



Civic Monitoring of Local Elections in Niksic Montenegro 2021

Report on Preliminary Conclusions and Findings

Podgorica, 16 March 2021



Britanska ambasada
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NOTE: The opinions and views expressed in this report represent the opinion of the authors and do not necessarily reflect the official views of the donors.

CeMI Civic Monitoring of Elections

Montenegro - Local elections Niksic, March 14, 2021

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The election process was conducted in accordance with domestic legislation, despite the challenges posed by the pressure on the work of polling boards, verbal conflicts between polling board members at polling stations as well as in their immediate vicinity.

The election campaign was marked by strong tension, cases of violence, widespread disregard for epidemiological measures, violation of election silence, participation of foreign actors from the Republic of Serbia, Republic of Srpska and municipalities from the northern part of the Republic of Kosovo. Interference in the pre-election process was particularly expressed through media reporting from these countries, which also cover Montenegro.

The voter register for the municipality of Niksic includes almost 1000 double-registered voters, who are also registered in the voter register of the Republic of Serbia.

CeMI's observation mission for the 2021 local elections in Niksic accredited a total of 181 observers to monitor the election process. The mission consisted of short-term and long-term observers. CeMI also engaged a network of local coordinators. Bearing in mind that Niksic has 138 polling stations, during the observation mission CeMI had full coverage in the municipality of Niksic during the election day.

In the framework of the local elections' monitoring project, CeMI used the already developed web and mobile application "Fair elections" (www.ferizbori.me) which enabled citizens and observers to report on perceived irregularities in the election process or violations of voting rights. The application additionally enabled citizens to follow projections of election results in real time and get informed about their electoral rights.

CeMI would like to thank the British Embassy Podgorica, who financially supported the project of civic monitoring of the 2021 Local Elections in Niksic and enabled the implementation of this mission.

CeMI also wishes to express its gratitude to all representatives of the election administration, state bodies, political parties, and media for cooperation in the implementation of this mission.

The findings presented in this report reflect the views of the authors and CeMI, and not necessarily the views of the donors.

Centre for Monitoring and Research - CeMI is a non-governmental organization founded in March 2000 that has been conducting civic election monitoring since 2000. CeMI has observed all national elections since 2001 except for the 2013 Presidential election.

CeMI is a co-founder of the European Network of Election Monitoring Organizations-ENEMO (www.enemo.eu), being its presiding member from 2017 until 2020. CeMI's president is a member of the Global Network of Domestic Election Monitors (2018-2021) (www.gndem.org). CeMI's members and experts participated in numerous international observation missions conducted by ENEMO and OSCE/ODIHR, in the capacity of experts, long-term and short-term observers. CeMI's expert has been the head of eight international observation missions in Ukraine, Serbia, Armenia and Kosovo.

PRELIMINARY CONCLUSIONS

Election day was marked by tensions among political opponents who ran in the local elections, as well as a large number of reported irregularities in front of polling stations. CEMI observers noted a high level of irregularities regarding difficult access to polling stations, especially in the north-western part of the municipality. The largest number of irregularities at the polling stations, reported by CeMI observers through the “Fair Elections” application, refers to the violation of the secrecy of the ballot by voters and the inadequate behaviour of polling board members by loudly naming voters and using mobile phones at the polling station. On the other hand, citizens mostly reported irregularities that took place in front of and in the immediate vicinity of polling stations, as well as incidents that our field team checked in each individual case.

The elections were held in a rather poor health situation caused by the COVID-19 pandemic. In this regard, the prepared measures of the Ministry of Health, which informed “citizens who are registered in the voter list of the Municipality of Niksic, and reside in other places, that their travel will be allowed on the basis of notification of the Ministry of Interior on elections” could jeopardize regularity of elections and the constitutionally guaranteed right to vote. CeMI reacted to the mentioned measures, and officially addressed the Prime Minister and Deputy Prime Minister of Montenegro and the Ministers of Health and Interior, with a proposal to withdraw the planned measures, in order to prevent consequences that could jeopardize the regularity of the election process. In addition, the introduction of measures requiring the possession of an employment contract as a condition for a movement permit prevents or restricts the movement of observers on election day. The Government of Montenegro and the competent institutions reacted promptly to our suggestions, which CeMI welcomes. In this way, the consequences that could jeopardize the regularity of the election process were prevented, and voters were allowed to exercise their right to vote.

The situation with the COVID-19 pandemic did not prevent the citizens of Niksic from going to the polling stations and exercising their right to vote. Voter turnout of 81.8%, although lower than during the 2020 parliamentary elections when it was 82.6%, indicates that citizens are increasingly interested in political matters at both the national and local level.

Six electoral lists run in the elections. One electoral list was rejected due to insufficient signatures of voters supporting the electoral list. For the 2021 local elections in Niksic, no electoral list was registered on the basis of minority rights, i.e., as a minority electoral list.

Inspecting the voter register, CeMI determined that the unique personal ID number of almost a thousand voters with the right to vote in the municipality of Niksic also exists in the voter list of the Republic of Serbia, i.e., that there is the same number of double registered voters who can use the right to vote in two countries. This also raises the question of the legality of dual citizenship for these persons. The legal presumption is that people with the right to vote in Montenegro and Serbia also have citizenship in both countries. CeMI calls on the Ministry of the Interior to initiate procedures for verification and possible revocation of citizenship for those people, i.e., deletion from the voter register of Montenegro.

No objections were filed regarding the work of the MEC, while irregularities regarding their work were of a more technical nature.

Polling stations worked under pressure, especially in the first part of the day when the majority of voters went out to vote while the pulling boards started working. Most polling boards opened polling stations on time, and only a few were late due to technical problems, fires and other unforeseen circumstances. More serious problems arose when the time came for mobile teams to visit voters that vote by letter. Due to the composition of the polling boards and the status of the opposition parties in these elections, it was difficult to make an agreement on who will visit the voters, by which transport and where the mobile box should stand. This caused conflicts between activists of certain political options, but due to the timely reactions of the police who tried to calm the passions and be mediators in the conflicts, no serious incidents occurred.

