article, the procedure is urgent.

#### **Article 178-a**

Prior filing a request for instituting misdemeanour proceedings before competent courts, a settlement procedure shall be initiated in accordance with Law on Misdemeanours.

#### **Article 179**

- (1) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to a member of Government and deputy-minister for acts contrary to article 8-a of this Law.
- (2) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to a person for participating in election campaign while in official uniform (article 9).
- (3) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to a Member of Election Management Body acting contrary to the provisions of this Code (article 19, paragraph (1)).

#### **Article 179-a**

A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to registered political party, coalition and independent candidates, i.e. authorized representative of submitters of candidate lists and their deputies if they use the data from the Voters List for any other purpose or use them on the Election Day to register the voters (article 55, paragraph (1) and (4)).

#### **Article 179-b**

- (1) A fine in the amount from 3,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a legal entity for non-compliance with the deadline for commencing and concluding the election campaign (article 69-a, paragraph (2)).
- (2) A fine in the amount from 500 to 1,000 euro in MKD equivalent shall be imposed to the president and the members of the State Election Commission for failure to proceed within the time period stipulated in article 69-a, paragraph (3) of this Code.
- (3) A fine in the amount from 300 to 1,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a physical person for obstructing or preventing the election campaign (article 73).
- (4) A fine in the amount from 500 to 1,000 euro in MKD equivalent shall be imposed to the president and the members of the State Commission for Prevention of Corruption for failure to proceed within the time period stipulated in article 74, paragraph (2) of this Code.

#### **Article 180**

- (1) A fine in the amount from 3,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a participant of an election campaign for not complying with article 72 of this Code.
- (2) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to a candidate or any other private person for acts from paragraph (1) of this article.

#### **Article 181**

- (1) A fine in the amount from 1,500 to 3,000 Euros in MKD equivalent for a misdemeanour shall be imposed to a broadcaster, if:
  - it reports on the regular activities of the state bodies, the municipal bodies and the bodies of the City of Skopje, and the legal entities that have been entrusted with performing of public authorities, contrary to article 75-b of this Law;
  - editors, journalists, program hosts and presenters who are engaged in the program preparation for the broadcaster, if they participate in the pre-election activities of the election campaign participants contrary to article 75-c of this Code;

- does not record the exit signal of the program from the day when elections are called until their completion and does not keep the recordings from the program (article 75- d, paragraph (1));
  - does not submit the recordings and other data related to the media coverage for the elections, contrary to article 75-d paragraph (2);
  - notices and announcements for independent candidates are broadcast contrary to article 75-e, paragraph (3);
  - it does not provide equitable access to the informative program pursuant to article 76-a, paragraphs (2) and (3) of this Code;
  - the public broadcasting service does not inform the citizens and people with impaired hearing about the election process (article 76-a, paragraph (1) and (4)); and
  - the public broadcasting service broadcasts free of charge political presentation of the participants in the election process, which is contrary to article 76-a, paragraphs (5), (6), (7), (8) and (9) of this Code.
- (2) A fine in the amount from 300 to 1,000 Euros in MKD equivalent for a misdemeanour shall be imposed to the responsible person in the broadcaster regarding the activities from paragraph (1) of this article.

#### **Article 181-a**

- (1) A fine in the amount from 3,000 to 5,000 Euros in MKD equivalent for a misdemeanour shall be imposed to the broadcaster, if:
- the coverage of elections is not done in a fair, balanced and unbiased manner (article 75, paragraph (1));
  - does not provide equal conditions for access to the programs for all participants in the election campaign (article 75, paragraphs (2) and (3));
  - programs aimed for juvenile audience are used for electoral media presentation (article 75, paragraph (4));
  - broadcasts additional time for paid political advertising of real hour contrary to article 75-f paragraph (1) of this Code.
- (2) A fine in the amount from 500 to 1,500 Euros in MKD equivalent for a misdemeanour shall be imposed to the responsible person in the broadcaster, for the activities from paragraph (1) of this article.

