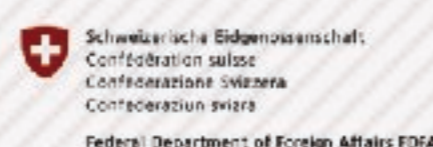




LOCAL ELECTIONS 2014

IMPLEMENTATION OF

THE ELECTORAL LAWS



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1. INTRODUCTION

For many years the Montenegrin political scene was tainted with the allegations of the misuse of state resources to election purposes, undue pressure of the governing structures on the free choice of voters, inaccurate voter registers, and law violations on the very election day. Nonetheless, the institutional practice in handling possible irregularities was very limited, given that political parties rarely filed complaints or instigated any procedures with the competent authorities.

In April 2013, session transcripts from the highest bodies of the governing party were published revealing many mechanisms of undue influence of the governing structures on the voters' choice through misappropriation of state resources.

Following the publication of the Tape Recording affair, in June 2013, under the pressure from the public and the European Union, a parliamentary working group was set up, composed of the representatives of all political parties and the nongovernmental sector, tasked with drafting amendments to election legislation. In February 2014, the Parliament adopted the amendments to the Political Party Funding Law and the Law on Election of Local Councillors and MPs, as well as the new Voter Register Law.

The application of the new Voter Register Law was postponed for 01 November 2014, together with some of the amended provisions of the Law on Election of Local Councillors and MPs concerning the new voter identification system. On the other hand, all the amended provisions of the Political Party Funding Law were in effect for the local elections in 12 municipalities held on 25 May. Immediately after the elections, most of the amended provisions were declared unconstitutional by the Constitutional Court ruling passed upon the initiative launched by the governing party; hence, a new working group was set to redraft the said law.

Aiming to increase public trust in the election process, build capacities of relevant bodies and develop institutional practices, MANS observed the implementation of all three election related laws on the occasion of the 2014 local elections, based on the experience gained through observation of a part of the process for parliamentary and presidential elections held in 2012 and 2013, respectively.

We collected official information from state authorities on budgetary appropriations pending the elections invoking the Free Access to Information Law, as well as the information received from citizens and insiders, we analysed spending patterns of different institutions and investigated into specific cases of possible irregularities that we reported to competent state authorities. We have also analysed several versions of voter registers used for the elections over the last five years; volunteers checked



possible irregularities in the field, based on which we made reports to competent state authorities.

We observed the process on the election day in Podgorica, as a pilot project, following the methodology developed based on the EU standards and with the assistance of several foreign experts. Over 550 MANS observers monitored the election practices at 199 polling stations designated for casting votes by over 90% of the electorate. Mobile voting and voting procedures in places of detention were observed for the first time. In cooperation with the Association of Young People with Disabilities, we observed the polling station accessibility for persons with disabilities to be able to exercise their rights. Finally, based on allegations of numerous irregularities noted by our observers, we lodged complaints with competent authorities, and our legal team monitored the actions taken as per the complaints.

The present publication is divided in three parts focusing on the implementation of election legislation. Part One deals with specific cases of misuse of state resources into election purposes. Part Two deals with the voter register irregularities and actions taken by relevant institutions in specific cases. Part Three addresses the irregularities at polling stations observed on the election day, actions taken by competent authorities upon complaints, and the information on pressures and attacks against observers.



2. EXECUTIVE SUMMARY

The official data and information provided by private individuals and election observers show that all three election-related laws were vastly violated during the elections held in 2014, and that competent institutions failed to properly address the reports of such irregularities. In order to increase the public trust in the election process, the legal framework and its actual implementation should be further improved, and the independence, professionalism and transparency of the election administration bodies further reinforced.

Political Party Funding Law – The documents available from state authorities and local governments point to a conclusion that before the local elections state resources were misappropriated to unduly influence the political choice of voters. The new Party Funding Law managed to partly limit such practices, primarily regarding social allowances and new recruitments on fixed-term contracts; however, pertinent provisions were put out of force by the Constitutional Court immediately after the local elections.

Just before the elections, the severance payments from the Labour Fund intensified, as well as compensation for damages sustained due to natural disasters of several years ago, and the Tape Recording affair showed that such funds were used for undue influence on voters' decisions.

Subsidies to farmers and state aid for municipalities where the elections were held were generously disbursed precisely during the election campaign. Through many existing, and some brand new forms of subsidizing, the state abundantly assisted farmers before the local elections. The state aid granted over that period mostly referred to loans to municipalities for infrastructure projects launched or opened on the eve of the elections, in the presence of the governing party candidates. In some cases, state authorities deferred tax obligations for municipalities, and some municipalities over the same period exempted businesses from payment of some charges. Despite the high level of debt, during the election campaign some municipalities took additional loans with commercial banks.

Awarding of social housing for vulnerable populations, such as pensioners and members of the RAE community, and the announcements of new housing projects also intensified before the elections, indicating that it is used as yet another tool for bribing the voters.



Specific cases lead to a conclusion that the governing party buys votes also by using the “emergency funds”, the sources of which are unknown to the public. A number of examples presented in the report regard the purchase of IDs by party activists to prevent citizens from casting their votes. In addition, the documentation seized by the opposition activists at the local headquarters of the governing party in Berane proves the provision of medication, construction materials, fire wood, building permits, payment of electricity bills, scholarships and remuneration of travel expenditures for voters. However, none of these expenses were stated in the financial reports of the governing party.

The State Election Commission failed to conduct inquiries envisaged by the new law, and has not established any single instance of the law violation, despite numerous reports. The State Prosecution Office failed to proactively investigate into possible infringements of voter rights, and possible criminal reports substantiated by volumes of documents are still unaddressed.

Many institutions were hiding the information on expenditures during the election campaign, particularly the ones whose malpractices were revealed before the presidential and parliamentary elections. Despite the obligations imposed by the new law, much of the information was not proactively published on their respective web pages, nor provided to the responsible parliamentary committee.

Voter Register Law – The voter register is burdened with irregularities, with voting rights still enjoyed by persons who should have been deregistered, while many citizens are denied the right to cast their votes.

The analysis shows that thousands of persons should have been deregistered as voters by the force of the law, especially those residing abroad for many decades now and who should not enjoy suffrage in Montenegro under the current provisions. Many an example shows that the deceased feature as voters for many years after their death, raising suspicions as to possible misuse of their personal data.

A large number of persons registered as voters before the local elections gained the suffrage for the first time in their late age, although they were born and reside in Montenegro, thus indubitably being Montenegrin nationals. Such cases raise suspicions of “ghost” voters, or the actually deceased or the persons residing out of Montenegro. The voter register features many persons with almost identical personal information, in some cases indubitably being double entries of the same persons. The existence of such



cases was indirectly confirmed by the actions of relevant state authorities which deregistered some voters previously marked by MANS as double entries.

Specific cases show that, in contravention to laws, some persons were enabled to cast votes twice, by exercising their voter rights in two municipalities. On the other hand, many voters were de facto denied the suffrage by changing their polling stations for no valid reason and without any notification to the voters.

The data show that many voters were deregistered before some elections, only to be reregistered several months afterwards, indicating the unlawful denial of their right to cast votes. There were several cases of denial to cast votes for persons held on remand or serving prison sentences, as confirmed by relevant institutions, leaving, however, such practices unsanctioned.

The Administrative and the Supreme Courts confirmed the Ministry of the Interior broke the law in over 9,000 cases by failing to properly respond to motions to conduct inspection checks of the voter register.

Law on Election of Local Councillors and MPs – MANS observers monitored all the stages of the election process in Podgorica and registered over 840 irregularities at almost 70 % of polling stations where over 80% of the total electorate is registered to cast their votes. At the polling stations with over 45% of the total electorate registered, the observers reported gross violations envisaged by legislation for automatic repeating of elections. The analysis shows that at the majority of such polling stations where gravest infringements were recorded, the governing party had the best results.

Most election irregularities regarded keeping unlawful parallel records of persons who actually cast their votes, violation of secrecy of vote, and the problems related to mobile voting. A number of irregularities were noted regarding the use of invisible ink, enabling voters to cast votes several times. In many instances the infringements were not recorded in the polling board reports, making their subsequent proving difficult. There were also attacks and pressures on the observers, and conflicts among polling board members.

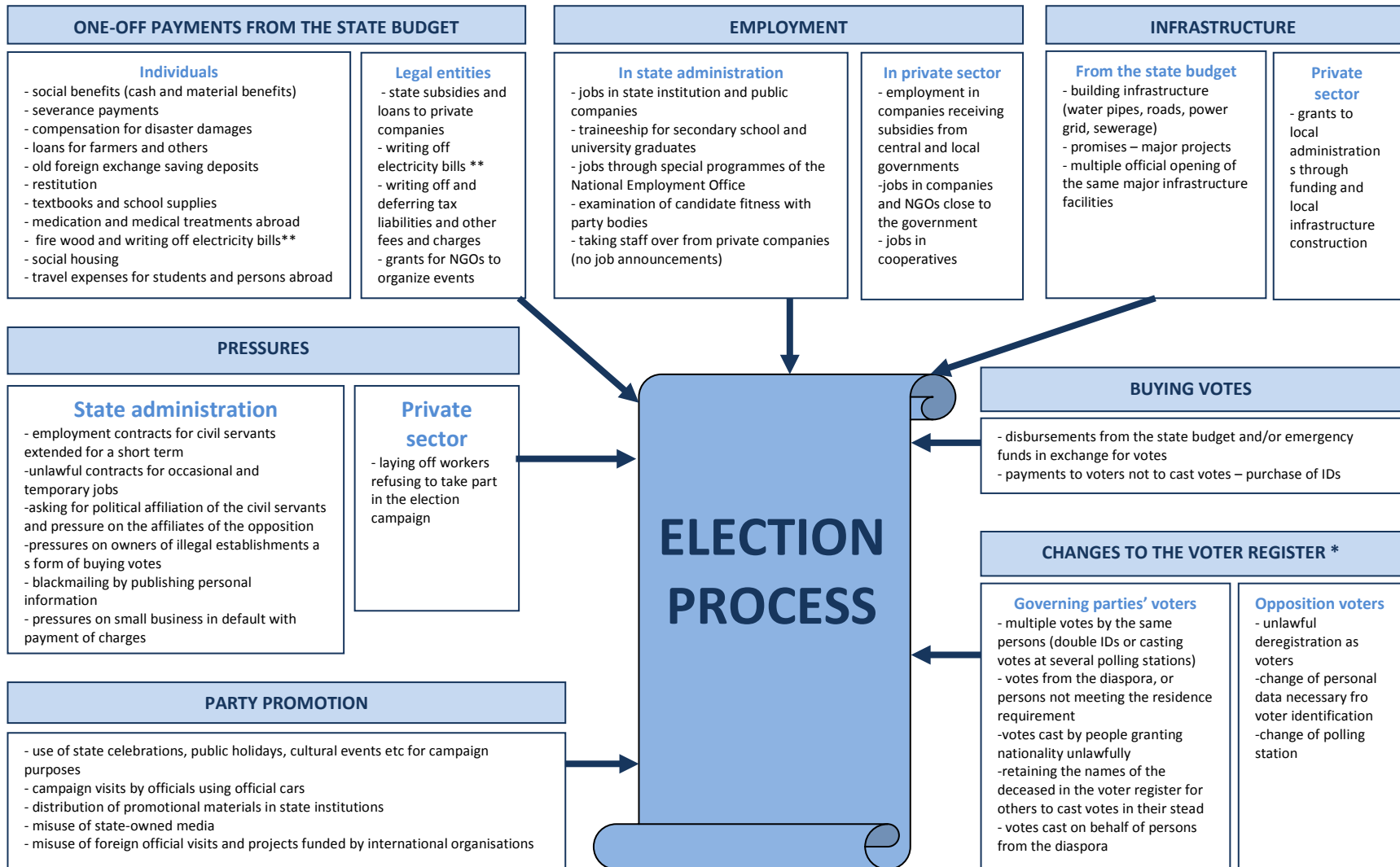
The Election Commission for Podgorica rejected all complaints without looking into polling station reports or any other evidence and without giving any reasons. The State Election Commission (SEC) banned the media from its sessions altogether, and the observers had limited possibilities of monitoring its work. SEC did not go through evidence, but rejected all complaints thanks to the same number of majority votes.



Specific cases show that SEC used different methodology and made different decisions in identical circumstances, depending on which candidate list lodged the complaint.

The Constitutional Court rejected all appeals against the SEC decisions, but took note of the violation of the Constitution and the European Convention on Human Rights in the decision-making procedure. The Court took decisions in a very non-transparent manner, preventing the appellants, the observers or the media from attending its sessions.

Scheme of possible misuse of state and private funds to influence votes cast by citizens



* Covered in a separate report

** Through the state-owned power utility company



LOCAL ELECTIONS 2014
IMPLEMENTATION OF THE
LAW ON FINANCING OF
THE POLITICAL PARTIES

3. SOCIAL ALLOWANCES

The amendments to the Political Party Funding Law impose a ban, from the day of calling the elections until the election day, as well as a month afterwards, on the increase of the total amount of all social allowances by more than 5% as compared to average monthly payments over the previous 12 months.

Social allowances may be disbursed from two sources, from local budgets through the local secretariats responsible for welfare matters, and from the state budget, through Centres for Social Work (CSW), which receive the money from the Ministry of Labour and Social Welfare.

3.1. Disbursement of social allowances from local budgets

Before the May 2014 local elections, some municipalities increased greatly their budgetary expenditures for social allowances from the moment of calling elections, while such disbursements were not made during the campaign. This shows that the municipalities adhered to the statutory limitations of such disbursements during the campaign, but it is quit indicative such payments increased greatly from the moment of calling the elections.

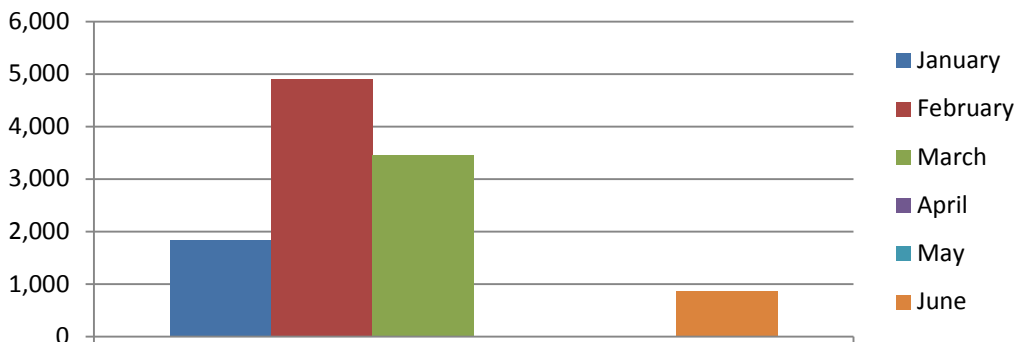
The most drastic in this respect is the case of the Municipality of Šavnik which appropriated by its 2014 Budget the total of 10,000 for social allowances.¹ Nevertheless, over the first three months of the year this municipality disbursed almost 9,000 euros, or 90% of the annual appropriations, while in March it paid out an additional 1,000 euros for pensioners². Thus, the Municipality of Šavnik disbursed the total 2014 appropriation for social allowances during the first three months of the year.

In April and May, the Municipality of Šavnik had no such disbursements, and in June the total of 870 euros.³

¹ 2014 Budget Decision for the Municipality of Šavnik, dated 14 January 2014.