On a scale from 1 to 5, where 5 represents the maximum score, the PS opening process was marked by CeMI's observers with an average mark of 4.42, the voting was marked with the average mark of 4.27, whereas the closing of PS and votes' tabulation was marked with 4.23.

The election campaign started before the confirmation of the electoral lists, and it can be said that it did not end after August 30, 2020. Online media, social networks and technologies have enabled foreign influence on the election process in Niksic, especially Serbian media. During the election campaign in Niksic, 4,730 articles about Montenegro were published in Serbia, and in more than a thousand texts, the topics were the elections themselves. Some media have introduced special sections dealing only with the elections in Niksic, as well as TV shows where advocates of greater Serbia ideology discuss the topic of local elections, such as the Happy TV program "Battle for Niksic". On the other hand, the traditional media in Montenegro generally covered all political parties without discrimination.

The election process was also influenced by foreign actors, especially the media from the region, who often reported in an unprofessional and biased manner.

The analysis of the political campaign in the online space, evidently indicates that the pro-Serbian and pro-Russian political ideology continues to lead a much better and more organized campaign on social networks, as it was during the 2020 parliamentary elections. It can be concluded that a network of pages, groups, meme profiles and other media that was already built and acted in a coordinated manner during the parliamentary elections in 2020, was a base that was also used for the local elections in Niksic.

The abuse of social media was also visible during the pre-election silence. Namely, the election silence began at midnight on 13 March and lasted until the polling stations closed. In this period, the number of content published by political parties on Facebook is **142**. Individually, the coalition "European Team for Niksic" had **15** posts, "For the future of Niksic" **37**, "Miodrag Daka Davidovic - People's Movement" **8** posts, SDP "With Hearth for Niksic" **15**, "Black on White – Niksic Can" **28** and "Peace is Our Nation - Choose Freedom" **39** posts. A total of 90,774 Facebook interactions were made on the mentioned posts, of which as much as 82% were only from Democratic Montenegro and the coalition "For the Future of Niksic" (74,969 interactions). The data indicate that all parties were active on the Facebook platform during the period of election silence and that they performed self-presentation by communicating on social networks. The parties communicated the most through photos (46.7%), video (38.1%) and Facebook live (8.6%).

When it comes to paid content on Facebook, although most parties had sponsored content that was active on March 13, due to the legal not regulation of social media, it does not constitute a violation of pre-election silence. On the other hand, organizing an event that is part of a political campaign and that is broadcast live on social networks is a violation of pre-election silence. Therefore, the event organized by GP URA on March 13 which was broadcast live on social networks is a violation of the rules of advertising during the pre-election silence.

The previous composition of the municipal council consisted of 20 women out of 41 councillors (48.78%). There are a total of 97 women out of 246 candidates (39.43%) on the six electoral lists for 2021. Two of the six electoral lists have a woman as the first candidate on the list - the coalition "European Team for Niksic" and the coalition "Black on White – Niksic Can" When it comes to election administration bodies, the president and deputy MEC are both men, while the secretary is a woman. Two of the four permanent members are women. Even though most of the members of PBs are women, the function of president is performed by a man in most cases. According to the preliminary results of the local elections in Niksic, a significantly smaller percentage of women will participate in the Municipal Board of this city than in the previous convocation, i.e., 36.58%.

PRELIMINARY FINDINGS

Election administration

The structure of the election administration in Montenegro is three-tiered. The central election administration body is the State Election Commission (hereinafter: SEC). At the local level there are Municipal Election Commissions (hereinafter: MEC), and at the level of polling stations there are Polling boards (hereinafter: PBs). All decisions of these bodies must be made by a majority of the total number of members at each level of the election administration. Given that the authorized representatives of political entities have equal voting rights that they acquire 20 days before the election day, they are also included in the total number of members.

When it comes to local elections, it is important to note that the MEC has the function of administrator of the election process in the municipality where the elections are held, while the State Election Commission acts on objections to the work of the MEC as a second instance body.

The work of the election administration in the last phase of the election process was mostly characterized by the conduct of election activities in accordance with the law. The election administration bodies generally performed their tasks adequately. There were several cases in which polling boards did not understand their rights and obligations well enough, but the MEC kept the control of polling boards, and responded quickly to problems that arose during election day. After the polling stations were closed, the counting process went smoothly. The MEC performed its duties efficiently by processing the data from polling stations in an organized and efficient manner.

A. State Election Commission

The composition of the SEC consists of the President, the Secretary and nine permanent members, and one authorized representative of the submitter of the electoral list in the expanded composition. According to the Law on Election of Councillors and MPs, the President of the SEC is appointed by the Parliament, at the proposal of the working body of the Parliament responsible for election and appointment, after a previously conducted public competition. Four members of the permanent composition are appointed on the proposal of the parliamentary majority, and four, one of whom performs the function of secretary, on the proposal of the parliamentary opposition. One member of the permanent composition is also appointed as a representative of a political party, i.e., the submitter of the electoral list for authentic representation of members of a minority peoples or minority national communities, which received the largest number of votes in previous elections, and his/her deputy should be a member of another minority peoples or minority national communities. One member of the permanent composition of the SEC is appointed by the Parliament, at the proposal of the working body of the Parliament responsible for election and appointment after a previous public competition, from the representatives of civil society, non-governmental sector and university, who is expert in electoral legislation.

The SEC lacks the authority for conducting local elections, but has the role of a second instance body in the administrative procedure, in case the MEC rejects a filed objection, i.e., the objection against the decision, action or omission of the MEC shall be submitted to the SEC.¹

B. Municipal Election Commission

The conduct of local elections is the responsibility of the MEC. This body is composed of a president and four members, as well as one authorized representative of the submitter of electoral lists. When it comes to

¹ Article 108 paragraph 2 of The Law on Election of Councillors and MPs

local elections, the MEC is competent to: take care of a lawful election administration; organise technical preparations for election administration; designate polling stations for election of councillors and MPs; form polling boards and appoint the presiding officer and members of polling boards for election of councillors and MPs and organise their training on polling board work procedures; determine the number of ballot papers for individual polling stations, stamp them, and together with the stamped extract from the electoral register, deliver them to polling boards with a written record of delivery; assess whether candidate lists for election of councillors have been compiled and submitted in conformity with the Law; validate and publish candidate lists for election of councillors; publicly disclose the number of voters in a municipality and per polling stations; ascertain the results of election of councillors, as well as the number of votes for each candidate list and determine the number of seats belonging to each candidate list for election of councillors; issue certificates to elected councillors; publicly announce the results of the election of councillors; submit a report to the municipal council on the results of election of councillors and about the filling in of vacant councillor seats; submit data on the election of councillors to the bodies in charge of statistical data collecting and processing.

