



Britanska ambasada  
Podgorica



Citizen Election Monitoring  
Presidential Elections  
Montenegro 2023

# REPORT ON PRELIMINARY FINDINGS AND CONCLUSIONS

## Second round

Report on Preliminary Findings and Conclusions  
Podgorica, April 3, 2023

The opinions and views expressed in this report represent the opinion of the authors and do not necessarily reflect the official positions of the British Embassy Podgorica.

## CeMI - Montenegro Election Monitoring - Presidential Elections, second round, 2 April 2023 Report on Preliminary Conclusions and Findings

The report presents key findings of CeMI in the period following the first round of elections, up to and including the election day on April 2nd, as well as an addition to the first preliminary report of CeMI, published after the first round of presidential elections.

2 April 2023

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The second round of the presidential elections was held in compliance with general democratic standards and principles, while election day proceeded peacefully and without major irregularities that could jeopardize the legitimacy of the overall electoral process. Irregularities in the work of lower levels of electoral administration, recorded abuses of state resources and partisan employment, unbalanced media reporting, along with the involvement of religious communities in the electoral process, as well as certain forms of external interference, were negative characteristics of the overall electoral process.

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The Center for Monitoring and Research (CeMI) accredited a total of 1,367 observers for the monitoring of the electoral process for both rounds of the presidential elections, while 450 observers monitored the electoral process in the first round, and 650 for the second round. The mission consisted of a core team composed of: (1) the head of the mission, (2) the deputy head of the mission, (3) an election expert, (4) a legal expert, (5) an electoral administration expert, and (6) a network coordinator of observers. CeMI also engaged a network of local coordinators.

As part of the presidential election monitoring project, CeMI developed a web and mobile application called "Fair Elections" ([www.ferizbori.me](http://www.ferizbori.me)), through which citizens and observers could report observed irregularities or violations of their voting rights. The application also enabled citizens to follow live projections of election results and to be informed about their voting rights. The Center for Monitoring and Research CeMI wishes to express its gratitude to the British Embassy in Podgorica for financially supporting the citizen monitoring project of the presidential elections and enabling the implementation of this mission. CeMI also wishes to express its gratitude to all representatives of the electoral administration, state authorities, political parties, international observer missions, and domestic non-governmental organizations with whom cooperation was established in carrying out this mission.

The findings presented in this report represent the views of the authors and CeMI, and not necessarily the views of the aforementioned donors. The Center for Monitoring and Research CeMI is a non-governmental organization established in March 2000 that has continuously conducted citizen election monitoring since 2000. CeMI has observed all national elections since 2001, except for the presidential elections held in 2013. Additionally, CeMI is a founding member of the European Network of Election Monitoring Organizations (ENEMO) ([www.enemo.eu](http://www.enemo.eu)), which it chaired from 2017 to 2022. The President of CeMI is a member of the Executive Board of the Global Network of Domestic Election Monitors (2018-2023) ([www.gndem.org](http://www.gndem.org)). Through ENEMO and OSCE ODIHR, CeMI members and experts have participated in numerous international observer missions as experts, long-term and short-term observers, and CeMI's expert has been the head of international observer missions eight times (Moldova, Ukraine, Serbia, Armenia, and Kosovo).

## PRELIMINARY CONCLUSIONS

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Election day passed in a peaceful atmosphere, and the nature and scope of irregularities did not jeopardize the regularity of the overall electoral process within the second round of presidential elections. Elections were carried out without major organizational problems, while the fundamental rights of candidates and voters, to freely present their programs and exercise their voting rights, were largely respected. Elections were held under the rules of an unreformed set of electoral laws, containing numerous legal loopholes, ambiguities, and collisions of legal norms that open space for abuse and reduce efficiency.

The second round of presidential elections in Montenegro was held for the first time in the last 20 years. This fact conditioned that electoral legislation does not contain regulations that precisely prescribe the procedure for the second round of presidential elections. In order to carry out the electoral procedure, general provisions of the current electoral laws were applied, along with a part of the decisions made by the State Election Commission (SEC). This further confirms the repeatedly stated assessment that it is necessary to urgently implement a comprehensive reform of electoral laws and electoral administration.

Election authorities, for the most part, efficiently managed electoral preparations and respected most legal deadlines within the second round of presidential elections. Although the overall electoral process was essentially transparent, the Center for Monitoring and Research (CeMI), as well as other domestic and international observer missions, were not involved in the work of institutions and bodies for conducting the electoral process and had limited insight into the process and documents accompanying the electoral process. We believe that observer missions should be included, from preparatory electoral actions to the conclusion of the electoral process, to ensure full transparency and contribute to the full information of citizens about all details of the electoral process.

The voter list was finalized at the beginning of the electoral process, and changes were not possible. A total of 542,154 voters were registered in the final voter list, who voted at 1,162 polling stations. However, due to imprecise communication with the public, in the moment between the two election rounds, the Ministry of Internal Affairs (MIA) caused confusion by announcing that the voter list had been changed and supplemented with about 1,500 newly registered voters. Although this information referred to the upcoming parliamentary elections scheduled for June 11, 2023, the MIA did not show proactivity and corrected or denied the given information that created unnecessary confusion among the interested public.

The right to vote is granted to all Montenegrin citizens who have turned 18 years old, if they have resided in Montenegro for at least 24 months before the election day. However, an inaccurate and outdated residence registry managed by the MIA, which is partly a consequence of imprecisely prescribed obligations for Montenegrin citizens to deregister their residence, raised the issue of the legality of voting for the diaspora, regional and international, in the second round of presidential elections. CeMI believes that the voting rights of Montenegrin citizens cannot be disputed due to disorganized administration and the inability of relevant institutions to timely fulfill all legally prescribed obligations.