#### **Article 182**

- (1) A fine in the amount from 3,000 to 5,000 Euros in MKD equivalent for a misdemeanour shall be imposed to the broadcaster and printed media if:
- they broadcast, i.e. publish paid political advertising contrary to article 75-e, paragraph (1) of this Code;
  - the notices and announcements for independent candidates contain data contrary to article 75-e, paragraph (3) of this Code;
  - broadcast, i.e. publish announcements and advertisements contrary to article 75-e, paragraph (6) of this Code;
  - they do not determine the pricelist for the political advertising of the participants in the election process (article 75-f, paragraph (2));
  - they do not announce and/or submit the pricelist (article 75-f, paragraph (3) and (4));
  - they change the pricelist during the election campaign (article 75-f, paragraph (5));
  - does not provide equal access in accordance with article 75-f, paragraph (6) of this Code, and
  - violate the election silence (article 76-b).

- (2) A fine in the amount from 500 to 1,500 Euros in MKD equivalent for a misdemeanour shall be imposed to the responsible person in the broadcaster and in the printed media regarding the activities from paragraph (1) of this article.

#### **Article 183**

- (1) A fine in the amount from 3,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to the broadcaster if it:
- broadcasts the election advertising without referring to it as paid political advertising and without separating it from other programmatic contents (article 76, paragraph (1));
  - does not make clear indication of who is the orderer of the paid political advertising (article 76, paragraph (2));
  - broadcasts election advertising involving minors in paid political advertising (article 76, paragraph (3)), and
  - broadcasts paid political advertising in news, information, education and children programmes and during live coverage of religious, sport, cultural and other events (article 76, paragraph (4));
- (2) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to the responsible person in the broadcaster and in the printed media for activities from paragraph (1) of this article.

#### **Article 183-a**

- (1) A fine in the amount from 1,500 to 3,000 Euros in MKD equivalent for a misdemeanour shall be imposed for to the broadcaster and printed media if:
- results of the opinion poll are announced contrary to article 77, paragraph (1) of this Code;
  - results of the opinion poll are announced, and the data specified in article 77, paragraph (2) of this Code are not stated; and
  - results of the opinion poll carried out on the day of voting are announced contrary to article 77, paragraph (3) of this Code.
- (2) A fine in the amount from 300 to 1,000 Euros in MKD equivalent shall be imposed to the responsible person in the broadcaster and in the printed media regarding the activities from paragraph (1) of this Article.

#### **Article 184**

A fine in the amount from 500 to 1,500 EUR in MKD equivalent shall be imposed to the responsible person from a municipality, i.e. the City of Skopje for failing to determine places for displaying posters free of charge, and for not marking them for each list submitter separately (article 78).

#### **Article 185**

A fine in the amount from 500 to 2,000 EUR in MKD equivalent for misdemeanour shall be imposed to the participant of the election campaign for failing to remove the waste of the posters within the deadline stipulated in article 79, paragraph (2) of this Code.

#### **Article 186**

A fine in the amount from 500 to 1,500 EUR in MKD equivalent for misdemeanour shall be imposed to a person destroying or affixing election posters over the posters of other election campaign participant on the locations designated for their display receive (article 78, paragraph (1)).

#### **Article 187**

A fine in the amount from 3,000 to 5,000 EUR in MKD equivalent for misdemeanour shall be imposed to a political party, coalition, representative of an independent list of candidates for:

- failing to report an election rally at least 48 hours prior to its holding; and
- organising a rally contrary to articles 81 and 82 of this Code.

#### **Article 188**

A fine in the amount from 300 to 800 EUR in MKD equivalent for a misdemeanour shall be imposed to the responsible person of a competent state body, religious community or public institution who will allow the election campaign participant to organise pre-election rallies contrary to article 82 of this Code.

