



Office for Democratic Institutions and Human Rights

**REPUBLIC OF MONTENEGRO  
(SERBIA AND MONTENEGRO)**

**PRESIDENTIAL ELECTION  
11 May 2003**

**OSCE/ODIHR Election Observation Mission Report**



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**REPUBLIC OF MONTENEGRO (SERBIA AND MONTENEGRO)  
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**11 May 2003**

**FINAL REPORT OF THE OSCE/ODIHR ELECTION OBSERVATION MISSION (EOM)<sup>1</sup>**

This report should be considered in conjunction with the Final Reports of previous OSCE/ODIHR Election Observation Missions, notably the reports on the 22 December 2002 and 9 February 2003 presidential elections, as well as the 20 October 2002 Parliamentary election.

## **I. EXECUTIVE SUMMARY**

The 11 May 2003 presidential election in Montenegro was conducted generally in accordance with OSCE commitments for democratic elections and international standards.

The new presidential election law, adopted in February 2003, removed the 50 per cent voter turnout requirement which had created a potential for an endless cycle of elections and previously had led to two failed elections, and on 11 May, Montenegro succeeded in electing a president. However, once again the major opposition coalition did not contest the election. Unlike in December 2002 and in February 2003, the coalition did not “boycott” the contest, but its failure to nominate a candidate narrowed voters’ choice and influenced the campaign.

In recent years, elections have become unusually frequent in Montenegro, with nine contests taking place in the last six years. Over this period, substantial progress has been achieved, including: significant improvements in the electoral legislation; appointment of experienced and politically balanced election commissions; compilation of accurate voter registers; state media providing equal and balanced reporting on the campaign; and enhanced transparency of the process.

Notwithstanding this progress, important issues remain to be addressed and the election legislation requires further amendment. In addition, deep-rooted problems in the election environment persist. Action is required to ensure that state and party functions are clearly separated, as required by paragraph 5.4 of the 1990 Copenhagen Document. The perception that state employees are dependent on incumbents and that their political affiliation and electoral choices can affect individual livelihoods should be eradicated. In these circumstances, protecting the secrecy of the vote and respecting citizens’ privacy during all phases of the election process are of utmost importance.

Three candidates registered for the May contest: Filip Vujanovic, Speaker of Parliament and acting President (supported by the Democratic Party of Socialists and their coalition partner the Social Democratic Party), Dragan Hajdukovic (independent candidate) and Miodrag Zivkovic (Liberal Alliance). While the new candidate registration procedure enhanced the integrity of the process, it has the potential to disclose voters’ political affiliations and creates unequal access in the signature collection. Opposition complaints about the role of the police during the candidate nomination process were unsubstantiated, but such allegations indicate lack of trust and should be of concern to the Montenegrin authorities.

The administration of elections was, once again, marked by financial problems. The Republic and the Municipal Election Commissions (REC/MECs) carried out their tasks impartially, transparently and in a largely efficient manner. However, while the extension of the election commissions’ mandates ensured continuity in administering the process, it provided only a short-term solution.

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<sup>1</sup> This report is also available in Serbian. However, the English version remains the only official document.

On the termination of the mandates of the current REC and MECs, Parliament should ensure that newly appointed permanent commission members represent a plurality of political interests and that no party be in a position to dominate the functioning of the election administration.

The election campaign was uneventful and low-key. While the State media's coverage of the candidates was broadly in line with the legislation and was generally politically balanced, some private media gave significantly more coverage to Filip Vujanovic. The rigidity of the media rules impinged on the capacity of state media, particularly *TV Parliament*, to make interesting election and political programmes. Outside the special election programs on state media, little coverage was granted to the campaign. The media need to make further efforts to distinguish between official activities of candidates who are simultaneously office holders, and their campaign events.

Consistent with the findings of previous election observation missions, the large majority of observers reported that polling was well conducted. In general, the multi-party Polling Boards (PBs) followed the procedures correctly and their members co-operated well with each other. Minor irregularities were reported, including privacy of vote not uniformly guaranteed. Moreover, PBs knowledge of and respect for counting procedures could be improved. Voter turnout remained relatively low with only 48.3 per cent of registered voters participating. Filip Vujanovic was declared the winner with 64 per cent of the valid votes cast.

The OSCE/ODIHR stands ready to assist the authorities and civil society of Montenegro to remedy the remaining shortcomings and challenges identified in this and previous OSCE/ODIHR's reports.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the President of the National Assembly, on 28 November 2002, the OSCE/ODIHR established an Election Observation Mission (EOM) in the Republic of Montenegro to monitor the 22 December 2002 presidential election. The election failed to fulfil a 50 per cent voter turnout requirement and a repeat election was held on 9 February. This election also failed to meet the turnout requirement. On 10 April 2003, the OSCE/ODIHR established a new EOM, the eighth since 1997.<sup>2</sup>

Paul O'Grady (UK) was appointed Head of the EOM, which comprised 17 election experts and long-term observers. The EOM was based in Podgorica and five regional centres. In addition, the EOM deployed 57 short-term observers to follow proceedings on election day. Observers reported from some 300 polling stations out of the 1,100 around the Republic. In total, 20 OSCE participating states were represented in the EOM.

The EOM wishes to express appreciation to the Montenegrin authorities, including: the National Assembly of the Republic of Montenegro, the REC and MECs, the Ministry of Foreign Affairs, the Ministry of Interior, the Secretariat for Development and municipal authorities, for their co-operation and assistance during the course of the observation mission. The EOM is also grateful for the support from the Ministry of Foreign Affairs of Serbia and Montenegro, the OSCE Mission in

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<sup>2</sup> The EOM deployed for the 22 December 2002 presidential election remained in Montenegro to observe the 9 February 2003 repeat election.

Serbia and Montenegro and its Office in Podgorica, the European Union Monitoring Mission and the Embassies and Consular Offices of OSCE participating states.

### **III. BACKGROUND**

#### **A. POLITICAL BACKGROUND**

In the previous presidential election held in 1997, Milo Djukanovic narrowly defeated the incumbent President Momir Bulatovic. The two candidates represented different wings of the same party, the Democratic Party of Socialists (DPS) - the successor to the Montenegrin branch of the League of Communists of Yugoslavia and “sister party” to the Socialist Party of Serbia (SPS), led by Slobadan Milosevic. The wing led by President Djukanovic retained control of the DPS and distanced the party and Government from the Belgrade regime. The “Bulatovic wing” formed a new party, the Socialist People’s Party (SNP), which continued to identify with the policies of Slobadan Milosevic until his ouster in 2000. Since its formation, the pro-Federalist SNP has had a rancorous relationship with the Djukanovic-led DPS and their discourse has been marked by mutual mistrust.