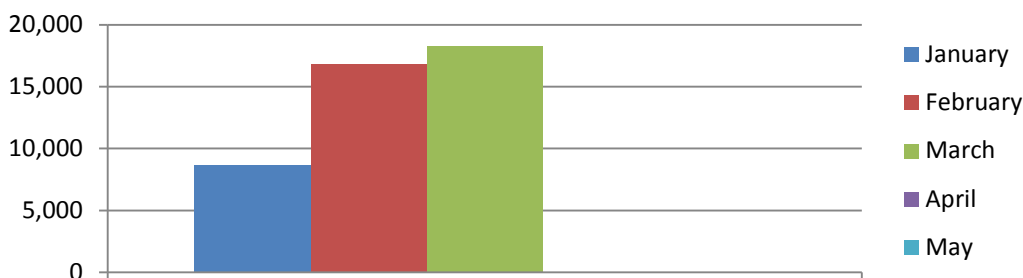
² Paid orders for natural and legal persons of the Secretariat for Finance, Economic Development, General Administration and Social Matters of the Municipality of Šavnik, provided to MANS on 07 March, 24 March 2014 and 23 April 2014.

³ Paid orders for natural and legal persons of the Secretariat for Finance, Economic Development, General Administration and Social Matters of the Municipality of Šavnik, provided to MANS on 05 May 2014 and 28 July 2014.



Graph 1: Disbursements for social allowances of the Municipality of Šavnik January – June 2014

With its 2014 budget⁴ the Municipality of Rožaje appropriated 80,000 euros for social allowances. The data show that in January it disbursed 8,600 euros, close to 17,000 in February, and 18,000 euros for social allowances disbursed in March, or in total 43,600 euros.⁵ It means that this municipality disbursed 54.5% of the total annual appropriations during the first three months, with 36,400 euros remaining to be disbursed for the rest of the year. In April and until 15 May, the Municipality of Rožaje, which has seen the change of government, had no disbursements for social allowances.⁶



Graph 2: Social allowances disbursed by the Municipality of Rožaje for the period January - 15. May 2014

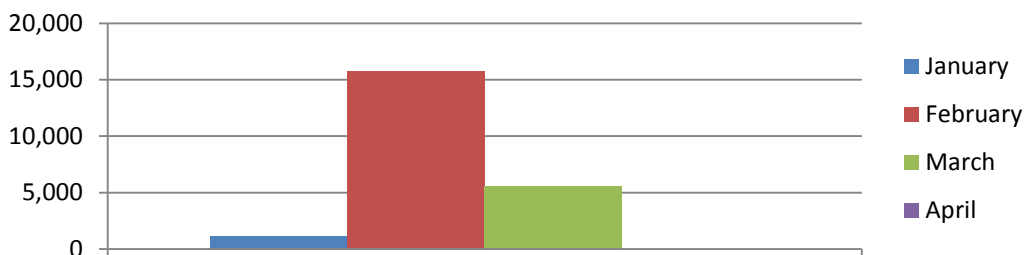
⁴ 2014 Budget Decision for the Municipality of Rožaje, dated 28 January 2014.

⁵ Expenditures Report of the Secretariat for Economy and Finance of the Rožaje Municipality, provided to MANS on 12 May 2014.

⁶ Decisions of the Secretariat for Economy and Finance of the Rožaje Municipality, provided to MANS on 09 May 2014 and on 09 June 2014.

According to the data for the first three months in 2014, the Municipality of Bar disbursed over 2,500 euros as social allowances, in February twice the sum, 5,700 euros, and in March as much as 20,100 euros from the budgetary reserves, with such trend coinciding with the local elections approaching⁷. The Bar Municipality had no disbursements in the first half of April⁸, and failed to provide any information on such disbursements in the second half of the month⁹. In May and June 2014 they had no social allowances disbursed.¹⁰

The Municipality of Plužine disbursed in January 2014 1,136 euros of assistance for the socially disadvantaged, with the visible increase in February to 15,695 euros, with 8,835 euros of that disbursed through the mayor's office, 2,500 euros from the current reserves, and the remainder of 4,360 euros through the relevant secretariat. In March 5,550 euros were disbursed as social allowances¹¹. This municipality had no such disbursements in April,¹² while we never received any information on disbursements in May and June.¹³



Graph 3: Social allowances disbursed by the Municipality of Plužine for the period January April 2014

As regards the Capital City of Podgorica, there were no major differences in the level of disbursements, with 13,050 euros in January, 19,000 euros in February,

⁷ Decisions of the Secretariat for Economy and Finance of the Bar Municipality, provided to MANS on 28 April 2014 and on 05 May 2014.

⁸ Decision of the Secretariat for Economy and Finance of the Bar Municipality, provided to MANS on 05 May 2014.

⁹ MANS filed the request for information on 06 May 2014.

¹⁰ Decision of the Secretariat for Economy and Finance of the Bar Municipality, provided to MANS on 15 July 2014.

¹¹ Paid and unpaid orders for natural and legal persons of the Secretariat for Local Administration of the Municipality of Plužine for the period January - March 2014, provided to MANS on 23 April 2014.

¹² Decisions of the Secretariat for Local Administration of the Municipality of Plužine, provided to MANS on 13 and 20 May 2014.

¹³ Decision of the Secretariat for Local Administration of the Municipality of Plužine, provided to MANS on 29 July 2014, requesting the extension of the deadlines for providing the information requested.

and 18,500 euros in March.¹⁴ In April Podgorica disbursed 18,600 euros as social allowances, in May 11,500 euros, and in June 14,800 euros.¹⁵ Individual payments amounte don average to 50 euros.

The municipalities of Bijelo Polje and Kolašin failed to provide to MANS any of the requested information on disbursements for social allowances between January and June 2014.¹⁶

Party monopoly over distribution of social allowances

The commission in charge of disbursing social allowances in the Municipality of Mojkovac is composed fully of the governing party members, while the final decision is made by the Mayor, coming from the same ranks, leaving huge room for misuse and provision of such allowances primarily to their party affiliates¹⁷.

The Commission is chaired by the Mayor, Dejan Medojević, and the members are Maja Ikervari, Chief Administrator in the municipality, and Ikonija Minić, director of the local primary healthcare centre. They are all members of the local DPS board in Mojkovac¹⁸.

3.2. Disbursement of social allowances from the central budget

Most of the funds for social allowances are appropriated through the budget of the Ministry for Labour and Social Welfare, and are distributed through the Centres for Social Work.

¹⁴ Cash flow reports of the Finance Secretariat of the Capital City Podgorica for the period January – March 2014, provided to MANS with the decisions dated 30 April 2014, 20 May 2014, and 06 June 2014.

¹⁵ Cash flow reports of the Finance Secretariat of the Capital City Podgorica for the period April - June 2014, provided to MANS with the decisions dated 01 August 2014 and 16 September 2014.

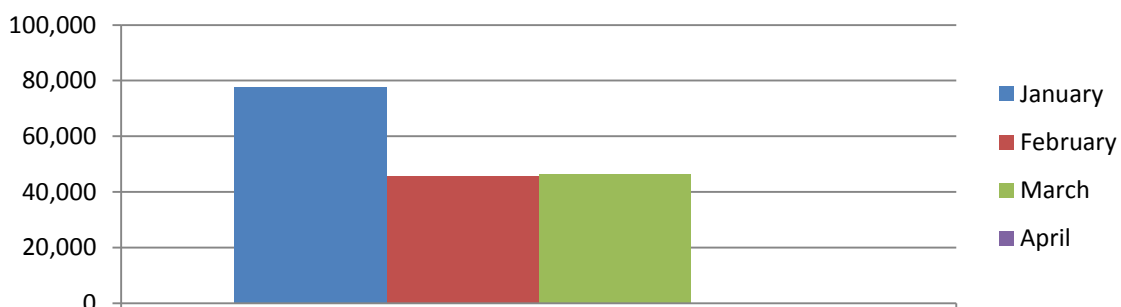
¹⁶ MANS, invoking the Free Access to Information Law, filed requests on 21 February 2014, 05 March 2014, 03 April 2014, 12 May 2014, 03 June 2014 and 04 July 2014.

¹⁷ The opinion of the Commission to examine the eligibility of applications filed by individuals or families from within the territory of the Municipality of Mojkovac to exercise the right to allowances disbursed by the Municipality of Mojkovac, dated 28 August 2013.

¹⁸ <http://www.dps.me/opstine/mojkovac/optinski-odbor>

Under the 2014 Budget Law, the Ministry for Labour and Social Welfare disposed of 150,000 euros for one-off allowances, and additional 300,000 euros under the budget line “other transfers to individuals”¹⁹.

Over the first three months in 2014, the Ministry made a transfer to the Centre for Social Work Podgorica of 169,640 euros for one-off allowances, or 19,640 euros more than the total annual appropriations for such assistance, or 38% of the total amount for both the one-off allowances and transfers to individuals.²⁰ Thus, in January 2014, the Ministry transferred to the Centre for Social Work Podgoric 77,650 euros, in February 45,690 euros, and in March 46,300 euros.



Graph 4: Social allowances disbursed through the Centre for Social Work Podgorica for the period January - April 2014

In April 2014, there were no such transfers, and consequently there were no disbursements for social allowances.²¹

In January 2014 the Centre for Social Work in Rožaje disbursed 13,400 euros thanks to the money transferred from the Ministry of Labour and Social Welfare.²²

For the first three months of 2014 the Ministry of Labour and Social Welfare transferred to the Centre for Social Work in Bijelo Polje the total of 8,200 euros for one-off social allowances²³, the Centre for Social Work in Pljevlja in January

¹⁹ 2014 Budget Law (Official Gazette of Montenegro 61/03 of 30 December 2013).

²⁰ Decisions of the Centres for Social Work Podgorica, Cetinje, Danilovgrad and Kolašin, provided to MANS on 27 March 2014 and 22 April 2014.

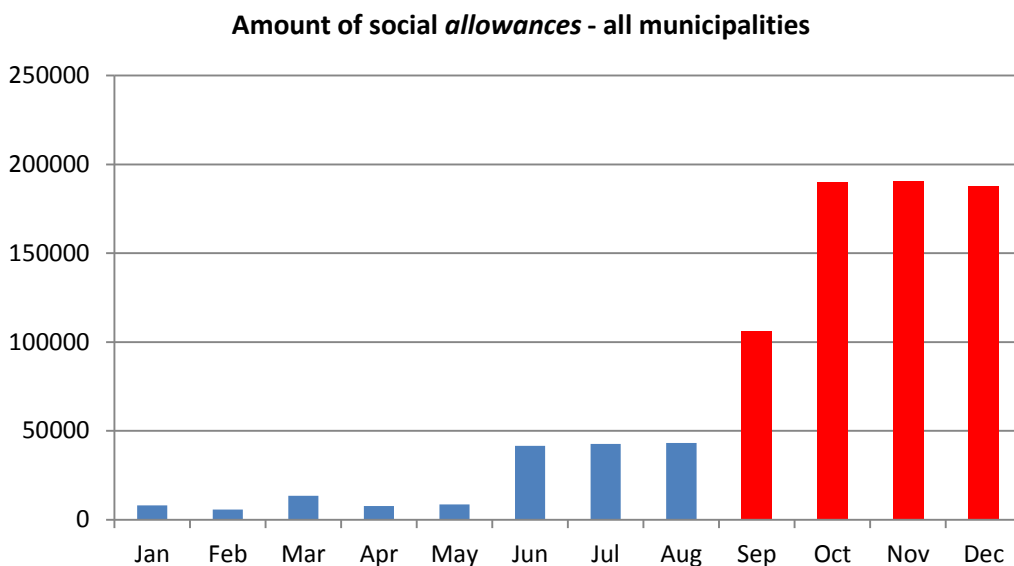
²¹ Decisions of the Centres for Social Work Podgorica, Cetinje, Danilovgrad and Kolašin, provided to MANS on 06 May 2014

²² Decision of the Centre for Social Work Rožaje, provided to MANS on 29 May 2014.

²³ The document “List of one-off allowances disbursed in 2014 by the Centre for Social Work Bijelo Polje and Mojkovac”, provided to MANS on 30 April 2014.

2014 3,300 euros²⁴, the Centre for Social Work in Plav in February 2014 2,200 euros²⁵, and during the same month to the Centre for Social Work Bar 2,000 eura.²⁶

Over the previous period, MANS established that during the election periods the Ministry of Labour and Social Welfare increased by several times the disbursements for one-off assistances. Hence, during the first eight months in 2012, prior to the early parliamentary elections, 1,837 persons were covered with such assistance with the total of 170,000 euros, or 21,000 euros a month on average. Immediately before the elections, in September and October 2012, according to the official data, there has been a sudden increase in these amounts, sustained until the end of the year. Thus over the last four months in 2012, the total of 674,876 euros was disbursed to 6,502 beneficiaries, out of which in October alone 190,000 euros for 1,785 persons.



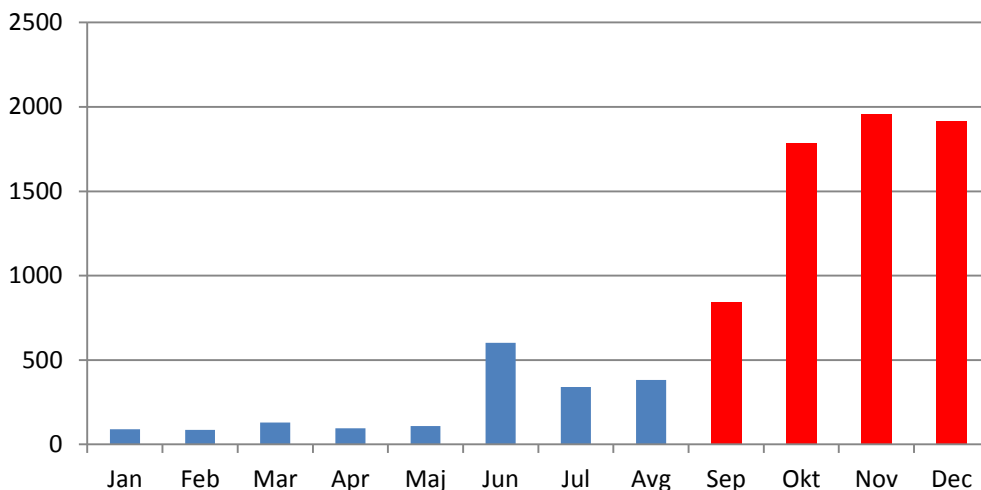
Graph 5: Cash allowances paid in 2012

²⁴ Decision of the Ministry of Labour and Social Welfare dated 02 April 2014.

²⁵ Decision of the Ministry of Labour and Social Welfare, provided to MANS on 08 April 2014.

²⁶ Decision of the Ministry of Labour and Social Welfare, provided to MANS on 08 April 2014.

Number of beneficiaries - all municipalities



Graph 6: Number of beneficiaries in 2012

The analysis done for the 2012 elections showed that differences in the amounts disbursed through centres for social work throughout the year, with the peaks recorded immediately before, during and after the elections. There has also been an increase in the number of beneficiaries of one-off allowances, increasing by as many as 28 times in some places, specifically at the Centre for Social Work in Herceg Novi.

This points to a conclusion that the new Political Party Funding Law managed to substantially limit the practices of disbursing social allowances more intensively during the pre-election period, and by extension reduced the possibilities for affecting voters' decisions. Nevertheless, the provisions that limited such practices were eventually abolished by the Constitutional Court following the initiative by the MPs from the governing party.

3.3. Cash flow reports

Cash flow reports contain the information on all the money received and paid out by any budget user. The Political Party Funding Law envisaged the obligation of centres for social work to submit to the State Election Commission (SEC) the data



on disbursements of one-off allowances, including the cash flow reports, while the SEC was obliged to provide such information on monthly basis to the relevant parliamentary committee for economy, finance and budget.²⁷

However, with the exception of the Centres for Social Work (CSW) Pljevlja and Žabljak, no other CSW observed the law in providing such information to the SEC, supposed to refer it to the relevant parliamentary committee. In addition, such reports were supposed to be posted on the web pages of CSWs, but none of them have such pages. Moreover, such information was not available on the web pages of the Ministry of Finance either, nor the Ministry of Labour and Social Welfare pages.

The case of Pljevlja, detected thanks to the analysis of the documents thus provided, is illustrative of the importance of publishing such reports to prevent misuse of state funds in the election period.

Pljevlja Case

The case of Pljevlja refers to buying of votes through payments of social allowances before the parliamentary elections in October 2012. The data we obtained show that the heads of the CSW Pljevlja, on the eve of the elections, distributed through the activists of the governing party the money received from the Ministry of Labour and Social Welfare for social allowances.