In this electoral process, the SEC did not ensure complete transparency of its work, nor “live” transmission of sessions via the internet, which is a practice in many countries around the world. A part of the SEC that deserves special praise are the members selected through a competition and the SEC Professional Service, which demonstrated a high level of professionalism and openness to cooperation with non-governmental organizations.

The legal framework for financing political parties and election campaigns, as well as the abuse of state resources and the control powers of the Agency for the Prevention of Corruption (APC), must be improved, as they do not provide a basis for conducting substantive control. Although the candidates submitted their reports between the two rounds of presidential elections on time, the fact that the accuracy of the data is determined solely based on the information presented in the report itself represents a significant limitation that must be overcome.

Regarding the respect for the deadline for submitting candidate reports to the APC, the candidates provided the necessary reports within the prescribed deadline. A total of 182 proceedings or ex officio controls were initiated, or 71 based on submitted complaints. A total of 166 activities were recorded by 83 service providers.

During the election cycle, an extremely high employment rate in the public sector was noted, so by March 31st, the APC recorded 6,968 contracts regulating employment relationships, rights, and obligations of public servants and employees, and contractual relationships<sup>1</sup>, which were concluded during the election campaign period. The APC did not provide a conclusion on the legality of these contracts.

Although foreign financing is legally prohibited, there were numerous indications that it existed in practice. However, the unimplemented legal framework does not leave room or prescribe clear mechanisms for competent institutions to carry out a detailed verification and determination of facts.

Foreign interference in the Montenegrin electoral process was evident both in media activities and through activities on social networks. The public will be informed about the scope and possible impact through CEMI's final report.

The media environment is competitive, with many registered media, and the public broadcaster complied with legal requirements and offered balanced coverage of the campaign. The high concentration of foreign capital in Montenegrin media influenced the unbalanced representation of candidates in private media. Holding a debate on the public service RTCG between the two presidential candidates was a significant step forward and in line with international standards. In this way, citizens had the opportunity to get all the necessary information to make an informed decision through the direct confrontation of candidates.

The campaign was competitive but notably negative, with many accusations between candidates, and focused on promises of economic prosperity and accelerating the European integration process. As for the election silence, political party propaganda on social networks came to the fore. The main reason for this is the mismatch of solutions in relevant laws, i.e., the Law on the Election of Councilors and Deputies (election propaganda lasts until 24 hours before the election day) and the Law on Financing Political Entities and Election Campaigns (election propaganda lasts until the day of the elections). There has been an increase in hidden advertising, i.e., promotional activities without legally prescribed features. Inappropriate interference by religious communities, specifically the Serbian Orthodox Church (SPC), during the election process was also a characteristic of the second round. We believe that in a secular state, religious communities must refrain from publicly expressing opinions on individual candidates and influencing voters. As this practice is repeated, we believe it is necessary to legally prescribe this limitation.

Based on projections, CEMI announced at 20:20 that the winner of the second round is Jakov Milatovic, who won 60%, compared to the opponent, the current President Milo Djukanovic with 40% of the votes. The final projections were published shortly after 21:00, and there were no significant changes compared to the first published projections.

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<sup>1</sup> [https://www.antikorupcija.me/me/analitika/jres/zaposljavanje/data?f=\(dd,2023-03-20\)\(do,2023-01-16\)\(ik,10181\)\(g,2023\)&o=0&l=10&r=](https://www.antikorupcija.me/me/analitika/jres/zaposljavanje/data?f=(dd,2023-03-20)(do,2023-01-16)(ik,10181)(g,2023)&o=0&l=10&r=)

# Electoral Administration

## A. State Election Commission

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From the day the elections were announced until the day the second round of presidential elections was held, the State Election Commission (SEC) held 38 sessions. Out of this number, 12 sessions were held between the two rounds. During this period, there were no controversial decisions that marked the period before the first round of elections. The decisions of the SEC were in accordance with the law, and most were unanimously adopted.

As the electoral legislation does not prescribe a clear procedure for holding the second round of presidential elections, several issues requiring direct decision-making by the SEC were raised. One of them concerned the status of authorized representatives of candidates who did not enter the second round of presidential elections. This issue is not explicitly regulated by the Law on the Election of the President of Montenegro, and the status of authorized representatives is governed by the provisions of the Law on the Election of Councilors and Deputies.

The State Election Commission made a decision by voting. The final decision on the status of authorized representatives was not unanimous. On the one hand, some members of the SEC believed that the status of authorized representatives was tied to the status of the candidate and limited to representing that candidate, which would result in the termination of the mandate of authorized representatives of candidates who did not enter the second round in all electoral administration bodies. Another argument was that the corresponding application of Article 31 of the Law on the Election of Councilors and Deputies does not imply its literal application, as some provisions related to the election of deputies are not applicable to the election of the president.

Contrary to this view, the majority believed that this was a single electoral process, and in the absence of specific norms in the Law on the Election of the President of Montenegro, Article 31 of the Law on the Election of Councilors and Deputies must be applied, which states that the mandate of authorized representatives in the SEC expires on the day the final election results are determined. The same applies to municipal election commissions and polling boards.

