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MONTENEGRO

FINAL REPORT

CIVIC MONITORING OF
PRESIDENTIAL ELECTIONS

An illustration featuring two hands holding two white cards with orange numbers. The top card displays '20' and the bottom card displays '23'. The cards are positioned over a blue, angular, geometric background that resembles a stylized ballot box or a series of steps. The overall design is modern and graphic, with a color palette of light blue, white, orange, and grey.

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PRESIDENTIAL ELECTIONS

CIVIC MONITORING OF PRESIDENTIAL ELECTIONS Montenegro 2023

FINAL REPORT



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SUMMARY

- The electoral process during the Presidential elections in 2023 was competitive and conducted in accordance with general democratic standards and principles. The election days during both rounds of the Presidential elections passed peacefully and without major irregularities that could jeopardize the overall legitimacy of the electoral process.
- The Presidential elections were held under the rules of an unreformed set of electoral laws, which contain numerous legal gaps, ambiguities, and conflicts in legal norms that create room for their misuse and diminish their effectiveness.
- The electoral process was conducted 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. Irregularities in the work of lower-level election administration, noted abuses of state resources and party employment, unbalanced media reporting, interference by religious communities in the electoral process, as well as certain forms of external interference, are negative characteristics of the overall electoral process.
- The most notable example of external influence in this election cycle is that of the Serbian Orthodox Church (SPC), urging voters to support specific candidates. Such actions, including the SPC's explicit endorsement of one political party and criticism of others, contradicts the principle of the separation of church and state. This practice was evident in both rounds of the election, and it led to inequality in the media space and a potential impact on the electoral process.
- The second round of the presidential elections in Montenegro was held for the first time in the last 20 years. This fact resulted in the electoral legislation not containing regulations that precisely stipulate the procedure for the second round of presidential elections. In order to conduct the electoral process, general provisions of the existing electoral laws were applied, along with some decisions made by the State Election Commission. This further confirms the repeatedly expressed assessment that it is urgently necessary to implement a comprehensive reform of electoral laws and election administration.
- The right to vote in the presidential elections was granted to citizens of Montenegro who had reached the age of 18, provided that they had been residing in Montenegro for at least 24 months before the day of the election. The final voter registry included 542,154 voters who cast their votes at 1,162 polling stations. According to CeMI's findings, an inaccurate and outdated register of residence maintained by the Ministry of the Interior (MUP), partly resulting from imprecisely stipulated obligations for Montenegrin citizens to deregister their residence, raised questions about the legality of voting by the diaspora (regional and international) in the second round of the presidential elections. CeMI believes that the right of Montenegrin citizens to exercise their voting rights cannot be disputed due to disorderly administration and the inability of competent institutions to timely fulfil all legally prescribed obligations.

- The SEC did not ensure complete transparency in its work during this electoral process, nor did it provide a live broadcast of its sessions on the internet, a practice observed in many countries worldwide. A part of the SEC that deserves special commendation includes the members selected through a competition and the Expert Service of the SEC, which demonstrated a high level of professionalism and openness to collaboration with non-governmental organizations.
- The legal framework for financing political parties and election campaigns, as well as the abuse of state resources, and the prescribed supervisory 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 candidates timely submitted reports between the two rounds of the presidential elections, the fact that the accuracy of the data is determined solely based on the presented information in the report represents a significant limitation that must be overcome. Concerning compliance with the prescribed deadline for submitting reports to the APC, candidates submitted the required reports within the specified timeframe.
- During the election cycle, an extremely high rate of employment in the public sector was noted. Specifically, by March 31, the APC recorded 6,999 contracts regulating employment relationships, rights and obligations of state officials and employees, as well as contractual relationships. These contracts were concluded during the election campaign period. Although foreign funding is legally prohibited, there were numerous indications that it existed in practice. However, the existing legal framework does not provide space, nor does it prescribe clear mechanisms for competent institutions to conduct a detailed verification and establish the facts.
- Foreign interference in the Montenegrin electoral process was evident both through media activities and social media engagement. The media environment was competitive, with a large number of registered outlets, and the public broadcaster met legal prerequisites, offering balanced coverage of the campaign. However, a high concentration of foreign capital in Montenegrin media influenced an unbalanced representation of candidates in private media. Holding a debate on the public broadcaster 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 receive all the necessary information for making an informed decision through a direct confrontation between the candidates.

INTRODUCTION AND ACKNOWLEDGEMENTS



The Centre for Monitoring and Research (CeMI) is a non-governmental organization founded in March 2000, which consistently, starting from the year 2000, has been conducting civic monitoring of elections. CeMI has monitored all national elections since 2001, except for the presidential elections held in 2013. Additionally, CeMI is the founder of the European Network of Election Monitoring Organizations (ENEMO) (www.enemo.eu), where it served as the chair from 2017 to 2022. The President of CeMI is a member of the board of the Global Network of Domestic Election Observers (2018-2023) (www.gndem.org). Through ENEMO and OSCE ODIHR, members and experts of CeMI have participated in numerous international observer missions as experts, long-term and short-term observers. Eight times, an expert from CeMI has served as the head of international observer missions (in Moldova, Ukraine, Serbia, Armenia, and Kosovo).

The observation mission of CeMI for the presidential elections in 2023 accredited a total of 1283 observers to monitor the electoral process for both rounds of the presidential elections, while 450 observers monitored the electoral process in the first round of the presidential elections. The mission consisted of a core team comprising: (1) Head of Mission, (2) Deputy Head of Mission, (3) Election Expert, (4) Legal Expert, (5) Election Administration Expert, and (6) Coordinator of the Network of Observers. CeMI also engaged a network of local coordinators. CeMI monitored the electoral process from the registration of the first candidacy to the announcement of the final results. The final report before you is based on the findings of CeMI's observer network and experts.

As part of the presidential election monitoring project, CeMI developed the web and mobile application 'Fair Elections' (www.ferizbori.me), through which citizens and observers had the opportunity to report observed irregularities, violations of their voting rights, live tracking of election result projections, and information about their voting rights.

CeMI would like to express its gratitude to the British Embassy in Podgorica, which financially supported the project of civic monitoring of the presidential elections and enabled the implementation of this mission. CeMI also wishes to express gratitude to all representatives of the election administration, state authorities, political parties, international observer missions, and domestic non-governmental organizations with whom collaboration was established in the implementation of this mission. The findings presented in this report represent the views of the authors and CeMI, and not necessarily the views of the mentioned donors.



POLITICAL CONTEXT

The presidential elections, which were announced in accordance with the law in mid-January 2023, were the first national elections after the parliamentary elections in 2020, which led to the change of the three-decade rule of the Democratic Party of Socialists (DPS). In the period before the presidential elections, the ruling majority formed after the parliamentary elections in 2020 failed to ensure political and institutional stability. This period was marked by votes of no confidence in the governments of Prime Ministers Krivokapić and Abazović and constant tensions among political actors, negatively impacting the overall atmosphere in the political scene and resulting in a stagnation in the EU integration process of Montenegro.

The political crisis was further deepened by the crisis in the functioning of the constitutional-legal system due to the Parliament's inability to appoint the missing judges of the Constitutional Court. Decision-making in the Constitutional Court, an institution crucial for the conduct of electoral processes, was blocked from September 2022 to February 2023. In September 2022, after a vote of no confidence in the government of Prime Minister Abazović, President Đukanović did not designate a mandate holder and requested that the Parliament shorten its mandate and enable early elections. In response, the Parliament adopted amendments to the Law on the President, allowing the Parliament to appoint a mandate holder supported by a majority of MPs if the president refused to do so. The amendments were adopted despite the opinion of the Venice Commission recommending against their adoption. The adoption of this law further complicated the political situation in the lead-up to the presidential elections.

During the period of the Constitutional Court's dysfunction, local elections were held in most municipalities in Montenegro. The institutional dysfunction of the Constitutional Court negatively affected the process of confirming election results and threatened to disrupt the orderly conduct of the presidential elections. However, at the end of February 2023, after exhaustive negotiations mediated by representatives of EU member countries, the Parliament managed to secure a qualified majority for the appointment of three judges to the Constitutional Court. Although the fourth candidate did not receive the necessary majority, the election of three judges to the Constitutional Court ensured the regular functioning and decision-making of this institution.

The agreement on the appointment of judges to the Constitutional Court did not contribute to overcoming the political crisis and stabilizing the political situation in the country. Negotiations on the formation of a new government continued during the pre-election period of the presidential elections but were not successful. As a result of these circumstances, Montenegrin President Đukanović, just before the first round of the presidential elections on March 16, dissolved the Parliament and scheduled early parliamentary elections for June 11, 2023. Some representatives of the ruling majority argued that President Đukanović's decision was unconstitutional, attributing it solely to political motives. Nevertheless, despite causing numerous controversies in the public, President Đukanović's decision remained in effect.

LEGAL FRAMEWORK AND ELECTORAL SYSTEM



The most important legal acts for the conduct of presidential elections in Montenegro are the Constitution, the Law on Election of the President of Montenegro, and the Law on Election of Councillors and MPs. According to the Constitution, the right to vote is granted to all citizens who have reached the age of 18 and have two years of residence in Montenegro. According to the Law on Election of the President of Montenegro, the right to be elected as president is granted to a citizen of Montenegro who has reached the age of 18 and has had a residence in Montenegro for at least 10 years in the last 15 years before the day of the election.

The two-round majority electoral system is used for the election of the President of Montenegro. In accordance with the law, the president is elected in a single electoral unit for a term of five years. In order for a candidate to triumph in the first round, it is necessary to win over 50% of the valid votes. If this does not happen, the second round is held two weeks later between the two candidates with the highest number of votes, with the winner being the one who receives the most votes.

The Law on Election of Councillors and MPs regulates the organization, composition, and competence of bodies for the conduct of elections; determination of voting results; protection of voting rights, and other issues of importance for the organization and conduct of elections. In addition to the Constitution, the Law on Election of the President of Montenegro, and the Law on Election of Councillors and MPs, relevant laws include the Law on Political Parties, the Law on the Financing of Political Parties and Election Campaigns, and the Law on the Voter Register. Additionally, laws in the field of broadcasting are significant – the Law on Electronic Media and the Law on Public Broadcasting Services of Montenegro. Regarding the accuracy of data in the voter register, the Law on Registers of Residence and Stay is important.



ELECTORAL ADMINISTRATION

The electoral administration bodies in Montenegro adhere to the independent model of electoral administration with a combined type of membership. This means that the implementation of electoral processes falls within the competence of bodies that are institutionally independent and autonomous from the executive authorities. However, the members of the electoral administration are chosen among representatives of political parties and independent experts. The composition and competencies of the electoral administration bodies are regulated by the Law on Election of Councillors and MPs. The structure of the electoral administration is three-tiered and consists of the State Election Commission, Municipal Election Commissions in 25 municipalities in Montenegro, and Polling Boards. The decisions of the electoral administration bodies at all three levels are made by a majority of the total number of members, including authorized representatives of political entities, who have an equal right to vote.

A. STATE ELECTION COMMISSION

The most significant body of the election commission is the State Election Commission (SEC). The SEC is a permanent body composed of a president and ten members in a permanent composition, and one authorized representative of the submitter of the electoral list or the presidential candidate. The President of SEC is appointed by the Parliament, based on the proposal of the parliamentary body responsible for elections and appointments, following a publicly announced competition. Four members of the permanent composition of SEC are appointed based on the proposal of the parliamentary majority, and four members of the permanent composition of the SEC, including one who serves as the secretary, are appointed based on the proposal of the SEC parliamentary opposition.

One member of the permanent composition of SEC is appointed as a representative of a political party or the submitter of the electoral list for authentic representation of members of a minority nation or minority national community, which received the most votes in the previous elections. His deputy should be a member of another minority nation or minority national community. One member of the permanent composition of SEC is appointed by the Parliament, based on the proposal of the parliamentary body responsible for elections and appointments, following a publicly announced competition, from representatives of civil society, the non-governmental sector, or the university, who are experts in electoral legislation. This means that the combined type of membership in Montenegro implies that only two out of the 11 members in the permanent composition of SEC are chosen among independent experts, while the other nine members are selected by political parties. This majority composition of SEC is reflected in its decisions.

