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**TRANSPARENCY AND IMPARTIALITY : ACTIVITIES AND  
COMPETENCIES OF THE ELECTORAL ADMINISTRATION  
IN THE PRE-ELECTION PERIOD**

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## **Introduction**

1. The elections should produce the legitimacy of the political power continuously, in a peaceful manner and without larger conflicts between the social groups and the political parties. As a form of democracy, the elections must be understood as a form of voting through which the citizens decide immediately about the choice of the candidates for a certain function or reach a concrete decision at a referendum. In such a context the citizens function as electoral power.<sup>1</sup>

2. In addition to the citizens and the political parties, the non-governmental and governmental organisations, international organisations, journalists, each in their own way, participate in the creation of elections and in the progress or regression of the democracy in a certain country. The manner in which each of these actors will play their role in the electoral process depends to a large extent on whether and how each of them has understood their role in the chain of electoral actions. But, still the knowledge that channeling the actions of all these electoral actors must have a certain legal framework, established in the national election legislation of the country, is unarguable. The established legislation represents the basis for the work of the Electoral Administration which will coordinate the activities in the pre-election preparatory period, during the day of the elections itself, but also following the release of the initial results, i.e. until the completion of all electoral activities. The Electoral Administration is the main channelling force of the activities and events in relation to the elections.

3. The purpose of this paper is to underline the importance of the transparency and impartiality of the Electoral Administration prior to and on the day of the elections. The transparent and open implementation of the election laws guarantees the confidence of the voters in the Electoral Administration but also the confidence in the legitimacy of the elections. Thereby the Electoral Administration must show its own impartiality through its transparent work. In this paper we will review the influence of the political culture and public opinion as preconditions for the transparent Electoral Administration. Through the example of the Parliamentary Elections of 2002 in the Republic of Macedonia and the Local Elections of 2005 we will try to practically illustrate the importance of the principle of transparency and impartiality of the Electoral Administration.

### **1. Political Culture, Transparency and Influence over the Public Opinion**

4. How much a certain society is democratic and open, it depends first and foremost of the political culture. Jan Jacques Russo says that: "In order to create the government of the people, the work is certainly useful, but I know one thing which is more useful – to raise the people to govern". According to Gabriel Almond and Sidney Verba, the political culture is a network of orientations of the members of society towards the key political objects.

5. The democracy prefers that the citizens be informed, be active in the politics and influence it. The citizen who is poorly informed is disinterested, does not vote and does not have an interest to participate in the creation of politics.

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<sup>1</sup>Svetomir Skaric, *Comparative and Macedonian Constitutional Law, Matica Makedonska, Skopje, 2004.*

6. As a factor which influences the political system, the political culture influences the openness and impartiality of the Electoral Administration. It is a precondition also for the behaviour of the other participants in the electoral activities. One of the forms through which the political culture manifests itself, in the work of the Electoral Administration, is the transparency of the Electoral Administration in the relations with the citizens, and in that way in the possibility to influence the forming of the public opinion about the elections and the electoral activities.

7. Thereby it is important to respect two important principles: the principle of free access to information for all citizens and the principle of free broadcasting of information by the Electoral Administration. The principle of free access to information should make possible for the citizens to receive the necessary information equally and in the same manner. The information must be timely, correct and clear. The principle of free broadcasting of information by the Electoral Administration ensures the impartiality and the openness of the Electoral Administration. This principle should make possible that the information of the Electoral Administration are broadcasted and distributed without any censorship on all national television stations, radio stations, printed media and on internet.

8. The link between the individual and the citizens has psychological roots and it is established among the people who have the same or similar interests. The public is the social and political space in which the public opinion functions. The public opinion is a common psychological but also ideological reaction of the members of a society through which they manifest approval, negation, support, denial of decisions, procedures of interest for the society. The public opinion exists also because of the fact that the awareness of the individual of his own personal interests and of the interests of those close to him in their attitudes and ideas has a tendency to expand, to be adopted and to become a law.<sup>2</sup> As such the public opinion has an attitude (positive or negative), intensity, degree of stability, form of expression, level of acceptance by the social community (widely accepted or not accepted). Therefore, one can say that the political public is determined by the right to active and passive participation in the political life. The opinion of the citizens is a controlling one by character, it controls the government, but in a way which implies critical attitude towards it. Therefore, the most important features of the public opinion in democracy are: independently assumed attitudes, critical reasoning on the manner of performing of the general affairs, and evaluation or pointing out of the good and bad side in the exercise of power.

