

## **ANALYSIS OF THE ELECTORAL SYSTEM FOR PRESIDENTIAL ELECTIONS IN THE REPUBLIC OF NORTH MACEDONIA: ADVANTAGES AND DISADVANTAGES**

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**Abstract:** The Constitution of North Macedonia (1991) determined the system of parliamentary democracy where the system of government is based on the division and balance between the three powers, the legislative, the executive, and the juridical. The three branches of power are separate, distinct, and independent of each other. Executive power is in the hands of the President and the Government.

The President is considered "neutral power" that is not involved in the political game, but stands above the parties and does not perform any active function in the realization and determination of political direction. From the protocol point of view, it is considered the highest state body, which is not subject to orders or control by other bodies; however, it is obliged to respect and protect the Constitution and laws. Its main role is the exercise of the unity of the people which is achieved through good decisions for the benefit of the citizen, neutrality towards political parties and ensuring the normal functioning of the constitutional system.

The legitimacy of the President is gained directly from the free vote of the citizens of the Republic of North Macedonia; however, his role is significantly smaller compared to countries with a presidential or semi-presidential system where the election of the President is done directly by the citizens.

This paper analyzes the current electoral system for presidential elections in North Macedonia. The two-round majority system favors the election of the president by the dominant community, avoiding the exercise of the function by other non-Macedonian ethnicities.

The research is divided into two planes: theoretical and practical. Descriptive, historical, comparative methods, as well as analysis of positive national legislation, are used for the needs of the paper. Primary data are taken from surveys conducted with some random citizens, which show attitudes and preferences regarding the presidential election.

The study highlights the advantages and disadvantages of the current electoral system for the election of the President and raises some questions about the possible reforms to enable approximation to European standards.

The study concludes with conclusions and suggestions that would contribute to the advancement of democracy in the country.

**Keywords:** President, North Macedonia, Presidential Elections, Constitution, Electoral Code.

### **1. INTRODUCTION**

This paper is structured in two parts: the first part includes an analysis of the constitutional and legal provisions through which the procedure for election of the President of the Republic of Northern Macedonia (hereinafter RNM) is regulated; while in the second part, the attitudes and preferences of the citizens for the election of the President of the Republic are summarized and analyzed.

The research hypotheses are: *The current system for electing the President favors the dominant community in the RMV.*

The research question is: *"Which electoral system for presidential elections should RMV aim for, what is right and what will work?"*

The institution of the President is considered a central figure of the political system, and his position depends on many factors, such as: state regulation, type of organization of power, manner of coming to power, responsibility, breadth of powers, and so on. In countries with a presidential political system, the president is directly elected by the citizens and has a stronger position and broader powers in the political direction of the country, while in a parliamentary political system, the President is elected by Parliament, and his powers are more ceremonial, formal and representative. RNM is part of the group of states with a parliamentary political system, however the constitutional model of organization of state power in the country cannot be defined as a pure parliamentary system. The Constitution has taken some elements from the presidential system and some elements from the parliamentary system. From the presidential system are taken the direct election of the president of the country, the suspensive veto on the laws brought by the assembly with a simple and absolute majority of votes from the deputies and the responsibility of the President for violating the Constitution and laws (impeachment). From the parliamentary system are taken the exercise of executive power by two bodies (the presidency and government) as well as the existence of cooperation between the legislature and the executive (Aziri, 2012: 240).

The first RNM president was elected in 1991, shortly after its secession from Yugoslavia. The president was elected by the assembly, through secret ballot. All subsequent presidential elections were general and direct elections in which the citizens voted with the right to vote as registered in the voters' list (Pankovski & Mladenovska, 2019: 19). Presidential elections are regulated by the Constitution and the 2006 Electoral Code<sup>98</sup>. The legal framework also includes the Law on Financing of Political Parties of 2004, the Law on Political Parties of 2004<sup>99</sup>, the Criminal Code of 1996<sup>100</sup>, the Law on Audio and Audiovisual Media Services of 2013<sup>101</sup>, the Law on Media of 2013, as well as the Directives of the State Election Commission.

