

Preliminary Report

Local Elections, Podgorica, May 2014



CENTER FOR
DEMOCRATIC
TRANSITION



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From the beginning of March 2014, the Center for Democratic Transition (CDT) was implementing the project of election monitoring in Podgorica. The CDT was monitoring all aspects of electoral process – political party campaigns, electoral administration and the Election Day.

We present preliminary findings regarding electoral process quality, and more detailed data will be disclosed in the final report.

Pre-election period

KA key characteristic of the pre-electoral process is occurrence of shortcomings and irregularities in the new electoral legislation implementation.

The biggest shortcoming of the process, according to the CDT, is a delay in adoption of amendments to the Law on Election of Councilors and Representatives, which resulted in the election of the State Election Commission (SEC) members taking place after calling for elections, contrary to the internationally accepted standards referring to democratic elections. The Law was

violated since the SEC was not elected in a prescribed time frame. Thus, the new demanding tasks were delegated to the existing SEC, which lacked capacity to complete them, particularly in terms of the implementation of the Law on Financing of Political Parties.

Even with its good intention to restrict abuse of public property and functions for electoral purposes, the Law on Financing of Political Parties contains a number of technical faults. Moreover, the Law also has essential shortcomings, such as absolute prohibition of public officials' participation in the campaign (public officials are also members of parliament, councilors and ministers who were candidates on lists), as well as prescribing of obligations for the Ministry of Finance, which is outside the jurisdiction of this body and represents encroachment on the right to local self-government.

With the aim of enhancing trust in electoral process, the CDT signed with all parliamentary parties the Agreement on Code of Conduct for Political Parties Campaigning in the 2014 Local Election. In compliance with this Agreement, the parties committed to a range of democratic principles aimed at fair election implementation.



The CDT recorded several violations of the Agreement, through election monitoring and regular meetings with all signatories to the Agreement. Examples of unethical campaign on social networks, systematic destroying of election participants' propaganda material and insults addressed to political adversaries were noted. Also, we noted and criticized obstruction of political adversaries' campaigns, which culminated in the case of a physical assault on activists and representatives of the Coalition European Face of Podgorica.

However, the most severe violations that were recorded refer to the cases of the state, municipal and other public property abuse for political party promotion purposes.

Furthermore, this campaign saw many allegations and complaints regarding vote buying. The CDT is not able to verify the accuracy of these allegations and measure the size of the problem, but we appeal to the police and the Prosecution to do their job, to finalize all reported cases and inform the public about their outcomes. We also insist that the state authorities and public institutions provide an appropriate reaction to the examples of institution abuse for electoral purposes.

A prerequisite for implementation of free and fair elections and for building of public trust in electoral process is that all perpetrators of criminal offences regarding electoral rights and rules are penalized in compliance with the law.

With the aim of promotion of citizens' right to freely decide and vote according to their own conviction in elections, we launched the campaign "Vote Freely", in cooperation with the Civic Alliance. This campaign video was broadcast free of charge on four televisions with national coverage (TV Vijesti, TV Prva, TV Atlas and RTCG), and the campaign was also promoted on the Analitika, Vijesti, Pobjeda, CDM, RTCG portals and Antena M and SlobodnaEvropa radios. The campaign was supported by many public figures – politicians from all parties, candidates on lists for Podgorica elections,

journalists, musicians and other public figures. The campaign was intensively run on social networks, and photographs from the final event of over 120 citizens holding the "Vote Freely" sign were seen by almost 40.000 Facebook users.

Election Day

The CDT accredited 151 observers for the Election Day monitoring, out of which 120 were monitoring the voting procedure in polling stations. Among them, 96 observers were monitoring the voting and vote counting in a random representative sample of polling stations, chosen to make a truthful reflection of voter turnout and results of Podgorica elections. Apart from the observers stationed in the polling stations, our mobile teams additionally were patrolling around other polling stations, as well as their surrounding in order to make an insight into developments in the stations' vicinity.

Violations of the voting procedure we noted were not of equal importance, and they did not have the same impact on the final voting outcome.

According to the CDT, the biggest problem on the Election Day in Podgorica was the presence of political party activists in a vicinity of 18 polling stations. In most cases, party activists were only making notes about voters who voted, but in several polling stations there were records of exercising influence and even putting pressure on voters.

The Article 71a of the Law on Election of Councilors and Representatives prohibits the members of polling boards and individuals who monitor the work of election administration bodies any kind of records at the polling station on voters who have voted as well as to use copies of the voters register or any other auxiliary records on voters. The State Election Commissions prescribe that, according to the rules on polling stations, a polling station is a building in which a voting process is performed as well as a yard of a building where a polling station is placed.

GLASAM

SLOBODNO!



According to the CDT the party activists' presence alone in a vicinity of polling stations may be seen as a type of pressure on voters. Political parties had enough time to contact their voters and present them their political offer during the electoral campaign. The Election Day is a day when electors should be allowed to vote freely, away from campaign, influence and pressure. The CDT will propose to the Parliament of Montenegro amendments to the Law on Election of Councilors and Representatives, which would strictly forbid any type of political party activities and presence in a vicinity of polling stations.