Firstly, the CSW cash flow report²⁸ shows that in October 2012 there were only six disbursements of 50 euros each, while in November there were no such disbursements. As regards individual payments, only two are recorded in the report: the first dated 31 October and amounting to 7,100 euros, and the second dated 30 November and amounting to 12,650 euros. These two payments, of the total amount of 19,750 euros, are the only ones not accompanied by the reference number of the pertinent decision.

At the same time, separate data provided to us by the insiders from state institutions show the existence of the organised structure of local DPS boards in Pljevlja with a clear division of functions, contacts and areas for which certain members are responsible. One of the coordinators who managed a local board

²⁷ Art 19 a of the Political Party Funding Law

²⁸ Payment slips of the Centres for Social Work of Pljevlja and of Žabljak between 01 January and 30 November 2012.

was Ermin Nuhanović, a member of staff of the CSW Pljevlja and a member of the local DPS board.

It was Nuhanović himself who collected the 19,750 euros paid to the CSW by the Ministry of Labour and Social Welfare for one-off allowances, and he distributed the money to presidents of local DPS boards for further distribution on the ground.²⁹

Apart from the sums each of the presidents received, the document also states the number of persons to whom such money should be paid, and the polling station at which “beneficiaries” cast their votes.

The documentation contained also an excerpt from the internal list of DPS voters, listing their affiliation to local boards, thanks to the insiders, MANS received the evidence of payments where, next to the names of individual citizens the amount of 50 euros was stated with their signatures confirming to have received the money. The lists contain close to 100 persons from the municipality of Pljevlja, and by comparison we established the same persons feature also at the internal list of voters compiled by the DPS Pljevlja.



The document tasking distribution of social allowances in the field

²⁹ The documents Report on Transfer of Money dated 09 October 2012 and the Money Received for One-Off Assistance (no date).



4. EMPLOYMENT

4. 1. Pre-election Employment in the Public Sector

"If we recruit one of ours, we reduce it for them, and increase it for us. Let's help the man get a job and the effect will be four votes for DPS"

Zoran Jelić, an MP and former director of the National Employment Office, July 2012

The Political Party Funding Law, that was valid at the time of the local elections in 12 Montenegrin municipalities^[1], put a ban on recruitment for the jobs in the state apparatus and in local governments between the day of calling the elections until one month after the election day, with the exception of open-ended employment contracts.

Most state authorities observed the restriction imposed by the law and recruited a large number of persons before the elections were called, i.e. before the election campaign started.

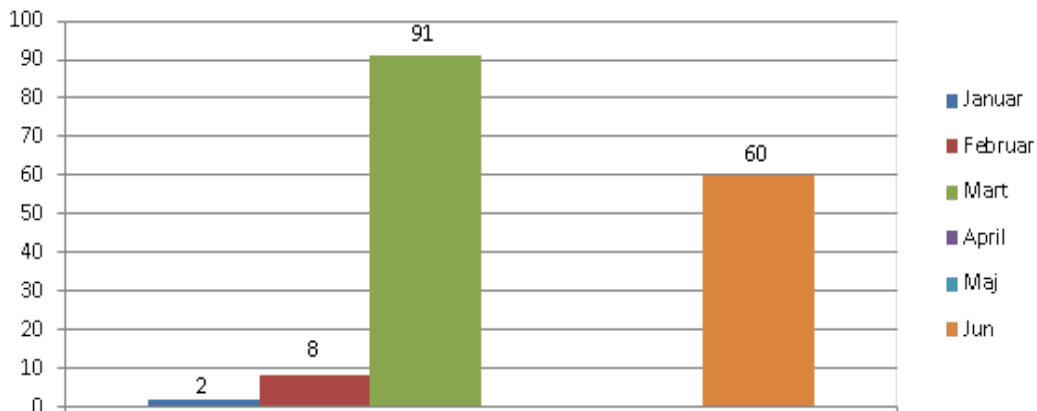
As early as in February the President of Montenegro announced the date when he was about to call the local elections in 12 municipalities³⁰; hence, some state institutions, local self-governments, public companies and state-owned enterprises recruited new staff only a couple of days before the beginning of the election campaign, thus formally observing the statutory provisions, but there is a possibility that nevertheless such recruitment was intentionally timed aiming to affect the voter decision. Most of such contracts were on a short term and covered the election campaign and the month when elections were held.

The information available at the Human Resources Management Administration (HRMA) shows that during the first two months in 2014 only 10 announcements and competitions were posted. However, in March, when the elections were just about to be called, the HRMA posted 91 job announcements and competitions, or nine times more than over the previous two months put together. Out of this number, 58 announced new jobs, there were 33 internal announcements, meaning the offer for existing civil servants to fill other jobs within the public

^[1] The Law was annulled by the Constitutional Court in June 2014, after the local elections were held, following the initiative by the governing party DPS.

³⁰ The President of Montenegro, Filip Vujanović stated on 20 February 2014 that local elections would be called in late March. The article in daily Vijesti published on 20 February 2014, <http://www.vijesti.me/vijesti/raspisivanje-izbora-vujanovic-ceka-do-25-marta-180487>

administration. During the ban in April and May, there were no announcements or competitions published.



Graph 7: Number of published ads and contests in the first half of 2014.

Similar practice was noted also in other state authorities and state-owned companies.

Thus, on 21 March 2014, only three days before calling the elections, the national air carrier Montenegro Airlines concluded five fixed-term contracts for the period of four months.³¹ In addition, on 22 March the national air carrier posted on the web pages of the National Employment Office (NEO), in contravention to the statutory provisions, the competition announcing 12 vacancies. After MANS took note of that and revealed this as going against the provisions of the Political Party Funding Law, the NEO withdrew the announcement, and Montenegro Airlines meanwhile stopped the recruitment process.

Three days before calling the elections, on 21 March 2014, the Institution for Execution of Criminal Sanctions (ZIKS) recruited 11 persons on two-year employment contracts.³²

Following President's announcement of the date for calling the elections, on 01 March the Inspection Services Administration concluded 34 service agreements

³¹ The decision by Montenegro Airlines was provided to MANS on 03 June 2014.

³² The decision by the Ministry of Justice was provided to MANS on 06 May 2014.



and temporary contracts, 17 of them for the period of four months, or until 01 July 2014, while 17 others for a period of one month only.³³

On 01 March 2014 the Police Directorate concluded 158 open-ended employment contracts following the competition which was published by the HRMA as early as on 14 October 2013, meaning that the recruitment process took much longer than usual, or four and a half months.³⁴

The Protection Services of the Capital City Podgorica announced on 05 March 2014 the need to recruit 17 fire-fighters for a fixed term of three months.³⁵

Such practice existed even before the local elections in Berane. In December 2013, the month when it was accepted to call early elections in this town³⁶, the Municipality of Berane recruited 17 persons per fixed-term contracts, 6 of them for one month only, 6 for two months, with one person for three months, and with four persons for a period of four months. The contracts were concluded on 02 December, 03 December, 06 December, 07 December, 09 December, 14 December, and on 17 and 18 December, and the elections were called on 21 December.³⁷

Similarly, the public company Sport Centre Berane concluded seven fixed-term contracts for the term of four months on 02, December, 16 December, 19 and 20 December 2013³⁸.

4.2. Subsidised pre-election employment in the private sector

³³ The decision by the Inspection Services Administration was provided to MANS on 12 May 2014.

³⁴ According to the Law on Civil Servants and State Employees, the deadline for receiving applications for public competitions is 20 days from the day of publication, following which a list of candidates is to be made, mandatory testing to assess capabilities for performing the job-related tasks and candidate appraisal (usually taking up to 30 days). Within three days from compiling the candidate appraisal report, the authority sets up the ranking of candidates and provides it to the head of the state authority which is recruiting, which is obliged to decide on the selection of the candidate within 30 days from receiving the ranked candidate list.

³⁵ The decision by the Capital City of Podgorica was provided to MANS on 11 April 2014 and on 08 May 2014.

³⁶ The local elections in Berane were called on 21 December 2013, and held on 09 March 2014.

³⁷ The decision of the Secretariat for General Administration and Social Matters of the Municipality of Berane was provided to MANS on 25 April 2014.

³⁸ The Decision by the public company Sport Centre Berane was provided to MANS on 26 March 2014.

Through the Cluster Development Programme³⁹, the Government of Montenegro provided subsidies to private companies for procuring equipment to enable job generation. The Programme implementation started in September 2012, only a month before early parliamentary elections. The programme covers the northern region and the municipalities of Cetinje and Ulcinj, as the underdeveloped municipalities, and the amounts disbursed per cluster could not exceed seven thousand euros.

In February 2014, a month before calling the local elections, the Government decided to extend the programme coverage and include the whole of Montenegro, at the same time increasing the maximum amount granted to clusters from 7,000 to 10,000 euros. The public call for the total amount of 50,000 euros was posted in early March, and the applications were received until 03 April,⁴⁰ when the local elections in 12 municipalities were already called.⁴¹

Apart from the Government programme, some municipalities also subsidised private and state owned companies on the eve of the elections, such examples are the Old Royal Capital Cetinje and the Municipality of Bar.

During the election campaign for local elections in Cetinje, held in November 2013, the Mayor and DPS official, Aleksandar Bogdanović, concluded a subsidization agreement with the local company Martex by which the municipality committed to award some 25,000 euros to the company for opening up 16 new jobs.⁴² This agreement was concluded without any tendering procedure, and it is unknown whether similar agreements exist with other companies.

On 07 March 2014, two months before the local elections there, the Municipality of Bar concluded with the Port of Bar the subsidy agreement following the

³⁹ Associations of two or more companies engaging in the same or similar activity joined for pursuing shared business interests.

⁴⁰ Public call for taking part in the Cluster Development Programme in Montenegro by the end of 2016 for the year 2014 dated 03 March 2014.

⁴¹ In addition, MANS established that from the very start the Government implemented the Cluster Development Programme from the very start in contravention to the State Aid Law, since it involves state aid in the agriculture sector. Despite such a clear statutory limitation, the Government awarded subsidies to clusters in agriculture, and the Ministry of Economy, as the chief implementing agency, referred to a Government decree, as a piece of legislation of lower rank than the Law.

⁴² The incentives agreement between the Old Royal Capital Cetinje and the Martex company Cetinje was concluded on 25 September 2013.



internship programme⁴³, undertaking to pay about 75,000 for recruiting 19 persons for a period of 12 months. The subsidy agreement was concluded by two prominent DPS officials, the then Mayor of Bar Žarko Pavičević and the Port Director Sloba Pajović.

4.3. NEO active labour market measures

“In preparation for the upcoming elections we launched several projects at the National Employment Office ... We are in daily contacts with the presidents of local DPS boards in all municipalities since we wish to employ primarily our people.”

“The plan was 6,000, and this year we will provide jobs for over 8,000 registered unemployed, primarily those supporting the DPS agenda.”

Zoran Jelić, MP and former NEO director, July 2012

On 21 October 2013 the NEO published calls for four active labour measures in 2014: public works, adult education and training, targeted recruitment for the given job and encouraging first employment of secondary school graduates.⁴⁴ NEO published the calls at the time when it was still unknown whether enough money would be available, since no state or local level budgets were adopted at the time.

The calls were published during the campaign for the elections in Mojkovac, Cetinje and Petnjica, which was in contravention to the Political Party Funding Law valid at the time, banning recruitment during the election campaign, as confirmed by the Ministry of Finance.⁴⁵ The announcements were not annulled, and according to the Law, the NEO director, as a responsible person, should have received a fine ranging between 200 and 2,000 euros for an unlawful

⁴³ The subsidy agreement following internship between the Municipality of Bar and the Port of Bar dated 07 March 2014.

⁴⁴ The article published in the daily Vijesti on 09 November 2013, <http://www.vijesti.me/vijesti/zabranili-jelicevoj-da-zaposljava-u-kampanji-159395>.

⁴⁵ The article published in the daily Vijesti on 09 November 2013, <http://www.vijesti.me/vijesti/zabranili-jelicevoj-da-zaposljava-u-kampanji-159395>.



announcement.⁴⁶ Nevertheless, it is unknown whether the NEO director was ever prosecuted or sanctioned.

Conflict of interests at NEO

Zoran Jelić, one of the main actors of the “Tape Recording” affair, is an MP of the governing party and the chair to the parliamentary Committee for Healthcare, Labour and Social Welfare, in charge, among other things, of supervising the work of NEO.

The NEO director is Vukica Jelić, wife to Zoran Jelić, the former NEO director.

Zoran Jelić is now commissioned as the adviser to the NEO, or to his own wife.

In 2012, at the time of early parliamentary elections, the NEO spent as much as 6.7 million euros for employment projects, although the annual work programme forecasted the total of 3.5 million euro being spent.⁴⁷ This constitutes a gross violation of the Budget Law, which bans more money spent from the state budget by any institution than the actual appropriations for the given year.

In 2012, following the seasonal employment programme, providing summer jobs, the NEO planned on providing jobs for 6,000 seasonal workers, while actually providing 9,537 jobs, or 59% more than planned.⁴⁸ This is the programme mentioned by the DPS MP Zoran Jelić at the meetings of highest organs of this governing party.

⁴⁶ Art 37 of the Political Party Funding Law (Official Gazette 42/11) sets forth that the “responsible person within a state authority or local administration authority is punishable by a fine ranging between 200 and 2,000 euros for public announcement and recruitment in state authorities, state administration authorities, local self-governments, local administration authorities, public companies, public institutions and state funds for affixed term and as per service agreements from the day of calling the elections.

⁴⁷ 2012 NEO cash flow report made available to MANS on 20 December 2013.

⁴⁸ NEO 2012 Activity Report, January 2013.



In addition, the project of Work Practice for University Students, mentioned in the Tape Recording affair by Zoran Jelić, former NEO director, and which was not planned by the 2012 Work Plan⁴⁹, led to the conclusion of 261 agreements with employers envisaging 500 jobs.⁵⁰ Under the public works programme, the jobs for 370 long-term unemployed persons were originally forecasted, and instead the total of 543 jobs was provided. MANS established that out of this number at least 100 persons were employed beyond the plans during the summer tourism season, which coincided with the campaign for the 2012 parliamentary elections.⁵¹ These jobs were provided within the Let It be Clean campaign, implying different tasks to prepare the municipalities for the summer season, mostly road maintenance, green areas, etc.⁵²

⁴⁹ NEO 2012 Work Programme, December 2011.

⁵⁰ NEO 2012 Activity Report, January 2013.

⁵¹ The election campaign started on 31 July 2012.

⁵² NEO 2012 Activity Report, January 2013.



5. LUMP-SUM PAYMENTS, SUBSIDIES AND CREDITS

5.1. Labour Fund severance pays

The “Recording” scandal revealed that the Labour Fund workers’ severance pays⁵³ are one of the important mechanisms used by the ruling party during the election time in order to influence the voters’ determination.

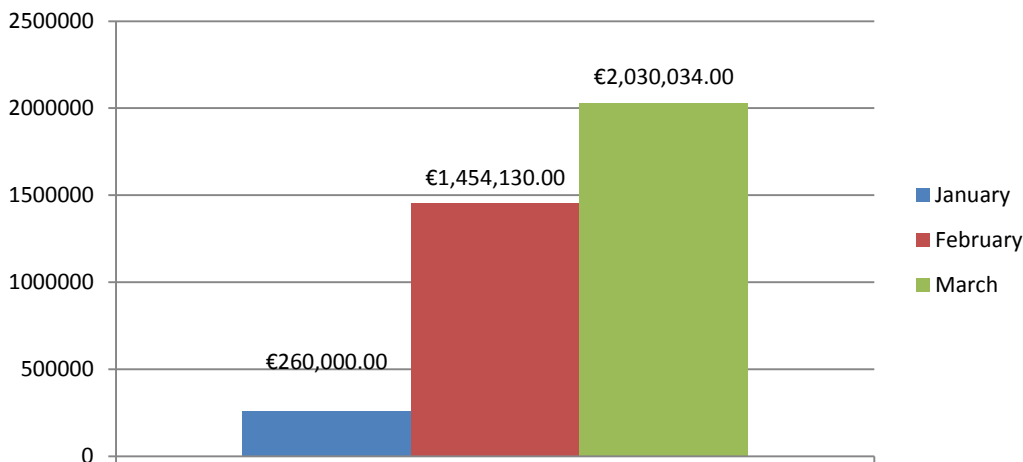
"Another very important thing is to direct the Labour Fund severance pays directly towards our membership and I think that this will directly help us in the field".