Although the SEC has the technical capabilities to broadcast sessions via the internet, it has not yet implemented this solution. Due to the lack of live internet broadcasts of sessions, the general public has been deprived of insight into the SEC's decision-making process, as the media rarely attend its sessions, although they have always had this opportunity.

## B. Municipal Election Commissions

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Even after the second round of voting, some municipal election commissions have not properly updated their websites. Such cases include: MEC Bar, MEC Kotor, MEC Plav, MEC Tivat, MEC Ulcinj, and MEC

Zeta. Upon CeMI's request for the submission of certain data held by municipal election commissions, all municipal election commissions, except for MEC Andrijevića and MEC Plav, responded promptly. Incorrect contact information can be found on MEC Andrijevića's website.

To conduct the elections, the State Election Commission decides to allocate funds to municipal election commissions. For the purposes of holding the second round of the election for the President of Montenegro, five municipal election commissions requested higher amounts than those requested for carrying out electoral activities in the first round.

MUNICIPALITY	TOTAL 1ST ROUND	TOTAL 2ND ROUND
Budva	10.640,00 EUR	11.820,00 EUR
Plav	9.860,00 EUR	10.050,00 EUR
Podgorica	34.040,00 EUR	63.730,00 EUR
Tuzi	10.900,00 EUR	14.440,00 EUR
Zeta	10.380,00 EUR	10.900,00 EUR

The State Election Commission decided to conduct a financial audit of the municipal election commissions that requested a higher amount than the amount requested in the first round. This decision was mainly influenced by the almost double amount of funds requested by the Podgorica Municipal Election Commission. It is still unknown why the amounts requested by some municipal election commissions were higher for the second round compared to the costs required for carrying out electoral activities in the first round.

## C. Polling Boards

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The permanent composition of polling boards for the second round of elections largely remains unchanged compared to the first round. However, changes have occurred regarding the extended composition of polling boards. During the first round of voting, not all candidates exercised their right to appoint a member of the polling board in an extended composition. But they used this opportunity in the second round.

In the initial draft of the Instructions for Election Bodies concerning the second round of presidential elections, the State Election Commission believed that only candidates who entered the second round could have authorized representatives in election administration bodies. The final decision made by the State Election Commission, allowing all candidates to appoint authorized representatives to election administration bodies, complies with the regulations. In the absence of a specific and precise norm limiting the mandate of authorized representatives to the first round of elections in case their candidate does not enter the second round, the State Election Commission made the only possible decision without being selective in applying the provisions of Article 31 of the Law on Election of Councilors and MPs, applying this norm entirely, especially considering that it is a single electoral process.

Following the State Election Commission's decision that all authorized representatives of candidates have the right to participate in the work of state and municipal election commissions until the final election results are determined, regardless of whether the candidates they represent have entered the second round, the question arose whether authorized representatives of candidates who did not enter the second round and did not exercise their right to appoint authorized representatives in the first round could be appointed to the extended composition of polling boards for the second round. Considering the previously mentioned decision of the State Election Commission, the Commission also affirmed this case and allowed all candidates who successfully registered for the elections to appoint their representatives in the extended composition of polling boards for the second round as well.

The number of polling stations and polling boards remained unchanged in the second round, totaling 1,162. During the first round of elections, at polling station No. 6 in the town of Dubrovsko in the municipality of Šavnik, voting was interrupted after a polling board member did not allow a voter to vote, even though the voter was registered in the voter list. This member was a representative of DF, whose members have been obstructing local elections in this municipality for an extended period.

Voting at this polling station was successfully repeated on March 26, and a criminal complaint was filed against this polling board member who prevented the voter from voting, on suspicion of violating the voter's right.

## Voter registration

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On March 25, the Ministry of Internal Affairs (MUP) published a numerical tabular presentation of data on changes in the voter list, in relation to the voter list used in the previous elections<sup>2</sup>. According to the data released by the MUP, as of March 24, there were 1,445 more voters registered in the voter list than in the first round of the presidential elections. This information was not accompanied by an adequate explanation from the MUP that the changes in the voter list were not related to the second round of the presidential elections, causing a strong reaction from a part of the public. The MUP published this data in response to the March 17 decision by the President of Montenegro to call for early parliamentary elections. The confusion arose because, according to Article 16 of the Law on Voter Lists, the MUP was obliged to publish this data within three days of the announcement of the parliamentary elections, i.e., no later than March 20.

Regarding the second round of the presidential elections, considering the provision of Article 18 of the Law on Voter Lists, which stipulates that the voter list is finalized 10 days before the date set for the elections, the number of voters registered in the voter list remained unchanged.

At one of the State Election Commission (DIK) meetings held between the two rounds of the presidential elections, two DIK members, representing two opposing political parties (DPS and Democrats), mentioned that several citizens had approached them with claims that their data was not found in the electronic extract of the voter list, even though they were registered to vote at

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<sup>2</sup> <https://www.gov.me/clanak/saopstenje-za-javnost-i-numericcki-prikaz>

that polling station, i.e., there was a discrepancy between the electronic and printed extracts of the voter list. In response to these allegations, the DIK sent a letter to the MUP, which rejected them as unfounded and stated that when the electronic identification devices were returned for time adjustment, there were no objections to the correctness of the devices from the representatives of the municipal election commissions. However, according to one of the authorized representatives of the candidates in the DIK, these problems were recorded in the minutes of the polling boards.