Polling station and its surrounding

At the near beginning of the Election Day, the CDT's observers had problems entering several polling stations in Podgorica. The problem is solved in communication with the Capital City Election Commission (CCEC).

In five polling stations, our observers were not allowed to take any type of notes, most part of the day. After the official announcement of the CCEC in the afternoon, the observers were allowed to take notes during the procedure of vote counting.

- In five polling stations, in their immediate vicinity, less than 100 m away, there was political parties' promotion material, which is contrary to the law.
- In two polling stations, ballot screens were not regularly placed so that they guarantee the voting secrecy.
- 48 polling stations within the sample were not accessible to wheelchair users.
- In eight polling stations ballot patterns were not provided, which is contrary to the law.
- Most polling board members and the CDT's observers were satisfied with the ballot paper quality, since now 120 gr printing paper is used, in compliance with the new amendments to the Law. However, in 15 polling stations, our observers and polling board members noted cases of transparent ballot papers making it possible for others to see how an individual voted.

Voting procedure

During the voting procedure implementation, most irregularities that were recorded referred to the records

on voters who voted and violation of voting secrecy principles.

- In two polling stations, polling boards were not regularly placed.
- In five polling stations our observers noted several cases of irregular control of presence of ink-spray with ultra-violet lamp. In three polling stations there were few cases when voters weren't sprayed with invisible ink-spray.
- In 11 polling stations, our observers noted polling board members saying voters' names out loud, which is contrary to the Law. In two polling stations board members and authorized party members kept records on voters' identity.
- In 14 polling stations several cases of compromised secrecy of voting were recorded. In most cases these ballots were annulled in compliance with the procedure, but on the other hand, our observers witnessed lack of ballot annulment or different errors in annulment procedure in three polling stations.
- In two polling stations cases of intimidation of voters and observers were noted.
- In five polling stations shorter polling interruption-stook place.
- In 11 polling stations our observers noted that several voters received unnecessary assistance in voting.
- In three polling stations we noted several cases of requests for homebound voting not being signed personally by a voter.
- In seven polling stations the CDT's observers noted that invisible ink (spray) which was used was past the expiration date. However, according to our observers, in all of mentioned cases polling board tested and confirmed validity of spray.

Vote count and determining of election results

The fewest irregularities took place in implementation of vote count procedure and there were no problems in most polling stations in this part of electoral process, the CDT's observers noted.

- In five polling stations the voting was prolonged until after 20:00h.

- In 11 polling stations, in the moment of closing, voters who were found there in that moment were enabled to vote in compliance with the Law.
- In 2 polling stations, during the vote count, there were cases where ballots were unjustifiably proclaimed invalid.
- In only one station comprised with the sample, there were problems in making a Record.

Control over election results

In Podgorica elections, the CDT conducted parallel vote tabulation (PVT) on a representative sample of polling stations, in order to implement a control over election results' accuracy, and prevent announcement of inaccurate and unverified results by political parties.

We reported information on voter turnout at 9:00, 11:00, 12:00, 14:00, 15:00, 16:00, 17:00, 18:00, 19:00, as well as the final turnout at 20:00h.

After closing of polling stations, the CDT disclosed projections of results of the Capital elections based on 70 % of processed data, which were followed by projections based on 88 and 100 %.

At 21:30h, an hour and a half after polling station closing, we reported to the public that, based on processed data of 70% of polling station sample, not a single political party or a coalition won an absolute majority in Podgorica. Prior to our announcement, the Democratic Party of Socialists (DPS) proclaimed their absolute victory. By announcing its projection, the CDT confuted the DPS very efficiently, and thus prevented the last year's scenario of presidential elections when both candidates proclaimed their victory. In this way, the CDT had a key role in reducing tensions between opposite political blocks, but also in enhancing public trust in electoral results.

At 21:55h we announced the results based on processed data of 88% of polling station sample, after confirming the previous information that no one won an absolute authority, and made the first projections of seats won. According to our projection, the Coalition for European Podgorica won 28 seats, the Democratic Front (DF) won 17 seats, the Socialist People's Party won 9 seats and the European Face of Podgorica 5 seats, while the Al-

banian Coalition did not enter the municipal assembly. At 00.25h, after waiting for the vote count in the last station in the sample, we announced our final assessment, confirmed previously stated, with a remark that the margin of error is the largest regarding the Coalition for European Podgorica - Milo Đukanović which gave it chances for winning 29 seats. In that case, SNP would win eight seats.

The CDT invited the Capital City Election Commission to count every ballot paper, and political parties to wait for the official election results. After announcement of the CCEC's preliminary results, our projections proved to be accurate. The Coalition for European Podgorica won 29 seats, the Democratic Front (DF) won 17 seats, the Socialist People's Party won 8 seats and the European Face of Podgorica 5 seats, while the Albanian Coalition did not enter the municipal assembly.

All information regarding the voting and election results were being disclosed on special web page¹, previously prepared for this purpose, which provided all the media and the public with the information at the same time and without discrimination. The web site recorded almost 40.000 reviews during the Election Day. Apart from that, we disclosed information through newscast, interviews and special shows on TV Vijesti, RTCG, Prva, Pink and Atlas.



¹ <http://www.cdtmn.org/index.php/home>