From the day the elections were called until the day of the second round of the presidential elections, SEC held 42 sessions. Out of this number, 16 sessions were held between the two rounds. The short time frame in this election cycle, i.e., the fact that the period from the day the elections were called, concluding with the election day in the first round of the presidential elections, was 63 days (20 days less than during the presidential elections in 2018), also affected the work of SEC. The Commission did not manage to meet all the deadlines prescribed by the Calendar of deadlines for conducting election work, which SEC published on January 19. The deadline for determining the list of candidates for the President of Montenegro was exceeded

due to objective circumstances. During that period, there were no controversial decisions that marked the period before the first round of elections. SEC's decisions were in accordance with the law, and the majority were made unanimously. In this election process, SEC did not ensure complete transparency of its work, nor did it provide a live broadcast of sessions over the internet, which is a practice in many countries worldwide. The part of SEC that deserves special commendation includes the members selected through a competition and the Expert Service of SEC, which demonstrated a high level of professionalism and openness to cooperation with non-governmental organizations.

As the electoral legislation does not prescribe a clear procedure for conducting the second round of presidential elections, several questions requiring direct decisions from SEC were left open. One of them pertained to the status of authorized representatives of candidates who did not advance to the second round of presidential elections. This issue is not explicitly regulated by the Law on Election of the President of Montenegro; instead, the provisions of the Law on Election of Councillors and MPs are applied to the status of authorized representatives. The SEC made a decision by voting. The final decision on the status of authorized representatives was not unanimous. On the one hand, some members of SEC believed that the status of authorized representatives is tied to the status of the candidate and is 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 bodies of the election administration. Another argument was that the application of Article 31 of the Law on Election of Councillors and MPs does not imply its literal application because certain provisions related to the election of MPs are not applicable to the election of the president.

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

Although it has the technical capability to broadcast its sessions online, the SEC has not yet implemented this solution. Due to the lack of live streaming of sessions over the internet, the wider public has been deprived of insight into the decision-making process of the SEC, whose sessions are rarely attended by the media, although this option has always been available to them.

B. MUNICIPAL ELECTION COMMISSION

The Municipal Election Commission (MEC) consists of a president and four members in a permanent composition, as well as one authorized representative from each submitting electoral list. The MEC is entirely composed of representatives from political parties. The president of the MEC is appointed from the political party that won the most council seats in the previous elections. Two members of the MEC are appointed on the proposal of the parliamentary opposition, with one serving as the secretary, while the other two are chosen based on the proposal of the ruling majority.

The MECs operated in 25 municipalities in Montenegro.

Although all MECs have their websites, not all of them are very prompt when it comes to publishing all relevant information for the electoral process. This is the case with MEC Kotor,

MEC Petnjica, MEC Tivat, MEC Ulcinj, and MEC Žabljak. Even after the second round of voting, some MECs did not properly update their websites. This was the case with 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 MECs, all MECs except MEC Andrijevica and MEC Plav responded promptly. Incorrect contact details were found on the MEC Andrijevica website.

As part of the preparations for the second round of presidential elections and for the efficient implementation of all electoral activities, SEC made a decision to allocate financial resources to MECs. However, for the needs of conducting the second round of presidential elections, five MECs requested higher amounts than those approved for the first round of elections.

Table 1: Financial resources allocated to MECs, higher than those approved for the first round of elections

MUNICIPALITY	TOTAL FIRST ROUND	TOTAL SECOND 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

Although only five out of a total of 25 MECs requested higher funds, SEC concluded that it is necessary to conduct a review of the financial operations of MECs.

C. POLLING BOARDS

According to the Law on Election of Councillors and MPs, a polling board (PB) is appointed for each polling station no later than 10 days before the day designated for holding the elections. For the presidential elections in 2023, 1,162 PBs were formed, as shown in the table below.

Table 2: Number of polling boards in all 25 municipalities

Municipality / separated polling stations	Number of polling boards
Andrijevica	23
Bar	67
Berane	56
Bijelo Polje	96
Budva	28
Cetinje	39

Danilovgrad	32
Gusinje	10
Herceg Novi	47
Kolašin	34
Kotor	37
Mojkovac	20
Nikšić	134
Petnjica	18
Plav	22
Pljevlja	63
Plužine	24
Podgorica	207
Rožaje	44
Zeta	26
Tivat	21
Tuzi	30
Ulcinj	38
Šavnik	23
Žabljak	20
Separated polling stations – UIKS	3

The permanent composition of the PB consists of a president and four members. The duties of the PB members are determined by drawing lots before the start of voting. In addition to the permanent members, each electoral list or presidential candidate, depending on the type of elections being conducted, has the right to a representative in the extended composition. Each political party represented in the respective assembly is entitled to the number of PB presidents proportionate to its representation in the Parliament. The MEC determines by drawing lots the polling stations where political parties that have this right can propose a representative for the president of the PB.

In the permanent composition of the PB, two members are appointed on the proposal of the political party or coalition that has a majority in the corresponding municipal assembly. Additionally, one representative from two opposition political parties in the respective assembly,

which received the highest number of mandates in the previous elections, and in case of an equal number of mandates, the highest number of votes. If there is only one opposition political party in the corresponding municipal assembly, two representatives of that party are appointed to the permanent composition of the PB.

During the electoral process, there were changes regarding the expanded composition of the PBs. Specifically, during the first round of elections, not all candidates exercised their right to appoint a member to the extended composition of the PB. However, this possibility was utilized in the second round. In the initial draft of the Instructions to the bodies conducting the elections regarding the second round of presidential elections, the SEC initially held the position that only candidates who entered the second round could have authorized representatives in the election administration bodies. The decision made by SEC, ultimately allowing all candidates to appoint authorized representatives to the election administration bodies, is in accordance with positive regulations. In the absence of a specific and precise norm that would limit the mandate of authorized representatives to the first round of elections in case their candidate does not enter the final round, SEC made the only possible decision without being selective in the application of the provisions of Article 31 of the Law on Election of Councillors and MPs. They applied that norm entirely, especially considering that it is a unique electoral process.

After the decision of the SEC that all authorized representatives of candidates have the right to participate in the work of state and municipal election commissions until the final results of the election are determined, regardless of whether the candidates they represent entered the second round, the question arose as to whether authorized representatives of candidates who did not enter the second round but did not use the right to appoint authorized representatives in the first round can be appointed to the expanded composition of the PBs for the second round. Taking into account the aforementioned decision of the SEC, the Commission also approved this case, allowing all candidates who successfully registered for the elections to appoint their representatives to the expanded composition of the PBs for the second round of elections.

During the first round of elections, at polling station No. 6 in the village of Dubrovsko in the municipality of Šavnik, voting was interrupted after one of the members of the PB did not allow a voter to cast their vote, even though that voter was registered in the voter list. This involved a representative of the Democratic Front (DF), whose members have been obstructing the conduct of 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 the PB member who prevented the voters from casting their ballot, alleging a violation of voting rights.

REGISTRATION OF PRESIDENTIAL CANDIDATES



A total of nine proposals for the nomination of a candidacy for the President of Montenegro were submitted to the SEC, of which the SEC approved seven. The candidacy of candidates Miloško Spajić and Željko Matijašević was rejected. Instead of Miloško Spajić, the "Europe Now" movement proposed Jakov Milatović and the SEC expressed the opinion that the movement could use the signatures of the same citizens who had previously supported candidate Spajić, whose candidacy was rejected. The following candidates participated in the presidential elections:

Table 3: Presidential candidates and their political affiliation

CANDIDATE	POLITICAL PARTY/CITIZEN GROUP GRUPA
Milo Đukanović	Democratic Party of Socialists of Montenegro (DPS)
Mr Jakov Milatović	Movement for Europe Now (PES)
Andrija Mandić	Coalition For the Future of Montenegro – Demokratski front (New Serbian Democracy – Movement for Change – Democratic People's Party– Worker's Party) – Real Montenegro – Free Montenegro (ZBCG)
Jovan Radulović	Independent candidate
Goran Danilović	United Montenegro (UCG)
Mr Aleksa Bečić	Democratic Montenegro (DCG)
Doc. dr Draganja Vuksanović Stanković	Social Democratic Party of Montenegro (SDP)

When it comes to candidate registration, two decisions of the SEC have drawn significant attention from both the expert and lay public. The first decision was made at a session held on February 3 and pertains to SEC's decision to send a letter to the Republic Electoral Commission of Serbia (RIK) requesting data for individuals who had announced their candidacy for the President of Montenegro, Andrija Mandić and Miloško Spajić. It is important to note that at that time, Andrija Mandić and Miloško Spajić were not official candidates for president, and questions related to residence and citizenship fell solely within the jurisdiction of the Montenegrin Ministry of the Interior (MUP). With this decision, SEC placed these individuals in an unequal position compared to other candidates, treating them differently and assuming the role of the MUP, thereby exceeding its competencies.

RIK's response was utilized by the Commission as part of its argumentation to make another controversial decision at the session held on February 18, where it rejected Miloško Spajić's

candidacy, stating that the data in the application for the candidate were contradictory. This decision was perceived by the public as politically motivated. The decision not to confirm Miloško Spajić's candidacy, proposed by the "Europe Now" Movement, represents the most contentious decision SEC made during this election cycle and potentially constitutes a violation of passive voting rights.

The Law on Election of the President of Montenegro, in Article 1, paragraph 2, specifies the conditions that every citizen must meet to be eligible to run for President of Montenegro: "The right to be elected for president is held by a citizen of Montenegro who has reached 18 years of age, with the place of permanent residence in Montenegro in the period of at least 10 years in the last 15 years before holding of the elections." The proposers submitted to the SEC all accompanying documentation required by Article 6 of the Law on Election of the President of Montenegro,¹ thereby fulfilling the formal condition for determining the candidacy. In the decision of the SEC not to confirm the candidacy, it is stated that Mr. Spajić meets all the formal requirements for the candidacy for the President of Montenegro, but the SEC problematized the fact that Mr. Spajić was still a citizen of Serbia with residence in Belgrade at that time.²

In the explanation of the decision not to establish the candidacy, the SEC stated that the contradictory nature of the documents, the initiation of the procedure for the termination of citizenship in the Republic of Serbia by the candidate Miloško Spajić himself, and the initiation of the procedure by the Ministry of Interior of Montenegro under Article 24, which stipulates the loss of Montenegrin citizenship *ex lege*, indicate the need to resolve these issues before the competent state authorities, in accordance with legal provisions, and that such legal matters cannot be resolved within 48 hours.

Mr. Spajić decided not to file a constitutional complaint against the decision of the SEC. Instead, after the decision not to establish Mr. Spajić's candidacy, the "Europe Now" movement inquired with the SEC whether it could propose another candidate and whether the same individuals who provided signatures of support for Mr. Spajić could provide support for another candidate. The SEC responded affirmatively, with the clarification that the forms with signatures of support for Mr. Spajić could not be used for a new candidate. The signatures of support that citizens gave to Mr. Spajić were deleted from the system, enabling the same individuals to provide their signature of support to another candidate.

In addition to Mr. Spajić's candidacy, questions were raised in the public about the legitimacy of Mr. Andrija Mandić's candidacy. Namely, before the establishment of Mr. Mandić's candidacy, he refused to answer whether he held citizenship in the Republic of Serbia, although his previous statements implied that he did. In this regard, it should be emphasized that in its letter to the Republic Electoral Commission (RIK) in Serbia, the SEC requested information about the right to vote and residence, while RIK, in its response, provided only information regarding residence. This means that Montenegrin state authorities do not have official information about whether Mr. Mandić holds citizenship in the Republic of Serbia and when he acquired it. After the establishment of his candidacy, Mr. Mandić reiterated once again that he holds Serbian citizenship, acquired in accordance with the law, but did not provide any evidence to confirm this. Moreover, he requested that the Ministry of the Interior officially clarify the circumstances of

1 "The proposal of a candidate for President is submitted to the SEC, no later than 20 days before the day designated for the election. Along with the proposal from paragraph 1 of this article, the following must be submitted: 1) a written statement from the candidate accepting the candidacy; 2) confirmation of the candidate's voting rights; 3) confirmation of the candidate's residence; 4) proof of citizenship; 5) signatures of voters supporting the candidate."