According to the Constitution, the President is elected according to majority vote of the electoral system for two rounds, for a term of 5 years (Article 81). The act for the election of the new President is undertaken when the conditions are created for the termination of the mandate of the previous President. According to the Constitution, "... until the termination of office of the President may come in case of death, resignation or permanent inability to exercise office" (Article 82). The President is elected in the last 60 days of the previous President's term. In case of termination of the mandate due to the reasons defined by the Constitution, then the new President will be elected within 40 days from the day of termination of the mandate. (Article 81). According to the Electoral Code, "...the act for announcing the elections is taken by the President of the Assembly" (Article 12, Line 1). "...the act is submitted to the State Election Commission, the Ministry of Justice and the Ministry of Foreign Affairs" (Article 7, Paragraph 2), and is published in the "Official Gazette of the Republic of Macedonia" (Article 4). "From the day of announcing the elections to the day of holding the elections, no more than 90 days can pass, not less than 70 days" (Article 13). The elections are organized throughout the territory of the RNM and in the diplomatic-consular missions of the RMV in Europe and Africa, in North and South America, and in Australia and Asia, as an electoral unit according to the majority model (Article 4, Paragraph 1). The State Election Commission (hereinafter SEC), together with the Municipal Election Commissions, the Election Commission of the City of Skopje, the electoral councils for voting in the country and in the diplomatic and consular diplomatic missions of the RMV, are the electoral bodies in charge of conducting the presidential elections (Article 17). The voter register is administered by the SEC and includes about 1.8 million citizens of the RNM, who are at least 18 years old, possess valid identification documents, and have permanent residence in the RNM. Voting takes place in person at polling stations in the RNM and at consular offices (Article 107, Paragraph 1). Voting is a secret act and no one has the right to hold the voter accountable for voting, and to ask him/her to tell who he/she voted for, or why he/she did not vote. The right to vote is universal, equal, and inviolable. There is no discrimination in its implementation in relation to gender, race, skin color, national and social affiliation, political and religious beliefs, property and social status.

According to the Constitution, persons nominating candidates for President of the Republic must be citizens of the Republic of North Macedonia, at least 40 years old on election day, a resident of the Republic of North Macedonia for at least 10 years in the last 15 years, and not to have been previously elected twice to the office of President (Article 80). "The candidate for President must be nominated by at least 30 deputies or 10,000 voters registered in the Voters' List" (Article 81). Candidates confirmed by the SEC enjoy the right to organize pre-election rallies where they present their programs. The election campaign starts 20 days before the election day, while in the first and second round of voting it must not last 24 hours before the election day and on the election day itself (Article 69, Paragraph 3). The day before the first round and the second round of elections is a day of electoral silence, respectively a period when the election campaign must not take place. During the presidential elections, the public service broadcaster and broadcasters are obliged to provide information in an impartial, fair, and balanced manner, as well as to provide equal conditions for candidates to have access to all forms of electoral media representation - news, special informative programs (interviews, radio and television debates, confrontations, current news programs with documentary access and specialized thematic news programs), free political representation and paid political advertising (Article 75).

The Constitution states that the candidate who wins the majority of votes from the total number of voters registered in the Voters' List is elected President of the Republic. If in the first round none of the candidates for President of the Republic wins the necessary majority of votes, then within fourteen days the second election round is organized where voting is done for two candidates who in the first round have received the majority of votes. The candidate who receives the majority of votes from the voters who voted, if more than 40% of the voters have voted, is elected

<sup>98</sup>Electoral Code, "Official Gazette of RMV", No. 40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 54/11.

<sup>99</sup>Law on Political Parties, "Official Gazette of RMV", no. 07-4227 / 1, 2004.

<sup>100</sup>Criminal Law, "Official Gazette of the Republic of Macedonia" No. 80/99, No. 4/2002, No. 43/2003, No. 19/2004, No. 81/2005, No. 60/06, No. 73/06, No. 7/08, No. 139/08, No. 114/09, No. 51/11, No. 135/11, 185/11, No. 142/12, No. 166/12, No. 55/13, No. 82/13, No. 14/14, No. 27/14, number 28/14, number 115/14 and number 132/14.

<sup>101</sup>Law on Audio and Audiovisual Media Services, "Official Gazette of RMV" No. 247/18

President. If even in the run-off none of the candidates receives the required majority of votes, the whole voting procedure is repeated (Article 81).

The two-round majority electoral system has its advantages and disadvantages. As an advantage one can consider this of the system: it is easy to apply, requires an easy technique of organization and implementation starting from the drafting of ballots to the counting and announcement of the final results, and it enables the formation of political coalitions, so that in the second round (runoff) political parties support one of the two candidates for President. Despite the positive sides, this system also has negative sides, among which we can mention: the high cost of organizing and conducting costly elections in both rounds, the drastic decrease in the number of citizens who turn out to vote in the second round, the extension of the announcement of the final result, the "political bargains" between the political parties between the two rounds, and the impossibility of exercising the function of the President even by other nationalities living in RNM. According to the two-round majority system, there is no theoretical possibility for a candidate of other ethnicities in the RNM to gain the trust of the citizens to vote for him as President. It is difficult to elect the President of the Republic without the vote of Albanians. A democratic society must offer equal opportunities to citizens in all spheres of organization and social and human action, not only de jure, but also de facto.