*Dejan Medojević, President of Mojkovac Municipality
Recording of a session of the DPS Presidency, July 2012, on the eve of the
Parliamentary elections*

The labour Fund continued this practice even on the eve of the local elections in 2014, when it paid the largest portion of the funds allocated to workers’ severance pays. Immediately before the announcement of the local elections, in the first three months of this year, the Fund paid € 3.7 million for severance pays, i.e. as much as 87% of the total sum appropriated in the Budget for the whole of 2014.⁵⁴

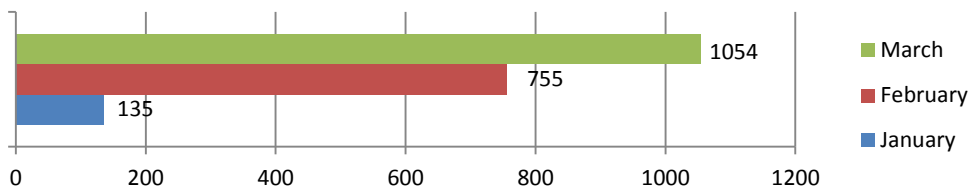
⁵³ It concerns the individual severance pay of less than two thousand euros paid to the workers of Montenegrin enterprises, who stopped working up to the year 2009. It is estimated that around 21 thousand workers are entitled to such kind of payment.

⁵⁴ <http://www.fondrada.gov.me/biblioteka/Informacije>



Graph 8: Fund payments for first three months of 2014

In the abovementioned period 1.944 workers got severance pays, of which 135 in January, 755 in February, whilst March, in which month local elections were announced, additional two million euros were paid, thanks to which 1.054 workers got their severance pays.



Graph 9: Number of employees that were paid in first three months of 2014

Due to the fact that in the Budget for the year 2014, € 4.3 million were appropriated to the Fund for the payment of severance pays, simple calculation leads us to conclusion that for the remaining nine months of the same year this institution is to pay the total of € 550 thousand, or around 13% of the budget envisaged for that purpose.⁵⁵

Anyhow, the budget of the Labour Fund for 2014 is as much as three times as compared to 2013, when € 1.3 million were appropriated for severance pays. The

⁵⁵ Law on Budget of Montenegro for the year 2014 (OG MNE no. 61/14 of 30th December 2013).

Draft Budget for 2014 planned the same amount, but the amount got increased to 4.3 million thanks to the amendments of the DPS MPs⁵⁶.

Severance pays also paid on the eve of the previous elections

On the eve of the extraordinary parliamentary elections in 2012, the Government took the loan of as much as six million euros in order to be able to pay to the workers as many severance pays as possible, although that year budget had appropriated € 1.2 million for that purpose.⁵⁷

Similar situation was on the eve of the presidential elections in April 2013, when the Labour Fund realized most of the severance pays. Namely, in the first four months of that year the Fund paid € 970 thousand, which was 75% of the amount envisaged by the budget for the entire year⁵⁸.

5.2. Lump-sum compensation for damages caused by bad weather and other natural disasters

The payment of damages caused by bad weather was used, according to the information from the “Recording” scandal, for the purpose of influencing citizens’ political choice, and such practice was continued even on the eve of the local elections.

“You know that in previous period our municipality was being hit by numerous natural disasters and that it would be helpful in the filed if there is a possibility for the payment of damages to our membership“.

*Dejan Medojević, President of Mojkovac Municipality
Recording of a session of the DPS Presidency, July 2012, on the eve of the
Parliamentary elections*

At the end of December 2013, on the eve of the local elections in Ulcinj, held in January 2014, former municipal leadership decided to pay € 50 thousand by way

⁵⁶ Amendments to the Draft Law on Budget of Montenegro for the year 2014 submitted by the DPS MPs: Zorica Kovačević and Rešid Adrović on 20th December 2013.

⁵⁷ Decision on the issue of Montenegrin bonds for the payment of the unpaid claims of redundant employees (OG MNE 44/12 of 9th August 2012).

⁵⁸ Decision of the Labour Fund on the payments by employers for the year 2013, submitted to MANS on 17th March 2014.

of compensation for natural disasters that had happened back in 2008 and 2009⁵⁹. The persons with damages up to € 200 were being compensated immediately, while the amounts for greater damages were divided in three instalments. It is unknown which budgetary sources this money was provided from.

On the eve of the extraordinary parliamentary elections in 2012, the Government withdrew one million euros from the budgetary reserve and redirected it to municipalities for the payment of damage compensation⁶⁰. Thus, for instance, Berane Municipality, ten days prior to the extraordinary parliamentary elections, paid to its citizens € 80 thousand for damages sustained due to natural disasters that had happened eight months before. The same case was with the municipalities of Mojkovac and Cetinje, which paid on that occasion € 70 thousand and € 60 thousand respectively.⁶¹

5.3. Subsidies to farmers

Contrary to former years when the Agro-Budget was being adopted only in April, in 2014 the Government of Montenegro adopted this document already in January, thanks to which the Ministry of Agriculture, on the eve of the local elections, could freely dispose of the money for various forms of assistance to the farmers.

According to the available data, during the first three months of 2014 the Ministry of Agriculture paid around € 1.5 million of subsidies to the farmers. In January € 43 thousand were paid, in February € 350 thousand, and in March, when the local elections were announced, as much as € 1.1 million⁶². MANS still does not possess the information about the payments during the campaign that preceded the local elections, since the Ministry has been them secret for five months now⁶³.

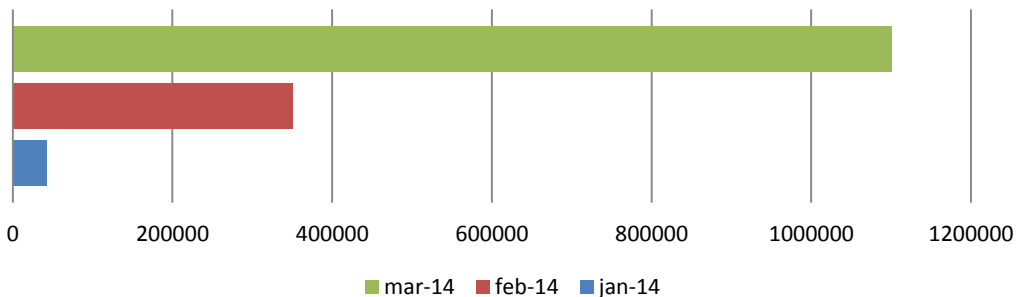
⁵⁹ Agreement on compensation payment dynamics to certain individuals who suffered damage from natural disasters 2008/2009 dated 5th December 2013.

⁶⁰ Draft Law on Budget Annual Account for 2012, September 2013.

⁶¹ Decision on Berane Municipality Budget Annual Account for 2012 dated 8th July 2013, Decision on the Adoption of Mojkovac Municipality Budget Annual Account for 2012 dated 27th June 2013, Decision on Cetinje Royal Capital Budget Annual Account for 2012 dated 14th June 2013.

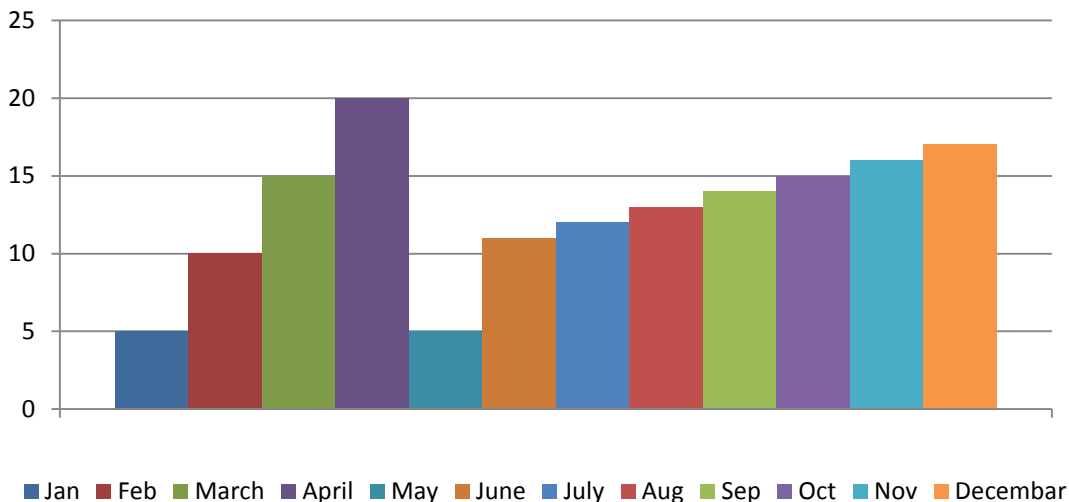
⁶² Analytical cards of the Ministry of Agriculture and Rural Development for 2013, submitted to MANS on 19th June 2014.

⁶³ Requests for these data were sent on 15th May and on 5th June 2014, but so far we have not received an answer from the Ministry of Agriculture and Rural Development.



Graph 10:: Subsidy payments to farmers

However, the former data on the payment of subsidies to the farmers show that they were mostly paid at the times preceding the elections. Thus, immediately prior to April presidential elections in 2013, the farmers were paid the subsidies totalling € 2.2 million, while in the following several months eight times less was paid, or the total of around € 270 thousand⁶⁴.



Graph 11: Subsidy payments to farmers in 2013

⁶⁴ Analytical cards of the Ministry of Agriculture for the period from January to December 2013, submitted to MANS on 29th December 2013.

The case of the Municipality of Berane clearly testifies that the payment of subsidies to the farmers during the election periods are not isolated cases involving only the ministries, but that it constitutes a scheme involving the local self-governments. Namely, on the eve of the presidential elections in 2013, that municipality paid the dairy farmers subsidy arrears from 2010 and 2011⁶⁵, while at the same time even the Ministry of Agriculture paid the subsidies to the farmers from the same municipality.

5.4. Special farmers' support programmes

The year 2014 was the first time that the special lines were thought out for the support of agricultural producers involved in truck farming and olive growing, with the appropriated amount of € 300 thousand. The Ministry of Agriculture claimed that special lines were introduced because of the growing of the scarce vegetable species and the needs for planting new olive groves⁶⁶.

Anyhow, vegetables are mostly grown in Zeta, a rural area of Podgorica, while olives are mostly grown in Bar, and local elections were held exactly in these municipalities in May 2014.

On 5th March 2014 the Ministry of Agriculture announced the first public call to truck farmers⁶⁷ to submit the applications for the awarding of subsidies, which could be submitted until 30th May. This date coincided with the period of pre-election campaign. Also, on 26th March 2014, i.e. two days after the announcement of the local elections, the public call was announced to olive growers⁶⁸ for subsidy applications to be submitted, which could be submitted until 1st July 2014. Anyhow, the Agro-Budget for 2014 envisaged a special support programme for the improvement of the quality of milk, in the total amount of € 100 thousand, besides the already existing line covering this assistance⁶⁹.

⁶⁵ Analytical cards of Berane Municipality Finance Secretariat on the payments of subsidies for the period January-April 2013, submitted to MANS by means of a decision dated 13th January 2014.

⁶⁶ Montenegrin Agro-Budget for 2014, January 2014.

⁶⁷ <http://www.mpr.gov.me/vijesti/136187/Saopstenje-Proizvodaci-povrca-mogu-podnositi-zahtjeve-za-podrsku-iz-Agrobudzeta.html>

⁶⁸ <http://www.mpr.gov.me/vijesti/136925/JAVNI-POZIV-za-dodjelu-podrske-Podizanje-novih-i-revitalizaciju-postojecih-maslinjaka-i-nabavku-opreme-za-savremenu-berbu-maslin.html>

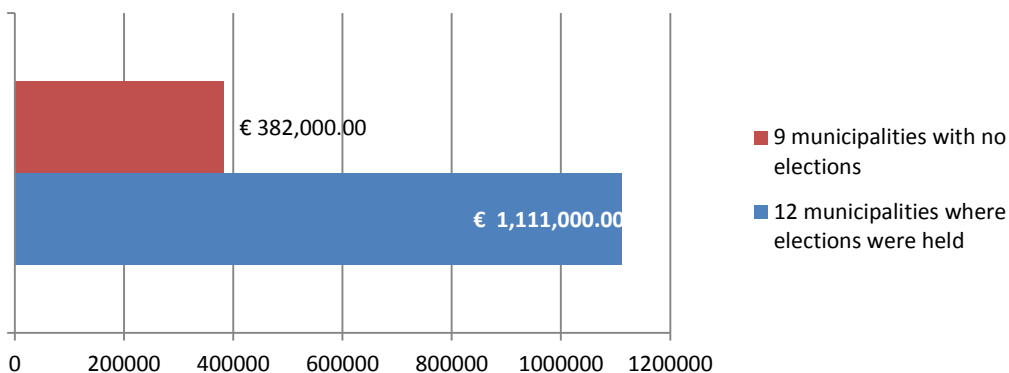
⁶⁹ Agro-Budget of Montenegro for 2014, January 2014.

5.5. MIDAS credits for farmers

"The third MIDAS call we also sent to the World Bank will be finalized, I hope we will receive a positive answer in the following ten days, and this will be five million new investments, which can be considerably useful in the coming months."

*Tarzan Milošević, former Minister of Agriculture
Recording of the session of the DPS Presidency, July 2012, on the eve of the
parliamentary elections*

MIDAS programme represents credit support to the development of agriculture and in former years it was being realized under the auspices of the Ministry of Agriculture. In 2014, these projects have been financed by the Investment Development Fund which from January to May approved the total of 52 credits for farmers in the municipalities in which local elections were held. For these credits the total of € 1.1 million was approved, while in the same period credit support was approved only to 14 farmers from the municipalities in which elections were not held, for which € 382 thousand had been appropriated.⁷⁰ This financial institution is headed by a prominent DPS MP and one of the "Recording" scandal, Zoran Vukčević.



Graph 12: MIDAS loans payments in the period January - May 2014

Besides regular annual call for applications for awarding MIDAS credits, on the eve of the extraordinary parliamentary elections in 2012, the Government announced

⁷⁰ Decisions of the IDF on the approval of credits to farmers on the basis of MIDAS programme for the period January-May 2014, submitted to MANS by means of a decision dated 5th August 2014.

the extraordinary call and apportioned the funds in the amount of € 400 thousand for additional credits. The extraordinary call was announced on 4th October 2012.⁷¹

6. BUILDING OF INFRASTRUCTURE

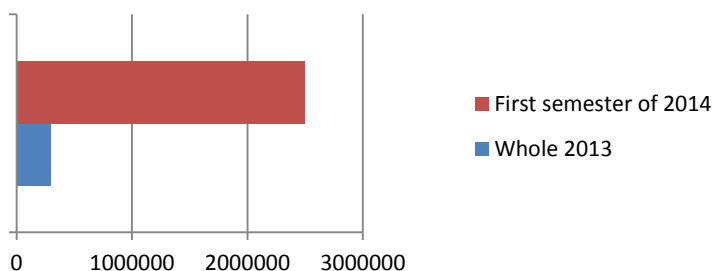
6.1. Building of village water supply systems and rural structures

The Ministry of Agriculture has at its disposal over € 1 million a year⁷², which is used for the development of village infrastructure, and municipalities participate in the implementation of these projects with additional funds. Building of village infrastructure was particularly intensive in the periods of elections. As a rule, the ceremonies of the beginning of works on a project or its completion are used for additional media promotion of the state officials who belong to the ruling party.