According to Article 24 of the Law on Election of Councillors and MPs, the permanent composition of the municipal election commission shall be appointed by the municipal council, at the proposal of the municipal council working body responsible for elections and appointments, from among the candidates proposed by political parties or coalition candidate lists or voter groups having councillors in the municipal council. Considering the fact that the opposition parties boycotted the previous local elections in this municipality, the members of the permanent composition of the MEC are exclusively from the ranks of DPS and SD, as the only two political options that participated in the local elections in Niksic in 2017.

During the entire election campaign, MEC Niksic was extremely cooperative with CeMI observers and performed all its tasks professionally. It is important to note that the president of the MEC Niksic is the former president of the Basic Court in Niksic. The level of expertise of the MEC president undoubtedly contributed to a higher degree of professionalism in the work of this body. One of the long-standing recommendations of CeMI is the partial professionalization of municipal election commissions, bearing in mind the fact that in previous elections, most irregularities were recorded at the level of MECs.

Same as during the 2020 parliamentary elections, the printing of ballots was entrusted to Mercator International d.o.o. Bijelo Polje. The ballots were printed on March 5th, 2021, and 60,597 ballots were printed, on B-5 format, 120-gram pink paper with a watermark.

C. Polling boards

To hold these elections, 141 polling boards were formed, of which 138 in the municipality of Niksic and three in special polling stations.

Given the previously mentioned fact of the boycott of the previous local elections, all members of the polling boards are from the ranks of the DPS and SD. Of the total number of members, 88 presidents and deputies are from the DPS, and 50 from the SD. At all 138 polling stations, DPS had three members and three deputies of the polling boards, while the SD had one member and one deputy member at each polling station. Other electoral lists appointed authorized representative and observers at polling stations.

Registration of electoral lists

The President of Montenegro, Milo Djukanovic, announced the local elections in Niksic on January 5th, 2021. According to the decision of the MEC Niksic from 8 January 2021, the minimum number of voter signatures in support of the electoral list for the election of councillors in the Municipal Council of Niksic is 468, bearing in mind that in the parliamentary elections held on 30 August 2020, 58,440 voters were

registered, and in accordance with Article 43, paragraph 1 of the Law on Election of Councillors and MPs, the electoral list for the election of councillors can be determined if it is supported by at least 0.8% of voters in the constituency.

The registration of electoral lists was conducted mainly in accordance with the Law on the Election of Councillors and MPs. A sole case is the electoral list of group of citizens “GRADE MOJ”, which was rejected after it was determined that it does not meet the conditions from Article 43 of the Law on Election of Councillors and MPs. Namely, the submitter of the electoral list did not act in accordance with the Conclusion on eliminating the errors in the electoral list of 17 February 2002, by not submitting a sufficient number of signatures of voters in support of the electoral list. After checking the list of signatures, the MEC established that a number of voters who supported this list do not reside in the municipality of Niksic, and some of the signatures were those of the voters who supported another electoral list.²

Six electoral lists participated in the local elections in Niksic:

1. EUROPEAN TEAM FOR NIKSIC! (DPS - DEMOCRATIC PARTY OF SOCIALISTS OF MONTENEGRO, SD - SOCIAL DEMOCRATS OF MONTENEGRO, LPCG - LIBERAL PARTY OF MONTENEGRO - PATRIOTIC KOMITAS ALLIANCE)
2. MIODRAG DAKA DAVIDOVIC – PEOPLE’S MOVEMENT
3. SDP – WITH HEART FOR NIKSIC!
4. FOR THE FUTURE OF NIKSIC - DEMOCRATIC FRONT, Socialist People's Party of Montenegro, Voter Group For the Life of Niksic, United Montenegro, Workers' Party, Yugoslav Communist Party of Montenegro, Serbian Radical Party, Socialists of Montenegro, Party of Pensioners with Disabilities and Social Justice of Montenegro
5. dr Dritan Abazovic – Black on White - Niksic Can, Civic movement United Reform Action URA and non-partisan personalities
6. MR MOMO KOPRIVICA - PEACE IS OUR NATION - DEMOCRATS - WE WON’T GIVE NIKSIC - DEMOS - PARTY OF PENSIONERS, PEOPLE WITH DISABILITIES AND RESTITUTIONS - PLENUM 083 - CHOOSE FREEDOM

Registration of voters

In accordance with Article 17 of the Law on the Voter register, on 4 March 2021, the Ministry of the Interior published a numerical tabular presentation of data on changes in the concluded voter register in the municipality of Niksic, in relation to the voter register according to which previous elections were held in this municipality.³

According to the Ministry of the Interior, 58,833 voters had the right to vote in the local elections in Niksic, i.e., 393 more than in the parliamentary elections on August 30 last year. The number of newly registered voters is 610. Out of that number, 577 voters acquired the right to vote by coming of age, 19 by registering their residence, and 14 by acquiring Montenegrin citizenship. 557 voters were erased from the voter register, as follows: 550 due to the fact of death, six due to the loss of Montenegrin citizenship and one person due to deregistration of residence outside Montenegro. By entering the ID number or travel document, voters can check the voter register directly through the internet portal www.biraci.me, and discover whether they are in the voter register and at which polling station they are voting.

On 28 January 2021, the Ministry of the Interior made a decision on the formation of the Council for the Control of the voter register. Also, the Ministry of Interior made a decision establishing the Council for Transparency of the Ministry of Interior. One of the members of this council is also a representative of

² <https://niksic.dik.co.me/wp-content/uploads/sites/19/2021/02/Rje%C5%A1enje-o-odbijanju-izborne-liste.pdf>

³ <https://mup.gov.me/ResourceManager/FileDownload.aspx?rId=428459&rType=2>

CeMI. The task of both bodies is, among other things, to consider the needs and contribute to improving the situation with the voter register, as one of the key segments of the electoral process, which has been continuously recognized as a stumbling block through OSCE and ODIHR recommendations.