9. The Electoral Administration may influence the forming of the public opinion, concerning the importance of the elections, through transparency towards the public. Only a transparent approach to the media and the citizens will create a realistic picture of the impartiality and of the professional work of the Electoral Administration. In the pre-election period the Electoral Administration undertakes numerous activities and reaches a lot of decisions. If the citizens are informed about all those activities, this will contribute to forming a public opinion, which will have a positive attitude towards the elections, but also towards the Electoral Administration. The public opinion must be based on confidence and respect for the Electoral Administration as a safeguard for legitimate and fair elections. To this end the public must know well the activities and competencies of the Electoral Administration.

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<sup>2</sup>Maurice Duvergeaux "Introduction to the Politics", Belgrade, 1966, page 70.

## **2. Transparency and Impartiality: Activities and Competencies of the Electoral Administration**

10. The transparent acting in the course of the entire process of elections is the obligation of the Electoral Administration towards the citizens and towards all active subjects in the elections. The transparency of the Electoral Administration does not imply only open and public plenary sessions of the election bodies. The Electoral Administration must be prepared to inform the public without delay on each of its actions, on each of its activities. Due to the sensitivity of the election process itself and of all participants in the elections (voters, the elected, the monitors, the journalists) the activities of the Electoral Administration must be constantly in front of the eyes of the public.

11. There are several forms through which the transparency of the Electoral Administration finds its expression:

- sessions of the Election Commission are generally open for the public;
- the Electoral Administration must issue press releases to the public information media on its decisions (particularly when their contents have informative and educational character),
- regular organisation of press conferences in the course of the preparation of the elections and particularly on the day of elections, and in the process of announcement of the initial and final results,
- the central Electoral Administration must create a web-page on which it will update the data on daily basis,
- the president of the Electoral Administration should not avoid the interviews and public appearances, meetings with non-governmental organisations, meetings with the monitors prior to the elections,
- Preparation of educational material for the voters.

12. The sessions of the Electoral Administration (particularly of the Central Election Commission) must be open for the public information media. The session of the Electoral Administration shall not be open for the public only if there is a word about the personal data of the citizens whereby the public information media will not be present at the session in order to protect these data, but the citizens shall be informed with an announcement on the outcome of the procedure. At the sessions of the Central Election Administration decisions are reached which determine the course of the elections (such as for example the Schedule of Activities of the State or Central Election Commission according to which all participants in the elections will plan their activities), instructions which should facilitate the work of the Regional, Municipal Election Commissions or of the Election Councils. Finally the citizens must have a clear picture of each step undertaken by the Electoral Administration, because the elections are the time when they are the subject which makes decisions.

13. The Electoral Administration informs the citizens and all interested subjects on the concrete procedure and activities with public announcements, press conferences, Internet, public appeals, etc. By addressing the citizens, the Electoral Administration may also call them upon to behave in a certain manner, to approve or condemn an event, which has an influence over the elections and the election process. Thus for example a few weeks before the organisation of the Parliamentary Elections in 2002 in the Republic of Macedonia, two policemen were killed in one of the election units which had produced a large number of displaced persons, and there was a danger that the citizens in those areas would not be able to freely exercise their right to vote. The State Election Commission addressed the public with

an announcement in which it condemned every act of violence in the pre-election period, concluded that this incident did not contribute to the peaceful preparations and course of the election process. The State Election Commission in this reaction of its called for a reasonable, peaceful and non-violent behaviour of all in the state.<sup>3</sup>

14. The central Electoral Administration will regularly organise press conferences in the course of preparation of elections, and particularly on the day of elections and in the process of publicizing the initial and final result, in order to allow the journalists equal access to information and possibility to receive a reply to all questions raised by the public.