2 <https://dik.co.me/wp-content/uploads/2023/02/rjesenje-o-neutvrđivanju-kandidature.pdf>

acquiring citizenship after the elections.³ This circumstance raises doubts about the truthfulness of Mr. Mandić's statement, especially considering that in 2011, when he publicly admitted for the first time that he held citizenship in the Republic of Serbia, Mr. Mandić expressed a willingness to hide official data about this from Montenegrin authorities and called on other citizens to do the same.⁴

All candidates whose candidacy was confirmed exercised the right to appoint a representative in the expanded composition of the SEC. In this election cycle, SEC amended the instructions on the method and procedure for verifying signatures of support for the electoral list for the election of MPs and candidates for the President of Montenegro. The amendment stipulates that signatures of support should be verified only up to the required number of voter signatures, i.e., until the conditions for declaring the electoral list or candidacy for the President of Montenegro are met. This change received a positive opinion from the Agency for Personal Data Protection and Free Access to Information (AZLP) and significantly expedited the processing of support signatures by the Professional Service of SEC. For the confirmation of the candidacy, proposed candidates for the President of Montenegro needed 8,101 valid signatures of support.

However, this electoral process was also marked by the collection of signatures of support for candidates and citizens' accusations that presidential candidates had abused their personal data. After activating SEC's application solution for verifying voter support signatures, several hundred citizens approached CeMI and the media with reports that their data had been misused. CeMI decided to provide free legal assistance to citizens whose data had been misused in this way. The Basic Public Prosecutor's Office initiated several cases based on criminal reports of falsifying signatures of support for candidates against multiple candidates. In response to these allegations, SEC issued a statement emphasizing that SEC cannot be held responsible for any misuse of voter support signatures for candidates. It also stated that the Professional Service of SEC does not have the ability to assess handwriting on the forms since that can only be the subject of graphological interpretation in a separate procedure.⁵

This was not the only accusation regarding the work of SEC in the presidential candidate registration process. After determining that Mr. Goran Danilović was missing 2,263 signatures of support and adopting a conclusion to remedy the deficiencies in the proposal of the candidate for the President of Montenegro⁶, Mr. Danilović made accusations against the Expert Service of SEC, claiming that the signatures were intentionally erased. He provided SEC with copies of support signatures, indicating that these signatures exist. It remained unclear how and where the erasure of voter support signatures occurred. In a session held on February 24, SEC concluded that, in order to determine all the circumstances related to this situation, all disputed forms with voter support signatures should be forwarded to the competent prosecutor's office.⁷

Although we previously pointed out that SEC had taken a step forward in increasing the transparency of its work, the Commission did not show understanding for the rights of observers. It deviated from the practice that existed in previous election cycles by not allowing accredited observers access to the signatures of support for presidential candidates. Instead, it forwarded requests for access to documentation submitted by candidates for the opinion of

3 <https://www.vijesti.me/vijesti/politika/647918/mandic-bi-tek-nakon-izbora-o-drzavljanstvu-trazio-odgadjanje-izjasnjenja-u-mup-u>

4 See more: <https://www.vijesti.me/vijesti/politika/367395/andrija-mandic-nikad-se-necu-odreci-srpskog-drzavljanstva>

5 <https://dik.co.me/saopsenje-u-vezi-zloupotreba-potpisa-podrske-kandidatima-za-predsjednika-crne-gore/>

6 <https://dik.co.me/wp-content/uploads/2023/02/Zakljucak-o-otklanjanju-nedostataka-Goran-Danilovic.pdf>

7 <https://dik.co.me/wp-content/uploads/2023/02/Zapisnik86.pdf>

Agency for the Protection of Personal Data and Free Access to Information (AZLP), which gave a negative opinion on them. Since three organizations submitted special requests (CeMI, CDT, and ODIHR), SEC decided not to make a final decision on all requests until AZLP provided a separate opinion for each of them. Although SEC did not formally make a decision refusing the requests of non-governmental organizations, by submitting them to AZLP, access to the relevant documentation at a time when the registration of candidates had already been completed became meaningless. Additionally, the opinion that AZLP sent to SEC regarding CeMI's request did not take into account the special rights of observers during elections. Specifically, the role of non-partisan observers in the electoral process is outlined in various international instruments, such as the Copenhagen Document (1990) and the Guidelines on the International Recognized Status of Internationally Recognized Status of Observers published by the Venice Commission in 2009. These documents state that election observers should be given the widest possible opportunity to participate in the election observation process.⁸

By acting in this way, SEC prevented authorized observers from monitoring the course of elections, specific electoral activities, and the work of election administration bodies. This hindered their ability to timely identify illegalities and irregularities that have been recurring for several years.

8 [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)059-srb](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)059-srb)

VOTER REGISTRATION VII

Citizenship, according to Article 45 of the Constitution of Montenegro, is held by an adult citizen who has minimum two years of residence in Montenegro. All citizens with the right to vote are enrolled in the voter registry, which represents a derived electronic collection of personal data of Montenegrin citizens with voting rights. The voter registry is a public document used only for elections and is maintained by the Ministry of Interior. The data in the voter registry are derived from the civil registers maintained by the Ministry of Interior, by cross-referencing data from these registers to create a collection of personal data for Montenegrin citizens with voting rights.

Montenegro faced another election with an unorganized voter registry. The voter registry was closed on March 8, and it included 542,154 voters, i.e., 2,128 more voters than in the parliamentary elections of 2020 and 9,555 more voters than in the last presidential elections held in 2018. On March 25, the Ministry of Interior (MUP) published a numerical tabular presentation of data on changes in the voter registry compared to the voter registry used in the previous elections. According to the data released by the MUP, there were 1,445 more voters in the voter registry on March 24 than in the first round of the presidential elections. This information was not accompanied by adequate explanations from the MUP, clarifying that the changes in the voter registry did not pertain to the second round of the presidential elections. This lack of clarification led to a strong reaction from parts of the public. The MUP released this information following the decision of March 17, in which the President of Montenegro called for early parliamentary elections. The confusion arose because, according to Article 16 of the Law on the Voter Registry, the MUP was obligated to publish this information within three days from the day of calling the parliamentary elections, i.e., no later than March 20.

When it comes to the second round of the presidential elections, taking into account the provision of Article 18 of the Law on the Voter Registry, which stipulates that the voter registry is closed 10 days before the designated election day, the number of voters in the voter registry remained unchanged.

Although in April 2021, the Ministry of Interior (MUP) announced that it had initiated the procedure for the loss of Montenegrin citizenship for 2,108 individuals and started the verification of 8,000 citizens listed in the voter registry of the Republic of Serbia, Bosnia and Herzegovina, and the Republic of Kosovo, based on the assumption that, in addition to Montenegrin citizenship, they also have citizenship of another state, the fact that the number of voters in the voter registry increased compared to the last parliamentary elections does not suggest proactive action by the ministry to address this issue. This issue was highlighted by CeMI in the first half of 2021 and recognized as a problem by the European Commission in its last two annual reports, emphasizing the need to work on its resolution.

This year, the Ministry of Interior (MUP) once again allowed voters to check their polling stations through the online service biraci.me. Based on the experience from previous electoral processes, MUP implemented new mechanisms to protect this service. Specifically, it is not possible to access the biraci.me service outside the borders of Montenegro. This prevents voters who are abroad from using this service. Additionally, it is no longer possible to access the service based

on the Unique Personal Identity Number (JMBG); instead, individuals need to possess the ID card or passport number. A similar solution is required for accessing the voter registry in the Republic of Serbia. This attempt was made to prevent election observers with authorized access to the voter registry from checking whether voters are listed in the Serbian voter registry, and vice versa. Previously, CeMI discovered, only in Herceg Novi, that 10.55% of the total number of registered voters in this municipality were unlawfully included in the voter registry. Despite the evidence provided by CeMI, the MUP did not delete the unlawfully registered voters. Top of Form

An additional safeguarding mechanism has been implemented to prevent the service from being overloaded with requests by blocking more than five queries per second. Unlike in previous election cycles, the biraci.me service functioned without major issues, with only a small number of brief interruptions reported during the election day. In addition to the biraci.me service, the Ministry of Interior (MUP) provided 10 operators for citizens to contact via the number 19820, addressing any questions related to exercising their voting rights. Through the Montenegrin Post, MUP sent notifications to citizens about their assigned polling stations. Three days before election day, a physical verification of the delivery of these notifications was conducted.

On the other hand, the Ministry of Interior (MUP) did not continue the good practice of public communication established in 2020, as evidenced by the large number of inquiries received by CeMI just before election day from citizens who did not know at which polling station they should vote. In response, CeMI released a statement containing all relevant information on how citizens could find out about their designated polling station.⁹

9 <https://www.vijesti.me/vijesti/politika/648228/cemi-uviod-u-biracki-spisak-gradjani-mogu-da-ostvare-na-salteri-ma-mup-a-putem-portala-ili-call-centra>

ELECTION CAMPAIGN VII

THE FIRST ROUND OF ELECTIONS

The election campaign started even before the confirmation of candidates, intensifying in the final phase. Candidates utilized almost all techniques to promote their pre-election programs, including audio-visual marketing, billboards, distribution of propaganda material, direct contact with voters on the ground, phone calls, and door-to-door campaigning. The main reason for this lies in the mismatch of solutions in relevant laws, i.e., the Law on Election of Councillors and MPs and the Law on Financing of Political Entities and Election Campaigns (election propaganda lasts until the day of the election). During the campaign, there was a noticeable increase in covert advertising, i.e., promotional activities without legally prescribed markings, mainly taking place in daily news programs, as well as campaigns in regional media, primarily in Serbia. Since the media promotion of candidates outside the borders of Montenegro is not subject to domestic regulations, it is not possible to address this phenomenon institutionally, which can influence voters' decisions, given the popularity and viewership of Serbian media in Montenegro.

Additionally, candidates conducted an intensive campaign on social media, and a large number of paid contents were observed, both on online media and social networks. The election campaign on social media continued even during the pre-election silence. As the campaign progressed, negative campaign elements became more noticeable. In this regard, it was observed that a significant number of contents created and shared by the candidates, contained elements of discrediting their opponents.

In terms of traditional campaigning, candidates were able to conduct their campaigns freely, although within a short campaign period, and basic freedoms were respected. The campaign was competitive, offering voters a diverse choice. The tone was generally neutral and focused on promises of economic prosperity and accelerating the European integration process. Regarding the electoral silence, the use of political party propaganda through social media on March 18 became prominent.

Collisions of legal norms in the part related to the start of the election campaign prevented the precise determination of the campaign's beginning and oversight by relevant institutions, primarily the APC. The shortcomings in the regulatory framework had a negative impact on transparency and accountability for campaign financing. Some candidates exploited this uncertainty to start their campaigns before official confirmation of candidacy and without opening a separate account for campaign financing, hindering control over the origin of funds needed for campaign implementation. Throughout the campaign, various promotion techniques were used, including prominently video spots, billboards, and advertising on social media, which was not halted even during the pre-election silence period.

THE SECOND ROUND OF ELECTIONS

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 the election night of March 19, candidates from the first round, Andrija Mandić and Aleksa Bečić, endorsed the candidate Jakov Milatović for the second round. Candidate Goran Danilović also supported Milatović, while the endorsements from candidate Draginja Vuksanović and candidate Jovan Radulović for candidate Milo Đukanović arrived significantly later.

The campaigns of the two candidates were conducted in the spirit of reducing tensions and polarization in society, primarily focusing on messages related to economic prosperity and increased living standards through accelerated EU accession. Although predominantly of a peaceful tone, the campaigns of the two candidates included elements of negative campaigning, directed at discrediting opponents, especially during TV duels. Negative campaigns against both candidates were also observed through social media and mobile communication applications.