As in previous election processes, the issue of the voter register remains one of the key topics to which the public pays great attention. Accordingly, in the pre-election period, the media reported that the voter register for the local elections in Niksic included 954 persons with the right to vote in Serbia. CeMI requested and received a list of these persons from the online portal Standard, in order to conduct an investigation into these allegation, bearing in mind that CeMI is able to inspect the voter register on the basis of Article 21 of the Law on Voter Register, which the Ministry of Interior is obliged to grant to the MEC for the municipal voter register, the parliamentary party, the submitter of the confirmed electoral list, and the **non-governmental organization** authorized by the competent body to monitor the elections, at their request, within 48 hours from the date of receipt of the request, provide electronic access to the voter register and the changes made to it.

A. The problem of double registered voters

By carefully inspecting the data provided to us by Standard, we determined that there are 969 persons on the list, i.e., slightly more than the number published in the media. Considering that the list of persons who are allegedly in the voter register of Serbia does not contain the personal identification number of these persons, but only the date of birth, it was first necessary to acquire their personal ID number, which can be done through the voter register. When the personal ID number of these persons is entered on the website <https://upit.birackispisak.gov.rs/>, incomplete information is obtained, i.e., the polling station in Serbia where the person with this personal ID number is registered, but without the name and surname. For example, one of the people named by the Standard portal as a person who may be on the Serbian voter list is Andrijana Djordan, an adviser to the Prime Minister and head of the Public Relations Service. By inspecting the voter register of Montenegro and checking the unique personal ID number on the above-mentioned website, we acquired the information that a person with the same unique personal ID number is registered in Serbia at polling station 37, School building of Vocational Schools, Svrlijska no. 1, Belgrade, Palilula. On the other hand, checking the unique personal ID number of another person who is not on the submitted list, such as employees of CeMI, returns the information that there is no data for the unique personal ID number. Out of 969 persons from the received list that we checked, eight persons did not have data, i.e., three persons were not entered in our voter register, so it was not possible, nor was there a need to check their status in the voter register of another country, and for five persons registered in the Montenegrin voter register did not have data in the Serbian voter register. In most cases, the results of the search through the unique personal ID number returned a positive result, i.e., 961 persons who are registered in the voter list of Montenegro have a unique personal ID number for which there is an address and number of the polling station in Serbia. The oldest person entered in the voter register, and whose unique personal ID number is also in the voter register of Serbia, was born in 1930, during the Kingdom of Yugoslavia, and the youngest in 2002, in the State Union of Serbia and Montenegro. We must keep in mind that all persons on this list were born in the period before Montenegro gained independence. The unique personal ID number of a citizen is, as the name says - unique, and there is no reason for it to change after gaining independence.

Based on the above, we believe that no less than 961 persons who are registered in the voter register for the municipality of Niksic, are also registered in the voter register of the Republic of Serbia, i.e., they have a double residence, which is a violation of the law.

The results of the investigation into the voter register also opens the question of the legality of dual citizenship for those persons. The legal presumption is that persons with the right to vote in Montenegro and Serbia also have both citizenships. CeMI calls on the Ministry of the Interior to initiate procedures for verification and possible revocation of citizenship, i.e., deletion from the Montenegro voter register.

Election campaign

The election campaign for the local elections began even before the confirmation of the electoral lists. The campaign intensified in the final phase, with political entities using almost all available techniques to promote their election programs before the elections: audio-visual marketing, online campaigns, billboards, distribution of propaganda material, contact with voters in the field and door-to-door campaign.

The election campaign was quite diverse, starting with the political parties that campaigned in line with the current challenges and the health situation in the country (SDP), by not organizing rallies, meetings, or even press conferences, to those who have not adapted their campaigns to current pandemic measures. Some of the organised events were home visits of sympathizers, mass campaigns on the streets, caravans, i.e., rides through the city and suburbs with branded cars.

During the election, there was an evident campaign of public officials and the frequent appearance of public officials from other municipalities in Niksic. Among others, the President of the Parliament of Montenegro, the Deputy PM, as well as, in a somewhat less open format, the PM of Montenegro, and some of the ministers. When it comes to the misuse of state resources, it is important to mention the case when the President of the Municipality of Budva during working hours in official premises, received, and presented in the media the visit of the submitter of the electoral list of the coalition “For the Future of Niksic”, which was part of this coalition’s election campaign.

However, the election campaign was mostly and most aggressively conducted online, with an emphasis on Facebook, Instagram and YouTube channels, which is partly conditioned by the COVID-19 situation, and which political entities more or less skilfully used.

Bearing in mind the tension filled general pre-election atmosphere, CeMI welcomes the decision of the Ministry of the Interior to form an Operational Team to control the election process in Niksic, but we believe that a high-ranking official of the URA political party, Rade Milosevic, the former president of the party's municipal board in this city, should not have been appointed as the head of this team. We believe that such an important function should not be performed by a person belonging to a political party, especially if we consider the fact that the party to which he belongs competed in these elections.

Election day

Election day monitoring was realised through four groups of activities:

1. **Monitoring the implementation of election procedures at PSs** – opening, voting, closing of PSs and counting/tabulation of votes, continuous communication of observers with operators and the legal centre to collect the data on voter turnout and irregularities during election day;
2. **Parallel voting tabulation (PVT)** based on the results from almost all PSs collected by short-term observers and mobile teams that visited several PSs during the day and monitored the work of MECs during the tabulation of results at the local level;
3. Monitoring **the work of MECs and the SEC**; and
4. **Media and public relations** – data on voter turnout and irregularities during election day were communicated through social networks, and information has also been published on numerous internet portals. Only one text about the election results, where the title mentions CeMI on the Vijesti portal, was read by no less than 493,259 visitors, which speaks of the great interest in these elections and the work of CeMI. On election night, after the polls closed, CeMI held four press conferences at which we presented voting trends and projections of election results. CeMI informed the citizens about the turnout at following intervals: 9:00h, 11:00h, 13:00h, 17:00h and 19:00h.