15. The Central Electoral Administration must create a web-page on which it will update the data on daily basis. A large number of citizens are Internet users and prefer to seek for information through their computer. Besides, during the elections in 2002, 2004 and 2005 in the Republic of Macedonia it turned out that there was an increased number of visits to the web page of the State Election Commission. Besides the citizens, the journalists want to recollect a certain information, decision or other information, which they have received from the Electoral Administration.

16. It is desirable for the Presidents of the Electoral Administration to accept invitations for interviews and public appearances. This is an opportunity to convey also messages of educational character to the voters, as well as a chance to clarify various ambiguities and misunderstanding which are often encountered in the course of the election process. Besides, it is not rare that in the course of the election process much misinformation is released which brings the voters in a state of confusion and creates distrust. Because the Commissions at all levels are collective bodies, most frequently the statements, interviews are given by the President of the Commission or the Spokesperson of the Commission. Despite all the more frequent engagement of the Spokesperson of the Commission, still it is necessary for the President of the Commission to be present in the media.

17. The meetings with non-governmental organisations, representatives of international organisations or with representatives of monitoring missions are in the function of the transparent work, all for the purpose of allowing them access to relevant information.

18. All participants in the pre-election process must have a clear image that every action which the Electoral Administration takes is based on law and that every action of the Electoral Administration is well conceptualized and has as its ultimate purpose to allow clear implementation of the law. The sense of security and stability in the course of the preparation of the elections may be created only through open access to the participants in the elections, to the citizens and journalists.

19. One of the most important tasks of the Electoral Administration is the education of Electoral Administration, but also the education of the voters. For this purpose it is necessary to prepare video spots, to prepare audio messages, posters, flyers, placards, postcards. The messages must reflect the impartiality of the Electoral Administration. None of the educational materials can contain the colours or the symbol of the flag of any of the parties. The messages must be clear, unambiguous and simple (in order to be understood by every citizen, irrespective of the level of education).

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<sup>3</sup><http://www.dik.mk/par2002/press/s3.htm>.

20. The transparent acting of the Electoral Administration should be a form through which the administration which prepares and carries out the elections will prove and demonstrate that it is totally impartial and unrelated to any political party or other participant in the elections. In a large number of countries members of political parties are also represented in the Electoral Administration. The impartiality in the work should reflect their actions equally towards all participants in the elections irrespective of their opinion. The Electoral Administration should prove and demonstrate that the professional, legal resolution of the obligations is above the partisan one. This means that the law should overcome the party interest at the moments when key decisions are reached, like for example when the complaints and appeals are reviewed.

### **3. Transparency and Impartiality of the Macedonian Electoral Administration: through the Parliamentary Elections of 2002 and Local Elections of 2005**

21. On 15 September 2002 the fourth parliamentary elections in a row were held in the Republic of Macedonia. The elections were held after the armed conflict and the signing of the Ohrid Framework Agreement in 2001. Only two months and a half before the organisation of the elections the Assembly of the Republic of Macedonia adopted three election laws: Law on Election of Members of Parliament of the Republic of Macedonia, Law on Voters' List<sup>4</sup> and Law on Election Units for Election of Members of Parliament of the Republic of Macedonia.<sup>5</sup>

22. In accordance with the new Law on Election of Members of Parliament of the Republic of Macedonia a new State Election Commission was established. The State Election Commission comprised of a President and Deputy President<sup>6</sup> and of eight Members and the same number of Alternate Members (elected by the Parliament of the Republic of Macedonia) had at its disposal 58 days from the day it had been constituted until the day of the elections. With the new election laws this Commission was faced with numerous novelties in relation to the previous regulations (for the first time elections were held during which the voting material and the ballot were printed in 7 languages, some new forms of protection of the right to vote were introduced, as well as new organisational structure of the Electoral Administration, etc). Throughout the whole process of elections, the State Election Commission was completely open in terms of information of its work, which is witnessed in numerous reports of international and domestic monitors.<sup>7</sup>

23. At the Parliamentary Elections of 2002, 3060 candidates on 135 candidates' lists on which 53 political parties, or more precisely 26 political parties with independent lists of

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<sup>4</sup>The Law on Election of Members of Parliament of the Republic of Macedonia and the Law on Voters' List were published in the "Official Gazette of the Republic of Macedonia", No.42/2002.