The DPS and SNP have remained the most influential in Montenegrin political life, largely eclipsing the other mainstream parties, namely the Social Democratic Party (SDP), the People’s Party (NS), the Serbian People’s Party (SNS) and the Liberal Alliance (LSCG). After the DPS/SDP/NS coalition election victory in 1998, the DPS and SDP have retained power at the national level. However, the DPS/SDP were unable to command a parliamentary majority and relied on unstable coalitions firstly with the NS and subsequently with the LSCG. This political fluidity resulted in the holding of two early parliamentary elections in April 2001 and October 2002. The latter election resulted in a parliamentary majority for the DPS/SDP coalition.<sup>3</sup>

In late November 2002, Milo Djukanovic resigned the Presidency to become Prime Minister. The DPS/SDP coalition selected Filip Vujanovic, the new Speaker of Parliament as its candidate for the 22 December presidential election. The opposition SNP/SNS/NS coalition and the LSCG chose not to contest the election, with the coalition calling on their supporters not to vote. Previously, all political parties had contested elections intensely and citizens had voted in large numbers. The “election boycott”, combined with the legal requirement that 50 per cent of registered voters must cast ballots for a valid contest, resulted in a cycle of two failed elections.

Two related political issues dominated Milo Djukanovic’s term of office. The first was Montenegro’s precarious relations with the Milosevic regime and the second, deep political divisions arising over the question of Montenegrin independence. In February 2003, the Montenegrin Parliament adopted the Constitutional Charter, which transformed the Federal Republic of Yugoslavia into the State Union of Serbia and Montenegro and established a 3-year moratorium on referendum on Montenegrin independence. In the meantime, the Montenegrin authorities are required to enact reforms to ensure compliance with the Constitutional Charter, including meeting a six-month deadline on amending the Republican Constitution. Notwithstanding the moratorium, the question of Montenegrin independence continues to influence political discourse.

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<sup>3</sup> Election Results: DPS/SDP coalition 39 seats, SNP/SNS/NS coalition 30 seats, LSCG 4 seats, DUA/DSCG coalition (Democratic Union of Albanians and Democratic Alliance) 2 seats.

In February, the Parliament adopted a new presidential election law, which dispensed with the 50 per cent turnout requirement, and hence avoided the invalidation of subsequent elections on turnout grounds.

Three candidates registered for the May contest: Filip Vujanovic (DPS/SDP), Dragan Hajdukovic (independent candidate) and Miodrag Zivkovic (LSCG).<sup>4</sup> The parties of the main opposition coalition considered a variety of potential candidates including: Predrag Bulatovic (leader of SNP), Miodrag Lekic (Ambassador of Serbia and Montenegro to Italy), Andrija Jovicevic (former Minister of Internal Affairs), Zorica Tajic-Rabrenovic (Independent MP, elected from the opposition coalition party list in October 2002) and Bozidar Bojovic (leader of SNS). However, the coalition could not agree on a joint nominee, and none of the parties chose to field a candidate. Thus, as in December and February, this significant opposition bloc did not take part in the election. Consequently, the choice available to voters was narrowed.

The assassination of the Prime Minister of Serbia, Zoran Djindjic on 12 March 2003, and the resulting state of emergency in Serbia, did not significantly affect the pre-election atmosphere in Montenegro.

## **B. ELECTION ENVIRONMENT**

For a variety of reasons, elections have become unusually frequent in Montenegro with nine contests taking place in the last six years.<sup>5</sup> During this period, opposition parties including the SNP and the LSCG have repeatedly expressed a lack of confidence in the election processes and at times have publicly challenged their integrity. Among their concerns, the accuracy of voter registers and the need to ensure politically balanced election commissions were paramount. In addition, these parties alleged media bias and irregularities in the campaign including “vote buying” and coercion of voters. In the run up to previous elections, these claims received wide coverage in the media and may have lessened public confidence in the integrity of elections, particularly during the campaign phase. Most complaints were unsubstantiated and opposition parties tended to exaggerate the frequency and significance of the alleged irregularities and violations. However, during the run-up of the 9 February 2003 repeat elections, DPS officials made statements coercing voters, notably state employees, to vote.

Deep-rooted problems in the election environment are discernible. The opposition’s lack of confidence in the independence and impartiality of certain state institutions, including the judiciary and the police, is a continuing concern. Election observers concluded that further effort is required to ensure that state and party functions are clearly separated, as required by paragraph 5.4 of the 1990 Copenhagen Document.<sup>6</sup> Specifically, action is required to tackle the perception that state employees, particularly state and municipal civil servants and those employed in state enterprises, are dependent on incumbents and that their personal political affiliation and voting preferences can impact on individual livelihoods.

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<sup>4</sup> In the December/February elections, Filip Vujanovic and Dragan Hajdukovic secured 83 per cent and 7 per cent of the votes respectively. Miodrag Zivkovic did not contest the previous presidential elections.

<sup>5</sup> Presidential Election (1997), Early Parliamentary Elections (1998), Partial Municipal Elections (June 2000), Early Parliamentary Elections (April 2001) Municipal Elections (May 2002), Early Parliamentary Elections (October 2002), Presidential Election (December 2002), Repeat Presidential Election (February 2003), and Presidential Election (May 2003)

<sup>6</sup> Election observers received unsubstantiated allegations that in Berane, the local police requested representatives of opposition parties to report to them meetings with representatives of international organizations.

These problems may be addressed through the ongoing process of institutional reform, including the adoption of appropriate legislation and ensuring that it proscribes any form of discrimination based on political affiliation. Additionally, the Parliament should consider measures to improve the campaign environment, including prohibiting the establishment of party offices and the holding of campaign events in state owned enterprises or government buildings, as well as re-locating all state apparatus away from property owned by political parties.

#### **IV. LEGAL FRAMEWORK**

##### **A. APPLICABLE LEGISLATION**

On 27 February 2003, Parliament adopted a new Law on the Election of the President of the Republic, hereafter Presidential Election Law (PEL). The most important other pieces of applicable legislation include: The Constitution of the Republic of Montenegro (1992), the Law on the Voters' Register; the Law on the Election of Councillors and Representatives (1998 as amended in 2000 and 2002), hereafter the Parliamentary Election Law (PaEL), and the Criminal Code. Other laws, Regulations and Administrative Decisions, adopted by the Government, Parliament and the REC are also applicable. The PEL is concise and provides that where appropriate the provisions of the PaEL shall apply, if not otherwise provided for in the PEL.<sup>7</sup>

##### **B. GENERAL PROVISIONS**

The Constitution of the Republic of Montenegro provides that the President shall be elected directly and by secret ballot for a five-year mandate, subject to a two-term limit.<sup>8</sup> Should the term of office of the elected President be terminated, the Speaker of the Assembly assumes the presidential duties until the election of a new President.