A. Conducting the electoral procedure

CeMI has established the 'Fair Elections' service to monitor possible irregularities during the election process. This endeavour primarily enables the observers, but also the citizens/voters, to report irregularities and violations of voting rights in real time, directly to CeMI's Legal Team. At the same time, during election day, voters were able to receive free legal aid and legal advice on whether there was a violation of voters' rights in a particular situation and how voters can protect their rights. During the entire election day, Android and iOS applications, a web portal and two open lines for direct communication with CeMI's Legal Team were available to citizens.

During the election day, CeMI has received 92 reports of irregularities and provided citizens with legal advice in 14 cases which mainly referred to the procedure of voting by letter.

Out of the total number of submitted reports through the 'Fair Elections' service, citizens submitted 24 (26%) reports, while CeMI's observers submitted 68 (74%) reports. Along with processing the received reports on irregularities, CeMI's Legal Team made the most characteristic irregularities and violations accessible to the Montenegrin public through the web portal and 'Fair Elections' application, thus contributing to the transparency of the election process, but also pointing out the most common irregularities and violations of electoral rights, so that citizens can recognise and report other eventual irregularities and violations.

Election day was marked by numerous irregularities that appeared in a similar form at a relatively large number of PSs. Irregularities were in most cases the result of untrained PBs but ultimately did not call into question the regularity of elections.

When we talk about irregularities at the polling station, they mostly appeared in a similar form at most of the polling stations where they were recorded. It is positively surprising that, unlike the parliamentary elections held only half a year ago, only a small number of irregularities were reported regarding non-compliance with measures to prevent the spread of the COVID-19 virus.

All irregularities registered by CeMI's observers during election day can be grouped into the following categories:

a. Examples of irregularities in conducting the election procedures. These irregularities are related to:

§ ***Violations of the secrecy of voting*** by voters taking photos of ballots, voters' public declaration about the option for which they voted, acceptance of unfolded ballots by the PBs and non-compliance with procedures that ensure secrecy of voting at PSs, accounted for most election day irregularities and violations. There was a total of 23 reports of violations of the voting secrecy procedure. One of the most common violations was voters taking photos of their ballots which is at the same time contrary to Article 71a of the Law on the Election of Councillors and MPs, which prescribes the prohibition of the use of electronic telecommunications devices in the polling station. A total of seven (7) such cases were registered at three polling stations: 33, 60 and 63. It is important to note that among these cases, two situations were registered in which several members of the same family photographed their ballots. Public voting took place at polling stations: 6, 47, 69, 92, 120 and 131, i.e., one case of public announcement of the option for which the voter voted was registered at each of these polling stations. An unfolded or incorrectly folded ballot was registered as an irregularity in five (5) cases, at polling stations 49, 54 and 124. In six (6) cases, there was a loud pronouncing of the names and surnames of voters by the polling board, at polling stations 4, 36, 44, 100 and 124.

§ ***Non-compliance with measures to prevent the spread of COVID-19 virus*** in a way that in five (5) cases of non-compliance with these measures were registered. Namely, it was registered that voters and members of the polling station committee do not wear, i.e., incorrectly wear masks, members of the polling station committee do not react to voters who come to the polling station without a mask,

no disinfectant is used, and the polling station is not large enough to allow the prescribed distance of two meters between all persons. These irregularities occurred at polling stations 4, 73, 101, 128 and 132.

b. Inadequate behaviour of representatives of the election administration bodies was registered with regard to the performance of the PBs, which violated Art. 71a of the Law on Election of Councillors and MPs, according to which the use of electronic devices for communication in the voting room is prohibited and Art. 81 paragraph 1 and paragraph 3 of the Law on Election of Councillors and MPs, which stipulate that the members of the polling board must not in any way influence the decision of the voters, and that the members of the polling board are obliged to ensure that no one interferes with the voter when filling in the ballot paper, and that the secrecy of voting is fully ensured. In that sense, at polling stations: 4, 12, 25, 35, 44, 46, 63 and 101, members of the polling board used mobile phones, contrary to Article 71a of the Law on Election of Councillors and MPs. At polling station 4, it was also noted that members of the polling board did not verify the identity of voters by temporarily removing their masks. At polling station 95, one of the members of the polling board publicly called on voters to vote for a certain electoral list. The violation of Article 81, paragraph 3 occurred in the previously mentioned cases related to the violation of the secrecy of voting at polling stations where members of the polling boards were publicly pronounced names and surnames of voters.

c. According to the findings of CeMI's observers, which were obtained based on standardised questionnaires on the organisation of election day and the implementation of voting procedures, we can report on the following ratings:

- The process of opening polling stations was assessed by observers as excellent or very good in 80% of cases, while the opening was assessed as bad or very bad in 5.55% of cases. The average rating is 4.22.
- The voting process was rated by observers as excellent or very good in 80.42% of cases, while the opening was rated as bad or very poor in 2.06% of cases. The average rating is 4,27.
- The procedure of closing polling stations and counting votes was assessed by observers with an excellent or very good grade in 85.9% of cases, while the closure was assessed as bad or very bad in 5.13% of cases. The average rating is 4,23.

According to field data, in at least 25.56% of polling stations, there was no Braille materials, while 31.11% of polling stations were inaccessible to persons with disabilities, according to observers. Among the PB members, a man is the presidents of the PB in 72.22% of polling stations, while in 27.78% of polling stations, a woman is in that position.

CeMI's observers were well received, and professional communication and cooperation with polling station members was established.

Although polling stations were mostly arranged in accordance with the recommendations for epidemiological protection of voters, our observers noted that the polling station was overcrowded in 12.37% of cases, and in 6.19% polling stations there was a disturbance of public order. Also, in 15.56% of cases, a minimum distance of two meters was not provided.

Problems with the exercise of the right to vote were recorded in 23.71% of polling stations, because the voter was not registered in that polling station. Also, in 3.85% of cases, there were voters waiting in front of the polling station at 20:00h, and 80% of these voters were not able to exercise their right to vote. Our observers also recorded a high percentage of group voting by members of the same family (31.96%), but no cases of voters trying to vote twice were recorded.

In 33% of polling stations, the use of mobile phones by members of the PBs or political party observers was recorded, and in 26% of polling stations our observers noticed that someone kept records of the names of voters who cast their ballots.