## 2. MATERIALS AND METHODS

For the needs of the paper, methods were used: descriptive, comparative, statistical analysis of the Constitution and legal provisions. Primary data collection was performed with the help of a survey (structured type) which was answered by 300 (random) citizens of RNM with voting rights. Secondary data collection is accomplished through literature browsing. Literature includes: university texts in this field, dissertations, official documents (laws, committee reports, etc.), and internet. The research process, as well as the collection and processing of primary data, has consumed more time and is among the biggest challenges in carrying out the work.

## 3. RESULTS AND DISCUSSIONS

For the needs of the paper, a survey was conducted with 300 random citizens of different nationalities of RNM, citizens with the right to vote.<sup>102</sup> The survey includes a total of 18 questions, the first 7 questions are related to the socio-economic status of research participants as:

1. Nationality - Macedonians (67%), Albanians (31%), others (2%);
2. Residence - City (78%), village (22%)
3. Age - 18-30 (15%), 31-40 (30%), 41-50 (34%), over 51 (21%);
4. Marital status - Married (78%), unmarried (10%), divorced (12%);
5. Level of education - uneducated (2%), primary school (17%), bachelor (68%), master (12%), doctoral school (1%);
6. Employment - unemployed (68%), employed (32%);
7. Number of family members - one (12%), two (43%), three (32%), four or more (13%).

The other 11 questions asked in the poll are related to the attitude and preferences of citizens regarding the current electoral system for presidential elections.

*Table 1. Attitudes of the surveyed citizens regarding the questions posed in the survey*

Questions / Answers	Yes	No	I have no answer
Do the media provide enough information about the role, importance and competencies of the President of the state?	33%	51%	16%
Out of a total of 300 respondents, most of them, 153 respectively 51%, think that the media does not provide sufficient knowledge about the position, role, and competencies of the President of RNM; 98, respectively 33% of them, think that the media provide sufficient information in regarding the role and competencies of the President, while 49, respectively 16% of respondents, have no answer to the question posed.			
Do you go to the polls in every election cycle?	48%	34%	18%
Out of a total of 300 surveyed citizens, most of them, 143 or 48% participated in the elections in each electoral cycle in the presidential elections, 102 or 34% of the respondents, do not go to the polls in each electoral cycle,			

<sup>102</sup>The survey is of structured type, compiled in Albanian and Macedonian. The survey was distributed to the most frequented places by citizens in some cities of the RNM for the period from 17 February 2022 to 30 February 2022.

while 55 or 18% of respondents have no answer.			
Did you participate in the last presidential election?	43%	31%	26%
Out of a total of 300 surveyed citizens, most of them, 127 or 43%, state that they participated in the last presidential election, 94 or 31% did not participate in the last presidential election, while 79 respectively 26% of the respondents have no answer for the question posed.			
Are the promises made by the candidates during the presidential race feasible?	62%	22%	16 % %
Out of a total of 300 citizens surveyed, most of them, 186 or 62% think that the promises in the presidential elections are feasible, 66 or 22% think that the promises in the presidential elections are not feasible, while 48 or 16% of the respondents have no answer for the question posed.			
Are the promises made during the presidential elections being fulfilled?	26%	67%	7%
Out of a total of 300 citizens surveyed, most of them, 201 or 67% think that electoral promises are not fulfilled, 78 or 26% think that electoral promises are fulfilled, while 21 or 7% have no answer.			
Does the non-participation of citizens in voting enable the misuse of votes by political parties?	44%	20%	36%
Out of 300 surveyed citizens, most of the surveyed citizens, 134 or 44% state that the non-participation of citizens in the elections enables the misuse of votes by political parties in the country, 107 or 36% of respondents have no answer, while 59 of the respondents, respectively 20% of them, think that the votes of citizens who do not go to the polls are not abused.			
Is the non-participation of citizens in the presidential elections a consequence of dissatisfaction with the work of political parties?	43%	22%	35%
Most of the respondents, 128 respectively 43% of them, state that the non-participation of citizens in the presidential elections shows dissatisfaction with the work of political parties 105 or 35% of them, have no answer regarding the question, while 67 or 22% deny that the non-participation of citizens in the presidential election is a consequence of dissatisfaction with the work of political parties in the country.			
Would it be better for the president of RNM to elect a non-partisan person?	59%	23%	18%
Out of 300 citizens surveyed, most of them 178 respectively 59% believe that it would be better if the President of RMV would be a non-partisan person, 69 or 23%, do not prefer the President of the state to be a non-partisan person, while 53 respectively 18% of respondents have no answer regarding the question posed.			
Do the citizens of RMV vote on ethnic grounds?	53%	29%	18%
Most of the respondents, 161 or 53% think that in the presidential elections the citizens vote on ethnic basis, 53 or 29% of the respondents do not vote on ethnic basis, while 86 or 18% of the respondents have no answer.			
Do you think that the votes of the Albanians in the second round of the presidential elections appoint the President of the Republic of Northern Macedonia?	60%	24%	16%
Most of the surveyed citizens, 179 respectively 60% of them, claim that the votes of Albanians in the second round are crucial to determine the President of the RNM, 72 or 24% of respondents deny that the votes of Albanian citizens in the second round of presidential elections determine the President of the RNM, while 49 or 16% have no answer on this topic.			
Do you agree that the electoral system for the presidential election in the RNM should be changed?	48%	18%	34%
The majority of the surveyed citizens 143 respectively 48%, state that the electoral system should be changed in the RNM, 102 or 34% of the respondents do not have an answer to the question posed, while 55 or 18% of the respondents think that they should not change the electoral system for presidential elections.			