The right to stand as a candidate and to vote in presidential elections is granted to all citizens of Montenegro who are also citizens of the State Union of Serbia and Montenegro, have reached 18 years of age and have been permanent residents of Montenegro for at least 24 months prior to election day. Nominations may be submitted by political parties, coalitions or "citizens' groups" on behalf of independent candidates. A candidate is victorious if s/he has received more than half of the valid votes. Should none of the candidates secure a majority, a second-round run off election takes place in 14 days.

##### **C. EVALUATION OF THE LEGAL FRAMEWORK**

Overall the legal framework provides an adequate basis to administer democratic elections and the new PEL enjoys broad consensus between the two major political blocs. It contains important improvements that remedied several shortcomings identified by the OSCE/ODIHR in the previous PEL, which dated from 1992. The most significant improvements are:

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<sup>7</sup> Article 10 PEL (2003). The main areas where the PaEL may apply include: suffrage; determining and promulgating the candidate list; presentation of candidates in the media; the manner of organizing elections; the form and content of the ballot; polling procedures and the protection of electoral rights.

<sup>8</sup> Article 86

- Dispensing with the requirement that 50 per cent of registered voters must cast ballots for an election to be considered valid and concomitant requirement that invalid elections be repeated. Its abrogation ensured against endless cycle of elections due to turnout less than 50 per cent;
- Removing several inconsistencies between the parliamentary and the presidential election laws including an anomaly whereby an eligible candidate might not be an eligible voter;
- Stipulating that candidates require a majority of *valid votes* to be elected (Art. 17);
- Introducing measures to improve the integrity of voting by “homebound persons” (Art. 12);
- Proscribing the copying of marked ballots and voter lists by political parties and presidential candidates after the election (Art. 22), thereby improving voters’ privacy;
- Stipulating the timeframe by which elections must be called in advance of the expiry of the Presidential mandate (Art. 3); and
- Providing a reasonable timeframe for the official announcement of results (Art. 15 and 16);

The Parliament introduced other changes to the PEL concerning:

### 1. Candidate Nomination

The candidate nomination procedure was amended in two key areas. Firstly, candidates were required to gather petitions containing the signatures of 1 per cent of the electorate or approximately 4,500. Previously 2,000 signatures were required. Secondly, petitions for presidential candidates could now be signed only in the premises of each of the 21 MECs, with the requirement that two MEC members nominated by two different political interests, witness the act. Previously no restrictions were placed on the signature collection. As before, citizens were entitled to sign for only one candidate.

Advocating the change in procedure, the SNP argued that the process required scrutiny to ensure its integrity, specifically verification that supporting signatures were not fabricated. However, after experiencing the new procedure, both the LSCG and the DPS criticized the new provisions, in particular:

- i. The fact that petitions must be signed in public. This, together with the requirement that a voter may sign for only one candidate, potentially may reveal citizens’ political affiliation.
- ii. Limiting the number of locations for signature collection creates an unequal access for voters living in rural areas.

In addition, four other factors should be noted:

- iii. The number of signatures required (1 per cent of the number of voters), is the *maximum* recommended by the Council of Europe’s Venice Commission.<sup>9</sup>
- iv. The new procedures may have contributed to the reduced number of candidates from small parties and/or independent candidates.
- v. No procedure exists to verify if citizens have signed for more than one candidate. Without an “enforcement mechanism”, the legal provision may be of limited value.
- vi. Inconsistencies between the manner of collecting signatures in parliamentary and presidential elections have arisen due to amendments made to the PEL.

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<sup>9</sup> See “Code of Good Practice in Electoral Matters”, Page 3. European Commission For Democracy Through Law (Venice Commission), 2002.



## 2. Campaign Finance

In a positive development, the new legislation reduced from 10 per cent to 5 per cent the number of votes a candidate requires in order to receive reimbursement of campaign expenses from public funds. This amendment may serve to encourage candidates from smaller parties and independent candidates to contest presidential elections. However, the Government failed to announce the size of the fund 30 days prior to election day, as the law requires. A fund of € 45,000 was established but the decision was published in the official Gazette only on 5 May, over three weeks late. This created uncertainty and thereby lessened the positive effect of the amendment.

In general, the applicable legislation does not adequately regulate campaign finance issues. The Law on Financing Political Parties (LFPP) regulates the routine funding of political parties from public sources and sets ceilings on campaign expenditure for parties and independent candidates in parliamentary and municipal elections.<sup>10</sup> However, it does not refer to and therefore may not be applicable to presidential elections. The new PEL does not mention disclosure and scrutiny/audit requirements; ceilings on donations and expenditure; or provide guidance on which groups may legitimately make donations to campaign funds.

## 3. Penal Provisions

The PEL also introduced penal provisions for specific campaign related violations (Art. 24) and for unduly pressurising or coercing citizens to vote or not to vote (Art. 25).<sup>11</sup> While adequate provisions for election related criminal offences have been incorporated in law, the main challenge for the authorities will be to ensure that abuses are investigated and perpetrators are held accountable. In determining if “state resources” have been “illegally” used, the judicial authorities will require a precise definition of what constitutes “legitimate use” of such resources. In its current form, Art. 24 of the PEL may not meet this requirement.

During the course of the EOM other legal issues surfaced:

## 4. Independent candidates

The concept of a “Group of Citizens” is left unregulated in the legislation and the status of a “Group of Citizens” is at best unclear. Furthermore, provisions applicable to the presidential election refer to a “*submitter of a candidate list*” (i.e. electoral list) upon whom several rights are conferred; for example, the right to lodge a complaint. For candidates nominated by political parties, the “*submitter of candidate list*” is the party headquarters and at local level, the party’s municipal board. For independent candidates, it is not clear which person(s) can be considered the “submitter

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<sup>10</sup> In order to activate the provisions for disclosure of political parties’ finances and election campaign expenses, the LFPP requires a ‘Special Agreement’ of the Parliamentary political parties. The OSCE/ODIHR EOM was unable to confirm if such an agreement was ever concluded. If it was not, the provisions of the LFPP are not being applied equally and the lack of enforcement *de facto* places the political parties in a privileged position.

<sup>11</sup> In part these reiterate provisions existing in the PaEL or the Criminal Code, or offer a more precise definition.

of a candidate list". At times these factors led to confusion concerning which persons were authorized to represent independent nominees.

## **5. Campaign Silence**

The PaEL (Article 6 par. 3) stipulates that: "the election campaign in the media and by way of public gatherings shall cease 24 hours prior to election day". This grants voters 24-hours to reflect on their political choices without on-going campaigning. However, the law fails to adequately define what actions and content violate this requirement and, in addition, fails to prohibit other forms of campaigning including displaying posters in public spaces during this period. It has been common practice for some Montenegrin media to violate the campaign silence provision but the EOM is not aware of the imposition of penalties for these failings.