## Election campaign

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The campaigns of the two candidates were conducted in the spirit of easing tensions and polarization in society, primarily focusing on messages related to economic prosperity and improving the living standards of citizens through accelerated EU accession. Although predominantly peaceful in tone, the campaigns of both candidates contained elements of negative campaigning and were aimed at discrediting their opponents, especially during televised debates. Negative campaigns against both candidates were also observed on social media and communication mobile apps.

The election campaign for the second round of the presidential elections began immediately after the announcement of the preliminary results of the first round. On election night, March 19, first-round candidates Andrija Mandić and Aleksa Bečić supported Jakov Milatović in the second round. Goran Danilović also supported Milatović, while the support of candidate Draginja Vuksanović and candidate Jovan Radulović for Milo Đukanović arrived significantly later. Candidates in the second round, as well as those from the first round who supported one of the candidates, used the same marketing tools for campaigning as in the first round, including primarily billboards, organizing public gatherings, and advertising through media and social networks. This raises the question of the legality of campaign financing by third parties, which is not precisely regulated by election laws.

The intensity of the negative campaign increased as election day approached. Milatović's campaign included a video spot about Đukanović, summarizing his political career, while Đukanović led a negative campaign against Milatović during his speeches and paid video montages featuring Milatović were predominantly shared on social media. Negative comments and photo montages on social media meme pages and by citizens were directed against both candidates.

Jakov Milatović's campaign was accompanied by a united support campaign from the majority of first-round candidates, in the form of billboards sending a clear message to voters that voting against Đukanović could achieve a common victory. Additionally, representatives of the parties supporting Milatović participated in forums in several cities. Accordingly, Milatović changed his original slogan "We will succeed!" to "We will succeed together!" ahead of the second round. Billboards of some first-round candidates were donated to second-round candidates through third-party donations, which needs to be scrutinized as legal regulation in this area is lacking.

Despite the polarized public atmosphere and the fact that only one of all national television stations has a predominantly domestic ownership structure, candidates had equal chances to present their messages. However, the possibility of favoring candidates due to media ownership structures is present.



In the run-up to the second round of elections, the trend of negative publications about presidential candidate Milo Đukanović continued, with 371 negative publications out of a total of 610 dedicated to this candidate. There were 521 publications about presidential candidate Jakov Milatović across all six analyzed portals, with the majority being positive (267), followed by neutral (160), and 94 negative publications<sup>3</sup>.

During the period between the two rounds of voting, one debate was organized on the public service channel (RTCG). The organization of the debate represents an international practice, as citizens, besides accusations and attacks on opponents by the candidates, had the opportunity to hear specific messages and potential solutions to current challenges, allowing them to make an informed decision. The campaigns of the two candidates were marked by organizing meetings with citizens in several municipalities, putting up posters, and actively campaigning on social media.

Additionally, during the second round, messages and calls from religious communities to voters to support a specific candidate continued to be inappropriate. In this case, messages came from representatives of the Serbian Orthodox Church (SPC). However, such interference is not in line with the principles of a secular state where the church and state should be separate and independent. The same practice was observed during the first round of the presidential elections and continued during the second round of the campaign for the President of Montenegro. The day before the electoral silence began, the SPC called on “believers and people of goodwill” to vote and stated that candidate Milo Đukanović was leading an anti-church campaign. The SPC supported one political party and criticized others, leading to inequality in media space and possible influence on the electoral process.

## Presentation of candidates

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According to data from the Agency for Electronic Media (AEM), which published a report on the representation of candidates in Montenegrin media between the two electoral rounds, it was concluded that approximately two-thirds of the total media representation was recorded in the programs of seven television stations. The highest total media representation (free and paid) was recorded in the programs of Adria Television (11.93%), E Television (9.72%), Vijesti Television (9.62%), Parliamentary Channel (9.29%), Prva TV (7.85%), City TV (7.72%), and TV A Plus (7.10%)<sup>4</sup>.

Although Article 51 of the Law on Election of Councilors and Members of Parliament stipulates that public broadcasters are not allowed to provide advertising under any conditions outside the free political marketing blocks, which are equally provided for all candidates, public broadcasters Television Pljevlja, Television Herceg Novi, Television Rožaje, and Television Budva allowed paid political advertising within their programs<sup>5</sup>.

Regarding media representation in the programs of foreign electronic media, AEM pointed out that paid political advertising was recorded within the program of Pink M Television, which is under the jurisdiction

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<sup>3</sup> <https://dfcme.me/publikacije/izboripodlupom-monitoring-portala-i-fejsbuka-20-29-mart-2023/>

<sup>4</sup> <https://aemcg.org/wp-content/uploads/2023/03/Izvjestaj-o-medijskom-predstavljanju-tokom-prvog-kruga-kampanje-za-izbore-zapredsjednika-Crne-Gore-02-800-24.03.2023.pdf>

<sup>5</sup> Ibid.

of the regulatory body of the Republic of Serbia. By doing so, the broadcaster TV Pink M violated the quota of allowed advertising content prescribed by the Audiovisual Media Services Directive, which has been transposed into the legal framework of the Republic of Serbia and is under the jurisdiction of the regulatory body of the Republic of Serbia. The challenge is that the broadcasting relates to the election cycle in Montenegro, and the violations within it should be sanctioned by another state.

The national public service RTCG respected the legal conditions and provided balanced coverage of the campaigns of all presidential candidates.

## Financing of the election campaign and misuse of state resources

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By the time of the second round of presidential elections, partial revenues from private sources and interim reports on election campaign costs became available. As of March 17, a few days before the first round of elections, €150,511.00 had been spent. Of this amount, donations from individuals represent €37,911.00, and legal entities €112,600.00.