CeMI's estimates of the voter turnout and elections results

Table 1: CeMI's estimates of Local Election results and projections of seats

	%	Seats
Sample percentage	100%	
Overall voter turnout	81,2%	
Electoral list		
EUROPEAN TEAM FOR NIKSIC! (DPS - DEMOCRATIC PARTY OF SOCIALISTS OF MONTENEGRO, SD - SOCIAL DEMOCRATS OF MONTENEGRO, LPCG - LIBERAL PARTY OF MONTENEGRO - PATRIOTIC KOMITAS ALLIANCE)	40,4%	18
MIODRAG DAKA DAVIDOVIC – PEOPLE'S MOVEMENT	3,3%	1
SDP – WITH HERT FOR NIKSIC!	2,7%	0
FOR THE FUTURE OF NIKSIC - DEMOCRATIC FRONT, Socialist People's Party of Montenegro, Voter Group For the Life of Niksic, United Montenegro, Workers' Party, Yugoslav Communist Party of Montenegro, Serbian Radical Party, Socialists of Montenegro, Party of Pensioners with Disabilities and Social Justice of Montenegro	25,9%	11
dr Dritan Abazovic – Black on White - Niksic Can, Civic movement United Reform Action URA and non-partisan personalities	4,5%	1
MR MOMO KOPRIVICA - PEACE IS OUR NATION - DEMOCRATS - WE WON'T GIVE NIKSIC - DEMOS - PARTY OF PENSIONERS, PEOPLE WITH DISABILITIES AND RESTITUTIONS - PLENUM 083 - CHOOSE FREEDOM	23,2%	10

Table 2: Comparison of CeMI's projections of Local Election results with the official results from the MEC

Electoral list	CeMI %	CeMI Seats	MEC %	MEC Seats	Difference in %	Difference in seats
Sample percentage	100%		100%			
EUROPEAN TEAM FOR NIKSIC! (DPS - DEMOCRATIC PARTY OF SOCIALISTS OF MONTENEGRO, SD - SOCIAL DEMOCRATS OF MONTENEGRO, LPCG - LIBERAL PARTY OF MONTENEGRO - PATRIOTIC KOMITAS ALLIANCE)	40,40%	18	40,41%	18	-0,01%	0
MIODRAG DAKA DAVIDOVIC – PEOPLE'S MOVEMENT	3,30%	1	3,26%	1	0,04%	0
SDP – WITH HEART FOR NIKSIC!	2,70%	0	2,64%	0	0,06%	0
FOR THE FUTURE OF NIKSIC - DEMOCRATIC FRONT, Socialist People's Party of Montenegro, Voter Group For the Life of Niksic, United Montenegro, Workers' Party, Yugoslav Communist Party of Montenegro, Serbian Radical Party, Socialists of Montenegro, Party of Pensioners with Disabilities and Social Justice of Montenegro	26,00%	11	25,9%	11	0,1%	0
dr Dritan Abazovic – Black on White - Niksic Can, Civic movement United Reform Action URA and non-partisan personalities	4,50%	1	4,42%	1	0,08%	0
MR MOMO KOPRIVICA - PEACE IS OUR NATION - DEMOCRATS - WE WON'T GIVE NIKSIC - DEMOS - PARTY OF PENSIONERS, PEOPLE WITH DISABILITIES AND	23,20%	10	23,37%	10	-0,17%	0

RESTITUTIONS - PLENUM 083 - CHOOSE FREEDOM						
MR MOMO KOPRIVICA - PEACE IS OUR NATION - DEMOCRATS - WE WON'T GIVE NIKSIC - DEMOS - PARTY OF PENSIONERS, PEOPLE WITH DISABILITIES AND RESTITUTIONS - PLENUM 083 - CHOOSE FREEDOM					0,04%	0
Average deviation					0,04%	0

A. Communication with the public

During the election day, CeMI regularly informed the public on voter turnout and the irregularities via social media. During the election night, after the closing of the polling stations, CeMI presented the voting trends and the projection of election results. Press conferences were held at: 20:30h, 21:00h, 22:00h and 23:15h.

During the day, CeMI informed the citizens about the voter turnout at 9:00h, 11:00h, 13:00h, 15:00h and 19:00h. Throughout the election day, on CeMI's website www.izbori.cemi.org.me and through the "Fair Elections" application, citizens were able to follow the voting process and the irregularities received by the CeMI Legal Team.

CeMI reported to the public on irregularities at all polling stations in Niksic, on the basis of data collected from field observers and citizens who, during the election day through the application "Fair Elections" (www.ferizbori.me), and by phone number 020 653 736, informed CeMI of all observed. The CeMI legal team received a total of 92 reports of irregularities by the end of election day.

The Centre for Monitoring and Research enabled citizens to follow the turnout and result estimates via two national televisions RTCG and TV Vijesti, which were directly linked to CeMI's software for processing of the data received by our observers.

Citizens were also able to follow the live projections of the results through the website www.izbori.cemi.org.me, as well as through the "Fair Election" application. The application had almost 2,000 users, and in addition to reporting and monitoring of the received irregularities and the results, the application also allowed citizens to be informed about their voting rights. The website www.ferizbori.me recorded almost 14,000 visits during the election day, and the application "Fair Elections" was downloaded through the aforementioned website 247 times, and additional 176 times through Google Play Store. Data for the Apple Store is not yet available. The website www.izbori.cemi.org.me counted a total of 327,296 visits during the day.

Press conferences on election night were broadcast live on CeMI's YouTube channel, as well as CeMI's Facebook and Twitter accounts. Almost 10,000 people watched the press conferences on Twitter alone.

On election day, there is a noticeable increase in the likes of posts and followers of CeMI's profiles on social networks. Thus, the number of followers on Facebook increased by 388, on Instagram by 82 and on Twitter by 553.

Participation of women

The participation of women in the Municipal Board of Niksic before the local elections in 2021 was 48.78%. The total number of candidates on the electoral lists was 246. Of that number 97 (39.43%) were women. All electoral lists complied with the provision of Article 39a of the Law on Election of Councillors and MPs, which stipulates that, in order to achieve the principle of gender equality, at least 30% of candidates of the underrepresented gender shall be on the electoral list, and that on the electoral list among

every four candidates according to the order on the list (first four places, second four places and so on until the end of the list) there is at least one candidate belonging to the underrepresented sex.