<sup>5</sup>Law on Election Units for Election of Members of Parliament of the Republic of Macedonia was published in the "Official Gazette of the Republic of Macedonia", No.43/2002.

<sup>6</sup>For the first time in the Republic of Macedonia the President and Deputy President of the State Election Commission were appointed by the President of the Republic of Macedonia. Prior to their appointment, the President asked for an opinion on the proposed candidates from the leaders of four largest Macedonian political parties signatories to the Ohrid Framework Agreement (VMRO-DPMNE, SDSM, DPA and PDP). Only after the consensual acceptance of the proposed candidates the President of the State appointed by a Decision the President and Deputy President of the State Election Commission.

<sup>7</sup>As an illustration of the openness of the State Election Commission towards the interest of the public in these elections, one should note the fact that only the President of the State Election Commission gave over 50 longer and more important interviews to the domestic and foreign media, in the pre-election process.

candidates, 7 coalitions and 5 independent candidates, participated in 6 election units. The name of the bearer of the list and of the party, or respectively the coalition, were written on the ballot also in the language of the community to which they belonged. In practical terms this meant that besides the Macedonian language and alphabet, 6 other languages and alphabets were used (Albanian, Turkish, Roma, Vlach, Serbian, Bosniak). During these elections the voters who served their draft or were at a military drill, the voters who were serving their sentence to imprisonment or were in detention, the displaced persons, the feeble and sick persons<sup>8</sup> also voted.

24. In addition to other activities related to the preparation of the elections, the State Election Commission paid particular attention to the education of the voters.<sup>9</sup> The State Election Commission filmed a 35-minute film which showed the procedures of voting during the elections' day. The film was shown at 44 state and local television stations in the country. In the course of the week prior to the elections, the short film was shown more than 100 times. Although initially intended only for the members of the Electoral Administration, it became an important part of the campaign for the education of the voters and the whole public at large. The concept of the State Election Commission was, by showing this film, to constantly influence the members of the Election Councils to renew the already assumed activities and educational procedures. However, the citizens demonstrated a large interest in this film and it actually had a dual educational role.<sup>10</sup>

25. Besides this film, the State Election Commission prepared a campaign to inform the voters. The title of this campaign was "Your Vote is Your Right" and it was marked with a logo which showed a styled image of a voter with a ballot.

26. The public information campaign of the State Election Commission was targeting all active agents in the elections and had as its purpose the following:

- to raise the awareness of the voters in Macedonia on the voters' rights and to help them to fully understand and use them,
- to inform the voters on the changes in the voting procedures which came to happen with the new election laws,
- to reduce the uncertainties and doubts concerning the voting process,
- to educate the voters on the right to vote personally and secretly,
- to inform the voters on the changes in the voting procedures which resulted from the changes of the election laws,
- To build confidence in the integrity of the election process, in the efficiency of voting and in the legitimacy of the election results.

27. In order to achieve the above mentioned purposes the following items were printed and distributed through the daily newspapers":

- the brochure "Twelve Things which the Voters Should Know",

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<sup>8</sup>The State Election Commission prepared several instructions for these categories of voters, the primary purpose of which was to assist the Regional and Municipal Election Commissions to make it possible for this particularly vulnerable groups of voters to exercise their right to vote one day prior to the elections.

<sup>9</sup>The members of the State Election Commission held special training seminars for each of the Regional Election Commissions, while for all 34 Municipal Election Commissions, the State Election Commission organised meetings at the seat of the State Election Commission. Especially trained educators ( with the assistance of IFES) trained and educated 2974 Election Councils.

<sup>10</sup>The State Election Commission published for the education of the Election Councils a Handbook for the Election Councils which covered all activities during the elections through text and illustrations.

- a flyer with information on the procedure and manner of voting of the internally displaced persons,<sup>11</sup>
- a leaflet which showed the “steps” in the voting process,
- a special leaflet which described the measures of protection in the voting procedure entitled “measures against deception”,
- a special leaflet which emphasised the importance of voting personally and secretly,
- Postcards addressed to the voters who have been exercising their right to vote having reached 18 years of age.