Candidates in the second round, as well as those from the first round who endorsed a candidate, used the same marketing tools for their campaign as in the first round, primarily billboards, organizing public events, and advertising through media and social networks. This raised questions about the legality of campaign financing by third parties, which is not precisely regulated by election laws.

The intensity of negative campaigning increased as the election day approached. Candidate Milatović created a video about candidate Đukanović, summarizing his political career. On the other hand, negative campaigning against candidate Milatović was led by Đukanović during his addresses to the citizens, and paid video montages featuring Milatović were predominantly circulated on social media. Negative comments and photo montages on social media pages and by citizens were directed against both candidates.

The campaign of candidate Jakov Milatović was accompanied by a united support campaign from the majority of candidates from the first round, with billboards conveying a clear message to voters that a joint victory could be achieved by voting against Đukanović. Representatives of the parties that supported candidate Milatović also participated in forums in several cities. In line with this, Mr. Milatović changed his initial slogan "We will succeed!" to "We will succeed together!" before the second round. Billboards of some candidates from the first round were provided to the candidates in the second round through donations from third parties, which needs to be scrutinized as the legal regulations in this regard are lacking.

Despite the polarized public atmosphere and the fact that only one television station with national coverage has predominantly domestic ownership, candidates had equal opportunities to present their messages. However, the potential for favouring candidates due to media ownership structure is present. In the lead-up to the second round of elections, the trend of negative posts about presidential candidate Milo Đukanović continued, with 371 negative posts out of a total of 610 posts dedicated to this candidate. Regarding presidential candidate Jakov Milatović, there were 521 posts on all six analysed portals, with the majority being positive (267), followed by neutral (160), and negative (94).¹⁰

In the period between the two voting rounds, one debate was organized on the public broadcaster.

¹⁰ <https://dfcme.me/publikacije/izboripodlupom-monitoring-portala-i-fejsbuka-20-29-mart-2023/>

Organizing debates is an international practice, providing citizens with an opportunity to hear concrete messages and potential solutions to current challenges, allowing them to make informed decisions beyond accusations and attacks by candidates against their opponents. Additionally, during the second round, messages and calls to voters from religious communities urging them to vote for a specific candidate continued, which were deemed inappropriate. In this case, the 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. This practice was noted during the first round of the presidential elections and continued during the second round of the campaign for the presidency of Montenegro. A day before the start of the election silence period, the SPC called on “believers and people of good will” to vote and stated that candidate Milo Đukanović was conducting an anti-church campaign. The SPC supported one political party and criticized others, leading to inequality in the media space and a potential impact on the electoral process.

IX PRESENTATION OF CANDIDATES

According to the data from the Agency for Electronic Media (AEM), which published a report on the representation of candidates in Montenegrin media between the two election rounds, it was concluded that approximately two-thirds of the total media representation were recorded in the programs of seven television stations. The highest overall media representation (both free and paid) was recorded on TV Adria (11.93%), TV E (9.72%), TV Vijesti (9.62%), the Parliamentary Channel (9.29%), Prva TV (7.85%), Gradska TV (7.72%), and TV A Plus (7.10%).¹¹

Although Article 51 of the Law on Election of Councillors and MPs stipulates that public broadcasters are not allowed, under any conditions, to enable advertising outside the blocks of free political marketing, which are equally provided for all candidates, public broadcasters such as TV Pljevlja, TV Herceg Novi, TV Rožaje, and TV Budva allowed paid political advertising within their programs.

When it comes to media representation in the programs of foreign electronic media, AEM has pointed out that paid political advertising was recorded within the program of TV Pink M, which is under the jurisdiction of the regulatory body of the Republic of Serbia. In doing so, the TV Pink M broadcaster violated the quota of permitted advertising content prescribed by the Audiovisual Media Services Directive, which has been transposed into the legal framework of the Republic of Serbia and falls under the jurisdiction of the regulatory body of the Republic of Serbia. The challenge lies in the fact that the broadcast relates to the election cycle in Montenegro, and violations within the same should be sanctioned by another state.

The national public broadcaster RTCG has complied with legal conditions and provided balanced coverage of the campaigns of all presidential candidates.

¹¹ <https://aemcg.org/wp-content/uploads/2023/03/Izvjestaj-o-medijskom-predstavljanju-tokom-prvog-kruga-kampanje-za-izbore-za-predsjednika-Crne-Gore-02-800-24.03.2023.pdf>

ELECTION CAMPAIGN FINANCE AND ABUSE OF STATE RESOURCES



The election laws and the Law on the Financing of Political Entities and Election Campaigns include provisions on deadlines and the manner of conducting the campaign, particularly in limiting the abuse of state resources. From the day the elections are announced, excessive spending of state funds by the state, public institutions, and local administration is prohibited, as well as hiring in these institutions unless approved before the announcement of the elections.

Budgetary funds to finance part of the costs of the election campaign for the candidates for the President of Montenegro are provided in the amount of 0.07% of the planned total budgetary funds, reduced by the current budget, or in this case, in the amount of €884,549.16. For comparison, for the presidential elections in 2018, allocated funds amounted to €594,999.42. The funds that candidates receive from the budget are distributed in accordance with Article 28 of the Law on the Financing of Political Entities and Election Campaigns, and the same law prescribes norms both in terms of financing and reporting. More precisely, the funds are distributed in percentage amounts depending on whether the candidate has only had their list confirmed, and in this case, 20% of the allocated funds are distributed to these candidates, or if they have won the necessary number of votes, with a minimum of 3% of the voters' votes. Candidates who achieve this percentage are entitled to the distribution of 80% of the remaining total budget. If the elections have two rounds, this amount is further divided between the two candidates who enter the second round. In that case, 40% goes to candidates who have won over 3% of the votes in the first round, while the remaining 40% is distributed to the two candidates in the second round.

Presidential candidates can only collect funds from private sources during the election campaign. The amount of funds from private sources that a candidate collects for financing the election campaign cannot exceed the total amount of funds from Article 28, paragraph 1, of the mentioned law, i.e., it cannot exceed the total allocated budgetary funds (€884,549.16).

Candidates have submitted financial reports within the legally defined deadline. However, the campaign financing regulations allow circumventing restrictions and reduce accountability. Although all candidates timely submitted their reports on donations and expenses, the reporting conditions and the control relying on the accuracy of the data provided by the candidates do not fully ensure transparency in the financing of election campaigns. The APC has the mandate to oversee but lacks investigative powers, while the law does not provide for sanctions for inaccurate reporting.

Legal limitations and inadequacies allow candidates, even if irregularities are identified during the submission of the candidacy, such as disputes over the legality of obtained support signatures, to retain the guaranteed budgetary funds, which amounted to 28,000 euros per candidate during this election cycle. This legal provision, along with the fact that each confirmed candidate, regardless of the voting results, receives a certain guaranteed sum from the budget, has raised suspicion in some parts of the public that certain candidates enter the race solely for financial gain.

According to the published APC report, in four reporting periods, presidential candidates submitted a total of 45 reports on contributions from individuals and legal entities. Candidates collected a total of **232,810 EUR** from contributions from individuals and **227,594 EUR** from contributions from legal entities, while **884,549 EUR** was allocated from the state budget for campaign financing. One candidate used credit funds in the amount of 40,000 EUR for campaign financing.

Table 4: Total reported funds for financing the presidential candidates' election campaign

Candidate	Funds from contributions of individuals/legal entities	Government funds	Overall reported
Andrija Mandić	87.694,60	95.137,62	182.832,22
Milo Đukanović	213.349,00	298.639,78	512.288,78
Jakov Milatović	34.761,00 + 40.000 kredit	338.150,93	412.911,93
Goran Danilović	12.100,00	25.272,83	37.372,83
Draginja Vuksanović Stanković	36.671,24	20.000,00	56.671,24
Jovan Radulović	25.272,83	-	25.272,83
Aleksa Bečić	92.200,00	65.403,90	157.603,90

Source: APC Report¹²

According to available data, all presidential candidates have complied with the legal obligation to open a separate bank account for financing activities related to the election campaign. During the presidential election process, the APC received a total of 45 reports from candidates. In cases of irregularities, the APC issued warnings to candidates, and candidates responded by addressing and rectifying the identified irregularities.

Regarding the abuse of state resources, although representatives of the ruling parties or the parliamentary majority did not actively participate in the campaign, a key issue that captured public attention was the number of newly employed individuals in the state administration under various grounds. The fact that Montenegro did not make progress in terms of employment during the election campaign is evident from numerous hirings in the public sector. Throughout the electoral process, the APC received 6,999 employment contracts regulating the employment relationships, rights and obligations of state officials and employees, as well as contractual relationships.¹³ Out of the 6,999 decisions, the largest number (3,736) pertains to fixed-term contracts, followed by 1,724 contracts for specific tasks, 293 indefinite-term

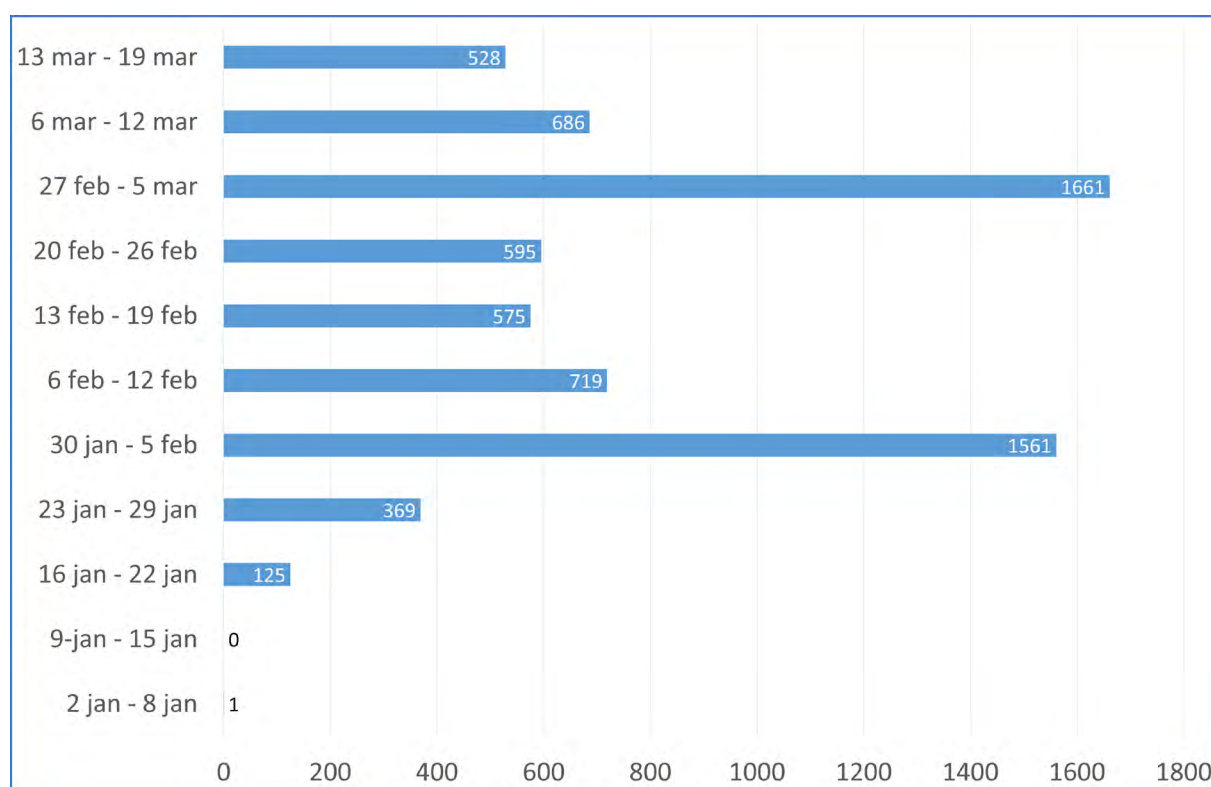
¹² See more: https://www.antikorupcija.me/media/documents/Izve%C5%A1taj_o_sprovedenom_nadzoru-Predsjedni%C4%8Dki_izbori_2023_1.pdf