#### **Article 188-a**

A fine in the amount from 4,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to the political party, coalition, representative of an independent list of candidates or group of voters should they fail to return to the donors the full amount of funds that were not spent in the prescribed deadline, in case when the list of candidates has not been submitted or verified. (article 71, paragraph (7)).

#### **Article 189**

- (1) A fine in the amount from 4,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a participant of a political campaign that fails to submit a report on the financing of election campaign referred to in article 85 of this Code, i.e. when financial means have been used for financing of election campaign in accordance with article 83 of this Code.
- (2) A fine in the amount from 4,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a political party, coalition or a representative of independent list of candidates for spending more funds during the election campaign than the amount defined in article 84 of this Code.
- (3) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for misdemeanour shall be imposed to the responsible person of a political party for the activities referred to in paragraphs (1) and (2) of this article.

#### **Article 189-a**

- (1) A fine in the amount from 3,000 to 5,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a broadcasting or printed media which will not submit a report on advertising space used by each participant of election campaign and money paid or claimed on that basis, 15 days following the conclusion of the election campaign, at latest (article 85-a).
- (2) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to the editor-in-chief for activities from paragraph (1) of this article.

#### **Article 190**

- (1) A fine in the amount from 1,000 to 2,000 EUR in MKD equivalent for a misdemeanour shall be imposed to the person responsible from the legal entity if it acts against the provisions from article 74 of this Code.
- (2) A fine in the amount from 300 to 1,000 EUR in MKD equivalent for a misdemeanour shall be imposed to a person who makes use of a mobile phone or camera to take photographs of the ballot paper during voting.
- (3) A fine in the amount from 200 to 500 EUR in MKD equivalent for a misdemeanour shall be imposed to a person from article 106 of this Code if he/she displays mark or symbol of a political party or a candidate during and at the place of voting or he/she does not wear a badge during voting.



#### **Article 191**

- (1) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to a person who votes for other persons or on behalf of another person, as well as one who prevents the presence of the police if there was an expressed need (articles 102,103, 111, and 112).
- (2) A fine in the amount from 500 to 1,500 EUR in MKD equivalent for a misdemeanour shall be imposed to an official person (police officer) who abuses his or her position and causes disorder at the polling station (article 102).

#### **XIV-a. ADDITIONAL LISTS**

##### **Article 191-a**

The lists of candidates for Members of the Council and the lists of candidates for Mayor may be submitted by registered political parties or coalitions within an additional deadline, latest by the 8 March 2013.

##### **Article 191-b**

- (1) Following receipt of the candidates' lists for Members of the Council and the candidates' lists for Mayors, the Municipal Election Commission i.e. the Election Commission of the City of Skopje determines whether the list has been submitted in the additionally prescribed deadline pursuant to article 191-a of this Law, and whether it has been compiled in line with the provisions of this Law.
- (2) Should irregularities detected in the list from paragraph (1) of this article, the Municipal Election Commission i.e. the Election Commission of the City of Skopje will summon the authorized representative of the list submitter to remove the irregularities within five hours of the receipt of the lists.
- (3) Should the Municipal Election Commission i.e. the Election Commission of the City of Skopje establishes that the list from paragraph (1) has been submitted within the additionally prescribed deadline and has been complied in line with the provisions of this Code, i.e. the list submitters had removed the detected irregularities or omissions within the deadline prescribed in paragraph (2) of this article, it shall confirm the submitted lists with a decision.
- (4) Should the Municipal Election Commission i.e. the Election Commission of the City of Skopje establish that the lists from paragraph (1) have been submitted untimely, i.e. the list submitters had not removed the detected irregularities or omissions within the deadline prescribed by paragraph (2) of this article, a decision will be taken within six hours of the receipt of the lists to reject the submitted list.
- (5) Against the decision of the Municipal Election Commission i.e. the Election Commission of the City of Skopje from paragraph (4) of this article, a lawsuit may be submitted to the Administrative Court, through the State Election Commission, within six hours upon receipt of the decision.
- (6) The Administrative Court is obliged to take a decision within six hours upon receipt of the lawsuit.
- (7) Submission of complaint and lawsuit by post is not permitted.