Opening one of village water supply systems

The most obvious example of drastically greater volume of works in the rural area, on the eve of the local elections in May, was the capital city of Podgorica, in which for only a couple of months € 2.5 million was appropriated for the construction of local water supply systems. This was almost ten times more than in the entire 2013, when only € 300 thousand was spent.



Graph 13: Water supply system development (in Euro) - Capital City Podgorica

⁷¹ Third Public Call for awarding grants (MIDAS – GEF) for the investments in farms – GEF grants.

⁷² The Budget of the Ministry of Agriculture and rural development for 2013, for the development village infrastructure, appropriated the amount of € 1.200.000, and the Budget of the Ministry of Agriculture and Rural development for 2014 appropriated the amount of € 1.285.000.

In any case, formerly the construction of the majority of water supply systems in the territory of the capital city was being prolonged from one year to another⁷³.

6.2. Investment Development Fund credits for local infrastructure

The Investment Development Fund (IDF) is the state financial institutions, which has millions of euros at its disposal for the crediting of small and medium-sized businesses. On the eve of the last elections, for the first time since its establishment⁷⁴, the IDF designed a special credit line for infrastructural works in the municipalities. When one has in mind that the Government of Montenegro establishes the capital budget every year to define the list of infrastructural projects to be financed, there is a reason to believe that this credit line was created exactly for the assistance to municipalities at the election times.

At the end of 2013, the IDF approved to the Municipality of Ulcinj, in which local elections were held in January 2014, the amount of € 565 thousand for the reconstruction of streets, installation of public lighting, construction of parking spaces and similar⁷⁵.

Previously, prior to the extraordinary parliamentary elections in 2012, the IDF approved a credit to the Municipality of Ulcinj for capital investments in the amount of € 835 thousand⁷⁶, although former rules of the Fund had not provided for the possibility of approving investment credits to municipalities⁷⁷.



—Town square at Danilovgrad—

In March 2014, two months prior to the local elections, the IDF approved to the Municipality of Danilovgrad € 210 thousand for the reconstruction of the

Documents: work programme of the public enterprise “Water Supply and Sewage” Podgorica for 2013”, “Report on the work of the public institution “Water Supply and Sewage” Podgorica for 2013” and “Work Programme of the public enterprise “Water Supply and Sewage” Podgorica for 2014”, that were submitted to MANS on 12th May 2014.

⁷⁴ Document “Criteria and conditions – Investment Development Fund financial support programme for 2014”, February 2014.

⁷⁵ IDF Decision on approving direct long-term credit for infrastructural works in the Municipality of Ulcinj, dated 8th November 2013.

⁷⁶ IDF Decision on approving long-term credit to the Municipality of Ulcinj, dated 14th August 2012.

⁷⁷ Document “Investment Development Fund financial support for 2012”, January 2012.

Town square⁷⁸. Anyway, the adaptation of the Town square had started at the end of 2013, in the way that the local administration was drawing funds from the municipal utility company, although this had not been envisaged in the Budget for that year⁷⁹.

6.3. Pre-election investments in Podgorica

One week before the local elections, the investments in the territory of Podgorica nearly € ten million worth were being completed. The funds were secured from the state and municipal treasury, while during the election campaign the DPS officials were visiting construction sites and attended formal opening of the newly built structures.

MANS established that the Capital City Development and Construction Agency violated the Law on Public Procurement in order to time⁸⁰ the completion of the construction or reconstruction of certain roads for the very end of the election campaign in Podgorica. Besides the roads, in pre-election period, there were intensive works on new water supply and sewage infrastructure in certain neighbourhoods.



One of the examples related to previous extraordinary parliamentary elections held in October 2012 and the presidential ones held in April 2013 is the comprehensive example of the abuse of public works for pre-election purposes. Namely, the reconstruction of a part of the road between Podgorica and Danilovgrad had started in May 2012, only to open one part of the reconstructed section on the eve of the parliamentary elections in October 2012. After that, the works on the construction of the road were continued, thus the opening of a new section was organized in April 2013, just several days before the staging of the

⁷⁸ IDF Decision on the approval of direct long-term credit to the Municipality of Danilovgrad, of 20th March 2014.

⁷⁹ Paid and unpaid orders of the Economy and Finance Secretariat of Danilovgrad Local Administration for natural persons and private entities for the year 2013, submitted to MANS on 9th April 2014.

⁸⁰ Public works are carried out in accordance with the public procurement plan, but this town institution delayed the completion of certain works on several occasions so that the majority of these got completed on the eve of May elections. Public procurement plan of Podgorica Construction and Development Agency for 2013, of 25th January 2013. Public procurement plan of Podgorica Construction and Development Agency for 2014, of 29th January 2014.

presidential elections. Finishing works on this road were terminated in November 2013 when the road was opened for the third time⁸¹.

7. STATE AID TO MUNICIPALITIES

7.1. Payments from Equalization Fund

The Equalization Fund constitutes one of the ways of financing less developed municipalities from the funds gathered by the Government with the collection of taxes and concession fees. According to the criteria for the payment of funds, out of the total appropriated annual amount for one municipality, 90% is paid in regular monthly amounts, while the remaining 10% can be used for short-term loans to a municipality⁸².

However, MANS got hold of the information indicating that the Ministry of Finance was approving most of the funds to the municipalities exactly during the period of elections, in order to strengthen their financial position for investments, short-term employments or the payment of social assistance. Thus, in the first three months of 2014, the Ministry of Finance approved the loans in the total amount of half a million euros for four municipalities (Berane, Plav, Danilovgrad and Pljevlja) in which local elections were held.

The data indicate that with the payment of loans to Plav and Danilovgrad the Ministry of Finance violated the criteria on the payment of funds from the Equalization Fund. In both cases the permitted limit of 10% of the funds that can be approved for loans was exceeded.⁸³ Namely, for the entire 2014 the total of € 850 thousand had been appropriated for Plav, while 150 thousand was lent or 17.5 %, while for Danilovgrad € 935 thousand had been appropriated, while 120 thousand was lent or 12.8%.

⁸¹ Article from the independent daily "Vijesti" of 16th November 2013, <http://www.vijesti.me/vijesti/put-koji-je-volio-izbore-trece-otvaranje-dionice-ka-danilovgradu-160833>.

⁸² Rulebook on the distribution and use of funds from the Equalization Fund (OG MNE 50/12).

⁸³ Decisions of the Ministry of Finance on short-term lending to municipalities of 13th January and 24th January 2014, 3rd February, 7th February and 21st February 2014, 6th March 2014; Equalization Fund advance payment plan to municipalities for 2014, of 17th December 2013.

According to the documentation on the payment of money from the Equalization Fund on the eve of the presidential elections, held in April 2013, in three pre-election months the Ministry of Finance paid to municipalities⁸⁴, in the form of short-term loans, the amount of € 1.4 million, or 40% of the total amount, while in the remaining nine months it approved the total of 2.2 million. It is important to mention that in 2013 the Ministry could approve solely 2.3 million, since the total planned Equalization Fund for that year had been 23 million⁸⁵. Still, the total of 3.6 million was distributed⁸⁶, and there are no publicly available data on the budgetary sources from which € 1.3 million was illegally taken.

7.2. Tax payment delays

The Ministry of Finance approved to the Municipality of Danilovgrad, at the end of March 2014, at the time of the announcement of the local elections, to delay the payment of the debt for taxes and contributions to the employees' wages in the amount of € 191 thousand. The payment of taxes has been prolonged until the end of June this year.

7.3. Borrowing by municipalities with commercial banks

Despite millions worth debts, some Montenegrin municipalities took credits with commercial banks on the eve of the elections, not paying attention to the financial sustainability of local budgets. The Municipality of Bar, for instance, with the total estimated debts of more than seven million, decided in December 2013, through budget revision, to take € 300 thousand credit, under very unfavourable conditions, i.e. 12% interest rate⁸⁷. Rožaje Municipality planned in its 2013 budget the credit worth € 300 thousand, but it postponed the borrowing decision until January 2014⁸⁸.

⁸⁴ Nikšić, Cetinje, Plevlja, Berane, Šavnik, Bijelo Polje, Ulcinj, Kolašin, Žabljak and Mojkovac

⁸⁵ Equalization Fund advance payment plan to municipalities for 2013 of 30th November 2012.

⁸⁶ Decisions of the Ministry of Finance of 6th February, 15th February, 18th February, 21st February and 28th February 2013, 1st March, 14th March and 15th March 2013, 2nd April, 4th April and 29th April 2013, 9th May, 15th May, 16th May, 27th May and 30th May 2013, 19th June 2013, 4th July, 11th July and 31st July 2013, 2nd August, 15th August and 30th August 2013, 16th September, 25th September and 26th September 2013, 3rd October and 9th October 2013, 4th November, 13th November, 20th November and 29th November 2013, 16th December, 19th December and 30th December 2013.

⁸⁷ Decision on short-term borrowing by Bar Municipality of 2nd December 2013; Decision amending the Decision on Budget of Bar Municipality for 2013, of 20th December 2013.

⁸⁸ Decision on Budget of Rožaje Municipality for 2014, of 27th December 2013.

The Municipality of Plav, the annual income of which is below three million euro, projected the borrowing in 2014 of up to € 600 thousand, although on the basis of the interests and the principal for previous debts in the same year more than € 800 thousand is to be appropriated from the local treasury⁸⁹. Not even the debt of € 8 million prevented the Municipality of Bijelo Polje to give the approval to the utility company to borrow € 160 thousand at the end of 2013⁹⁰, while Pljevlja Municipality planned to borrow as much as € 1.3 million in 2014, although its liabilities with regards to former debts are close to seven million⁹¹.

8. "BUYING" OF IDENTITY CARDS

At the beginning of April 2014, on the eve of the local elections, via the online platform for reporting the cases of corruption,⁹² MANS received an audio recording of a conversation between two individuals making arrangements for the "buying" of identity cards.

During the recording, which lasts for a bit longer than 6 minutes, the voice of certain Predrag Vasović can be heard who makes arrangements for the "buying" of ID Cards for the needs of the ruling party with certain Dragoljub Boljević.

In the recording Vasović reveals that an individual who sold his/her ID Card may not vote and that there is an electronic record of those who "sold" their personal documents. Vasović also revealed during the conversation that ID Cards are "bought" € 90, stating that the price had been the same even in the previous year when the presidential elections had been held.

*Part of the transcript of the recorded telephone conversation*⁹³

Dragoljub Boljević: – OK, fine. Now look, tell me another thing. When I give you these ID Cards, these people may not vote, is that so?

Predrag Vasović: – No, no. No, I mean, after that they may not vote. I mean, they can go to the polling station, but it will be unwise, since the system will tell them that they have already voted, and then... there will be problems. You see.

Dragoljub Boljević: – And what about the possibility of getting some more money for people to vote, I mean, during the elections for DPS, to have some additional money for them on that day. So to have both things

Predrag Vasović: – But they may not, no way because they will have been registered already, everything is entered into that book and into the computer, this is who it works, you know.

Dragoljub Boljević: – OK, fine.

Predrag Vasović: – This means if one were to try, the same name would then appear twice, you know.

Dragoljub Boljević: – Well, how much, tell me, you know why, I have got two now.

Predrag Vasović: – Last year, it was 90 each, you know.

Dragoljub Boljević: – Ah, but look, I have got two now.

⁸⁹ Decision on Budget of Plav Municipality for 2014, of 31st March 2014.

⁹⁰ Decision on Budget of Bijelo Polje Municipality for 2014, of 30th December 2013.

⁹¹ Decision on Budget of Pljevlja Municipality for 2014, of 26th December 2013.

⁹² www.prijavikorupciju.me

⁹³ <https://prijavikorupciju.me/reports/view/44>

sorted out, for the ID Cards and for voting in favour of the DPS.

Predrag Vasović: – Well, this is not possible, no way, this cannot be done, because everything is checked electronically, you know, and you can immediately see that that person has voted and that's it.

Dragoljub Boljević: – But wait, this is checked on that day by those, at that, what's the name, at that polling station, or by your people from DPS. Who does the checking?

Predrag Vasović: – Well...

Dragoljub Boljević: – For they would try to vote another day perhaps, and get some more money.

It is very likely that I might be able to get five to ten, but I would need to now roughly the figure, how much people sell their ID Cards for.

Predrag Vasović: – You tell them 90, so that you can get a cut in that, or tell something in general, I don't know, tell them what you want. But I know that last year it was 90, which means, we will try to give as much as possible, do you understand. So that...

In the Criminal Code of Montenegro (CCMNE) for the criminal act of violating the freedom of choice while voting it is envisaged that a fine or imprisonment term of up to one year will be imposed onto the one who forcefully, threateningly or in any other illegal way forces or influences other persons not to exercise their right to vote at the elections or referendum or to vote for or against certain candidate, electoral list and/or proposal. During the conversation, Vasović himself concludes that the agreed job is a criminal offence.

In another recording⁹⁴, which is in fact the continuation of the previous one, Vasović indicates that he was not afraid of the police, but that he would not like the case to receive media attention.

Instead of competent authorities addressing this case and disrupting the scheme for the “buying” of ID Cards, the Police and the Prosecution Office have been involved in detecting the author of the Recording and the prosecution of those who made it possible for the citizens to report and announce such corruption cases in a safe and secure way.

Namely, one week after the appearance of the audio-recording the Police searched a MANS activist at Podgorica Airport and took his cell phones away. The Police interrogated him despite the fact that he was not informed of the offence they had been investigating on that occasion. The Council for Civilian Control of the Work of the Police decided that by acting in such a way the Police had violated the law.

In mid-May, the State Prosecution Office informed the media that it had assessed that there had been no reasonable grounds for instituting criminal proceedings against Predrag Vasović for making arrangements for the “buying” of ID Cards on the eve of the local elections. They stated that Vasović had been questioned in the

⁹⁴ <http://www.mans.co.me/arhiva/2014/05/press-konferencija-video-snimak-audio-snimci-kupovine-licnih-karata-i-transkripti/>



capacity of a witness and that he had not denied being a participant in the subject conversation. However, Vasović stated that he had just been joking and that he had destroyed both the telephone and the SIM Card. After the first audio-recording, MANS received from the citizens phone numbers of the persons suspected for acting as activists of the ruling party and of “purchasing” ID Cards in the field. Several days before the local elections MANS made phone calls to the two activists and made three audio-recordings.

In these recordings party activists, Žarko Marković and Dražen Danilović, state that the prices of ID Cards in Podgorica are falling because of a great demand. In these recordings the activists confirmed that those who purchased the ID Cards took their cut.

Part of the transcript of the recorded telephone conversation⁹⁵

Vlado Bošković: It’s Vlado, listen. I have just spoken to those who were certain. Brother, they say this is done for € 100 now and accused me of taking a cut. Tell me honestly if this is really the case, I don’t really care if I take € 10–15 or not, it means nothing to me.

Žarko Marković: This is what this guy told me, they were 80, they purchased a lot and he says it’s € 70 now, there.

Vlado Bošković: Well, I don’t know buddy, I mean I got the information from Dražen Danilović that their selling price was € 100.

Žarko Marković: Well yes, they were being sold at € 100, but as I told you this guy told me they had purchased a lot and so... This is what I’ve been told...

Žarko Marković: He came yesterday to close the deal for me and for another guy, they were 80, then fell to 70.

Vlado Bošković: This means that they do not need to know, I take my part and ...ok, ok, ok.

Žarko Marković: No problem, I gave mine too.

Vlado Bošković: This is for Migo... Oh, come on please...to...for I hear many stories.

Žarko Marković: No, no, it’s safe, you have nothing to worry about.

Vlado Bošković: Is it final then? I want you to tell me....I feel really nervous, really nervous. Ok, ok, I am to send you the numbers to this phone number, via text message, is that so?

Žarko Marković: Send me all that you have and I will forward it to be checked and I’ll let you know.