On two electoral lists, the coalition “European Team for Niksic” and the coalition “Black on White – Niksic Can”, the first person on the list (list holder) is a woman. The fewest number of women is on the list of the coalition “For the Future of Niksic”. Also, there are no women in any of the first four positions on this list.

Table 3: Number of women on electoral lists for Local Elections in Niksic 2021

Electoral List	Number of candidates	Number of women
EUROPEAN TEAM FOR NIKSIC! (DPS - DEMOCRATIC PARTY OF SOCIALISTS OF MONTENEGRO, SD - SOCIAL DEMOCRATS OF MONTENEGRO, LPCG - LIBERAL PARTY OF MONTENEGRO - PATRIOTIC KOMITAS ALLIANCE)	41	16
MIODRAG DAKA DAVIDOVIC – PEOPLE’S MOVEMENT	41	16
SDP – WITH HEART FOR NIKSIC!	41	18
FOR THE FUTURE OF NIKSIC - DEMOCRATIC FRONT, Socialist People's Party of Montenegro, Voter Group For the Life of Niksic, United Montenegro, Workers' Party, Yugoslav Communist Party of Montenegro, Serbian Radical Party, Socialists of Montenegro, Party of Pensioners with Disabilities and Social Justice of Montenegro	41	19
dr Dritan Abazovic – Black on White - Niksic Can, Civic movement United Reform Action URA and non-partisan personalities	41	14
MR MOMO KOPRIVICA - PEACE IS OUR NATION - DEMOCRATS - WE WON'T GIVE NIKSIC - DEMOS - PARTY OF PENSIONERS, PEOPLE WITH DISABILITIES AND RESTITUTIONS - PLENUM 083 - CHOOSE FREEDOM	41	14
TOTAL	246	97

According to the results of the local elections in Niksic, **15** women, or 36.58%, will participate in the Municipal Board of this city, namely: the coalition “EUROPEAN TEAM FOR NIKSIC!” - **8**, coalition “Black on White – Niksic Can” - **1**, coalition “PEACE IS OUR NATION - CHOOSE FREEDOM” - **3** and coalition “FOR THE FUTURE OF NIKSIC” - **3**.

The Law on the Election of Councillors and MPs regulates that authorised representatives of national nongovernmental organisations registered to monitor the exercise of political rights and freedoms may observe the course of elections and the work of the election administration bodies. National nongovernmental organisations interested in monitoring the elections shall submit applications to the SEC, which shall issue official authorisations or decision rejecting authorisation within 48 hours of receipt of the application. Election administration bodies shall enable international and national observers to monitor the course of elections and the work of the election administration bodies. A PB shall register the presence of observers at a PS in its record. At the proposal of the election administration body, the SEC may revoke authorisation or an identification card from the person to whom it was issued if the person does not adhere to PS rules of order and rules of work of the election administration bodies.

A total of 197 observers were accredited to observe the Local Elections in Niksic on March 14th. Out of the total number of accredited observers, 189 are domestic observers, of which 181 are observers from the Centre for Monitoring and Research (CeMI), and eight are observers from the Center for Democratic Transition (CDT). CeMI conducted a parallel vote tabulation and published projections of the results.

Eight foreign observers have also been accredited. The British Embassy accredited five (5) and the United States Embassy three (3) observers in Montenegro.

Observers of the Centre for Monitoring and Research, informed on their findings primarily through the “Fair Elections” application, but also via phone calls.

Media

The media scene in Montenegro is deeply polarized, which is reflected in the division between the so-called pro-Montenegrin and pro-Serbian media with a dominant foreign presence and influence of the media from Serbia. There is a big difference in the context of media reporting, which is rarely neutral, but is oriented more positively or negatively towards a particular political side.

The Centre for Monitoring and Research did not conduct systematic monitoring of the media, so this report does not contain the percentage of media coverage of political parties, but information on whether and in what way political parties violated pre-election silence, the tone of media coverage of political events, whether some political parties are favoured on one portal, i.e., less favoured on others. Social media was especially treated using the CrowdTangle platform through which CeMI monitored the activities of political parties on Facebook. The monitoring identified a network of coordinated inauthentic behaviour between online portals and Facebook profiles and mime pages, same as during the 2020 parliamentary elections. Also, there was a great dispersion of misinformation and spin news that are part of the strategy of the political parties that participated in this election process, and which were used to influence the attitudes of citizens and their free and informed choice.

Observing the legal framework, Article 64a of the Law on Election of Councillors and MPs prescribes that “the rights to media reporting in the pre-election campaign shall start of the date of validation of the candidate list of pre-election campaign participants and cease 24 hours before election day.” Also, Article 50 of the same Law stipulates that “As of the date of candidate list validation, until completion of the election campaign (hereinafter referred to as the election campaign), candidate list submitting entities shall be entitled to inform citizens of their candidates, programmes and activities on a daily basis, in equal duration and free of charge, through the national public broadcaster Radio and Television of Montenegro, as well as through regional and local public broadcasters, within the same daily timeslots and topical coverage of news-stories. Throughout election campaigns, candidate list submitting entities shall be entitled to promote their candidates and programmes and to announce their promotion rallies in shows, during topical coverage of news-stories and through advertisements of commercial broadcasters, for a fee and in accordance with the rules adopted by the broadcaster. Commercial broadcasters shall enable paid advertising to validated candidate list submitting entities, under equal conditions.”

Article 2 of the Law on Financing of Political Entities and Election Campaigns provides that the election campaign starts **from the day of calling the elections until the day of announcing the final election results**, and that the election campaign includes a set of activities related to public representation and promotion of candidates, promoting and elucidating election programs with the aim of convincing voters to vote for the candidate of that political entity or the electoral list submitted by that political entity.