28. The posters which were put up at visible places in the inhabited places in the country were as follows:

- a poster which shows the steps in the voting procedure,
- a poster which shows the measure for decreasing possible forgery during the elections’ day,
- A poster for personal and secret voting.

29. The following were produced and broadcasted regularly:

- a radio spot on the date, time and type of elections,
- a radio spot on the use of invisible ink,
- a radio spot on the personal and secret voting,
- a television spot on the date, place and type of elections,
- a television spot against the use of force on the elections’ day
- a television spot on the steps in the voting procedure
- a television spot on the use of invisible ink
- A television spot on the personal and secret voting.

30. All printed information materials and all spots were produced in several languages (Macedonian, Albanian, Roma...) depending on the environment in which they were distributed and broadcasted.

31. Moreover, these elections were followed by more than 701 domestic journalists and 146 foreign journalists who had requested and had been issued with accreditations for following the elections.<sup>12</sup> More precisely these elections were followed by 15 domestic television stations and 19 foreign television stations, 6 domestic and 8 foreign radio stations, 20 domestic daily and weekly newspapers and 18 foreign daily and weekly newspapers and 3 domestic and 12 foreign information agencies.

32. The 3779 domestic and 1015 foreign monitors and 818 interpreters were issued accreditations for monitoring of the elections. The President of the State Election Commission met on several occasions delegations of foreign and domestic monitors and held several lectures of informative character on the course of preparation of the elections.<sup>13</sup>

33. The Republic of Macedonia spent on these elections 91,564,851.50 Denars or the total of 1,501,063.14 Euros. On the informative educational campaign “Your Vote is Your Right”

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<sup>11</sup>During these elections the Electoral Administration made it possible to 4351 internally displaced persons accommodated in reception centers and families in various towns in the Republic of Macedonia to vote.

<sup>12</sup>With a decision of the State Election Commission, the domestic journalists did not need an accreditation to follow the Parliamentary Elections in 2002. For these reasons the number of 701 domestic journalists includes only those journalist who applied for and obtained an accreditation although they did not need it.

<sup>13</sup><http://www.dik.mk>.

the total of 15,744,913.00 Denars or 258,113.00 Euros were spent.<sup>14</sup> The experience remains that the transparent and impartial work of the Electoral Administration made it possible for 1,218,014 registered voters out of the total of 1,664,296 registered voters to participate in the elections.<sup>15</sup>

34. As a result of the impartiality and transparency of the Electoral Administration, the assessment of OSCE/ODIHR in its final report was that the elections were implemented in accordance with the international standards on democratic elections.<sup>16</sup>

35. The local elections of 2005, as a difference to the Parliamentary Elections of 2002 were monitored by more domestic and less foreign monitors as follows: 5192 domestic monitors and the total of 393 foreign monitors. This information may be considered as positive, as it is a significant improvement if there is an interest among the domestic public to follow the regularity of the elections. Also, the large involvement of the non-governmental organisations means strengthening of the civil awareness of the place and role of elections in a democratic society.<sup>17</sup> Ten foreign journalists were accredited from two television stations, one radio station and three information agencies, while the number of domestic journalists was not recorded as it was not necessary for them to be accredited in order to follow the local elections. A larger number of press conferences were held. The State Election Commission prepared several television and radio spots whose purpose was to influence the voters in an educational and informative manner.

36. The Electoral Administration organised education of the election bodies, but also of the voters through posters, flyers, video and radio spots at these elections as well.

37. Given that most of the activities of the local elections, unlike the parliamentary elections are implemented and concentrated at local level, it was normal for the public attention to be focused on the Municipal Election Commissions. But, it seems that the journalists and politicians and the public at large have concentrated all of their expectations on the State Election Commission. There are two reasons for this: first, during all previous elections, the State Election Commission was part of the Electoral Administration which by coordinating the work of the Electoral Administration communicated with the public at large, and thus this was expected and second, the Municipal Election Commissions were unprepared to be open towards the public. The Municipal Election Commissions appeared to have expected that the State Election Commission would bear the responsibility for informing and communicating with the public. It seems that it is indispensably necessary to train during future elections the Electoral Administration at municipal level to be more open towards the public and to be more transparent in its work.