## **6. Presence of Media in Polling Stations**

The legislation fails to adequately regulate the presence of media in polling stations on election day, leaving the issue to be decided on the spot by the polling board. This may limit the media's freedom to report, and can lead to an inconsistent approach to the media by polling boards. One media outlet complained to the EOM that their journalists had been ejected from polling stations.

## **7. Military and Hospitalised Persons**

The PaEL (Art. 67) stipulates that: "an elector shall vote at the polling station where he is entered in the extract of the voter register". "[This] obligation ... shall apply also to the electors who are doing their national service or are taking part in military exercise, or electors who are performing duties in units or institutions of the Yugoslav army". The law makes provisions for exceptions to this rule, and allows for voting "by envelope". However, in practice, only the old, invalid or sick were able to vote in this manner (Art. 85), and only if they resided within a polling ward. Thus, as no special provision was made for service persons, conscripts and hospitalised persons, temporarily away from the place of their permanent residence, these persons were in effect disenfranchised.

## **8. Recount provisions**

The legislation makes no provision for a recount of ballots. In the event of a very close election a recount may be desirable to ensure that ballots have been invalidated according to uniform criteria.

# **V. ELECTION ADMINISTRATION**

## **A. STRUCTURE AND COMPOSITION OF THE ELECTION ADMINISTRATION**

Previously, the composition of the election administration at all levels has been a contentious issue. This was particularly evident in the run up to the October 2002 parliamentary elections, when due to the oppositions' concerns, transitional provisions were adopted to increase plurality of political representation on election commissions. Initially, the mandates of the REC and 21 MECs were to expire on 31 December 2002. However, due to the decision to schedule presidential elections on 22 December, Parliament decided to extend the mandates to cover a potential second round or repeat

elections. The new PEL further extended their mandates to administer the 11 May 2003 contest. This provided a short-term solution to an immediate problem and ensured that the election administration continued to have a well-balanced, multi-party composition whereby no party or coalition was in a position to control their operation.<sup>12</sup>

Having completed the electoral process, the mandates of the current REC and MECs will expire and new commissions will have to be appointed for a four-year term. The new appointments will have to be done according to legal provisions foreseeing a different, potentially less representative composition, where opposition parties are guaranteed only two of eleven members on the REC and two of seven members on MECs. This may enable parties enjoying a majority in Parliament and Municipal Assemblies to dominate the functioning of election commissions through appointing a majority of members.

As in previous elections, contestants were granted the right to appoint representatives as “extended” members at all levels of the election administration. All commission members have equal voting rights but the extended members’ authority and status has never been defined clearly. The provision allowing for extended election commission members is important not only to promote transparency as their appointment can alter the “political balance” of election commissions and influence issues put to a vote, including ruling on election day complaints. However, *de facto*, extended members are appointed later than “permanent” members, when certain decisions are already made. While the two party candidates appointed extended members, independent candidate Dragan Hajdukovic, nominated only a few representatives.

## **B. ORGANIZATION OF ELECTIONS**

Overall, the administration of elections was transparent, with all parliamentary parties and presidential candidates able to follow the process to the extent they desired.

Repeating a pattern noted in previous elections, the election administration faced problems with financing the election and complained that it did not receive funds in a timely manner from the Ministry of Finance. Although the REC was able to meet its financial obligations to election suppliers, salary payments to MEC for the February election were paid only in April. Late payments created operational problems and a number of MECs threatened to stop election preparations unless the issue was resolved.<sup>13</sup> Notwithstanding these difficulties, once again the REC and MECs administered the process impartially, largely efficiently and according to legally established deadlines.

By introducing new and improved rules on voting by homebound persons, the REC simultaneously addressed OSCE/ODIHR recommendations and took steps to implement the new legislation. However, while the REC issued an Instruction on “homebound” voting, it did not provide sufficient information to the public, and MECs failed to ensure all PBs were made adequately aware of procedural change.

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<sup>12</sup> A full description of the REC’s and MECs’ composition can be found in OSCE/ODIHR’s Final Report on the December/February Presidential contest.

<sup>13</sup> In addition, in Kolasin, the Mayor claimed that € 500,000 was owing to the municipality from the Government, leaving the municipal authority unable to pay its electricity bill. As a result, the electricity in the municipal building, also the seat of the MEC, was disconnected impacting on MEC work during the pre-election period.

Despite an overall positive assessment of the election administration, some procedural inconsistencies were noted. These included, a misprint on the Albanian-language version of the ballot papers that necessitated their hasty but nevertheless timely reprinting, inconsistencies in opening and closing of candidate nomination petitions, and the failure by a number of municipal authorities to deliver voting invitations to citizens.

### C. CANDIDATE REGISTRATION

On 17 March, the Republic Election Commission (REC) adopted an Instruction on implementing the new candidate nomination procedure. Prospective candidates were able to begin collecting signatures from 20 March, having approximately one month to complete the process. However, none of the candidates used all the time available. Filip Vujanovic was first to declare his nomination, with Dragan Hajdukovic and to a lesser extent Miodrag Zivkovic only deciding to contest the election at a relatively late stage.

While eleven candidates registered for the December/February elections, only three collected sufficient signatures to contest the May event. Three other prospective candidates failed to gather the required number of supporting signatures, including Aleksandar Vasilijevic of the Serbian Radical Party (SRS - Vojislav Seselj) who received 4 per cent of the vote in February. Two others, Miodrag Mijo Dabanovic and Petar Suscakevic, enjoying significantly lower voter support during the previous presidential contests, were only able to collect a handful of signatures. During the latter stages of the candidate registration process, the MECs worked extended hours to ensure that the supporters of all candidates were able to sign their nomination books.

Controversially, the LSCG and SNP alleged that police personnel were involved in collection of signatures for Dragan Hajdukovic and that DPS supporters were instructed to sign in favour of his nomination. However, the two parties making the allegations failed to lodge a complaint with the competent authorities or offer any evidence. Observers followed the process closely and interviewed members of the MECs who had witnessed the signature collection process first-hand. None reported uniformed police signing for any candidate, and senior police officers questioned by the observers denied instructing their subordinates to support Mr. Hajdukovic's nomination.

Nevertheless, the EOM noted certain unusual aspects in Dragan Hajdukovic's nomination, including his apparent ability to collect a large number of signatures immediately prior to the closure of candidate nominations despite lacking a party structure or established campaign team. Between 19 and 20 April, he managed to collect over 2,000 signatures with large rises noted in Plav, Rozaje, Podgorica and Bar.<sup>14</sup> Indeed, long queues were observed in front of MECs in Podgorica, with supporters waiting patiently to sign his nomination papers.