##### **Article 191-c**

The Municipal Election Commission i.e. the Election Commission of the City of Skopje submits the confirmed lists of candidates for Members of the Council and the lists of candidates for Mayor submitted in the additional deadline of article 191-a of this law within one hour to the State Election Commission for additional determination of the order of candidates in the previously confirmed unified list of candidates for the conduct of regular elections for Members of the Council and Mayor to be held on 24 March 2013, pursuant to this Code.

#### **Article 191-d**

The Municipal Election Commission i.e. the Election Commission of the City of Skopje shall announce the additionally confirmed unified lists of candidates for Members of the Council and the lists of candidates for Mayor immediately after the verification of the additional unified list of candidates for Members of the Council and lists of candidates for Mayor by the State Election Commission in all inhabited places and at the polling stations in the municipality.

#### **Article 191-e**

- (1) In line with this law, the submitters of the additionally confirmed lists of candidates for Members of the Council and lists of candidates for mayor are obliged to register a unique tax number and to open a bank account as per article 71 of this Code, latest within 12 hours of the confirmation of the lists of candidates. Within the same deadline of 12 hours, evidence for the registered unique tax number and for the opened bank account will be provided to the respective election commission.
- (2) Should the submitters of the additionally confirmed lists of candidates for Members of Council and lists of candidates for Mayors fail to register a unique tax number and to open a bank account within the deadline prescribed in paragraph (1) of this article, the confirmed list of candidates will be abolished with a decision of the respective election commission.

### **XV. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 192**

**(Article 192 from Law published in “Official Gazette of the Republic of Macedonia”, No. 40/06)**

On the day this Code enters into force, the following Laws will become invalidated: Law on Election of President of the Republic of Macedonia (“Official Gazette of the Republic of Macedonia” No.20/94, 48/99 and 11/2004); Law on Election of Members of Parliament, (“Official Gazette of the Republic of Macedonia” No.42/2002 and 46/2004), Law on Local Elections, (“Official Gazette of the Republic of Macedonia” No.45/2004, 52/2004, 60/2004 and 4/2005), Law on Voters List, (“Official Gazette of the Republic of Macedonia” No. 42/2002, 35/2004 and 74/2005), Law on Polling Stations, (“Official Gazette of the Republic of Macedonia” No.50/97), and Law on Electoral Districts for Election of Members of Parliament in the Republic of Macedonia, (“Official Gazette of the Republic of Macedonia” No.43/2002).

#### **Article 193**

**(Article 193 from Law published in “Official Gazette of the Republic of Macedonia”, No. 40/06)**

- (1) At the first forthcoming elections for Members of Parliament of the Republic of Macedonia, the Election Board shall be composed of five members and their deputies.
- (2) The President of the Election Board and his/her deputy shall be selected from among the employees in the state, municipal and the administration of the City of Skopje, while two members and their deputies shall be selected from among the public administration employees by random selection.
- (3) One member of the Election Board and his/her deputy are appointed upon a nomination of the opposition political parties that won the majority of votes at the last parliamentary elections.
- (4) One member of the Election Board and his/her deputy are appointed upon proposal of the ruling political parties that won the majority of votes at the last parliamentary elections.
- (5) The manner and the procedure for election of members from paragraph (2) of this article are realised in accordance with article 39 of this Code.
- (6) The political parties shall submit their nominations for members from paragraphs (3) and (4) of this Code to the Municipal Election Commission within five days from the day of receipt of notification from the Municipal Election Commission.

- (7) If the political parties do not submit the nominations within the deadline stipulated in paragraph (6) of this article, the members shall be appointed by the Municipal Election Commission.