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<sup>14</sup>*Elections of Members of Parliament of the Republic of Macedonia, report of the State Election Commission prepared in cooperation with IFES, page 57.*

<sup>15</sup>*The turnout at these elections was 73,18%.*

<sup>16</sup>*The final report of the Mission for Monitoring of the Elections of OSCE/ODIHR, The former Yugoslav Republic of Macedonia, Parliamentary Elections, 15 September 2002, Warsaw, 20 November 2004.*

<sup>17</sup>*The 5192 accredited domestic monitors were representatives of 15 non-governmental organisations (for more information visit <http://www.dik.mk>).*

#### **4. Impartiality of the Electoral Administration Supported by the Transparency in the Work**

38. One of the main prerequisites for successful elections is the confidence in the Electoral Administration. The Electoral Administration at all levels must leave an impression with the citizens of being a professional, impartial, efficient and fair administration. The Electoral Administration must have a good knowledge of electoral legislation, and to apply it regularly and timely.

39. The Code of Good Practice in Electoral Matters of the Venice Commission<sup>18</sup> in its Chapter 3.1 – Organisation of Elections by Non-partisan Body, established that a non-partisan, independent body must be responsible for the application of the election law. Where there is no tradition of independent administration in relation to those who have the political power, independent, non-partisan commissions must be organised at all levels, from national level down to the level of Election Councils.

40. Therefore, a prerequisite for successful, fair and democratic elections is a non-partisan, impartial Electoral Administration. In some of the European countries, the Central Electoral Administration is either totally professionalised or a small part of it (most frequently the administration which supports the work of the Central Electoral Administration) is professionalised, while the remaining members of the Electoral Administration are either elected or appointed for a certain time period.

41. In most of the countries in Europe, the largest part of the Electoral Administration – Election Councils are established immediately before the elections and it consists of either civil servants, of volunteers or in the worst case of members proposed by political parties. Naturally the manner of constituting the Electoral Administration influences the impartiality of its work. It can be hardly expected that members of Election Councils proposed by political parties will work in an equally impartial way on the day of elections as Electoral Administration comprised of civil servants. The only way to ensure in all cases impartial acting is the good education and transparent work of the Electoral Administration. The education has as its purpose not only to build the capacity of the members of the Electoral Administration on the course of election activities and on the legal provisions, but also to awaken the feeling of responsibility before the voters.

42. The Electoral Administration must not allow itself to act in a manner which will arouse suspicion and mistrust among the voters.

43. It is a matter of course that in the cases when the Electoral Administration will not act in accordance with the election laws, that penal provisions are foreseen. Thus, for example, in the Macedonian Penal Code there is a whole chapter which contains the crimes against elections and voting (Chapter 16). In Article 159 of this Code, a fine or sentence to imprisonment of up to one year is foreseen for “a member of an election council, Election

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<sup>18</sup>The Code of Good Practice in Electoral Matters was adopted by the Council for Democratic Elections at its 3<sup>rd</sup> meeting (16 October 2002), adopted by the European Commission for Democracy through Law at its 52<sup>nd</sup> Plenary Session (Venice, 18-19 October 2002), approved by the Parliamentary Assembly of the Council of Europe at its 2003 session –1<sup>st</sup> part, approved by the Congress of Local and Regional Authorities of Europe at its Spring Session 2003.

Commission, council for implementation of a referendum or other official who in the performance of his duty in relation to elections or voting, with an intent to disable another person to exercise the right to vote, will unlawfully not inscribe him in the voters' list or in the candidates' list, or will delete him from the voters' list or the candidates' list, or shall deprive the voter in another manner of the right to elect, to be elected or to vote.

44. But certainly sanctioning the Electoral Administration should be the ultimate "tool" one should resort to in a democratic society. Therefore the building of impartial Electoral Administration must initiate at the very beginning, even at the point of legal defining of the place and role of Electoral Administration. The Electoral Administration must be an independent body. Besides the already mentioned importance of the need for the members of Electoral Administration to be professionals and not party appointees, in order to ensure impartiality the Electoral Administration should have its independent budget. The Electoral Administration will propose the budget itself, directly to Parliament and not through the Government.