¹³ [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=)

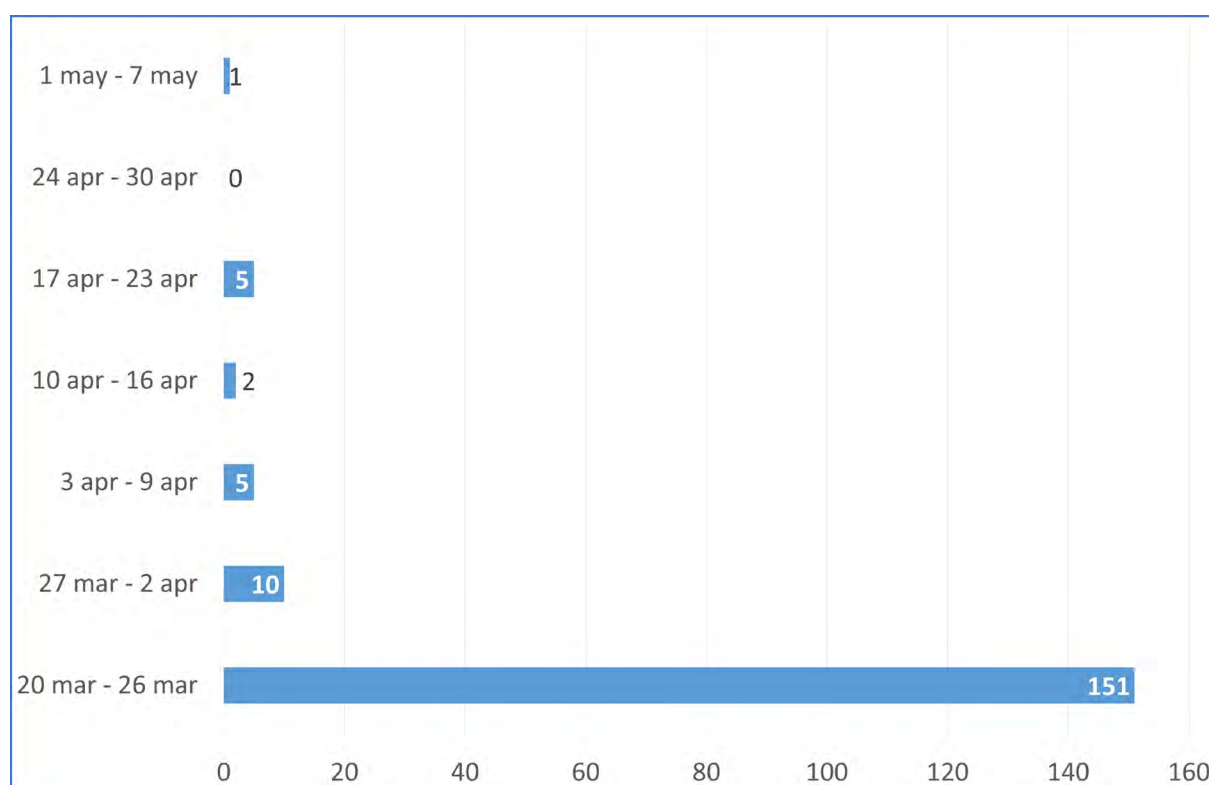
contracts, and 140 contracts for temporary and occasional jobs.¹⁴ Another legal gap/ambiguity concerns contracts for specific tasks, of which 1,724 were concluded since the announcement of the elections. However, it is our opinion that a contract for specific tasks, which does not represent an employment but rather an obligatory-legal relationship, cannot be covered by the systematization act of any organ. Thus, it should not be concluded during the period envisaged by the aforementioned Article 44 of the Law. In other words, entering into contracts for specific tasks during the elections constitutes a direct violation of this legal norm. A similar ambiguity relates to contracts for temporary and occasional jobs. Article 44, as previously mentioned, allows the conclusion of this type of contract during the elections only if such jobs are specified in the systematization act. However, the Labor Law, in Article 200, prescribes that a contract for temporary and occasional jobs can only be concluded as a separate type of contract for jobs not specified in the internal organization of job positions. Here, we clearly have a collision between Article 44 of the Law on the Financing of Political Subjects and Election Campaigns and Article 200 of the Labor Law, which is subsidiarily applied to the rights, obligations, and responsibilities of state officials. The APC report indicates that 140 contracts for temporary and occasional jobs were concluded, representing the utilization of legal imprecisions in this regard.

The data indicates that 97.52% of all employments occurred during the first round of voting, while only 2.48% followed afterward. It is worth noting that the two main candidates who entered the second round, Milo Đukanović and Jakov Milatović, belonged to parties with limited influence at the national level. Furthermore, their parties have considerably less influence at the local level compared to some other parties that participated in the first round. This trend strongly suggests that the motivation behind many of these employments was to strengthen support for candidates who ultimately did not advance to the second round.

Graph 1: Employment contracts on a weekly basis - First round of presidential elections



¹⁴ See more: https://www.antikorupcija.me/media/documents/Izvje%C5%A1taj_o_sprovedenom_nadzoru-Predsjed-ni%C4%8Dki_izbori_2023_1.pdf

Graph 2: Employment contracts on a weekly basis - Second round of presidential elections

CeMI notes that a significant deficiency in employment during the election campaign is the lack of reference activities for the entire year. If the legal obligation is to keep such records only during the election period, there is no overview of similar activities during the non-election period, thereby preventing an overview of the pace of employment outside the electoral process. During the election campaign for the presidential elections, according to the report of the APC, one-time financial aid of 334,949.79 EUR was allocated (723 individuals) from the current budget reserve. In addition, ministries and municipalities submitted a total of 915 decisions to the APC, based on which funds in the amount of 1,133,684.73 EUR were paid from the current budget reserve.

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Although the disbursement of one-time financial aid was formally legal, the way it was legalized represents a kind of abuse of state resources. This was possible because the decision of the Public Health Institute on the COVID-19 pandemic was still in force. According to Article 40 of the Law on Financing Political Entities and Election Campaigns, the disbursement of one-time aid during the election period is not prohibited in the case of some exceptional circumstances, including a pandemic. In this context, it is important to note that COVID-19 has not been a problem in Montenegro for over a year. Moreover, the last measures to combat the pandemic were in effect from June 30 to August 12, 2022, and even the Government of Montenegro's website for responding to COVID (covidodgovor.me) is no longer active. Without any active measures, it is difficult to justify maintaining the status of a pandemic.

A. TRADITIONAL MEDIA

The national broadcaster in Montenegro is Radio Television of Montenegro (RTCG), which has a public service mandate and broadcasts television and radio programs throughout the country. During election cycles, RTCG has a special role as it is mandated by law to ensure impartial and independent reporting on political candidates, provide free airtime, and organize election debates. Throughout the election campaign, various media channels disseminated information about presidential candidates and their programs. There were criticisms that some media outlets showed bias towards certain political candidates. Overall, it is possible that some perspectives were limited, but there were also media outlets striving to ensure independent and objective coverage of the election campaign.

As expected, the campaign for the 2023 presidential elections took place in both traditional and online/digital media. Candidates relied on various communication channels to reach different parts of the audience, including television, radio, newspapers, social media, online portals, and other digital channels.

The Agency for Electronic Media (AEM) took a proactive approach and published a preliminary media monitoring report showing the representation of individual candidates in the media, making the report available to the public. However, this alone is not sufficient to ensure equal representation of all candidates. This is because existing legal regulations prevent relevant institutions, including AEM, from reacting promptly and sanctioning those who violate the law. One example is the decision of several Montenegrin television stations to participate in providing services to presidential candidates without previously adopted regulations, contrary to the law. In this regard, two television stations, Srpska TV and Jadran, were particularly prominent.

During the electoral process, a dispersion of disinformation and spin news was observed, representing part of the strategy of political candidates and their parties participating in the elections. It can be said that these actions created additional tension and polarization among voters, contributing to an atmosphere of mistrust. Additionally, misinformation could have influenced undecided voters, who might have been confused and uncertain in their choice, and some of them may have ultimately decided not to participate in the elections. However, it is important to note that the results of the first round of elections were relatively clear. This indicates that misinformation and spin did not significantly alter the electoral outcome, but they certainly contributed to the creation of an atmosphere of mistrust and polarization.

Throughout previous electoral cycles, non-governmental organizations and international institutions have expressed concerns about biased reporting in electronic and print media in favour of certain parties and candidates. This concern persists during the current electoral process. There has also been concern about inadequate coverage of new candidates, leading to their marginalization and reduced visibility.

The organization of debates and other media appearances during election campaigns is regulated by the Law on Electronic Media and other regulations. According to these legal

provisions, media outlets are obliged to ensure the right of all candidates to express their political programs and to provide equal access to the media for all participants in the electoral process. During the campaign, RTCG was supposed to organize two election debates. The first debate involved all candidates except Mr. Radulović. The second debate was cancelled by RTCG because the candidates refused to participate in the alternative format offered by RTCG. This decision was made after Mr. Đukanović and Mr. Mandić chose not to participate because they had already pre-recorded a debate that was broadcast on two private TV channels at the same time as the debate on RTCG. In addition to organized debates, some media outlets organized various discussions and interviews with candidates during the campaign.

In that regard, media should provide an opportunity for all candidates to participate in debates and other media appearances to ensure equal conditions for presenting their views and programs. However, not all candidates had equal opportunities to participate in these debates, and it is a question whether the media respected the legal provisions on equal access and impartiality in their reporting.

B. ONLINE MEDIA AND SOCIAL MEDIA

In the past, traditional media dominated political campaigns in Montenegro, with TV and radio being key channels for transmitting information about political parties and candidates. However, digital media and social networks have become increasingly significant for political campaigns in Montenegro, especially among younger audiences. According to DataReportal for January 2023, Montenegro had 562,700 internet users (almost 90% of the population) and 472,000 social media users (75.4%). Online media have become more 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 for news dissemination and discussions during this electoral process.

The electoral silence began at midnight on March 18 and lasted until the closure of polling stations. During this period, the number of posts published by political candidates/parties on Facebook was 74. Individually, candidate Jovan Radulović had 11 posts, Milo Đukanović 4, the Democratic Front 20, Aleksa Bečić 22, Draginja Vuksanović 6, Jakov Milatović 1, and Ujedinjena Crna Gora 10. These posts received a total of 79,798 Facebook interactions, with 44,529 interactions on posts by candidate Jovan Radulović and 11,163 interactions on Democratic Front's page. The data indicates that all candidates and their parties were active on the Facebook platform during the electoral silence period, engaging in self-presentation through social media communication. They primarily communicated through photos (44%), videos (46.7%), and Facebook Live (9.3%).

When it comes to political campaigns on social media, there was significant activity from political candidates and parties, increasing steadily since February 1. Regarding presidential candidates on Facebook, Jovan Radulović had the highest number of followers (142,701), followed by the Democratic Front (99,861), Milo Đukanović (86,801), Aleksa Bečić (84,898), Draginja Vuksanović Stanković (30,049), Jakov Milatović (13,671), and Ujedinjena Crna Gora (11,382).

Between February 1 and March 20, political candidates published 1,133 pieces of content, resulting in a total of 1.47 million interactions on the Facebook platform. Interestingly, 1.15 million, or 78% of the total interactions in this period, were generated by only four candidates: Jovan Radulović, Milo Đukanović, Draginja Vuksanović Stanković, and Jakov Milatović. During the same period, despite this, the most active pages on Facebook were those of the Democratic Front and Aleksa Bečić. Specifically, Jovan Radulović averaged 3 posts per day, Milo Đukanović

3, Aleksa Bečić 4, the Democratic Front 6, Draginja Vuksanović Stanković 3, Jakov Milatović 2, and Ujedinjena Crna Gora 2.

During the pre-election campaign for the local elections in Nikšić in 2021, CeMI identified the existence of 18 meme pages that shared political content and were directly connected to portals with questionable credibility. CeMI observed that the percentage of published posts on these pages was much lower after the local elections in Nikšić. A higher level of activity and promptness in meme pages is noticed in the period just before the elections. During the period from February 1 to March 20, 2023, the same meme pages published a total of 377 pieces of content and generated a total of 32,770 interactions.