### D. VOTER REGISTRATION

Over the last four years, the authorities have undertaken a systematic effort to produce accurate and transparent voter registers, which now generally enjoy the confidence of political parties. As required by law, data on the number of registered voters was published on 17 April. For the 11 May election, 458,339 citizens were registered to vote, an increase of some 1,400 voters from the

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<sup>14</sup> On 19 April he had collected the following number of signatures: Plav, 80; Rozaje, 120; Podgorica, 677; Bar 87. By 17:30 on Sunday 20 April these figures had risen to: 220, 503, 1072 and 346 respectively.

December election.<sup>15</sup> Of these, 32 were added in accordance with decisions of the Supreme Court, following appeals. This figure is much lower than during “appeal periods” in previous elections, perhaps indicating an increasing accuracy of voter registers.

## **VI. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES**

As in all presidential election contests held since 1992, no women candidate contested the election. In general, women are not adequately represented in Montenegrin political life or in senior positions in the state administration. There is a similarly low level of women’s participation in election commissions with some observers commenting that polling boards appeared to be “male dominated”, notably the Chairperson positions and particularly in north of the Republic. Clearly, Montenegro faces challenges in ensuring equal participation of women in the political and electoral processes.

None of the parties seeking to represent national minorities fielded a candidate and none of the candidates were from a national minority community. However, the Democratic Union of Albanians (DUA) announced its support for Filip Vujanovic on the last day of campaign. Other political parties seeking to represent national minorities did not endorse any candidate.

## **VII. ELECTION CAMPAIGN**

A large number of Montenegrin citizens strongly identify themselves with political parties and their policies, which have, as a rule, contested elections intensely. This led to a generally high turnout in the past. The opposition coalition’s election “boycott” of the December and February elections broke with this tradition. Similarly, the opposition coalition’s failure to present a candidate influenced the nature and content of the April-May campaign. However, the decisions by Miodrag Zivkovic and later Dragan Hajdukovic to stand against Filip Vujanovic avoided a “one-horse race” and offered voters a choice of candidates, albeit from only part of the political spectrum.

The campaign was more dynamic than the December and February contests and more emphasis was placed on substantive political issues. Previously, the main campaign issue was whether 50 per cent of voters would participate. While the resources available to candidates varied, Filip Vujanovic and Miodrag Zivkovic were able to call on established party structures to support their campaigns. However, the pre-election period was generally uneventful as candidates’ campaigns remained low-key, with both party candidates avoiding large public rallies. Dragan Hajdukovic held few public meetings but relied mostly on appearances in the media free airtime to present his platform.

Miodrag Zivkovic campaign concentrated on attacking the Government’s record in office, particularly concerning organized crime and corruption, and encouraging SNP/SNS/NS supporters to vote for him. The SNP/SNS/NS continued its sharp criticism of Filip Vujanovic and the DPS/SDP Government. Mr. Vujanovic covered a broader range of issues including the Government’s successes, the economy, foreign policy, internal affairs, defence and transport. In addition, he announced that a referendum on independence was required in three years. Despite his party’s strongly pro-independence position, Mr. Zivkovic refrained from advocating a referendum while Dragan Hajdukovic favoured independence with “a Schengen like” agreement with Serbia.

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<sup>15</sup> In addition, 488 persons sentenced by a court to a term of imprisonment were registered to vote.

The NS officially declared their support for Mr. Zivkovic shortly before election day. The SNP and SNS declined to formally endorse any of the candidates, suggesting instead that their supporters should vote according to their personal conscience. However, some senior SNP figures lent tacit support to Miodrag Zivkovic, referring to him as the “only opposition candidate”. Additionally, endorsement of Mr. Zivkovic may have been problematic for some members of the opposition coalition due to the LSCG’s strongly pro-independence position.

## VIII. MEDIA AND ELECTIONS

### A. MEDIA ENVIRONMENT AND LEGAL FRAMEWORK

Over 100 national and local media outlets provide information and entertainment to Montenegro’s population of approximately 650,000 citizens. However, the public and private media face a number of challenges including a relatively small number of professionally trained journalists, staff shortages and limited finance.

The Constitution prohibits censorship and protects the freedom of the media. Nevertheless, opposition parties have repeatedly criticised the public and private electronic media, perceiving a lack of political balance. Previous OSCE/ODIHR Final Election Reports have noted a high degree of political influence over the State media. Although 2002 media legislation aims to transform state media into public service broadcasters, time may be required for changes to take root.

### B. MEDIA REGULATION DURING THE ELECTION CAMPAIGN

Several laws including the PaEL regulate the media’s coverage of the campaign. The “Rules for the Media’s Presentation of Presidential Candidates during the Pre-election Campaign”, (hereafter: “the Media Rules”) adopted by Montenegrin Parliament on 2 December 2002, were extended to cover the 11 May election. These required that the state-owned media provide equal and objective access to all contestants, and regulated in detail the quantity of TV and radio airtime, amount of newspaper space and the format of free and paid coverage.

As noted in previous reports, private media are less regulated. Nevertheless, the media rules require that private media are “objective and timely” in their reporting, respect the campaign silence period, and to clearly indicate paid advertisements.<sup>16</sup> The media rules permit parties and candidates to buy airtime and space in the private and state media. However, the amount of “paid time” is restricted only in the state media.

Legislation and media rules contribute positively to the election as they:

- Attempt to ensure fair campaign coverage on state media by providing that all candidates are offered the same amount of free airtime and space to present political platforms. This lessens *de facto* inequalities between candidates such as differences in campaign resources;
  - Allow for two head-to-head debates between candidates, which enabled viewers to compare election platforms and enabled candidates to discuss issues directly with their rivals; and
- Provide for the establishment of the Board for Mass Media Supervision to receive and rule on complaints concerning media’s election coverage and their compliance with the rules.

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<sup>16</sup> The silence period starts 24 hours before election day.

### C. MEDIA MONITORING RESULTS

On 11 April, the EOM began monitoring the political and campaign content of a variety of print and electronic media. Five TV channels and four newspapers were analysed daily in order to assess the media coverage of candidates and relevant political actors during the campaign, including state-owned televisions *RTCG1* and *TV Parliament*, the private *TV IN*, *TV MBC* and *TV PINK*, and print dailies - *Pobjeda*, *Dan*, *Vijesti* and *Publika*.<sup>17</sup>

On 22 April, the campaign in the media officially began with candidates using the free airtime on TV Parliament and the free space in *Pobjeda*. Overall, the state media's election coverage complied with the regulations, with only minor violations in the allocation of free space noted in *Pobjeda*. The state electronic media provided balanced coverage with RTCG1 devoting to Filip Vujanovic and Miodrag Zivkovic 38 per cent and 44 per cent (respectively) of the channel's political coverage. Dragan Hajdukovic received the remaining 18 per cent of coverage, reflecting his low-key approach and late start to his campaign.