Regarding the second round of presidential elections, Mr. Đukanović reported income up to March 27. On the other hand, the other candidate in the second round of presidential elections, Mr. Milatović, reported an additional €25,500.00 between March 17 and 30, of which €12,000.00 came from the Europe Now movement and the rest from individuals. Thus, all reported revenues from private sources reached €176,011.00.

Although these are not the final reports, a high number of contributions from legal entities for candidate Mandić is noticeable, as well as the absence of individual contributions for three candidates. Upon further examination of Mandić's contributions, it is noted that part of the donations came from organizations registered as NGOs, which is prohibited by Article 33 of the Law on Financing Political Entities and Election Campaigns.

As for campaign costs, interim reports on election campaign costs were submitted up to March 19. Based on this data, the candidates spent the following amounts on their campaigns:

MILO ĐUKANOVIĆ	JAKOV MILATOVIĆ	ANDRIJA MANDIĆ	JOVAN RADULOVIĆ	GORAN DANILOVIĆ	ALEKSA BEČIĆ	DRAGINJA VUKSANOVIĆ STANKOVIĆ
<b>203.771,2€</b>	<b>144.980,2€</b>	<b>182.074,7€</b>	<b>0€</b>	<b>880€</b>	<b>144.980,2€</b>	<b>18.065,74€</b>

A more detailed insight into the campaign costs is currently challenging to provide, as candidates classify the same costs in different categories. What is evident is that the highest amounts were spent by candidates on media and billboards. Additionally, there have been public complaints about the non-existence or low costs of candidates Radulović and Danilović, which again suggests a possible second type of motive for running in the elections.

As for the misuse of state resources, since we did not have intensive participation of representatives of the ruling parties or parliamentary majority during the campaign, the key topic that has preoccupied the public is the number of newly employed in the public administration for various reasons.

When it comes to respecting the deadline for submitting candidate reports to ASK, the candidates have submitted the necessary reports within the deadline. So far, 18 controls of government bodies and political subjects have been conducted by ASK, while the control of monthly expenditure for February, verification of employment documentation, and control of debt write-off restrictions and machinery use are underway. A total of 182 procedures or controls have been initiated ex officio, and 71 based on submitted complaints. A total of 166 activities have been recorded by 83 service providers.

The fact that Montenegro has not made progress in employment during the election campaign is evidenced by numerous employments in the public sector during the campaign. By March 31, ASK received 6,968 contracts regulating employment relations<sup>6</sup>, rights, and obligations of civil servants and employees, and contractual relationships. ASK has not made a conclusion on the legality of these contracts. It is important to note that Article 44 of the Law on Financing Political Entities and Election Campaigns, which defines the obligation to submit “all employment decisions made in accordance with the laws governing employment relations, rights and obligations of civil servants and employees, and contractual relations, with complete accompanying documentation,” does not define the same for companies in which the state has a certain ownership. Therefore, we can assume that this is not the final number of employment decisions.

Out of 6,972 decisions, the largest number (3,718) relates to fixed-term contracts, followed by 1,720 work contracts, 920 supplementary work contracts, 290 indefinite-term contracts, and 139 temporary and occasional work contracts.

Although the law prescribes that fixed-term and indefinite-term employment is possible during the electoral cycle, it is limited to the condition that such positions must be systematized. While a significant percentage of these decisions represent an extension of fixed-term contracts in education and healthcare, it is still a large number of new decisions, leading to suspicions of party employment before the elections. To control employment itself, ASK will compare the submitted decisions with the valid systematizations.

Another legal loophole/inaccuracy relates to work contracts, of which 1,720 have been concluded since the announcement of the elections. However, we believe that a work contract, which does not represent an employment relationship but a contractual one, cannot be covered by a systematization act of any body, and therefore should not be concluded during the period provided by the aforementioned Article 44 of the Law. In other words, concluding work contracts during elections constitutes a direct violation of this legal norm.

Similar ambiguity relates to temporary and occasional work contracts. Article 44, as previously mentioned, provides for the possibility of concluding such contracts during the election period, only if such jobs are foreseen by a systematization act. However, the Labor Law in Article 200 stipulates that a temporary and occasional work contract can only be concluded as a special type of contract for those jobs not foreseen by the act on the internal organization of workplaces. Here, we obviously have a collision between Article 44 of the Law on Financing Political Entities and Election Campaigns and Article 200 of the Labor Law, which is applied subsidiarily to the rights, obligations, and responsibilities of civil servants. In the ASK

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<sup>6</sup> [https://www.antikorupcija.me/me/analitika/jres/zaposljavanje/data?f=\(dd,2023-03-20\)\(do,2023-01-16\)\(ik,10181\)\(g,2023\)&o=0&l=10&r=](https://www.antikorupcija.me/me/analitika/jres/zaposljavanje/data?f=(dd,2023-03-20)(do,2023-01-16)(ik,10181)(g,2023)&o=0&l=10&r=)

report, it is noted that 139 temporary and occasional work contracts were concluded on April 1st, which represents the use of legal inaccuracies in this part.

CeMI notes that a significant shortcoming in employment during the election campaign is the lack of reference activities for the entire year. If the legal obligation to keep such records is only during the election period, there is no overview of similar activities in the period when elections are not held, thus making it impossible to gain an overview of the pace of employment outside the electoral process.