From March 20 to 28, 2023, the Digital Forensic Centre (DFC) conducted monitoring of posts about presidential candidates on portals and Facebook to determine their representation, the tone of reporting, key themes in articles, and their reach on social media. Six Montenegrin portals (Adria, Borba, CdM, IN4S, RTCG, and Vijesti) registered 661 posts mentioning candidates for the second round of the presidential elections on April 2, 2023.¹⁵

As the second round of the elections approached, the trend of negative posts about presidential candidate Milo Đukanović continued. Out of a total of 610 posts on portals, 371 were negative, 138 were neutral, and 101 were positive in tone. Regarding presidential candidate Jakov Milatović, there were 521 posts on all six analysed portals. The majority were positive (267), followed by neutral (160), and negative posts (94). The most prevalent themes in the posts on portals included presidential elections and campaigns, Jakov Milatović's victory, the collapse and defeat of DPS, the regime, minorities and the diaspora, crime and corruption, among others. The monitoring of Facebook pages revealed that some political parties or their candidates started the campaign for the second round of the presidential elections through their Facebook pages the day after the first round, on March 20, 2023. Examples include Milo Đukanović, who entered the second round, and the Movement for Europe Now, whose candidate Jakov Milatović also advanced to the second round. Their initial activities were confirmed by the publication of videos addressing the public and mentioning the second round of the elections.

The misuse of social media was also evident in two ways: (1) during the electoral silence; (2) through the use of paid content. According to the Regulation on the 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 indicates that both candidates were active on the Facebook platform during the electoral silence period, engaging in self-presentation through social media communication. During this period, the number of posts 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 recorded for these posts, with 77.8% coming from Milo Đukanović's page (20,529 interactions).

Additionally, other political parties and candidates from the first round were active during the electoral silence, with the following individual contributions: Jovan Radulović 9 posts, Democratic Front 4, Aleksa Bečić 6, URA Civic Movement 5, Draginja Vuksanović Stanković 1, and United Montenegro 2. They primarily communicated through video content (70.07%), photos (26.01%), and Facebook Live (3.72%).

15 https://dfcme.me/wp-content/uploads/IzboriPodLupom_2.pdf

Between the first and second rounds, the analysis revealed that political parties and their candidates had a total of 250 posts on Facebook. Individual contributions were as follows: URA Civic Movement 60, Milo Đukanović 53, Jovan Radulović 39, Democratic Front 37, Jakov Milatović 33, United Montenegro 7, Draginja Vuksanović Stanković 3. The total number of interactions on these posts was 360,361, with Milo Đukanović receiving 99,803 interactions and Jakov Milatović receiving 82,556 interactions. Parties primarily communicated through videos (55.20%) and photos (37.60%).

In the days leading up to the second round (March 27, 2023, to April 2, 2023), CeMI determined the amount of money presidential candidates spent on advertising on Facebook. The analysis showed that presidential candidate Jakov Milatović from the Europe List spent slightly more money on advertising – 1,154 euros, while presidential candidate from the DPS, Milo Đukanović, spent 1,014 euros for the same purpose.

Another noticeable aspect during this electoral process was the presence of three meme pages (Don't be part of that crazy movement – 5,300 followers; Splačinijada 2022 – 7,710 followers; Unpleasant/Unlimited Power/Psalm 118 – 2,100 followers). These pages, through predominantly satirical content, mocked and created a negative image of certain candidates. This can lead to the spread of disinformation, creating a false image of the candidates, ultimately influencing citizens' decisions on whom to vote for in the elections.

COMPLAINTS AND APPEALS **XII**

The provisions of the Law on Election of Councillors and MPs, which, among other things, relate to the protection of the right to vote, are accordingly applied to the election of the President of Montenegro. According to the Law on Election of Councillors and MPs, Article 107 prescribes a procedural possibility for the protection of the right to vote, whereby every voter, candidate, and submitter of an electoral list has the right to file an objection with the competent election commission due to a violation of the right to vote during the election. The objection is submitted to the competent election commission within 72 hours from the time when the decision was made, or the action was taken.

Furthermore, Article 110 of the law provides that an objection to the decision of the MEC rejecting or dismissing the objection can be filed with the SEC. As a final legal remedy, decisions of the SEC can be appealed to the Constitutional Court of Montenegro. Authorities responsible for conducting elections are obligated to inform voters during the electoral process about their voting rights and the means of protecting those rights.

In addition, every citizen has the constitutional right to initiate proceedings to assess the constitutionality and legality, both in terms of the conformity of laws with the Constitution and confirmed and published international treaties, and the conformity of other regulations and general acts with the Constitution and the law.

After the SEC issued a decision on February 18 not to approve the candidacy of Miloško Spajić, he chose not to exercise the right to file a constitutional complaint, most likely for practical reasons related to the fact that the Constitutional Court did not have a quorum to make decisions at that time. Filing a constitutional complaint at that moment would have prevented the “Evropa sad” movement from proposing another candidate until the Constitutional Court decided on the appeal.¹⁶ Despite not filing a constitutional complaint, the decision of the SEC did not go without a response. Miloško Spajić, the President of the “Evropa sad” movement, filed a lawsuit against the state of Montenegro, i.e., the SEC, alleging a violation of voting rights and discrimination.¹⁷

Before the election day, the SEC received five complaints, of which it dismissed four as being outside its jurisdiction and rejected one. After the second round of voting, no objections were raised, allowing the SEC to declare the final results within the legal timeframe.

¹⁶ According to Article 4 of the Law on Election of the President of Montenegro, a political party or a group of citizens may propose only one candidate.

¹⁷ <https://mina.news/glavna/spajic-tuzio-dik-zbog-povrede-birackog-prava-i-diskriminacije/>

XIII ELECTION DAY

THE FIRST ROUND OF ELECTIONS

On the election day during the first round of the presidential elections, monitoring was carried out through four groups of activities:

1. **Monitoring the implementation of election procedures at polling stations** – opening, voting, closing of polling stations, and vote counting. Continuous communication between observers, operators, and the legal centre was maintained to gather data on voter turnout and irregularities during the election day.
2. **Partial parallel vote tabulation (PPVT) on a representative sample of 400 polling stations.** Based on this, the Centre for Monitoring and Research (CeMI) announced the first forecasts of results and allocation of mandates at the national and local levels;
3. **Monitoring the work of Municipal Election Commissions and the State Election Commission;**
4. **Media and public relations.** Information on voter turnout and irregularities during the election day was communicated through eight regular press conferences, while data on result estimates were presented in three conferences held after the closure of polling stations. All conferences were broadcast live, and a total of 22 media outlets, 4 television stations, and 70 journalists reported on our findings. The results were simultaneously available on CeMI's social media platforms and website.

CeMI has established the "Fair Elections" service for monitoring irregularities in the electoral process, primarily allowing observers, as well as citizens and voters, to report irregularities and violations of electoral rights in real-time directly to CeMI's Legal Team. At the same time, voters were able to receive free legal assistance and advice during the election day through the same services, determining whether their electoral rights were violated in specific situations and how they could protect their rights. Throughout the entire election day, citizens had access to the Android and iOS applications, a web portal, and two open lines for direct communication with CeMI's Legal Team.

Regarding voter turnout in the first round of elections, CeMI informed citizens at intervals of 9:00 am, 11:00 am, 13:00 pm, 17:00 pm, and 19:00 pm. Through the "Fair Elections" services, CeMI's Legal Team received 150 reports of irregularities. Simultaneously, while processing the received irregularities, CeMI's Legal Team made the most characteristic ones available to the Montenegrin public through the web portal and the "Fair Elections" application, contributing to the transparency of the electoral process and highlighting common irregularities and violations of rights. This was aimed at helping citizens recognize future violations and report any irregularities. The number of submitted reports indicates that the availability of the "Fair Elections" service and real-time publication encouraged citizens/voters to freely report possible irregularities and violations of rights.

Election day was marked by numerous irregularities that appeared in a similar form at a relatively large number of polling stations. In most cases, these irregularities were a result of the lack of training of the electoral boards, but ultimately did not question the regularity of the elections.

According to the observations from CeMI's observers directly at the polling stations, obtained through standardized questionnaires about the organization of election day and the conduct of the voting procedure, the following assessments can be made:

The process of opening polling stations was evaluated by observers with an excellent or very good rating in 92% of cases, while it was rated as poor or very poor in 2.4% of cases. The average rating is 4.6.

The voting process was evaluated by observers with an excellent or very good rating in 90% of cases, while it was rated as poor or very poor in 3.3% of cases. The average rating is 4.5.

Observers evaluated the procedure of closing polling stations and counting votes with an excellent or very good rating in 92% of cases, while it was rated as poor or very poor in 3% of cases. The average rating is 4.6.

According to field data, on at least 13.3% of polling stations, there was no material in Braille, while 27.5% of polling stations were estimated by observers to be inaccessible for people with disabilities. Among the members of the electoral boards, men served as presidents of the electoral boards at 73.7% of polling stations, while women held that position at 26.3% of polling stations. CeMI's observers encountered a positive reception, professional communication, and cooperation with the members of the electoral boards.

Problems with exercising the right to vote were recorded at 31.8% of polling stations, primarily due to the fact that the voter was not registered on the voter list at that polling station. Issues with electronic voter identification were observed at 6.8% of the observed locations. Group voting was noticed at 29.4% of places. Someone from the electoral board or observer used a mobile phone at 17.5% of polling stations. Someone kept a record of the names of voters who had voted at 20.5% of places. Additionally, in 2.3% of cases, there were voters waiting outside the polling station at 8:00 pm, and 57% of these voters were unable to exercise their voting rights. Ballots signed by voters were observed at 7.3% of polling stations, and at 26.2% of locations, ballots were marked in any other way by voters (triangles, squares, double circles, different colours, etc.). The majority of these ballots were declared invalid at most polling stations.

Graph 3: CeMI's estimates of voter turnout – First round of presidential elections