45. Certainly there is no bigger proof of the impartial work of Electoral Administration than the transparency of its work. The transparent approach to the work strengthens the confidence in the Electoral Administration and reaffirms its impartiality. Thereby, the transparency should exist in each segment. Simultaneously, the citizens are interested in the preparatory and organisational activities of the Electoral Administration, but their attention is mostly focused on the day of the elections. The active voter must be informed when and where he will vote, and if his right to vote is threatened and violated during the voting process he must know to whom he will complain. The Election Councils and Election Commission must be fully open towards the public on the day of elections by allowing the journalists to be present always and everywhere where they will request to be present. The journalists may be also present during the counting and summing up of the initial results, during review of the complaints and appeals. The Electoral Administration through public information media will continuously inform the citizens on the turn out of voters, on their voters' rights. Especially on the day of elections the Electoral Administration must have an answer to each question. It is unacceptable to work behind closed doors. The only place where the public is not allowed to have access to through the camera and photographic lens of the journalists is behind the screen of the voting place. No one has the right to violate the right to secrecy of the voting. Also statements must not be taken from voters on the voting place. This must be done outside the voting place.

46. The impartiality of the Electoral Administration influences significantly on the public opinion making about the Electoral Administration but also about the elections. When it comes to the Electoral Administration of the Republic of Macedonia the issue of participation of judges in the Electoral Administration<sup>19</sup> and of the incompatibility of the judicial function and the functions in the elections bodies were raised on several occasions. These judges, in accordance with the legislative regulations, were appointed upon the proposal or with the agreement of the political parties. The appointments of judges in the Electoral Administration in this way contributed to the fact that a large number of judges avoided to be involved in the Electoral Administration or to raising the issue of their impartiality because the political parties propose them or agree to their involvement in the election process. Macedonia must

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<sup>19</sup>For example, only in the Electoral Administration during Parliamentary Elections, the total 244 judges from various courts were appointed as Presidents, Deputy Presidents, Members and Alternate Members in the Election Commissions at all levels.

overcome this problem in order to preserve the dignity of the judicial function, but also to observe the principle of impartiality to the end.

### **Conclusions**

47. The political culture influences strongly the openness and impartiality of the Electoral Administration, and among other issues it finds its expression through transparency and impartiality of the Electoral Administrations. It seems to be necessary to work constantly through continuous education on the Electoral Administration in order to create and build on the political culture. Through public relations with the citizens the Electoral Administration will influence the forming of a position in the public opinion on the elections and election procedures.

48. In order to build the public opinion of the citizens in relation to the activities and competencies of the Electoral Administration as being transparent and impartial it is important to respect two important principles: the principle of free access to information published by the Electoral Administration for all citizens and the principle of free broadcasting of information by the Electoral Administration.

49. The Electoral Administration must accept the journalists as “co-workers” in the election process. They seek information, and the Electoral Administration must be prepared to offer them information and response to all their dilemmas and questions at all times. Otherwise, the journalists in their quest for information will use various sources of information which are not always correct and bona fide. On the other side, the journalists must always respect the journalists’ code on the impartial and fair information which will allow everybody access to objective and correct information.

50. The election laws must be unambiguous and consistent. The place and role of impartial and transparent Electoral Administration should be clearly determined. The method of appointing bodies for implementation of elections must provide for the establishment of non-partisan Electoral Administration. Although in principle I believe that it is unacceptable to merge the functions, still the judges who would eventually be a part of the Electoral Administration should be elected or appointed without any party influence.

51. The criticism of the public, non-governmental organisations, international organisations and analysts which was expressed in public, must be accepted by the Electoral Administration as grounds for seeking better solutions in its manner of acting and approaching the matters during next elections.

52. And finally the Electoral Administration must have its own independent budget which will not be created by the executive power and which will allow her conditions for transparent work. The financial independence is a pre-condition for impartial Electoral Administration.