#### **Article 194**

**(Article 194 from Law published in “Official Gazette of the Republic of Macedonia”, No. 40/06)**

- (1) The importance for entering of personal data in accordance with article 41, paragraph (3) of this Code shall be implemented after conditions are met.
- (2) The State Statistical Office shall continue administering the organisational – technical and methodological processing of the data from the Voters List until it is fully transferred to the Ministry of Justice.
- (3) For administering the voting of Internally Displaced Persons, the Ministry of Justice shall prepare special excerpts of the Voters List based on the records of the competent bodies.

#### **Article 195**

**(Article 195 from Law published in “Official Gazette of the Republic of Macedonia”, No. 40/06)**

The State Election Commission shall be appointed within 15 days from the day this Code enters into force.

#### **Article 196**

**(Article 196 from Law published in “Official Gazette of the Republic of Macedonia” No. 40/06)**

The by-laws stipulated by this Code shall be adopted by the State Election Commission within 20 days from the day it enters into force.

#### **Article 197**

**(Article 95 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

In article 18, paragraph (2); 21 paragraphs (2) and (5); 23 paragraphs (2) and (3); 31 paragraph (2) lines 1, 7 and 14; 34; 35; 36 and 37; 39 paragraphs (1) and (2); 40 paragraphs (2) point 6 and paragraph (3); 66 paragraph (3); 67 paragraphs (1), (2), (3), (4), (5); 68 paragraph (3); 69 paragraphs (3) and (4); 102 paragraph (3); 111 paragraphs (1) and (6); 113 paragraph (3); 117 paragraphs (4) and (6); 118 paragraphs (1), (2) and (4); 135 paragraph (1); 151 paragraphs (2) and (3); 157 paragraph (1) and article 170 paragraph (1) and after the words “Municipal Election Commission”, the words “ Election Commission of the City of Skopje” shall be added.

#### **Article 198**

**(Article 96 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

State Election Commission shall be elected no later than 30 days from the date this Code enters into force.

The State Election Commission continues with its work until the election of the State Election Commission in accordance with this Law.

#### **Article 199**

**(Article 97 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

Until 1 September 2009, the Ministry of Justice shall continue executing those competences that shall be transferred to the SEC, pursuant to this Law.

#### **Article 200**

**(Article 98 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

The State Election Commission in cooperation with the Ministry of Foreign Affairs shall commence performing the activities related to registering of the citizens of the Republic of Macedonia who are temporarily employed or residing abroad within 60 days from the day this Law enters into force.

#### **Article 201**

**(Article 99 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

For citizens who are temporarily employed or residing abroad, the voting for members of the Parliament of the Republic of Macedonia as well as for the President of the Republic shall be administered after 1 September 2009, in accordance with this Law.

#### **Article 202**

**(Article 100 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

By-laws determined by this Law shall be adopted no later than three months from the date this Law enters into force.

#### **Article 203**

**(Article 101 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

Upon a proposal of the Government of the Republic of Macedonia, the Parliament of the Republic of Macedonia, no later than 60 days from the day this Law enters into force, shall establish a Coordinative Body for the implementation of the activities related to the transfer of the Voters List from the Ministry of Justice to the State Election Commission, comprised of members from the Ministry of Justice, State Election Commission, State Statistic Office.

In the coordinative body one member from the parties in opposition and one member from the ruling parties represented in the Parliament of the Republic of Macedonia shall be selected.

The Coordinative Body for the implementation of the activities from paragraph (1) shall adopt, no later than 1 September 2009, a Program and an Action Plan with which it shall determine the deadlines for the implementation of the activities related to the transfer of competences.

The State Statistical Office shall continue conducting the organisational-technical and methodological processing of the data of the Voters List until 1 September 2009, i.e. the transfer to the State Election Commission.