⁹⁵ <http://www.mans.co.me/arhiva/2014/05/press-konferencija-novi-audio-snimci-kupovine-licnih-karata/>



9. OTHER FORMS OF POSSIBLE ABUSES

9.1. Berane case

On the day of the local elections in Berane, on 9th March 2014, the representatives of the opposition parties seized the documentation of the work of the local DPS Committees. The seized documentation shows that the DPS was making special lists of voters who were supposed to have severance pays, social assistance allowances paid. It contains the data on citizen's debts for electricity and water, as well as the remarks as to whether someone got reconnected and in what way.

In the seized documentation there was also a list of voters whose travel expenses need to be reimbursed in the total amount of more than € 55 thousand. After the publishing of this documentation, DPS political director Tarzan Milošević stated:

"Depending on the permitted amount of money at our disposal for the campaign, it is solely the matter of our decision whether we will spend it on political marketing, organization of promotional rallies, payment of travel expenses or something completely different which is permitted by the Law on Financing Political Parties."

Nevertheless, in the official report on the spending for Berane elections, DPS left empty the point 9 – Travel expenses.

Troškovi	
1. Troškovi za predizborne skupove	
2. Troškovi za reklamne spotove i reklamni material	
3. Troškovi oglasa	
4. Troškovi za publikacije	
5. Troškovi medijskog predstavljanja	
6. Troškovi za istraživanja javnog mnjenja	
7. Troškovi anežovanja onomogućenih predstavnika	
8. Režijski troškovi i troškovi onšte administracije	
9. Troškovi prevoza	
10. Ostali troškovi	
B. Ukupni troškovi (1+2+3+4+5+6+7+8+9+10)	
C. Višak sredstava (A-B)	
D. Nedostajuća sredstva (B-A)	
E. Stanje računa iz člana 14 Zakona	

Publici 18.02.2014	
Ukupno - 1247 - 1900 59	
56405€	
Gen Goraz - 1346 - 30110€	
B, H - 87 - 4.410€	
Hercegovina - 12 - 120€	
Kosovo - 33 - 1165€	
Manudbivj - 18 - 1080€	
Sebija - 258 - 10.220€	
Jednak raslo - 376 - 13.160€	

Excerpt from the DPS financial report for Berane elections Document of Berane DPS local committee

Also, the seized documentation contained a certain number of already filled requests for voting via letters, which have one thing in common, i.e. different individuals living at different locations authorized the same person to submit such requests. These voters stated their illness as being the principal reason for requesting voting via letter. However, another thing they had in common was that the same handwriting filled in these requests.

Pursuant to the law, the request for voting via letter is submitted to the electoral committee on the very day of the elections when its justification is assessed.

9.2. Apartments and housing credits

Considerable place among the election promises occupy the awarding of apartments and housing credits, which was the principal reason for amending the Law on Financing Political parties and prescribing the ban on such activities in pre-elections period.

In mid-April 2014, soon after the announcement of the local elections, former Mayor of Podgorica, Miomir Mugoša, the Minister for Social Welfare, Predrag Bošković, and the President of the Association of Pensioners of Podgorica, Savo



Barović, announced the beginning of the construction of a new building in Podgorica, with about 100 apartments for pensioners⁹⁶.

In Podgorica neighbourhood of Konik, in the improvised structures, for more than a decade now there are nearly three thousand members of Roma population, who escaped from Kosovo. At the beginning of April, the inhabitants of Konik were presented with the project of resolving their housing problems by means of constructing apartments with the assistance of European funds.⁹⁷

9.3. Abolishment of local fees

In October 2013, one month before the staging of the local elections in that town, the Mayor of Mojkovac, Dejan Medojević, made the illegal decision by means of which the commercial entities in the territory of Mojkovac were exempted from the payment of a part of the fee for the use of commercial premises in the amount of 30 to 50 %⁹⁸.

The Mayor justified the challenged decision with the need to spur the development of local businesses in the conditions of economic crisis, then with the opening of new jobs.

He referred to the Law on Local Self-Government, providing for the president of the municipality to pass interim acts from the competence of the Local Council in case the same cannot convene or if for some other reasons it does not have the capacity to work, and if the failure to make such decisions would endanger citizens' lives or the assets of greater value.

⁹⁶ Article in the daily "Vijesti" of 15th April 2014, <http://www.vijesti.me/vijesti/mugosa-i-boskovic-položili-kamen-temeljac-za-zgradu-za-penzionere-196053>.

⁹⁷ Article in the daily "Vijesti" of 9th April 2014, published under the headline "Promises of Progress and 180 Apartments".

⁹⁸ Conclusion of the Mayor of Mojkovac on the exemptions related to one part of the obligation concerning the annual fee for the use of commercial premises which may be accessed from the road for 2013, dated 11th October 2013. Commercial premises are the structures, in which commercial activities are performed, as well as catering, handicrafts, as well as those performing manufacturing activity, like metal processing, wood processing etc.



10. INSTITUTIONAL PROCEDURES UPON REPORTS

Due to various violations of the Law on Financing Political Parties followed by MANS through its monitoring, greater number of cases were identified because of which motions were being made to the National Election Board (NEB) and Supreme State Prosecution Office (SSPO).

10.1. Motions to National Election Board

During the pre-election campaign for the local elections in 12 Montenegrin municipalities MANS sent to the NEB the total of 30 reports for the violation of the law on Financing Political Parties.

By monitoring the portals of the Employment Agency, Human Resource Management Authority and daily press in which job competitions are announced, MANS found the data on the violation of the ban on public announcement of vacancies or employment in public administration or local administration,



prescribed by the Law on Financing Political Parties during the election campaigns⁹⁹.

We identified 15 public institutions, five ministries, two state enterprises, one directorate, one institute and one public enterprise which violated the Law and announced illegal competitions for the employment of 71 individuals. Based on that, MANS submitted 26 motions to the NEB asking for the violation of the Law to be established by the institutions and responsible persons, and for the same to be lawfully punished for misdemeanour.

The NEB considered the motions within legally envisaged deadline and informed us that in neither of the stated cases had there been violations of the Law on Financing Political Parties.

MANS filed the complaint to the Administrative Court against all decisions of the NEB. Namely, from the decisions of the NEB it can be seen that this institution failed to have the insight into the employment competitions, and concluded that the competitions had been legally announced. When making such decisions the NEB was relying to the statements of the reported entities, without undertaking a single administrative action or enquiry, in order to obtain the information by itself and to establish whether the Law had actually been violated.

In three cases the Administrative Court adjudicated in our favour and annulled the decision of the NEB, while in 22 cases it rejected the complaint.

On the basis of anonymous reports received from the citizens, MANS filed four motions with the NEB related to the employment of 14 persons in the public institution in the capital city of Podgorica.

On the occasion of all four motions, the NEB issued preliminary decisions to institute the procedure of checking the allegations of the existence of the violations of the bans envisaged by the Law. In one case the NEB decided that there had been no violations of the Law, while for three others decisions have never been made.

10.2. Motions with Supreme State Prosecution Office

⁹⁹ Article 21 of the Law on Financing Political Parties, prohibits every for of temporary employment during the election campaign and one month after the same, in order for this mechanism not to be used for the purchasing of votes, and the Law allows solely the employment to indefinite time.



During the pre-election campaign and on the very day of the staging of the local elections MANS filed with the Supreme State Prosecution Office (SSPO) the total of 140 criminal reports because of the possible existence of criminal offences of influencing the free will of the citizens at the elections and due to the abuse of office in relation to the use of state resources in electoral purposes. Up to the finalization of this report, the prosecution office had rejected 61 reports, stating that there were no grounds for undertaking criminal prosecution against any person, for any criminal offence that is prosecuted ex officio. For the remaining 79 reports, the procedures are still pending.

SSPO has a duty to check ex officio the information that might indicate the existence of a criminal offence, which information is covered by the media. However, such practice is exceptionally rare. Because of that, MANS followed media coverage of the pre-election campaign and filed to the prosecution office criminal reports in 51 cases in which there was a suspicion of illegal influence on the electoral will of the citizens. Most of the reports were related to bribing the voters, illegal employment on the eve of the elections, as well as different forms of pressures.

Besides, we submitted to the prosecution office additional 18 reports that we had received from the citizens, concerning mainly the bribing of the voters.

Also, on the basis of detailed investigations on possible abuses of the state resources for election purposes, MANS submitted 20 criminal reports substantiated by voluminous evidence.

MANS submitted the criminal reports against a series of state officials, including the Minister of Economy, Vladimir Kavarić, the Director of Employment Agency, Vukica Jelić, former Mayor of the capital city of Podgorica, Miomir Mugoša, the President of the Municipality of Mojkovac, Dejan Medojević, but also the Prime Minister, Milo Đukanović. Special criminal report was submitted against Tarzan Milošević and Branko Čavor, as the responsible persons in the ruling party who are suspected of the criminal act of compiling fake balance. Until the completion of this report, the prosecution office has not responded to these criminal reports.

Formerly in relation to the well-known case of Pljevlja, MANS submitted a criminal report against 14 persons because of the reasonable grounds of them committing criminal acts of the abuse of office and the violation of freedom while voting, in

relation to the illegal purchasing of votes through the payment of lump sum social benefits¹⁰⁰.

The Prosecution Office issued the indictment against several persons employed in the Centre for Social Work, but it did not cover the line Minister of Labour and Social Welfare, nor did it conduct the investigation of possible abuses in other centres in which there had also been justified suspicions in illegalities. During the investigation, the Prosecution Office did not hear the representatives of the MANS, nor did it request more detailed information, although we had indicated to them that we possessed the evidence for other centres for social work. The judicial proceedings resulted in convicting judgement to suspended imprisonment sentence due to the abuse of office, and not the violation of the free will of the voters.

Finally, on the very day of the staging of the local elections, MANS submitted 51 criminal reports to the Prosecution Office and the Police for the alleged criminal offences violating the freedom of choice and rights at voting. Most of the reports were related to the suspicion in the purchasing of ID Cards, keeping illegal records at polling stations and various types of pressures. Until the completion of this report, the Prosecution Office rejected 28 reports submitted on the day of the staging of the elections, stating that in no case were there grounds for undertaking criminal prosecution.

11. ACCESS TO INFORMATION ON PRE-ELECTION EXPENDITURE

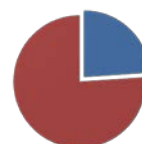
One of the best mechanisms for detecting various abuses committed by state bodies for the needs of election campaign is the Law on Free Access to Information, through which we come to the official data on the work of the institutions the behaviour of which is monitored during the election period.

¹⁰⁰ The report was filed against Suad Numanović, current Minister for Human and Minority Rights and the former Minister of Labour and Social Welfare, Juso Asanović, Director of Pljevlja Centre for Social Work and member of the DPS Municipal Committee, as well as Ermin Nuhanović, an employee of the said Social Work Centre and a member of the DPS Municipal Committee. The report also covered the local DPS activists in Pljevlja Joka Đačić, Vanja Sokić, Dragoljub Mazalica, Sead Vesnić, Dragan Tošić, Dušan Knežević, Rade Strunjaš, Nada Borović, Abdulah Šulović, Sadik Bulut and Amer Hadžalić, coordinators of the DPS local committees at Pljevlja Municipality.

MANS sent to the addresses of more than 300 central and local institutions more than 14.500 requests for information, asking for the information on budgetary expenditure in pre-election period, public sector employment, lump sum and social and other payments, subsidies, credits and similar. In almost half of the cases, the institutions violated the Law because of which MANS filed to the Agency for the Protection of Personal Data and Free Access to Information more than 6.000 complaints, 90% of which were adjudicated in our favour.

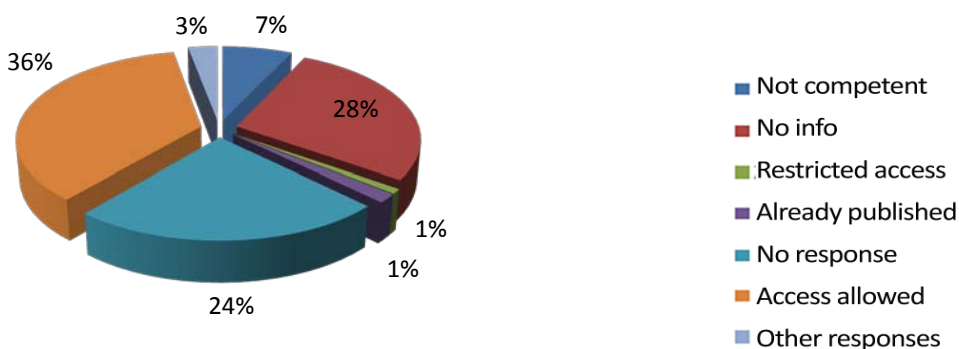
Although there is undisputed public interest for the information on budgetary expenditure in pre-election process to be made accessible to all the interested, in order to see whether there is illegal influence on electoral process, the **institutions failed to submit the responses to every fourth request for information.**

- No response
- Responded upon request



Graph 14: Ratio between the answered and unanswerd requests

In the part of the answered requests, the institutions allowed the access to information and submitted the requested data only at every third request, while for a negligible number of requests we got the answer that the data had already been published on the Internet and thus made accessible to the wider public. In almost one third of the cases the institutions claimed that they did not hold the requested information, while in 7% of the cases they claimed lacking jurisdiction to act upon the submitted requests.



Graph 15: Structure of submitted answers



The Law was most often breached by the Ministry of Finance which has for months been hiding the data on State Budget expenditures on the eve of the local elections. That ministry failed to respond to more than 209 submitted requests, some of which had been submitted already at the end of 2013.

Large number of the requests have not been answered by the Ministry of Agriculture and Rural Development, Ministry of economy, Ministry of Science, Ministry of Transport and Maritime Affairs, Directorate for Development of Small and Medium Size Enterprises, State Aid Control Board and many others.

Also, greater number of Social Work Centres, which operate within the framework of the Ministry of Labour and Social Welfare, hide the data on social payments in the previous period.

Among local institutions, various bodies of the Capital city of Podgorica are the leaders in relation to the violation of the Law. They hide the majority of requested data, especially the Secretariat for Finances and the Cabinet of the Mayor. Besides Podgorica, data hiding was particularly prominent with the municipalities of Bijelo Polje, Bar and Berane.

In almost half the cases the institutions failed to submit timely answers or violated the Law on Free Access to Information in another way, thus we instituted the second instance procedure and filed more than 6.000 complaints to the Agency for the Protection of Personal Data and Free Access to Information.

By the time of the completion of this report, the Agency, and/or the first instance bodies themselves had made decisions in almost four fifths of the cases upon the appeals¹⁰¹. Almost 90% of these decisions were adjudicated in favour of MANS as the applicant, with only 120 rejected appeals. The total of 116 disputes were instituted before the Administrative Court following the decisions of the Agency that rejected the appeals. By the day of the completion of the report the Court had passed the judgements for only 14 complaints, all of these in favour of the accused institutions.

Case study: Employment Agency

¹⁰¹ *"In case the authority which issued the first instance decision finds the appeal founded, and if it is not necessary to conduct a new special inquiry proceedings may resolve the matter differently and issue a new decision to replace the challenged one"* Article 230 paragraph 1 of the Law on General Administrative Procedure (OG RMNE no. 60/03)



MANS was repeatedly requesting from the Employment Agency of Montenegro the data on the employment of people in public authorities and on credits being awarded. Initially, the Agency was submitting the requested information, but then it started with brutal violations of the Law.

Namely, the Agency refused to give access to information because of the alleged articles in the media. They claim that the Conclusion of the Expert Collegium of the Agency assessed that the provision of information in the manner that had been done until then prevented the Agency from performing its legally established activity.

The Agency further adds that acting upon the requests for the access to information in this way harms the reputation and undermines the trust that the Agency enjoys among the unemployed, employers and other service users, and that the institution is prevented from performing legally established activities, since the resolving of the unemployment problem, as the principal activity of the Agency, is of strategic importance for the State.

Podgorica, 7.03.2014. god.