Since the announcement of the elections, ASK has conducted 18 controls (documented 17) and held 4 Council sessions discussing the presidential elections. Within the 18 controls of government bodies and political subjects, as well as during the monthly expenditure for February, verification of employment documentation, and control of prescribed debt write-off restrictions and machinery use, 182 procedures or controls were initiated ex officio, and 71 based on submitted complaints. A total of 166 activities have been recorded by 83 service providers. Ex officio, 71 controls were initiated based on submitted complaints.

## Media

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The media situation can be characterized as relatively free and diverse, with a mix of public and private broadcasters, print and online media, but with certain challenges and concerns regarding media independence, pluralism, and journalists' safety that continued during the second round of elections. Montenegro has a liberal legal framework for the media, including constitutional guarantees of freedom of expression and press freedom, as well as laws regulating media ownership, access to information, and defamation. However, these laws are not always effectively implemented, and there are cases of political interference in the media's work.

### A. Traditional media

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Overall, traditional media played an important role in the election campaign, providing information and analysis that contributed to understanding political candidates and their programs. However, there were also certain shortcomings related to impartiality, pluralism, and media independence. The attention regional media paid to this topic confirms that the electoral process in Montenegro is not only of national but also of regional significance.

During the pre-election silence period, it is not allowed to broadcast media representation of presidential candidates, political advertising, publication of voting results percentages, slogans or symbols of candidates, public opinion poll results, other research and analyses related to voters' preferences regarding election results estimation. However, direct violation of election silence was evident on all social media platforms. Montenegro does not have regulations that restrict or precisely prescribe rules of conduct in these cases.

## B. Online media and social networks

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According to DataReportal's data for January 2023, there were 562,700 internet users in Montenegro (almost 90% of the population), or 472,000 social network users (75.4%). Online media have become increasingly popular in Montenegro, with several prominent news websites, including Vijesti, CdM, and Portal Analitika. Social media platforms such as Facebook, Twitter, and Instagram were widely used to spread news and discussions during this election process.

From March 20 to 28, 2023, the Digital Forensic Center (DFC) conducted monitoring of posts about presidential candidates on news websites and Facebook to determine their representation, reporting tone, key topics in articles, and their reach on social networks. Monitoring of six Montenegrin news websites (Adria, Borba, CdM, IN4S, RTCG, and Vijesti) registered 661 posts mentioning candidates for the second round of presidential elections on April 2, 2023<sup>7</sup>.

During the second round of elections, there was a continued trend of negative posts about presidential candidate Milo Đukanović. Of the total 610 posts on news websites, 371 were negative, 138 neutral, and 101 positives. There were 521 posts about presidential candidate Jakov Milatović on all six analyzed websites. Most of them were positive – 267, neutral – 160, and negative – 94. The most represented topics in the posts were: presidential elections and campaigns, Jakov Milatović's victory, DPS's collapse and defeat, regime, minorities and diaspora, crime and corruption, second, Milo Đukanović's victory, foreign influence, and crisis in Montenegro after 2020.

Monitoring of Facebook pages found that some political parties or their candidates began their second-round presidential election campaign via their Facebook pages the day after the first round, on March 20, 2023. Such examples are seen with candidates Milo Đukanović, who entered the second round, and Jakov Milatović from the Evropa Sad movement, who also entered the second round. Their first activities are confirmed by the publication of videos addressing the public and mentioning the second round of elections.

Misuse of social media was also visible in two ways: (1) during election silence; (2) using paid content. According to the regulation on rights and obligations of broadcasters during the campaign for the presidential elections in Montenegro on April 2, 2023, the pre-election silence began on Friday, March 31, 2023, at midnight and lasted until the closing of polling stations. Data suggests that both candidates were active on the Facebook platform during the election silence period and engaged in self-presentation through social media communication. In this period, the number of published contents by political candidates on Facebook was 14. Individually, presidential candidate Milo Đukanović had 12 posts and presidential candidate Jakov Milatović had 2 posts. A total of 26,375 Facebook interactions were achieved on these posts, with 77.8% (20,529 interactions) coming from Milo Đukanović's page alone.

Other political parties and first-round candidates were also active during the election silence,

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<sup>7</sup> [https://dfcme.me/wp-content/uploads/IzboriPodLupom\\_2.pdf](https://dfcme.me/wp-content/uploads/IzboriPodLupom_2.pdf)

individually having: Jovan Radulović 9 posts, Demokratski front 4, Aleksa Bečić 6, Građanski pokret URA 5, Draginja Vuksanović Stanković 1, and Ujedinjena Crna Gora 2. They mostly communicated through videos (70.07%), photos (26.01%), and Facebook live (3.72%).

In the days preceding the second round (March 27, 2023 - April 2, 2023), CeMI determined how much presidential candidates spent on Facebook advertising. The analysis showed that the presidential candidate of Evropa Sad, Jakov Milatović, spent slightly more on advertising – 1,154 euros, while DPS’s presidential candidate Milo Đukanović spent 1,014 euros for the same purpose.

During this election process, 3 meme pages (Ne budite dio tog ludačkog pokreta – 5,300 followers; Splačinijada 2022 – 7,710 followers; Neprijatni/Unlimited Power/Psalam 118 – 2,100 followers) were also noticeable, as they mainly used satirical content to mock and create a negative image of certain candidates. This can lead to the spread of disinformation, the creation of a false image of candidates, and ultimately may influence citizens’ decisions on whom to vote for in the elections. Graphical representations of meme page activities will be presented in the final report.