Bearing in mind that 5 January 2021 is the date of announcing the elections for councillors in the Municipal Council of Niksic, every public presentation as part of the election campaign, in accordance with the law, starts from the stated date. However, by monitoring social networks and media, CeMI concluded that certain political parties had started the election campaign through their Facebook profiles much earlier. We see such examples in the Democratic Front (DF) party, which, in December 2020 renamed its Facebook page to “For the Future of Niksic”, which is used for the campaign of this coalition for the local elections in Niksic. Their first activities are confirmed by the publication of a photo with the coalition's logo on the Facebook page. Also, the submitter of the electoral list “For the future of Niksic” gave an interview for the portal www.in4s.net on 1 January, which they shared on social networks through the official website, within which the coalition's program for local elections was promoted. Taking into account the stated facts related to the activities of the mentioned coalition, CeMI points out the anomaly of the Law on Media, which does not define social networks as media, which opens space for their abuse by political entities. The mentioned case shows that social media were used for promotion, however, there is no law which can determine that the coalition “For the Future of Niksic” violated the legal provisions on the start of the election campaign.

Also, another shortcoming that CeMI emphasizes is the unregulated behaviour of political entities in the online space during the election campaign.

The abuse of social media was also visible in two other ways: (1) **during the electoral silence**; (2) **using paid content**.

The electoral silence began at midnight on 13 March and lasted until the polls closed. During this period, the number of content published by political parties on Facebook was **142**. Individually, the coalition “European Team for Niksic” had **15** posts, “For the Future of Niksic” **37**, “Miodrag Daka Davidovic - People's Movement” **8** posts, SDP “With heart for Niksic” **15** posts, “Black on White - Niksic Can” **28** and “Peace is Our Nation – Choose Freedom” **39** posts. A total of 90,774 Facebook interactions were made on the mentioned posts, of which as much as 82% were only from Democratic Montenegro and the coalition “For the Future of Niksic” (74,969 interactions). The data indicates that all electoral lists were active on Facebook during the period of electoral silence and that they performed self-presentation by communicating on social networks. Electoral lists communicated mostly through photos (46.7%), video (38.1%) and Facebook live (8.6%).

It should be especially noted that CeMI recorded the organization of the final gathering of the Civic Movement URA, which was broadcast live to Facebook users. Although the actions of this party cannot be sanctioned due to the legally unregulated status of social media and the behaviour on them, it is evident that this gathering is a violation of the rule of electoral silence on the prohibition of media representation, and that it was done in a “detour”, i.e., through a communication channel to which the law cannot be applied.

During the pre-election campaign for the 2020 parliamentary elections, CeMI identified 26 meme pages, which shared political content and were directly linked to portals with questionable credibility. In the period after the parliamentary elections until the start of the election campaign for the local elections in Niksic, CeMI noticed that the percentage of published posts was much lower. Greater timeliness and activity of meme pages is noticed in the period immediately before the elections. Namely, in the period from March 2020 to March 2021, meme pages were most active in August 2020 (2,710 posts), and again in December 2020 (2,134 posts) and January (2,123 posts). That is, the data shows that between the two election periods, meme pages were active to a much lesser extent. Graphical representations of meme page activity will be displayed in the final report.

The activity of the **meme page** Portal Nadrealitika was recorded, which published a post on election day that CeMI was conducting exit polls, using the official logo of the organization. After CeMI's public reaction on this disinformation, this page was removed from Facebook and it was no longer accessible.

When it comes to paid content on Facebook, which covers only the territory of the municipality of Niksic, it was noticed that all political parties participating in this election process, except the coalition “European Team for Niksic” had paid content on Facebook on 13 March 2021, i.e., during the electoral silence. The Social Democratic Party of Montenegro (SDP) and the Civic Movement URA spent the most (over 100 EUR), while the Democratic Montenegro, the People's Movement and the coalition “For the Future of Niksic” had paid content of up to EUR 100. This data will be subject to additional investigation when it comes to monitoring of financial reports of political parties.

That the election process in Niksic has not only local, but also regional significance, is confirmed by the Serbian media attention paid to this topic. A large number of Serbian portals were recognized, such as Alo.rs, Novosti.rs, Informer.rs, 24sedam.rs, in4s.net and others, which placed information that had a positive tone towards the coalition “For the Future of Niksic”, as opposed to the coalition “European Team for Niksic”, which was written about in a negative context. It is also interesting that a large number of information placed by the Serbian media was not published in the Montenegrin media. CeMI also recognized a large number of spin information, which leads to negative propaganda directed towards the DPS and the “European Team for Niksic” coalition. Spin information was identified through incomplete articles with sensationalist headlines and photographs, but without a broader description of the event, which

attempts to influence public opinion.⁴ It is interesting that the media from Serbia also reported irregularities noticed by CeMI observers, citing CeMI as a source. However, the irregularity that there was an incident with a voter at the polling station due to wearing a Christian Orthodox cross was reported exclusively by Serbian portals without stating the source of this claim or the photo confirming that this event had occurred.⁵ In this way, voters are subjected to biased and unverified information that affects their political opinion and free and fair choice.

The influence of Serbia and the Serbian media was especially distinct within the television programme “TV Happy”, broadcast by Happy TV LLC, through programme content called “Good Morning Serbia“. This is a broadcaster that has been continuously broadcasting content that incites hatred, intolerance and discrimination against members of the Montenegrin nationality for the last year, and thus, directly violates Article 7 paragraph 1 of the European Convention on Transfrontier Television, which stipulates that the program contents, in terms of their presentation and content, must respect the dignity of the human being and the fundamental rights of others, and that they must not in particular, inappropriately point out violence or incite racial intolerance. Montenegro, through the Council of the Agency for Electronic Media, for violating this article of the Law in February 2020, issued a decision for a period of three months to limit the rebroadcast of the programme content of the said broadcaster by obscuring them. However, this practice of Happy TV continued after the expiration of the solution, and in the election silence, on 13 and 14 March, they hosted the Ambassador of Serbia to Montenegro Vladimir Bozovic, as well as Vladislav Dajkovic, an activist of the coalition “For the Future of Niksic”. Both of them used their visit to invite the citizens of Niksic to vote for the aforementioned coalition, and thus directly violated the electoral silence.

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⁴ The article is available at the following link: shorturl.at/uCGU2

⁵ The article is available at the following link: <https://cutt.ly/NzN2Rk6>