ZAVOD ZA ZAPOSŁJAVANJE CRNE GORE

Broj: 0601-960/2

Podgorica, 07.03.2014. godine

Na osnovu člana 30 stav 1 Zakona o slobodnom pristupu informacijama („Sl. list CG“, br. 44/12), i a u vezi zahtjeva za slobodan pristup informacijama **Mreže za afirmaciju nevladinog sektora MANS - Podgorica, br.0601-9493/2 od 18.12.2013.godine**, u ponovnom postupku direktorica Zavoda za zapošljavanje Crne Gore, d o n o s i

RJEŠENJE

Odbija se zahtjev za dostavljanje dodatnih informacija NVO MANS iz Podgorice, br. 13/58217 od 06.12.2013.godine.

O b r a z lo ž e n j e

Agencija za zaštitu ličnih podataka i slobodan pristup informacijama rješenjem br. 981/14 od 11.02.2014. godine usvojila je žalbu NVO „MANS“a i poništila akt Zavpda za zapošljavanje Crne Gore br.0301-10108 od 18.12.2013. godine. U navedenom rješenju nalaže se Zavodu za zapošljavanje Crne Gore da dostavi informacije podnosiocu zahtjeva NVO „MANS“ br. 13/58217 od 06.12.2013. godine.

Razmatrajući podneseni zahtjev i imajući u vidu činjenicu da je NVO »MANS« nakon ranije dobijenih odgovora na zahtjevima iste koristio za objavljivanje više tekstova u dnevnom listu »Dan« odlučeno je da se zahtjev odbije.

U testu štetnosti, koji je utvrđen zaključkom stručnog kolegijuma Zavoda, ocijenjeno je da se davanje informacija na način na koji je to do sada rađeno onemogućava Zavod da vrši svoju zakonom utvrđenu djelatnost.

Naime, član 16 Zakona o slobodnom pristupu informacijama uređeno je da se pristup informaciji može ograničiti ukoliko postoji mogućnost da bi objelodanjivanje informacija izazvalo štetne posledice po interes, koji je od većeg značaja od interesa javnosti da zna tu informaciju, osim ako postoji preovlađujući javni interes propisan članom 17 tog zakona.

U ovom slučaju nema dokaza koji ukazuju na korupciju, nepoštovanje propisa, nezakonito korišćenje javnih sredstava ili zloupotrebu ovlašćenja u vršenju javne funkcije, kao i da ne postoji sumnja u izvršenje krivičnog djela i drugo iz pomenutog člana.

Smatramo da u demokratskom društvu, radi zaštite od ozbiljne povrede zakonom zaštićenih interesa, **neophodno je ograničiti davanje podataka ukoliko se oni zloupotrebljavaju.**

Izvrjesno je da su ranije dostavljene informacije zloupotrijebljene, obzirom na tendenciozne i učestale navode iznijete u tekstovima objavljenem u dnevnom novinama, jer su aktivnosti Zavoda neosnovano dovedene u vezu sa kriminalnim klanovima opštepoznatim javnosti, što je izazvalo štetne posledice po djelatnost Zavoda i poslodavaca.

Zloupotreba se ogleda u povezivanju informacija dobijenih od Zavoda, sa neosnovanim, proizvoljnim i nedokazanim optužbama i plasiranjtu tako formiranih informacija javnosti putem dnevne štampe.

Na ovaj način se ruši ugled i podriva povjerenie koje Zavod ima kod nezaposlenih poslodavaca i drugih korisnika usluga a institucija onemogućava da obavlja zakonom

utvrđene djelatnosti, jer je rješavanje problema nezaposlenosti, kao osnovne djelatnosti Zavoda, od strateškog značaja za državu.

Istovremeno se ugrožavaju i interesi poslodavaca, čija imena se povezuju sa kriminalom i stavljaju u krajnje negativan kontekst, što urušava njihov poslovni integritet, gube povjerenie u institucije sistema, što dovodi do odbijanja saradnje sa Zavodom u projektima i programima, koji dovode do povećanja zapošljivosti domaće radne snage, dok posledice trpe nezaposlena lica.

Na osnovu izloženog, riješeno je kao u dispozitivu.

PRAVNA POUKA: Protiv ovog rješenja može se izjaviti žalba Agenciji za zaštitu podataka o ličnosti i pristup informacijama u roku od 15 dana od dana prijema ovog rješenja.

Dostaviti:

1x podnosiocu zahtjeva

1x 04

1x 06

1x a/a

DIREKTORICA
Munkica Jelić



Decision of the Employment Agency dated 7th March 2014

11.1. Proactive publishing of financing data – analytical cards

One of the novelties in the Law on Financing Political Parties referred to the duty of the state and municipal budgetary units to publish weekly on their Internet pages the analytical cards of all the accounts and spending, as of the day of the announcement to the day of the staging of the elections, as well as three months after the elections. There was a special duty assigned to the Ministry of Finance to publish on a weekly basis within the said period the excerpts from the State Treasury and local self-government accounts, as well as the analytical cards of all state and municipal budgetary units.

When one has in mind that the local elections had been announced on 24th March 2014, the state and municipal bodies were obliged to continuously publish the subject information until 25th August of the current year. MANS closely monitored during the subject period the web portals of 29 state spending units as well as 11 municipalities. We found out that 14 state and local spending units fully complied with the legal obligations, the same number of bodies complied only partially, while 12 institutions failed to comply.

The institutions which acted in full compliance with their legal duty are: Ministry of Finance, Parliament of Montenegro, Ministry of Justice, Ministry for Human and Minority Rights, Ministry of Defence, Ministry of Agriculture, Fund for the Protection of Minority Rights, Pension and Disability Insurance Fund and Directorate for the Protection of Confidential Data.¹⁰²

One part of the institutions partially complied with the law in the manner that they were publishing analytical cards until certain period. These are: Ministry for Information Society (period up to 10th August), Ministry of labour and Social Welfare (period up to 1st August), Ministry of Education (up to and inclusive of the elections day 24th May), Secretariat General of the Government of Montenegro (period up to 1st August), Ministry of Transport and Maritime Affairs (period up to 19th July), Indemnity Fund (period up to 18th July).

¹⁰² Analytical cards represent a document which offers basic information on spending, i.e. date and amount of payment, but not the purpose of disbursement.

Fulfilled obligation	Ministries	Local self-governments
Fully	9	5
Partially	10	4
Not fulfilled	10	2
TOTAL	29	11

Besides that, the Ministry of Science and the Labour Fund published the data solely for one week, while the Ministry of Sustainable Development and Tourism had the data accessible up to 8th April, after which for the election month of May there are no data, with the analytical cards submitted for June and up to 18th July.

Due to the fact that the Ministry of Finance keeps the records on its web portal of analytical cards of all budgetary units and travel orders, MANS established that the Ministry of Interior published the data for the period up to 15th August.

With regards to governmental institutions which failed to comply with their legal duty, these are: Ministry of Health, Ministry of Culture, Ministry of Economy, Ministry of Foreign Affairs and European Integrations, Health Insurance Fund, Committee for Assessing the Extent of Damage of Natural Disasters, State Aid Control Board, Investment-Development Fund, Public Revenues Directorate, Public Works Directorate and Directorate for the Development of Small and Medium Size Enterprises.

As for the local self-governments, it was established that two municipalities, Kolašin and Rožaje, failed to act in accordance with the provision on proactive information publishing, while the Municipalities of Podgorica, Danilovgrad, Šavnik, Plužine and Pljevlja acted in compliance with the Law. However, the municipalities of Bijelo Polje and Žabljak published their analytical cards for the period up to 14th July, the Municipality of Bar up to 15th June, and the Municipality of Plav up to and inclusive of 27th April 2014.



LOCAL ELECTIONS 2014
IMPLEMENTATION OF THE
LAW ON ELECTORAL LISTS



12. UNLAWFUL VOTER REGISTRATION

The CVR features over 518,000 voters, while Montenegro's total population, including the ones under 18 years of age, and foreigners without voting rights, according to the 2011 census, was 625,000¹. Although MANS drew attention to this fact over a year ago, before the presidential elections, obviously this matter has still not been properly addressed, given that the CVR is still inaccurate and outdated.

According to the census, at the time of the data collection, which was April 2011, Montenegro had somewhat over 501,000 inhabitants aged 15 and more², the ones who became of age before the 2014 local elections in Montenegro, thus acquiring the right to vote. Nevertheless, according to the data from the most recent CVR, Montenegro has 518,000 registered voters, or 17,000 more than the total number of adult inhabitants according to the census.

If we take into account only the municipalities where elections were held, the situation reflects the national statistics. Thus, according to the census, these 12 municipalities are now to have a bit over 302,000 adults, and over 315,000 persons are actually registered voters. More detailed comparison of data shows that in some municipalities the number of registered voters exceeds total population, as shown in the figure below³:

¹ More information available at:
<http://www.monstat.org/userfiles/file/popis2011/saopstenje/saopstenje.pdf>. Accessed on 9 October 2014.

² More information available at:
<http://www.monstat.org/userfiles/file/popis2011/PODACI%20OPSTINE/tabela%2007.xls>. Accessed on 9 October 2014.

³ The data for Plav and Gusinje, which featured as one municipality until immediately before the 2014 elections, are given together, to provide for the comparability with the census data.

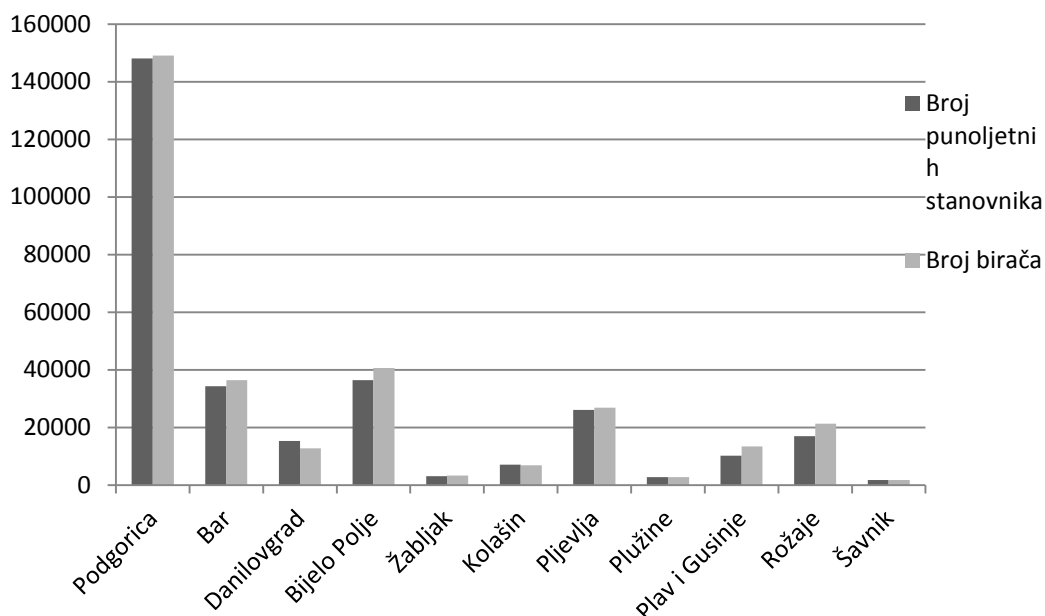


Figure 1: Difference between the number of citizens of full age and the number of voters in 12 Montenegrin municipalities

12.1. Foreign nationals as registered voters in Montenegro

The law says that the persons residing abroad for over two years, and who have had no registered residence in Montenegro for the past two years, cannot have the voting right⁴, and in case of any suspicions into the accuracy of the data on person's residence the Mol is obliged to investigate into that matter within 30 days⁵.

The specific cases reported to us by citizens, as well as the ones identified by our volunteers, confirm that voter registers contain the names of thousands of persons who should have been deregistered by the force of the law. The largest share of reports filed by citizens refer to persons residing outside of Montenegro for decades, particularly in Botswana, Denmark, Sweden, the United States of America, Canada, Italy, the United Kingdom, Russia, Turkey, Austria, France, Poland, Luxembourg, the Netherlands, and all the countries in this region.

⁴ Law on Election of Local Councillors and MPs, Art 11.

⁵ Law on Temporary and Permanent Residence Registers, Art 14 (2).



Such information is further reinforced by the parallel voter records kept by activists of the governing Democratic Party of Socialists (DPS) which were seized during the local elections in Berane, featuring the name of the country in which certain registered voters actually reside.

In the eve of the local elections, MANS received the information that many persons residing abroad were provided with transportation to Montenegro to exercise their voting right, although they should have been stripped of this right altogether, under the law and the provisions on the change of temporary and permanent residence.⁶

Case study 1: Foreign politicians registered as voters in Montenegro

The fact that the voter registers do contain the names of a large number of persons who have been residing abroad for many years is best proven by specific examples brought to our attention by citizens, for which they provided us with specific information, including the information on when they left the country and on their current whereabouts. Such cases are numerous, and among the most interesting are the cases of politically exposed persons in other countries, still registered as voters in Montenegro.

MANS received the information from citizens that the voter register contains the name of Ilija Batljan, born in Montenegro, who emigrated to Sweden some twenty years ago. Between 2005 and 2009, Batljan was the mayor of a small port town Nynäshamn in Sweden.

Ilija Batljan



Ilija Batljan, vice VD bostadsbolaget Rikshem

Född	23 juli 1967 (47 år) Kolasin, Montenegro
Utbildning	Fil dr. i socialt arbete, fil kand. i nationalekonomi
Yrke/uppdrag	Vice VD bostadsbolaget Rikshem F d kommunalråd i Nynäshamns kommun F d landstingsråd i Stockholms läns landsting

Batljan is now vice president of the housing company Rikshem, formerly Dombron. He left politics in 2011 after a year as councilor for the opposition on the Stockholm County Council. He was a municipal councilor in Nynäshamn between 2005 and 2009, but also made an impression outside local government circles, as a possible party leader for instance. And in the autumn of 2009, he was ranked fifteenth – and first among politicians – in Veckans Affärer magazine’s list of “101 Super Talents.”

That was sixteen years after he first came to Sweden. Born in Montenegro, he and his wife left the former Yugoslavia in 1993 due to the war. The year after the family arrived in Sweden, Batljan was a student at Stockholm University, where he studied economics.

“It took a few months to acquire adequate Swedish skills and upper secondary qualifications. I worked hard and I’m proud of that. Studying at the university gave me a great deal and helped me put down roots in Sweden very quickly.”

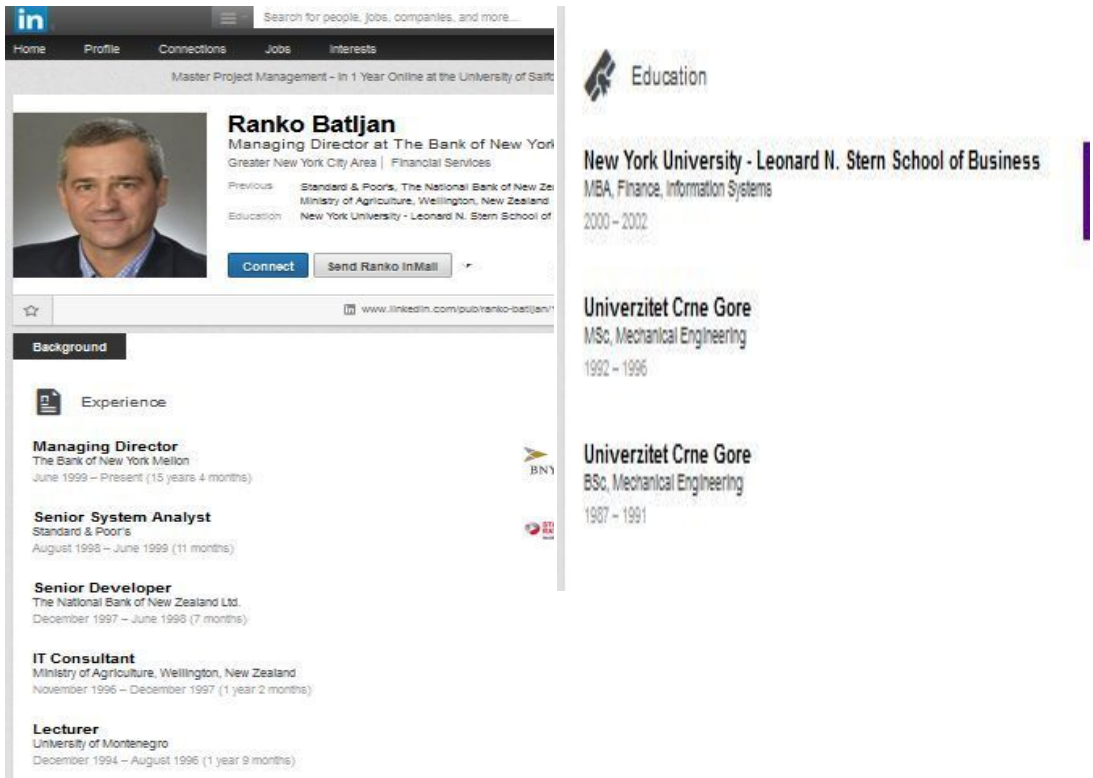
An excerpt from Wikipedia⁷ indicating the exact date and place of birth for Batljan

An excerpt from the article entitled “Ilija Batljan: Committed to Baltic Sea Issues” published at balticworlds.com, on 14 June 2012, citing the year when he left Montenegro.