## Complaints and Appeals

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After the State Election Commission (DIK) issued a decision on February 18th not to confirm Miloško Spajić’s candidacy, he decided not to exercise his right to submit a constitutional appeal, most likely due to practical reasons caused by the fact that the Constitutional Court did not have a quorum for decision-making at that time. Submitting a constitutional appeal at that time would have prevented the “Europe Now” movement from proposing another candidate until the Constitutional Court ruled on the appeal. We remind that the deadline for submitting candidacy proposals was February 26th<sup>8</sup>.

Although he did not submit a constitutional appeal, the DIK’s decision did not remain without a reaction. The president of the “Europe Now” movement, Miloško Spajić, filed a lawsuit against the state of Montenegro, specifically the State Election Commission, for violating voting rights and discrimination<sup>9</sup>.

On March 21, 2023, the Municipal Board of the Democratic Party of Socialists (DPS) of Berane submitted a complaint to the State Election Commission against the decision of the Municipal Election Commission of Berane. The complaint stated that the disputed decision by the MEC Berane rejected the request of the DPS Berane Municipal Board, which asked for photocopying of excerpts from voter lists for all polling stations in the municipality of Berane. CEC adopted this complaint and instructed MEC Berane to approve photocopying of electoral materials, in accordance with the Law on the Election of Councilors and Members of Parliament<sup>10</sup>.

<sup>8</sup> According to Article 4 of the Law on the Election of the President of Montenegro, an individual political party or a group of citizens can propose only one candidate.

<sup>9</sup> <https://mina.news/glavna/spajic-tuzio-dik-zbog-povrede-birackog-prava-i-diskriminacije/>

<sup>10</sup> Official Gazette of the Republic of Montenegro, nos. 4/98, 17/98, 14/00, 18/00, 9/01, 41/02, 46/02

# Election Day

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Monitoring of Election Day was carried out through four groups of activities:

1. Monitoring the implementation of electoral procedures at polling stations - opening, voting, closing polling stations and counting votes, and continuous communication of observers with operators and the legal center to collect data on turnout and irregularities during Election Day;
2. Partial Parallel Vote Tabulation (PPVT) on a representative sample of 600 polling stations, based on which CeMI announced the first forecasts of results and allocation of mandates at the national and local level;
3. Monitoring the work of municipal election commissions and the State Election Commission;
4. Relations with the media and the public. Data on turnout and irregularities during Election Day were announced through eight regular press conferences, while data on election results estimates were presented through three conferences held after the closing of polling stations. All conferences were broadcast live, and a total of 22 media houses, 4 television stations, and 70 journalists reported on our findings. The findings were also available simultaneously on CeMI's social networks and website.

On election night, after the closing of polling stations, CeMI held three press conferences at which they presented voting trends and projections of election results. The press conferences were held at 20:20, 20:45, and 21:00h. The first projections of the results were available to citizens 20 minutes after the closing of the polling stations. CeMI informed citizens about voter turnout at 9:00h, 11:00h, 13:00h, 15:00, 17:00h, and 19:00h.

## Implementation of the Electoral Procedure

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According to the findings of CeMI's observers directly from the polling stations, obtained based on standardized questionnaires on the organization of election day and voting procedure implementation, the following assessments can be made:

- » The process of opening polling stations was rated as excellent or very good in 92.1% of cases, while it was rated as poor or very poor in 1.7% of cases. The average score is 4.6.
- » The voting process was rated as excellent or very good by observers in 92.1% of cases, while it was rated as poor or very poor in 2.8% of cases. The average score is 4.6.
- » The closing procedure of polling stations and vote counting was rated as excellent or very good in 92.1% of cases, while it was rated as poor or very poor in 2.2% of cases. The average score is 4.7.

According to field data, in at least 12.2% of locations, there were no materials in Braille, while 23.2% of polling stations were assessed by observers as inaccessible to persons with disabilities. In 76.8% of polling stations, the position of the polling board president was held by a man, while in 23.2% of polling stations, it was held by a woman. CeMI's observers encountered a good reception, professional communication, and cooperation with polling board members.

Problems with exercising the right to vote were recorded at 19.7% of polling stations, due to the voter's name not being found in the voter list extract for that polling station. Some issues related to the functioning of electronic voter identification were noticed at 4.2% of observed locations. Group voting was observed at 35.7% of locations. A polling board member or observer used a mobile phone at 16.4% of polling stations. Someone kept a record of voter names who voted at 19.1% of locations. Also, in 1.5% of cases, there were voters waiting outside the polling station at 20h. At 9.7% of polling stations, ballots signed by voters were noticed, and at 26.9% of locations, ballots marked in any other way by voters (triangles, squares, two circles, different colors...) were observed. At most polling stations, these ballots were declared invalid.

### CeMI's estimates of voter turnout and election results

Table 1: CeMI's estimates of presidential election results:

	CEMI ESTIMATE
Turnout at 9am	6.6%
Turnout at 11am	21.4%
Turnout at 13pm	39.0%
Turnout at 17pm	49.0%
Turnout at 19pm	58.6%
Total turnout (8pm)	66.9%
Milo Đukanović	70.4%
Jakov Milatović	40.0%
Jakov Milatović	60.0%

## Public Communication

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The Center for Monitoring and Research - CeMI regularly informed the public about turnout, irregularities, voting trends, and election results projections after the closure of polling stations through press conferences during Election Day. Press conferences took place at 9:15 am, 11:15 am, 1:15 pm, 3:15 pm, 5:15 pm, and 7:15 pm. CeMI provided comparative analyses of voter turnout during the same time periods for the 2023 presidential elections, the first round, the 2018 presidential elections, and the 2020 parliamentary elections.