During the campaign, the media concentrated on relations between Serbia and Montenegro, divisions within the opposition coalition and allegations of irregularities in the election process. While there exists a relatively high number of information channels, overall the private and state media's coverage of political issues and the election campaign were superficial, and the EOM continued to note the tendency of journalists to report events and opinions without sufficient analysis. Outside the election programs on state media, little coverage was given to candidates. During peak viewing time, other than the regulated special election broadcasts, the candidates received only 7 per cent of time devoted to politics on television.

Although reporting on candidates was limited, privately owned TV IN and TV Pink offered clear support to Mr. Vujanovic, granting him 88 per cent and 77 per cent (respectively) of mainly positive coverage. Generally, private media took strong political positions siding with one candidate and carrying a negative assessment of rivals. On occasions, private TV stations invited guests from only one political standpoint, or aired their opinions more frequently than their opponents.

Notwithstanding the intention behind introducing the media rules, the EOM's media monitoring noted certain drawbacks with the provisions, including:

- The rigidity of the media rules impinged on the capacity of state media, particularly *TV Parliament*, to make interesting political programmes. Some of the formats employed, such as long sequences of political advertisements, were unlikely to be of significant interest to viewers; and
- The need to distinguish between items covering "candidates and the elections" from "news and current affairs" created an artificial separation of these issues. This is exacerbated by the requirement to broadcast special election programmes on one channel (*TV Parliament*), which may have actually reduced voters' exposure to information.

In addition, the EOM noted the following significant shortcomings in the application of the media rules:

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<sup>17</sup> The media was analyzed on a qualitative and quantitative basis, with the exception of *Publika*, where only qualitative analysis was conducted.

- Despite a legal requirement, the Parliament did not appoint the Board for the Mass Media Supervision, established during previous elections. This failure left citizens and candidates without recourse to a complaint-body and removed the mechanism foreseen to ensure compliance with the media rules and legislation.
- State media carried extensive coverage of Government officials during the campaign, generating additional coverage for the political programme of incumbents. As the candidate of the ruling DPS/SDP coalition, this can only have served to enhance Mr. Vujanovic's campaign, particularly as part of his campaign defended on the record of the Government.
- *Pobjeda* reported at length on Mr. Vujanovic in his capacity as Speaker of Parliament. The media sometimes confused campaign and official events, giving Mr. Vujanovic more coverage than his rivals.
- At times, some private media failed to comply with the requirement that paid advertisements be clearly marked and *Vijesti* failed to respect the campaign silence.

The EOM noted that only Filip Vujanovic placed paid advertisements in the main media. While it is quite common in OSCE participating States to permit paid political advertising in addition to free airtime, such broadcasts *de facto* gave an advantage to Mr. Vujanovic, who - it is thought - was able to draw on greater financial resources than his two rivals.

## IX. DISPUTES, COMPLAINTS AND APPEALS PRIOR TO ELECTION DAY

The legislation provides for a reasonable complaints and appeals mechanism enabling voters and candidates to lodge cases with the competent authorities, where electoral rights may have been breached by the election administration. However, the legislation fails to offer voters and candidates a mechanism to receive prompt legal remedy where other bodies are involved, for example the failure by a municipal authority to fulfil its responsibility to send invitations to vote to all eligible citizens. In such cases, those wishing to lodge a formal complaint may have to do so on the basis of regular administrative or civil legislation, which may not be able to resolve the issue within the timeframe required.

In comparison with previous elections in Montenegro, the EOM was notified of relatively few election-related complaints. Indeed, the absence of complaints concerning coercion of citizens to vote or allegations of voters being offered inducements to vote for a particular candidate contrasted sharply with previous electoral contests. Only a small number of appeals, all regarding minor procedural issues, were lodged with the REC.

Most complaints were of a general nature and concerned aspects of the campaign, such as allegations of politically partial behaviour by the state apparatus, notably the police, as well as disputes over the placement of campaign material. However, both the LSCG and the DPS complained that particular municipal authorities had failed to deliver invitations to vote according to law. In addition, the DPS complained about an allegedly biased broadcast on TV Budva (a TV station managed by the opposition controlled municipal authority), which the party claimed breached the "media rules". Other complaints include:

A written complaint to the EOM that an election poster from Filip Vujanovic (DPS/SDP) was displayed in a police office in Niksic. Observers visited the office concerned and reported that no poster was on display. However, observers in Bijelo Polje witnessed a Filip Vujanovic campaign poster on display in police offices;



A claim by the LSCG that DPS activists placed a large quantity of (unflattering) posters during the campaign silence period. While, these posters carried a photograph of Miodrag Zivkovic they were not produced by the LSCG and their provenance is unclear. These were placed in unauthorised areas in many cases obscuring road signs, including danger areas. The placement of these posters appears to have been an attempt to anonymously disparage the LSCG candidate, while simultaneously giving voters a misleading impression over the posters' origin; and

An opposition allegation that that Filip Vujanovic used state resources to support his campaign events. These claims were not substantiated but there was some confusion both in the media and among DPS campaign staff whether Mr. Vujanovic's public appearances were as candidate, as Speaker of Parliament or both.

Repeating a practice noted in previous elections, those making allegations declined to lodge formal complaints with the competent authorities even where the law regulates the issue.

## **X. CIVIL SOCIETY AND DOMESTIC OBSERVERS**

Two domestic civil society organizations, the Centre for Election Monitoring (CEMI) and the Centre for Democratic Transition (CDT), deployed a large number of observers to polling stations on election day. Domestic observers remained in polling stations throughout the day and reported on the regularity of the process, enabling the two organisations to inform the media on the conduct of the poll and to announce unofficial preliminary results shortly after the counting of ballots was completed. In addition to assessing election day proceedings, CDT monitored the conduct of the pre-election campaign and estimated candidates' campaign expenses.

## **XI. OBSERVATION OF VOTING AND COUNTING**

### **A. GENERAL ASSESSMENT**

Consistent with previous assessments, the large majority of observers reported that polling was well conducted. Generally, polling boards (PB) followed the procedures as set out in the regulations and legislation. Observers submitted 347 report forms on the voting phase, of which only three characterised the process as "poor" (less than 1 per cent) and 321 as "good" or "excellent" (93 per cent). Only minor irregularities and isolated violations were reported. Nevertheless, shortcomings in the legal framework and its application noted in previous election reports remain to be addressed.<sup>18</sup> Voting and ballot counting were conducted in a generally calm atmosphere with only 3 per cent of observer reports indicating a tense situation and 6 per cent reporting a lack of cooperation among PB members.