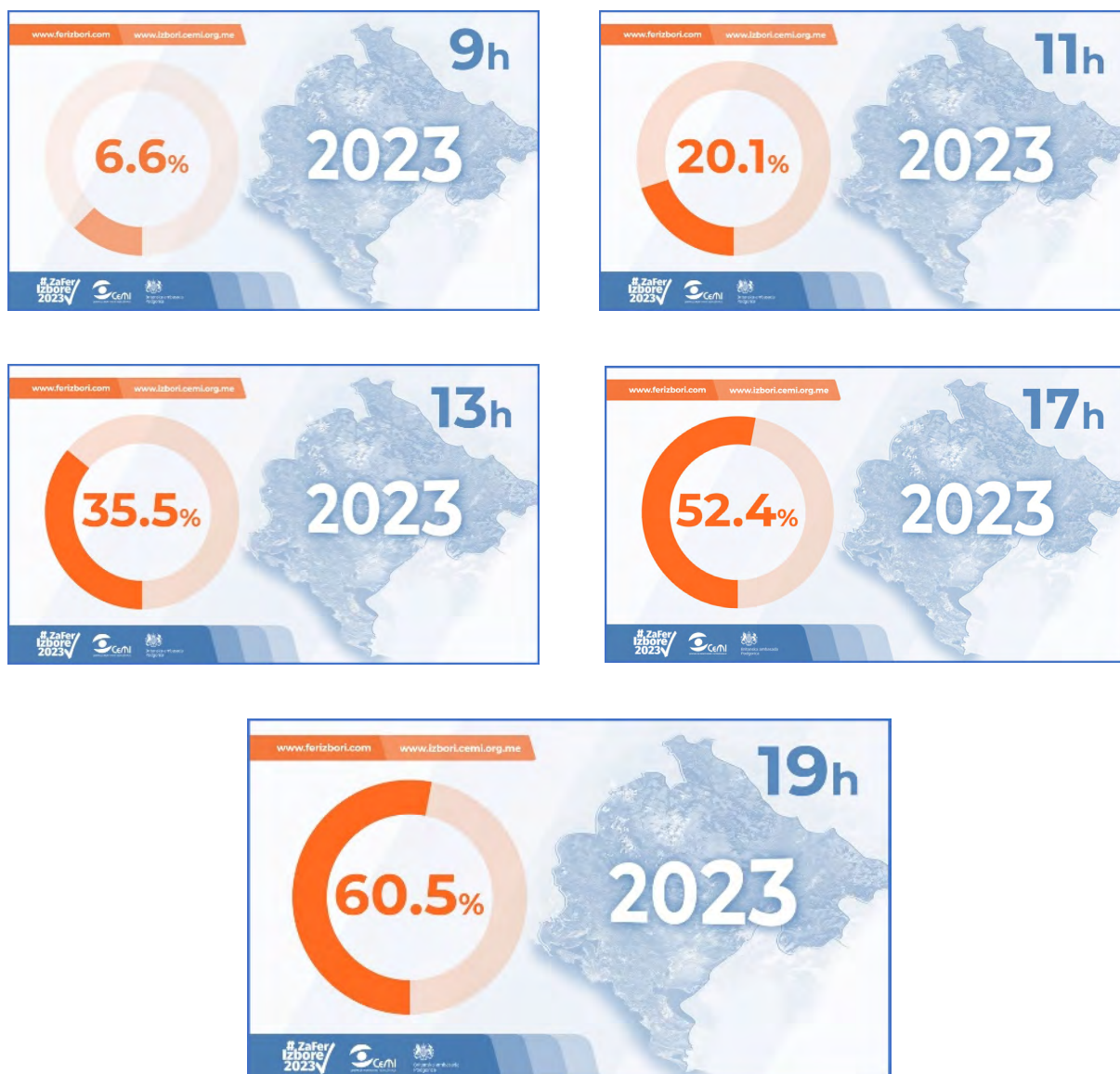


Photo 1: CeMI's estimates of results – First round of presidential elections



THE SECOND ROUND OF ELECTIONS

Monitoring election day during the second round of presidential elections was carried out through four groups of activities:

1. **Monitoring the implementation of electoral procedures at polling stations** – opening, voting, closing of polling stations, and vote counting, along with continuous communication between observers, operators, and the legal centre to collect data on voter turnout and irregularities throughout the election day;
2. **Partially parallel vote tabulation (PPVT) on a representative sample of 600 polling stations**, based on which CeMI announced the initial projections of results and the allocation of mandates at the national and local levels;
3. **Monitoring the work of the State Election Commission;**
4. **Media and public relations.** Data on voter turnout, irregularities during the election day, and results were communicated through the website – izbori.cemi.org.me, social media, numerous television channels, and internet portals.

CeMI informed citizens on voter turnout at the following times: 9:00 am, 11:00 am, 1:00 pm, 3:00 pm, 5:00 pm, and 7:00 pm.

On election night, after the closing of polling stations, CeMI held three press conferences presenting voting trends and projections of election results. The press conferences took place at 8:20 pm, 8:45 pm, and 9:00 pm. The initial projections of results were made available to citizens just 20 minutes after the closure of polling stations.

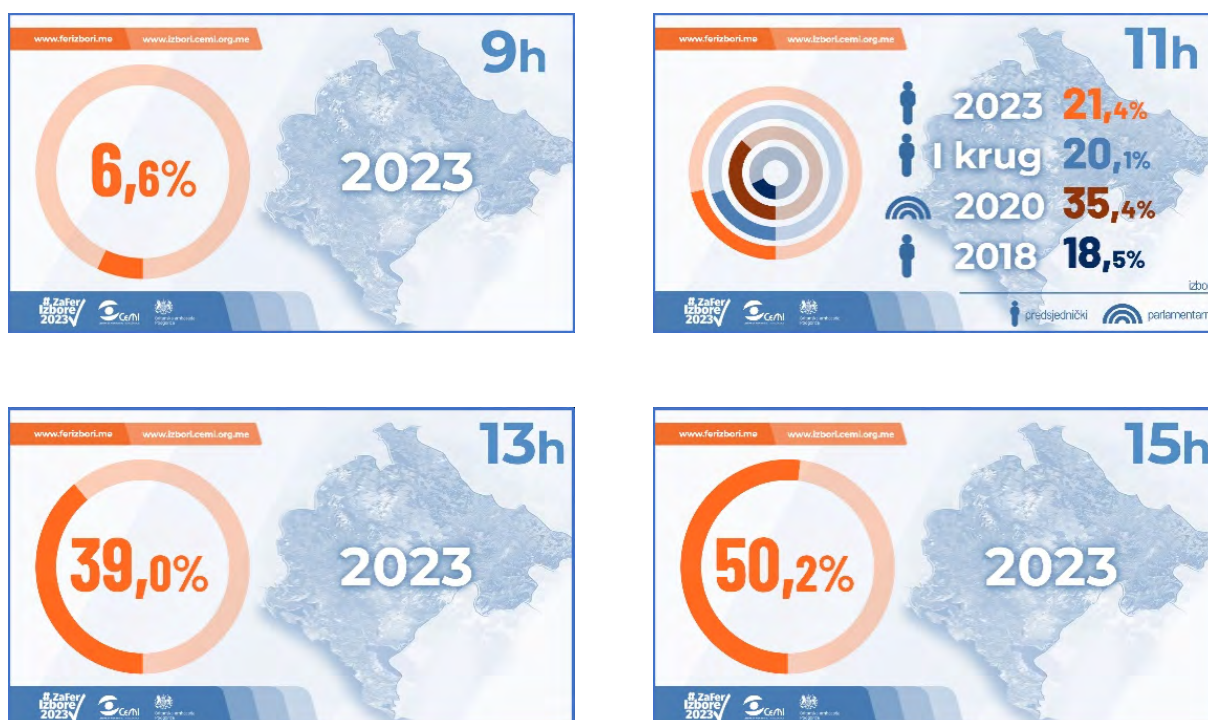
According to the findings of CeMI's observers directly at the polling stations, obtained based on standardized questionnaires about the organization of election day and the conduct of the voting procedure, the following assessments can be made:

- The process of opening polling stations was rated as excellent or very good by observers in 92.1% of cases, while it was rated as poor or very poor in 1.7% of cases. The average rating is 4.6.
- The voting process was evaluated by observers with an excellent or very good rating in 92.1% of cases, while it was rated as poor or very poor in 2.8% of cases. The average rating is 4.6.
- Observers rated the procedure of closing polling stations and counting votes 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 rating is 4.7.

According to field data, on at least 12.2% of locations, there was no material in Braille, while 23.2% of polling stations were estimated by observers to be inaccessible for people with disabilities. In the position of the president of the electoral boards, a man held the role at 76.8% of polling stations, while a woman held the position at 23.2% of polling stations. CeMI's observers encountered a positive reception, professional communication, and cooperation with the members of the electoral boards.

Issues with exercising the right to vote were recorded at 19.7% of polling stations, mainly due to the fact that the voter's name was not found in the extract from the voter list for that polling station. Some problems related to the functioning of electronic voter identification were noticed at 4.2% of observed locations. Group voting was observed at 35.7% of places. Someone from the electoral board or observer used a mobile phone at 16.4% of polling stations. Someone kept a record of the names of voters who had voted at 19.1% of places. Also, in 1.5% of cases, there were voters waiting outside the polling station at 8:00 pm. Ballots signed by voters were observed at 9.7% of polling stations, and at 26.9% of locations, ballots were marked in any other way by voters (triangles, squares, double circles, different colours, etc.). The majority of these ballots were declared invalid at most polling stations.

Graph 4: CeMI's estimates of voter turnout – Second round of presidential elections





XIV ANNOUNCEMENT OF ELECTION RESULTS FOR THE PRESIDENT OF MONTENEGRO

After the first round of the presidential elections, the SEC announced provisional results on March 20. Based on the decision of the SEC, it was determined that in the first round of the presidential elections, a total of 341,551 voters cast their votes. This included 331,712 voters at polling stations and 9,839 voters casting their votes outside polling stations, i.e., via mail.

Table 5: Voter turnout of the first round of voting in the presidential election

DATA FROM THE FIRST ROUND OF ELECTIONS FOR THE PRESIDENT OF MONTENEGRO	
Total voter turnout	341,551 voters
Total received	542,143 voting ballots
Total used	341,552 voting ballots
Total unused	200,546 voting ballots
Total invalid	3,169 voting ballots
Total valid	338,381 voting ballots

The results of the first round of presidential elections are presented in the table below.

Table 6: Results of the first round of voting in the presidential election

THE RESULTS OF THE FIRST ROUND OF THE PRESIDENTIAL ELECTIONS IN MONTENEGRO		
CANDIDATE	NUMBER OF VOTES	PERCENTAGE
Milo Đukanović	119,673	35,37%
Mr Jakov Milatović	97,858	28,92%
Andrija Mandić	65,386	19,32%
Jovan Radulović	2,574	0,76%
Goran Danilović	4,659	1,38%
Mr Aleksa Bečić	37,562	11,10%
Doc. dr Draginja Vuksanović Stanković	10,669	3,15%

The second round of elections took place on April 2, 2023.

Based on the results of the first round, the candidates participating in the second round were Milo Đukanović and Mr. Jakov Milatović. According to Article 15 of the Law on Election of the President of Montenegro, the SEC, in a session held on April 6, 2023, determined the final results of the presidential election. In accordance with the SEC's decision, based on the reports of MECs on the results of the second round of voting for the election of the President of Montenegro, a total of 380,281 voters participated in the second round of presidential elections. This included 368,290 voters at polling stations, while 11,991 voters cast their votes outside polling stations, i.e., via mail.

Table 7: Voter turnout of the second round of voting in the presidential election

THE DATA FROM THE SECOND ROUND OF THE PRESIDENTIAL ELECTIONS IN MONTENEGRO	
Total voter turnout	380.281 voters
Total received	542.154 voting ballots
Total used	380.281 voting ballots
Total unused	161.873 voting ballots
Total invalid	3.920 voting ballots
Total valid	376.361 voting ballots

The official results of the second round of the presidential elections are presented in the table below.

Table 8: Final results of the second round of voting in the presidential election

THE RESULTS OF THE SECOND ROUND OF THE PRESIDENTIAL ELECTIONS FOR MONTENEGRO		
CANDIDATE	NUMBER OF VOTES	PERCENTAGE
Milo Đukanović	154.769	41,12%
Mr Jakov Milatović	221.592	58,88 %

The newly elected president, Jakov Milatović, took office as the President of Montenegro on May 20, 2023.

XV INTERNATIONAL AND DOMESTIC OBSERVERS

On January 19, the SEC announced the schedule for conducting election activities, which stipulated that domestic non-governmental organizations interested in monitoring elections should submit an application to the SEC no later than five days before the election day. For the first round of presidential elections, this deadline was March 13 at midnight. However, the schedule did not prescribe the possibility of accrediting new observers in the case of the second round of presidential elections. Although it may initially appear as an oversight, by setting deadlines for conducting election activities in the case of the second round of presidential elections, the SEC could have been accused of interfering in the electoral process, as it would be a kind of prejudgment of the election result. From that perspective, the SEC cannot be criticized for not prescribing the possibility of accrediting observers in the case of the second round of elections in the schedule. This possibility is certainly derived from the Law on Election of Councillors and MPs.

In connection with this, as the SEC does not issue a new schedule of election activities specifying the rights of non-governmental organizations according to Article 111b in the case of the second round of voting, CeMI submitted a request to SEC for an opinion. In response to our letter, SEC stated that observers who are already accredited can observe the second round of voting. Additionally, organizations authorized to observe elections, both those that have already accredited observers and those that have not done so in the first round, can accredit new observers five days before the second round of elections.