CeMI held three additional press conferences during election night, presenting election result projections based on the processed sample. The first results were presented at 8:20 pm, only 20 minutes after the polling stations closed. CeMI informed the public about irregularities at all polling stations in Montenegro, based on data collected from field observers and citizens who reported irregularities through the Fair Elections app and phone line.

By the end of election day, CeMI's legal team received a total of 150 reports of irregularities, with 43.44% submitted by citizens and 56.55% by accredited observers. The reported irregularities were not significant enough to affect the voting process or election results. Citizens could follow turnout estimates,



irregularities, and voting result projections live through national television channels and CeMI's website and app.

The Center for Monitoring and Research enabled citizens to follow live estimates of turnout, irregularities, and voting result projections through three national television stations, RTCG, Vijesti, and TV E, which were directly connected to CeMI's software, where data received from observers were processed. Citizens could also follow live projections of election results through the website [www.izbori.cemi.org.me](http://www.izbori.cemi.org.me) and the Fair Elections app ([www.ferizbori.me](http://www.ferizbori.me)), which also provided citizens with information about their voting rights.

Election result projections were accessed 497,400 times. The website received 211,700 visits on election day and more than 1,400 visits per minute during election night. More than 70 journalists, camerapersons, and photographers from 22 media outlets, including six regional ones, were accredited to cover the election day. CeMI also promoted the availability of free legal assistance for citizens whose voting rights were violated through social media and a video about the misuse of state resources was made available on CeMI's YouTube profile and social media pages. CeMI reported publically about irregularities at all polling stations in Montenegro based on the data collected from observers in the field and citizens who informed CeMI about observed irregularities during Election Day via the Fair Elections app ([www.ferizbori.me](http://www.ferizbori.me)) and by phone at 020 511 513. CeMI's legal team received a total of 150 reports of irregularities by the end of Election Day. The reported irregularities were not intense enough to significantly affect the regularity of voting or the election result.

## Observers

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The activities of independent, domestic, and international election observers are regulated by the Law on the Election of Councilors and Members of Parliament. The law stipulates that authorized representatives of domestic non-governmental organizations registered for monitoring the realization of political freedoms and rights can follow the course of elections and the work of election bodies, in accordance with this law. On January 19th, CEC published the Calendar of Deadlines for implementing election procedures, which required domestic NGOs interested in monitoring the elections to submit their applications to the State Election Commission no later than five days before the election day. The deadline for the first round of presidential elections was March 13th at midnight. However, the calendar did not provide for the accreditation of new observers in case of a second round of presidential elections. Considering that CEC could have been accused of interfering in the election process if it had predetermined election activities for the second round, CEC cannot be blamed for not including the possibility of accrediting observers in the event of a second round. The possibility certainly arises from the Law on the Election of Councilors and Deputies.

In response to CeMI's request for an opinion, CEC stated that already accredited observers can monitor the second round of voting and that organizations authorized to monitor elections can accredit new observers five days before the second round of elections, regardless of whether they accredited observers in the first round or not.

## Domestic Observers

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The State Election Commission granted 1,821 accreditations to domestic observers. Accredited observers are from the following organizations: Center for Monitoring and Research CeMI (1,367), Center for Democratic Transition CDT (439), Association of Youth with Disabilities Montenegro UMHCG (25), Women’s Organization Feniks Berane (9), Center for Civic Education (3), and NGO “Network for Universal Progress” (1).

Between the two election rounds, CeMI received seven threatening emails, which were reported to the Police Administration. The competent prosecutor’s office was informed about the threats and stated that the incidents constituted elements of a criminal offense of endangering security. The prosecutor’s office ordered further action to identify the perpetrator of the criminal offense. However, the perpetrator was not identified by the end of the second round of presidential elections. Due to the continuous threats, CeMI carried out its activities in a cautious atmosphere, with a clear determination not to interrupt planned activities. The Police Administration conducted a search of CeMI’s office premises after receiving an email indicating the possibility of a bomb being placed, but no explosive materials were found. The Police Administration provided security and physical protection to the CeMI team at two locations, enabling the uninterrupted performance of all activities during election day.

## International Observers

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According to the official data of the State Election Commission, accredited international observers were from the following organizations/embassies and their respective numbers: ODIHR(EOM) (26), Parliamentary Assembly of the Council of Europe (25), U.S. Embassy in Montenegro (20), European Parliament (14), Parliamentary Assembly of the Mediterranean (13), Central Election Commission of Kosovo (8), British Embassy in Montenegro (7), Embassy of the Kingdom of the Netherlands in Belgrade (3), and International Foundation for Electoral Systems - IFES (3).

There was a significant decrease in international observers compared to the 2018 presidential elections, primarily from OSCE/ODIHR<sup>11</sup>.

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<sup>11</sup> At the previous presidential elections, observers were present from: OSCE (93), ODIHR (154), Council of Europe (18), European Parliament (14), US Embassy in Montenegro (21), French Embassy in Montenegro (2), Embassy of the Kingdom of the Netherlands (1), State Election Commission of Macedonia (4), Canadian Embassy in Serbia (1), Central Election Commission of the Republic of Kosovo (7), and NGO Silba (24). However, since the State Election Commission (DIK) did not issue official authorizations for the second round of voting, which are published on the DIK website, but only accreditations, it is unknown whether international organizations exercised their right to accredit new observers.