All major parties were well represented on PBs, thereby ensuring transparency in the process. However, in a problem identified previously, many candidate-nominated members of PBs (extended members) were unfamiliar with their role and unaware of their rights and duties. Observers noted a tendency for these persons to behave more as observers than members of the PB.

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<sup>18</sup> See OSCE/ODIHR Final Election Reports on the December 2002 / February 2003 Presidential Election; the October 2002 Parliamentary Election and May 2002 Municipal Election.

Provisions of the new PEL prohibit parties to look at marked voter lists and ballots after the election.<sup>19</sup> In addition, provisions in the PaEL provide that it is not legitimate for PBs to keep a record of which citizens have voted or to call out voters' names.

Minor violations of the secrecy of the vote, mostly due to poorly positioned voting booths/screens, were indicated in 12 per cent of the forms. Other shortcomings regarding the secrecy/privacy of the vote included:

- The unnecessary legal requirement for polling booths to be placed so that voters' backs face the PB, potentially enabling the manner of voting to be observed;
- Handling marked ballots by PBs when removing the control coupon<sup>20</sup> which could allow marked ballots to be viewed; and
- The failure to instruct voters how to fold their ballot papers could cause some to be viewed.

More positively, observers noted the continued decline in "group voting" where more than one voter is present simultaneously in a voting booth.

## **B. VOTING PROCEDURES**

Due to the frequency of elections in Montenegro, PBs are familiar with voting procedures. Notwithstanding the generally efficient and correct application of the provisions by a large majority of PBs, some observers reported a certain lack of uniformity in the conduct of the election. Examples include isolated instances of PB members calling out voters' names (4 cases), making unofficial records of voters' identities (4 cases) and failing to check for or apply the spray ink correctly (14 cases). Other infractions include the display of campaign material within 50 metres of the polling station (6 cases) and the use of a mobile phone inside the polling station (41 cases). Although these irregularities are relatively infrequent, they are of potential significance because the legislation provides that each could lead to nullification of the results at these polling stations.

In 20 per cent of polling stations visited, at least one voter was turned away. In most cases this was due to voters forgetting to bring identity documents. However, the failure of a number of municipalities to deliver invitations to vote to all citizens may have been a contributory factor, as 6 per cent of observer reports indicated that voters went to the wrong polling station.

The new PEL amended procedures for voting by homebound persons, thereby addressing concerns previously raised by OSCE/ODIHR. Voters unable to attend polling stations are now required to complete and sign a form requesting to vote at home, thereby lessening the scope for abuse. In May, the number of citizens voting in this manner fell from 6 per cent in February to 4.1 per cent, reversing the upward trend noted previously. This fall was most pronounced in urban areas. However, some inconsistencies in the uniform application of the procedure remain, partly due to a failure of the REC to adequately notify all PBs and voters of the new procedures. A few observers commented that some PBs failed to ensure the secrecy of voting by homebound persons. In addition, observers noted again that the lack of provisions for spoiled ballots prohibits voters making inadvertent marking errors the possibility to receive a new ballot.

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<sup>19</sup> In the December 2002 and February 2003 elections this practice was permitted, fuelling opposition charges that those citizens who did not vote were subject to intimidation. The provisions of the PaEL have yet to be amended. Thus in parliamentary elections certain categories of person are still entitled to engage in this intrusive action.

<sup>20</sup> The control coupon is a detachable part of the ballot, the purpose of which is to ensure ballot paper security and accounting, and to deter election fraud.

### C. VOTE COUNT

Observers followed the count in 25 polling stations. Overall, the process was assessed positively and only one report characterised the process as “poor”. However, some observers commented that the count appeared “rushed”, with some PBs failing to follow the correct sequence of events in the process, on other occasions ignoring procedures completely. For example, in six cases the number of unused ballots was counted only after opening the ballot box or these ballots were not counted at all. In three instances the number of registered voters having cast a ballot was determined only after the opening of the ballot box and in two instances it was not done at all. Nevertheless, these shortcomings did not affect the integrity of the vote count in these polling stations. The results of the count were recorded accurately and PB members received copies of the official election results.

### D. TABULATION AND ANNOUNCEMENT OF RESULTS

The tabulation of results was efficient with the REC announcing preliminary results on 13 May. According to these figures, the election result was as follows:

Candidate	Votes	Percentage
Dragan Hajdukovic	9,501	4. 37 per cent
Filip Vujanovic	139,574	64. 25 per cent
Miodrag Zivkovic	68,169	31. 38 per cent

Total Number of Registered Voters	458,888	100 per cent
Turnout	221,752	48. 32 per cent
Total Valid Ballots	217,244	97. 97 per cent
Invalid Ballots	4,508	2. 03 per cent

The data shows that voter turnout was only fractionally higher than in February when 46.7 per cent of registered voters cast ballots. Voter turnout varied across the Republic with 34.4 per cent of eligible citizens voting in Andrijevica and 56.5 per cent voting in Cetinje.<sup>21</sup>

### E. POST-ELECTION DAY DISPUTES, COMPLAINTS AND APPEALS

Following the 11 May election, only a handful of complaints were made to MECs. These related to relatively minor irregularities. However, the REC decided to cancel the results at two polling stations.

## XIII. RECOMMENDATIONS

The following recommendations are offered for consideration.<sup>22</sup> The OSCE/ODIHR stands ready to assist the authorities and civil society of Montenegro to remedy the remaining shortcomings and challenges identified in this and previous OSCE/ODIHR’s reports.<sup>23</sup>

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<sup>21</sup> The prisons recorded the highest turnout with 385 persons casting ballots from the 488 registered (78.9 per cent).

## A. ELECTION ENVIRONMENT

Steps should be taken to ensure that state and party functions are clearly separated as required by paragraph 5.4 of the Copenhagen Document.<sup>24</sup> Serious efforts are required to challenge the perception that public employees are dependent on incumbents and that citizens' political affiliation and electoral choices can impact on individual livelihoods. Specifically:

- Any form of discrimination in the workplace based on political opinion, notably discrimination of public and state employees, should be prohibited;
- The Police should ensure its political neutrality and accountability during election periods;<sup>25</sup>
- The establishment of party offices and the holding of election campaign events in state owned enterprises or government/municipal owned property should be prohibited.<sup>26</sup>
- The secrecy of the vote and citizens' right to privacy must be respected fully in all aspects and phases of the election process, not just election day.

Political parties should direct local branches not to go beyond accepted international norms of campaigning. The Government should reassure voters, particularly state employees, in their freedom to make electoral choices according to individual political convictions.