A. INTERNATIONAL OBSERVERS

Accredited international observers, organized by organization/embassy and their respective numbers, based on official data from the SEC, are: ODIHR (EOM) (26), Parliamentary Assembly of the Council of Europe (25), Embassy of the United States of America in Montenegro (20), European Parliament (14), Parliamentary Assembly of the Mediterranean (13), Central Election Commission of Kosovo (8), Embassy of the United Kingdom in Montenegro (7), Embassy of the Kingdom of the Netherlands in Belgrade (3), and the International Foundation for Electoral Systems - IFES (3).

There is a significant reduction in the number of international observers compared to the presidential elections in 2018, primarily from OSCE/ODIHR.¹⁸

B. DOMESTIC OBSERVERS

The SEC has granted 1,821 accreditations to domestic observers. The accredited observers represent the following organizations: Centre for Monitoring and Research CeMI (1,367), Centre for Democratic Transition CDT (439), Association of Youth with Disabilities of Montenegro UMHCG (25), Women's Organization Feniks Berane (9), Centre for Civic Education (3), NGO "Network for Overall Progress" (1).

CeMI received seven threatening emails between the two rounds of elections. These threats were reported to the Police Administration. The competent prosecutor's office was informed about the threats, and it was stated that elements of the criminal offense of endangering security were present. The prosecutor's office ordered further activities to identify the perpetrator of the criminal offense. However, the perpetrator was not identified by the conclusion of the second round of the presidential elections. Due to the continuous threats, CeMI conducted 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 following an email suggesting the possibility of a bomb threat, but no explosive materials were found. Due to the received threats, the Police Administration provided protection and physical security for CeMI's team at two locations, allowing them to carry out all activities smoothly during the election day.

XVI CONCLUSIONS AND RECOMMENDATIONS

PRIORITY RECOMMENDATIONS

1. It is necessary to implement a comprehensive electoral reform that includes the adoption of new laws, including (1) the Law on Election of Councillors and MPs, as well as related laws, (2) the Law on Election of the President of Montenegro, (3) the Law on the Voters Register, and (3) the Law on the Financing of Political Entities and Election Campaigns. The reform should also involve amendments to a set of related laws: (4) the Law on Electronic Media, (5) the Law on Registers of Residence and Stay, and (6) the Law on the Prevention of Corruption. A comprehensive reform would address all contentious issues from this and previous electoral processes. Consideration should also be given to the codification of electoral laws.
2. Complete professionalization and depoliticization of the SEC and partial MEC - It is necessary to fully professionalize and depoliticize the composition of the SEC, consisting of 3 - 5 professionals (from the legal field), and to professionalize and depoliticize the position of the president of the MEC.

OTHER RECOMMENDATIONS

A. TO THE PARLIAMENT OF MONTENEGRO

3. Immediately initiate the process of comprehensive reform of electoral legislation, which should be transparent and inclusive, involving non-governmental organizations monitoring electoral processes and distinguished by their expertise in the field of the electoral system.
4. Due to limited spatial and technical capacities, the Secretariat of the Parliament of Montenegro should continue with the previously established good practice of providing support to the SEC in the context of conducting electoral processes.
5. It is necessary to introduce mandatory verification of the authenticity of support signatures by notaries to further discourage abuses that are repeated in all electoral processes. Also, introduce restrictions on the cost of this service to avoid it being a limiting factor for candidacy.
6. In accordance with international obligations undertaken by Montenegro, it is necessary to define the scope of the term "election monitoring" in the Law on Election of Councillors and MPs to ensure unobstructed access for both domestic and foreign observers to election materials, including support signatures.
7. Abolish the prohibition that a citizen can support only one candidate with their signature.
8. Prevent abuses during voting by establishing precise provisions regarding the conditions for a ballot to be valid, instead of the current insufficiently precise provisions about situations in which the ballot is considered invalid. These changes should prevent the compromising of the secrecy of the vote by marking the ballot with various geometric shapes, decorations, in combination with different colours.
9. It is necessary to regulate the election of members of the Election Commissions and PBs more precisely and unambiguously in the legal framework to ensure independence from political upheavals and decisions of the MECs or the SEC.
10. Amend the Law on Election of Councillors and MPs to comprehensively regulate all aspects

of the work of PBs.

11. Amend the Law on the Prevention of Corruption to empower the APC and enable it to conduct administrative investigations.
12. Amend the Law on Election of Councillors and MPs to regulate the behaviour and use of social media during the electoral silence period. To ensure full compliance with the principles of electoral silence, the law should specify that the responsibility for respecting electoral silence on social media lies with the political entities participating in the elections, rather than the social media platforms.
13. Amend the Law on the Financing of Political Entities and Election Campaigns to regulate the use of social media during campaigns.
14. Introduce strict penalties for individuals who fail to report a change of residence through amendments to the Law on Registers of Residence and Stay.

B. TO THE STATE ELECTION COMMISSION OF MONTENEGRO

15. The SEC of Montenegro, in the process of confirming presidential candidates, should respect the Constitution of Montenegro and the legally defined criteria and procedures according to which this process is conducted. The decision not to confirm the candidacy of one candidate during this election cycle sets a dangerous precedent and is an example of political decision-making within the SEC, prompting a reaction from the Constitutional Court regarding a possible violation of passive electoral rights.
16. The SEC should respect the rights of election observers and return to the practice that existed in previous election cycles by providing accredited observers with access to signatures of support for presidential candidates.
17. It is necessary to continuously organize training programs for members of the SEC, MEC, and polling station committees on conducting electoral processes, through practical workshops that review lessons learned from each electoral process. This will contribute to improving the performance of all levels of election administration in Montenegro.
18. The SEC must find an appropriate and effective mechanism for verifying the authenticity of support signatures, to avoid the abuses that have also accompanied this electoral process.
19. It is necessary to fully implement Article 18 of the new Rules of Procedure of the SEC and ensure live streaming of SEC sessions on the internet.
20. It is necessary to enable members of the Roma community to have electoral material in their language to ensure their full exercise of the right to vote.
21. Wearing accreditation is not a requirement in the Rules of Procedure of the polling station committees or in the Handbook for the training of polling station committees. To reduce the potential for misuse by unauthorized individuals, it is necessary to introduce this obligation into the sublegal acts of the SEC.
22. Emphasize to polling station committees the importance of working with the full complement to avoid situations where the polling station committee operates with four members instead of the required five, as stipulated by the Law on Election of Councillors and MPs.
23. Advocate for uniform practices among polling station committees regarding the treatment of individuals not recognized by the electronic identification device.

C. TO MUNICIPAL ELECTION COMMISSIONS

24. MECs should work to improve conditions at polling stations for people with disabilities (addressing obstacles or designating alternative polling stations) to prevent voting outside the designated polling place.
25. All MECs must ensure transparency in their work in a standardized manner. Some MECs did

not regularly update their websites during this election process, and it is necessary for them to enhance this aspect of their functioning for future election processes.

26. Work on maintaining the currency of existing websites of MECs with proactive actions and the publication of information crucial for the conduct of elections.
27. Standardize the practice of polling stations regarding the treatment of individuals not recognized by the electronic identification device.

D. TO THE CONSTITUTIONAL COURT OF MONTENEGRO

28. It is necessary to establish a practice of proactive action by the Constitutional Court in cases where, during the electoral process, electoral rights of candidates or potential candidates for the President of Montenegro are evidently violated by political decisions in electoral authorities. The Constitutional Court should protect the integrity of the electoral process from political decision-making in electoral bodies, especially decisions made by the SEC that affect the passive electoral right of a candidate for the President of Montenegro.

E. TO PROSECUTORS AND COURTS

29. Process reports of election rights infringement and misuse of support signatures more quickly and efficiently than in previous election processes.

F. TO THE MINISTRY OF INTERIOR

30. The Ministry of Interior should promptly initiate the establishment of a new voter registry for Montenegro, based on completely reliable information regarding the citizenship status of individuals meeting all the conditions for exercising voting rights in Montenegro. According to CeMI's findings, an inaccurate and outdated register of residence maintained by the MUP, partly resulting from imprecisely prescribed obligations for Montenegrin citizens to deregister their residence, has raised questions about the legality of diaspora voting (regional and international) in the second round of presidential elections. CeMI believes that the right of Montenegrin citizens to exercise their voting rights cannot be disputed due to administrative irregularities and the inability of competent institutions to timely fulfil all legally prescribed obligations.
31. It is necessary to consider new mechanisms for even better updating of the voter registry to minimize cases of voters being enrolled who do not meet the criteria. Alternatively, explore other models (even temporarily until the voter registry is regulated), such as an active voter registry or the introduction of mandatory voting, following the example of other countries.
32. Collaboration between the Ministry of Interior and the SEC during the electoral process must be improved.

G. TO THE AGENCY FOR PREVENTION OF CORRUPTION

33. A stronger proactivity is needed in controlling compliance with the Law on Financing Political Entities and Election Campaigns, through warnings and more objective and efficient filing of misdemeanour charges against political entities violating the law, to ensure transparency in this aspect of their work and inform citizens about the ways their campaign is funded.
34. Despite significant progress, it is necessary to improve the proactivity of the APC in terms of training law obligors.
35. Continued efforts are needed to enhance the PR strategy of the APC, contributing to transparency and proactivity in APC activities, and more effectively informing the interested

public. The use of creative audio-visual solutions (infographics, video stories, animations) during and outside the pre-election campaign period, related to key findings, would have a positive impact on the public image of the APC.

36. The APC should adopt new tactics for monitoring the abuse of state resources adapted to the online environment and work to enhance the capacity to collect evidence of the abuse of state resources using new technologies.

H. TO POLITICAL ENTITIES

37. We appeal to all political entities to reduce the general level of politicization of the electoral process and election administration bodies to increase the overall professionalism of the work of electoral bodies and restore citizens' trust in elections and electoral results.
38. Political entities should consider the general public interest and respect the norms of electoral legislation, rather than exploiting legal gaps and ambiguities for the personal interests of individuals or parties.

I. REGARDING THE MEDIA

39. The legal framework for the media needs to be improved to ensure equal and consistent treatment of all electoral subjects.
40. Protection against ownership concentration: To reduce the potential foreign influence that may contradict Montenegro's interests, laws preventing excessive foreign ownership concentration in the media should be enacted, preventing monopoly and ensuring pluralism of opinions.
41. Issues related to transparency of foreign ownership need to be regulated. Transparency in the ownership structure of the media can reduce the risk of hidden foreign political or economic interests.
42. Regulation of foreign ownership should be in line with international standards, placing restrictions on the maximum share of foreign ownership in domestic media.
43. Portals that function as media but are not registered accordingly should be subject to legal sanctions.
44. The Law on Election of Councillors and MPs should be amended to regulate behaviour and the use of social media during the election silence period.
45. State institutions should adopt a multiparty approach – a collaborative approach (with the private sector and NGOs) – and create legal and institutional mechanisms to protect internet users.

J. TO THE GOVERNMENT OF MONTENEGRO

46. The government should implement clear measures ensuring transparent and accountable disbursement of social benefits, regardless of the election period. During elections, an ad-hoc committee should be formed, including members of the opposition and civil sector, to ensure that social benefits will not be abused.

K. TO THE PUBLIC HEALTH INSTITUTE

47. The Public Health Institute should officially declare the end of the COVID-19 pandemic and revoke the decision that has kept the state of the pandemic in force, considering that current data no longer support its continuation. This measure will prevent potential manipulation of social benefits during elections by closing the legal loophole that currently legalizes such payments during the election period. In case of a resurgence in the number of infections, the Institute reserves the right to declare a pandemic status.

CORE TEAM OF THE OBSERVATION MISSION OF THE CENTRE FOR MONITORING AND RESEARCH

- 1. ANA NENEZIĆ** - Head of Mission
- 2. MAJA MILIKIĆ** - Deputy Head of Mission
- 3. IVANA VUJOVIĆ** - PVT Coordinator
- 4. VLADIMIR SIMONOVIĆ** - Election Administration Analyst and SEC Observer
- 5. MAJA BJELIĆ** - PR Coordinator
- 6. OGNJEN MITROVIĆ** - Legal Analyst
- 7. MILOŠ VUKANOVIĆ** - Analyst of Political Campaign Financing
- 8. VLADAN RADUNOVIĆ** - Coordinator of the Network of Observers