#### **Article 204**

**(Article 102 from Law published in “Official Gazette of the Republic of Macedonia” No. 136/08)**

The employees in the regional offices of the Ministry of Justice who perform the working duties and tasks related to the registration of the right to vote shall be transferred to the State Election Commission.

#### **Article 205**

**(Article 92 from Law published in “Official Gazette of the Republic of Macedonia” No. 44/2011)**

The Deputy President of the State Election Commission continues to perform the function as Vice-President of the State Election Commission until the end of the mandate for which he was elected.

#### **Article 206**

**(Article 93 from Law published in “Official Gazette of the Republic of Macedonia” No. 44/2011)**

The by-laws determined with this Law shall be adopted within 10 days from the day of entry into force of this Law.

#### **Article 207**

**(Article 2 from Law published in “Official Gazette of the Republic of Macedonia” No. 31/2013)**

The undertaken election activities determined within the deadlines prescribed by the Electoral Code (“Official Gazette of the Republic of Macedonia” no. 40/2006, 136/2008, 148/2008, 155/2008, 163/2008, 44/11, 51/11 and 142/11), for conducting regular elections for Council Members and Mayors which shall take place on 24 March 2013, shall remain valid, until the day this Law entry into force. The submitted lists, verified lists and the lists determined by drawing lots of candidates for Members of Council, and the lists of candidates for Mayor, shall remain valid until the day this Law entry into force.

#### **Article 208**

**(Article 3 from Law published in “Official Gazette of the Republic of Macedonia” No. 31/2013)**

The provisions of article 1 of this Law, which shall be supplemented with a new Chapter XIV-a and five new articles 191-a, 191-b, 191-c, 191-d and 191-e in the Electoral Code, shall be applied only for the first regular elections for Members of Council and Mayor, which shall take place on 24 March 2013 after this Law entry into force.

#### **Article 209**

**(Article 2 from Law published in “Official Gazette of the Republic of Macedonia” No. 34/2013)**

The provision from article 1 of this Law shall be applied only for the first regular elections for the Members of Council and Mayor, which shall take place on 24 March 2013, after this Law entry into force.

#### **Article 210**

**(Article 66 from Law published in “Official Gazette of the Republic of Macedonia” No. 14/2014)**

In articles 17, 31, 40, 42, 45, 46, 47, 48, 49, 50-a, 55, 61, 69, 91, 95, 101, 106, 107, 113-a, 118, 164, 165, 166, 174 and 175 after the words “the diplomatic – consular offices of the Republic of Macedonia – DCOs” the words “i.e. the consular offices” shall be added.

#### **Article 211**

**(Article 67 from Law published in “Official Gazette of the Republic of Macedonia” No. 14/2014)**

Throughout the whole text of the Law the words “organizer/s of the election campaign” shall be replaced with the words “participant/s in the election campaign”.

#### **Article 212**

**(Article 68 from Law published in “Official Gazette of the Republic of Macedonia” No. 14/2014)**

- (1) The State Election Commission, within 6 months of the date of the enactment of this Law shall be obligated to procure an electronic system for verification of identification of voters.
- (2) In case of failure to proceed pursuant to paragraph (1) of this article, the responsible person within the State Election Commission shall be fined with a fine in the amount of EUR 20,000 to EUR 50,000 in MKD equivalent.

#### **Article 213**

**(Article 69 from Law published in “Official Gazette of the Republic of Macedonia” No. 14/2014)**

The provision from article 47 of this Law shall start to apply from 01 January 2015 in those polling stations where the adequate conditions are met, chosen by the State Election Commission, and from 01 January 2017 it shall start to apply in polling stations there voting shall take place in 2015 and in polling stations chosen by the State Election Commission, whereas the full application of this provision shall be mandatory from 01 January 2019.

#### **Article 214**

**(Article 70 from Law published in “Official Gazette of the Republic of Macedonia” No. 14/2014)**

The polling stations from Article 58 of this Code shall be, whenever possible, located in the same facilities with the new polling stations defined with the division of voters.