In this research we can single out some findings which derive from the survey:

-The data from the questionnaire show that the media in the RNM does not present or sufficiently analyze the role, importance, competencies, and basic challenges faced by the President of the State. As a result, a significant number of citizens do not have information about the role of the President defined in the Constitution and some other laws. However, recognizing the role and competencies of the President would help the citizens to form an opinion on the condition that he should perform the presidential duties.

-Non-participation or low turnout (especially in the second round of elections) proves citizens' dissatisfaction with the non-fulfillment of electoral promises. Although electoral promises are essentially achievable, in reality they often remain unfulfilled. The non-turnout of citizens makes it difficult to achieve the condition: the turnout of 40% of voters, which in turn causes a repeat of the presidential election, prolongation of the electoral process, and spending in both rounds of the electoral process.

-Respondents prefer that the function of President of the State be performed by a non-partisan person. However, the party political culture is not mature enough for a non-partisan, civic president. The party's influence on the president and his dependence on the parent party or the party that has dominated him is still strong, implying that the election of the President by the citizens has no bearing on his independence.

-The current electoral system favors the election of the President by the dominant community. Northern Macedonia as a multiethnic state offers opportunities for the Albanian community and other communities, although the barrier between the Macedonian and Albanian votes is not as strongly divided as before. However, a significant number of citizens vote on the basis of ethnicity, and as a result other non-Macedonian ethnicities are not given the opportunity to exercise the function of President. Given the fact that the ethnicity of the person who will be able to hold the post of President should not be important, we consider that the complexity of citizens to vote on ethnic grounds should be overcome, so it is preferable to choose a fair, efficient electoral model that will enable cross-party cooperation and eliminate party and ethnic blockages during the election of the President.

#### 4. CONCLUSIONS AND RECOMMENDATIONS

Based on the theoretical and empirical data of this study, we conclude that:

- The electoral system is a very important segment for the functioning of the political system, the legitimacy of power and the participation of citizens in the political life of a society. The current electoral system for the election of the President (the two-round majority electoral system) is easy to apply and requires an easy technique of organizing and implementing it. However, there are downsides as well: the high cost of spending on organizing and conducting elections in both rounds, the declining number of voters in the second round, which causes a repeat of the entire electoral procedure if the condition is not met *40% of voters go to the polls*, extension of the announcement of the final result, numerous political bargains between political parties, etc. In case of failure to elect the president in the second round, in order not to repeat the entire electoral procedure, it is suggested to remove the electoral threshold (40% of the electorate), in the second round, which means that in the second round the president should be elected the candidate who wins the most votes, regardless of how many voters will go to the polls. This paper further suggests:
  - Given the fact that Northern Macedonia is a multiethnic state, we consider it necessary that the constitutional and legal provisions provide for the post of Vice President and to establish the necessary mechanisms for that post to belong to non-Macedonian ethnicities at all costs instead. This would have a positive impact, further strengthening the institutions in the country, in terms of sharing responsibilities, and increasing transparency.
  - Stop the wrong mentality of dismissing and replacing the administrative staff of the Presidential Institution in almost every term. In addition to showing instability of administrative-institutional stability, it weakens the authority and impact of the figure of the President, being prejudiced in any case for the politicization of his constitutional role and duties.
  - Update of the voter list of 1.8 million voters. While the current reality proves the displacement and migration of thousands of citizens, such a vacuum could be a source of vote manipulation.
  - Avoidance of vote-buying practice and corruption by political clan.
  - Motivation of citizens to express a political opinion and to exercise the right to vote without any interference and informing them about the role, competencies and challenges faced by the candidate who will exercise the post of President of the Republic.

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