## B. LEGAL FRAMEWORK

Inconsistencies between the provisions of the new PEL and the PaEL should be removed. In particular, provisions contained in the PEL relating to homebound voting and proscribing the opening and copying of used election material should be applied equally to parliamentary elections. Moreover, as presidential candidates are now elected based on *valid votes*, this principle should also be extended to determine if the 3 per cent threshold has been met in parliamentary elections.<sup>27</sup>

The term and legal status of a "Group of Citizens" nominating independent candidates requires clarification. The legislation should stipulate who is legally authorised to act on behalf of independent candidates.

## C. CANDIDATE NOMINATION

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<sup>22</sup> The recommendations are based on the findings of the OSCE/ODIHR EOM (April-May 2003) but should be read in conjunction with recommendations made in previous OSCE/ODIHR reports. However, in cases where a previously identified issue remained problematic, the recommendation has been reiterated with information on its source.

<sup>23</sup> The OSCE/ODIHR has also published a number of documents that could assist the competent authorities, including 1) Guidelines for Reviewing a Legal Framework for Elections (January 2001), 2) Guidelines to Assist National Minority Participation in Election Processes (January 2001), and 3) Resolving Election Disputes in the OSCE Area (July 2000).

<sup>24</sup> This recommendation was first made in the OSCE/ODIHR's report on the April 2001 election and reiterated in the OSCE/ODIHR's report on the October 2002 election.

<sup>25</sup> This recommendation was made in the OSCE/ODIHR's report on the April 2001 election and repeated in the OSCE/ODIHR's report on the October 2002 election.

<sup>26</sup> This recommendation was made in the OSCE/ODIHR's report on the December 2002 / February 2003 Election.

<sup>27</sup> This recommendation was made in the OSCE/ODIHR's report on the April 2001 election.

The candidate nomination process should be reconsidered to ensure procedural integrity and citizens' privacy. The falsification of signatures in candidates' petitions should be treated as a criminal offence.

As supporting a candidate's right to stand for election is not the same as voting for a candidate, consideration should be given to removing the provision restricting citizens to signing the nomination papers of only one candidate.

#### **D. CAMPAIGN AND CAMPAIGN FINANCE**

As noted in previous OSCE/ODIHR Reports, the legislation fails to provide adequate regulation of campaign finance issues. Thus, the following measures should be put in place:

- Provisions contained in the Law on Financing Political Parties (LFPP) regarding campaign expenditure limits and reporting requirements should apply equally to presidential elections.
- The manner of scrutinising campaign accounts should be set out in the legislation.
- An independent, transparent and accountable office should be charged with controlling and auditing campaign accounts.<sup>28</sup> This body should have the power to sanction violations.
- The legislation should also provide guidance on donations for political parties, including stipulating which groups may legitimately make donations to campaign funds and whether limits on individual donations are applicable.
- Reimbursement of campaign expenses from public funds should only be made upon the verification of campaign expenditure accounts.

The election legislation should provide that candidates who are simultaneously state officials are required to take a leave of absence, in order to avoid confusion of roles during the campaign and charges of misuse of official position or state resources.

Article 25 of the PEL, which deals with campaign related violations, should be amended to ensure that it is enforceable. The legislation could better define in what circumstances state-owned resources could be used "legitimately" during the campaign period and ensure that the state be reimbursed for the usage.

The Parliament could extend the provisions of the campaign silence period to include the displaying of campaign posters. The legislation should be amended to require that all campaign posters be attributed, clearly identifying their origin and thereby enabling the cost of their production to be accounted for. The police should be tasked with ordering the immediate removal of all campaign material placed in unsuitable locations including public/state property and on road signs. In certain cases, penalties should be imposed for posting material in inappropriate locations.

The legislation should ensure that all eligible citizens are granted the opportunity to vote including hospitalised persons and eligible voters serving the military of the State Union.<sup>29</sup>

Parliament should consider introducing a provision for recounting of ballots. |

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<sup>28</sup> This recommendation was made in the OSCE/ODIHR's report on the June 2000 elections.

<sup>29</sup> Recommendations on these issues were made in June 2000 and October 2002.

## E. ELECTION ADMINISTRATION

Parliament should ensure that newly appointed permanent members of election commissions and polling boards represent a plurality of political interests. No political party should be in a position to dominate the administration of elections.

Parliament should consider if party nominees to election commissions ought to be required to resign all party functions for the duration of their tenure. The law should provide for the incompatibility of status between membership of an election commission and simultaneous holding of another state or municipal function.

The finances of the REC should be placed on a sound footing perhaps by linking the release of funds to election deadlines. This may bring stability and predictability to REC operations. The Government should ensure that all MEC and polling board members receive the payments in a timely manner.

## F. MEDIA

16. Guidelines should be developed to enable the media to report on the activities of the Government and Parliament during election periods whilst avoiding granting the candidate of the ruling party/parties undue advantage. The media need to make further efforts to distinguish between the activities of a candidate, in his/her capacity as an office holder, and as a candidate.<sup>30</sup>
17. Consideration should be given to providing journalists with accreditation to enter polling stations on election day. This would avoid a lack of uniformity in the application of existing provisions by Polling Boards.
18. The legislation should better define what action constitutes a breach of the campaign silence period and provide for financial penalties to be applied for violations. In general, the media ought to exercise greater restraint in its reporting during this period.
19. The public media requires more scope to exercise discretion in defining the concept and format of the election coverage, in particular the format of programming on the Parliamentary Channel.<sup>31</sup> In general, there should be greater editorial freedom and a strengthened role for journalists to provide critical analysis.<sup>32</sup>
20. The Parliament should ensure that the Board for Mass Media Supervision is established for future elections.
21. Extending limits on the amount candidates may spend on paid political advertising to the private media may lessen inequalities caused by differences in campaign resources.

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<sup>30</sup> A similar recommendation was first made by the OSCE/ODIHR in 1997

<sup>31</sup> Recommendation made in the OSCE/ODIHR's Report on the December 2002 / February 2003 election.

<sup>32</sup> Recommendation made in the OSCE/ODIHR's Report on the June 2000 election

22. Failure by the media to clearly designate paid political advertisements as required by law, should be subject to sanction.<sup>33</sup>
23. Private media should be encouraged as a matter of professional responsibility to comply with the principle of reporting on election subjects in a balanced and impartial manner.

#### **G. ELECTION DAY**

24. The municipal authorities should be required to comply with existing provisions to send voting invitations. Sanctions could be introduced to punish violations of the provisions.

#### **H. GENDER**

25. While, it is an individual choice whether to stand for election, political parties and the Parliament should treat seriously the need to equalise the participation and representation of men and women in public life. Legislation ensuring women's participation in election commissions and polling boards should be considered

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<sup>33</sup> Recommendation made in the OSCE/ODIHR's Report on the May 2002 election.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects which fundamentally address factors engendering terrorism.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihhr](http://www.osce.org/odihhr)).