In the interviews for the media in this region, and for foreign media, this successful and most popular Swedish politician, as referred to by journalists, stated publicly he left the Balkans in 1993. Nevertheless, full 21 years later, he is still a registered voter in Montenegro, under the voter code 206, residing at the address Mojnovačka bb, Kolašin.

Similar is the situation with his brother Ranko. According to the data available on the web, Ranko Batljan has been residing out of Montenegro at least since 1997, when he left for the New Zealand, and is currently residing in the USA.

⁷ More information available at: http://sv.wikipedia.org/wiki/Ilija_Batljan. Accessed on 9 October 2014.



The image shows a screenshot of Ranko Batljan's LinkedIn profile. The profile header includes his name, title 'Managing Director at The Bank of New York', and location 'Greater New York City Area | Financial Services'. Below this, there are sections for 'Previous' (Standard & Poor's, The National Bank of New Zealand, Ministry of Agriculture, Wellington, New Zealand) and 'Education' (New York University - Leonard N. Stern School of Business). The 'Background' section lists his work experience: 'Managing Director' at The Bank of New York Mellon (June 1999 - Present, 15 years 4 months), 'Senior System Analyst' at Standard & Poor's (August 1998 - June 1999, 11 months), 'Senior Developer' at The National Bank of New Zealand Ltd. (December 1997 - June 1998, 7 months), 'IT Consultant' at the Ministry of Agriculture, Wellington, New Zealand (November 1996 - December 1997, 1 year 2 months), and 'Lecturer' at the University of Montenegro (December 1994 - August 1996, 1 year 9 months). To the right of the profile, a list of education institutions is shown: 'New York University - Leonard N. Stern School of Business' (MBA, Finance, Information Systems, 2000 - 2002), 'Univerzitet Crne Gore' (MSc, Mechanical Engineering, 1992 - 1996), and 'Univerzitet Crne Gore' (BSc, Mechanical Engineering, 1987 - 1991).

Screenshots from Ranko Batljan's Linked In profile, indicating his residence outside of Montenegro since 1997

However, just as in the case of Ilija Batljan, he is still a registered voter in Montenegro under the voter code 207 and the same address, Mojkoča bb, Kolašin.

A registered voter in Montenegro is also Fahrudin Radončić, former Security Minister in Bosnia and Herzegovina. It is unknown how Radončić came to be a registered voter although living and working for over 30 years in Sarajevo, particularly given that he claims he has never cast vote in Montenegro, and that his residence has never been at Moskovska 30, Podgorica, as registered in the CVR⁸.

⁸ Kajošević Samir, Žugić Vladimir, Fahrudin Radončić „to cast his vote” in Podgorica, Vijesti Online, 4 April 2014, available on: <http://www.vijesti.me/vijesti/fahrudin-radoncic-glasa-u-podgorici-192589>. Accessed on 9 October 2014.



These cases only illustrate how founded are the claims by the MoI that the voter register is clean and the what MANS claims is unjustified, and clearly indicate the lack of political will within this agency to remove the irregularities from the voter register to enable the holding of free and democratic elections.

12.2. Newly registered voters

In between the presidential elections and the local elections in May 2014 in 12 municipalities, the total of 14,713 persons were registered as voters, or over one thousand a month. A large number of voters gained their electoral rights for the first time at quite an advanced age, although they were born and lived throughout their lives in Montenegro.

The data show that over 2,500 persons registered as voters immediately before the local elections were more than 40 years of age, and most of them were born in Montenegro. This means they did not acquire right of suffrage with the entry into the register of Montenegrin nationals.

The question raised here is how it was possible for a person born and residing in Montenegro to acquire the voting rights for the first time in their middle or old age, whether such persons actually exist, and whether they are still alive.

Such maintenance of voter registers raises suspicions as to possible registration of “ghost” voters, i.e. the deceased or the persons not actually residing in Montenegro.

Case study 2: Gaining electoral rights in their nineties

One of the most extreme cases of newly registered voters is the case of Radulović Ljubica, born on 15 August 1918 in Podgorica, residing at Oraovica BB and registered to vote at the polling station Primary School Božo Radulović, Dolovi. According to the data from the official voter register, she acquired suffrage rights for the first time at the age of 96. Similar is the case of Jovanović Danica, four years younger, born on 1 July 1922 in Kotor, residing in Risan.

In Podgorica, the newly registered voters include Rakočević Mašan and Kikić Elena, both born in 1924, while in Plav there is the case of Lalić Nuriya, born on 9 May 1925. As regards Mojkovac, the oldest newly registered voter is Pejović Stana, born on 10 April 1924.

12.3. Deceased, yet still registered as voters

According to the still valid Law on Voter Registers, all changes to the voter registers are done ex officio or at the request of the voter, based on the information from the civil registers, other official records and public documents, or the data and documents provided by the voter requesting certain change be made⁹.

As regards the deceased still registered as voters, MANS verified the information by comparing death registers with voter registers, and by comparing information from obituaries published in the local dailies with voter registers, while our volunteers checked the data in the field. Some cases were reported to us by citizens whose family members passed away, and whose names were still appearing in the voter registers.

MANS found a large number of irregularities in all towns where local elections were held. These cases included some persons who passed away as long as 16 years ago¹⁰, and many younger persons who died tragically, and whose names were not deleted from voter registers. Out of respect for the deceased and their families, this section of the report will not be citing specific examples.

⁹ Law on Voter Registers, Art 7 paras. 1 and 3.

¹⁰ Thus, the name of K.R. from Danilovgrad still features in the voter register although he died back in 1998

12.4. Double entries

The review has shown that the voter register features several persons with identical personal data (name and surname, date of birth, address), casting vote at the same or different polling stations, the only difference being voter codes and civil registry numbers. There are even more persons with oddly similar personal data, as well illustrated by case study 3.

Case study 3: Double entries or ghost voters?

In Berane there are two persons named Rastoder Dževad born on 26 June 1971 in Berane, residing at Savin Bor, who cast votes at the same polling station Savin Bor, Dašča Rijeka.

In Ulcinj there are two persons named Elezović Nikola, both born on 29 April 1946 in Ulcinj, both residing at Gornji Štoj BB, and registered to cast votes at the polling station OŠ "Štoj" A-J, while one of them was entered in the voter register as late as for the presidential elections.

Two persons named Radojević Milka from Nikšić, both born on the same day, 16 January 1951, one residing at S. Burića 1, the other at Sava Burića 1, are both registered to vote at the polling station Dom MZ Bistrica, Ul. II.

Two persons named Đurišić Željko from Berane were born in February 1972, one on 1st, the other on 12th February. Both reside at Babino BB and cast votes at the polling station Babino.

The situation is similar even in Podgorica, where two persons named Savović Milica live, both born in October 1992, one on 8th, and the other on 14th. Both of them live at Ratnih Veterana BB, and cast votes at the polling station MZ "Konik" Klub Penzionera (L-Š).

In the small place of Šavnik there are supposedly two persons named Jakić Dragomir, both born in 1963, one on the 01 January, the other on 01 October, registered to cast votes at the polling station Sala SO Šavnik.

MANS warned also on previous occasions that it was possible these referred to the same persons, regardless of the differences in some of the data, and urged the relevant authorities to carry out inspection control of the voter register for these persons.



The existence of double entries was indirectly confirmed by relevant authorities, when some persons noted in the previous report by MANS as double entries were deregistered.

Case study 4: Ghost voters deleted after the review by MANS

Immediately before the local election, one Marko Gojačanin was deregistered from Bijelo Polje, where we previously indicated the existence of a possible double entry. Before that, there used to be two persons named Gojačanin Marko, both born on 2 June 1989 in Bijelo Polje and residing at Lješnica, registered to cast vote at the polling station Lješnica 1.

The same happened with one Marijana Vujović from Nikšić. The voter register used to feature two persons with the same name, both born on 12 April 1995 in Nikšić, residing at Školska 1A. Both had the right to vote at the polling station Lješnica-1.

Apart from the persons with the same data, there are numerous examples of persons with similar data. This confirmed the suspicions raised by MANS regarding the irregularities, or double entries, in the voter register.

12.5. Twofold right of suffrage

According to the Law on Election of Local Councillors and MPs, the criterion which makes a voter eligible to cast his or her vote in a specific municipality is registered permanent residence within its territory for at least six months before the elections.

However, the data show that the same persons enjoyed the right to vote in the local elections in Berane and in Petnjica, held less than five months apart¹¹.

After Petnjica gained municipal status, the local elections were held based on the voter register that was extrapolated from the one in Berane municipality, by simple separation of the polling stations that territorially belong to the newly established municipality.

¹¹ The local elections in Petnjica were held on 16 November 2013, and in Berane on 9 March 2014.



By comparing the final voter register used in Berane with the one used in Petnjica, MANS came up with a list of voters entitled to cast their votes in both municipalities, i.e. the ones whose names featured in both registers.

Thus, the right to cast votes in the Berane elections was enjoyed by 52 persons who had already exercised this right in the neighbouring Petnjica. The review has shown that the “transfer of voters” from one register to the other was done by changing the polling station, although their address remained the same. There are also cases of voters who changed their addresses after the elections in Petnjica, but not for long enough to meet the residence criterion as the basis for changing the polling station and moving to another municipality.

This is not only contrary to the Law on Election of Local Councillors and MPs, but also leads to a paradoxical situation making it possible for these persons to cast their votes in two municipalities and elect the ones to govern both municipalities.

Case study 5: One voter – two votes

The person called Muratović Zahida, residing at Talum BB, had the right to cast vote both in Petnjica and in Berane. Zahida was registered to cast her vote in the elections in Petnjica at the polling station Radmanci, while in Berane her registered polling station was Lim I.

Something similar referred also to Duraković Fahrudin who resides at VIII Crnogorske. In Petnjica he had the right to cast his vote at the polling station Trpezi, and in Berane at MZ Park. Adrović Arafat was registered to cast vote in Petnjica at the polling station Donja Vrbica, and in Berane at Donje Luge, while his address remained unchanged.

On the other hand, Veljić Kosa is one of the voters whose place of residence was promptly changed to allow for twofold right of suffrage. At the time of the local elections in Petnjica she lived at Lješnica and was registered to cast vote at the polling station Tucanje, Lješnica, Orahovo, and just before the elections in Berane her place of residence was changed to the new address Polimska P+9 and gained the right to cast her vote at the polling station MZ Novo naselje.



13. UNLAWFUL DENIAL OF THE RIGHT TO SUFFRAGE

13.1. Unfounded change of the polling station

The CVR review before the local elections shows that this document has sustained a number of changes in the registered polling station for each voter without any change of the place of residence taking place for such voters.

Over the period of not more than a year, the polling station where they are supposed to cast votes was changed for over 3,000 voters, which in some cases involves the establishment of new polling stations, while one in five such voters were transferred to different polling stations without any changes of their addresses or places of residence.

By the previous provision, valid during the local elections, the notifications for voters informing them of the polling stations where they are registered were to be delivered by local authorities responsible for keeping voter registers¹², and the representatives of opposition parties publicly claimed their voters were frequently left without such notifications.

Many citizens reported being unable to cast their votes in the local elections since their usual polling station where they were registered for years was changed, and they received no notification of the changed data in the CVR. Since the polling stations do not hold information from the whole CVR, just excerpts relevant for the given polling station, the members of polling boards were unable to inform the citizens where they were supposed to cast votes.

¹² Law on Election of Local Councillors and MPs, Art 68 (1).

Case study 6: Unwarranted transfers

Dragan Cupara from Podgorica, residing at Dalmatinska 146, used to cast votes at the polling station JU OŠ Radojica Perović – Blok VI (O-Š), only to be registered to a different polling station, JU OŠ Sutjeska (R-Š), 2.5 km away from the place where he used to vote, just before the elections.

Babačić Alma from Podgorica, residing at Igmanska 7, was for the previous elections registered at the polling station JU OŠ Božidar Vuković Podgoričanin (A-D), while for these local elections she could cast her vote at the polling station FAB. Plasal (VI. E. Škrijelj) Karabuško polje. The two polling stations are 8.4 km apart.

Ličina Sefadija, residing at Milo Bošković street in Bar used to vote at the polling station JU OŠ Anto Đedović (Dj-Lj), and on the eve of the local elections she was registered to the polling station JU OŠ Blažo Jokov Orlandić (A-L), 1.8 km away from the previous one.

Gutić Ibrahim from Plav, residing at Plav bb, used to cast votes at the polling station Meteh - Komorača, while in the last local elections he was registered to the polling station Jara – Babino polje, over 3 km away from the previous one.

In some cases the whole polling stations were relocated¹³, leaving many voters unaware of where they could exercise their voting rights.

This leads to suspicions of voter register manipulations in order to discourage some voters from casting their votes.

13.2. Deregistration from voter registers

The CVR review showed that a number of persons who had the right of vote in the 2012 parliamentary elections were deregistered before presidential elections, only to be registered again.

This gives rise to doubts as to whether such deregistration, and by extension the denial of the right to suffrage, was lawful. As regards elderly voters, it is possible deregistration

¹³ For instance, polling stations 58 and 58A in Podgorica used to be located at the premises of the American Centre, and for the local elections were moved to another address, in the vicinity of the Mall of Montenegro.



was done based on death certificates, and later on they were somehow registered again.

Case study 7: Today you have the voting right, tomorrow you don't

Zarubica Stoja from Pljevlja, born on 20 August 1912, was deregistered on the eve of the presidential elections, and then reregistered for the local elections.

Adrović Rahima from Berane, born on 6 April 1915, also enjoyed her right of suffrage for the parliamentary elections, was then deregistered before the presidential elections, and then reregistered for the local elections.

Džudović Vojislavka from Berane, born on 1 August 1921, and Dutina Ilosava from Herceg-Novi, born on 4 July 1922, were also removed from the voter register used for presidential elections, only to be reregistered before the local elections.

13.3. Denial of the right of suffrage in the penitentiary institution

The Law on the Election of Local Councillors and MPs stipulates that “the voters in detention on remand or serving the prison sentence shall vote at a separate polling station to be established by the State Election Commission (SEC) in agreement with the administration authority responsible for enforcement of criminal sanctions”¹⁴. The same Law envisages that the excerpts from the voter register and the procedure of casting votes for detainees or inmates is to be set forth by the SEC¹⁵.

On the occasion of the last local elections some voters were denied the right to vote since they were not registered in the voter register for these special polling stations, although they are registered at the CVR¹⁶. Although SEC noted that due to their omission

¹⁴ Law on Election of Local Councillors and MPs, Art 87 (1).

¹⁵ Ibid, Art 87 (2).

¹⁶ MANS is the first nongovernmental organisation that observed the election process at the special polling station, i.e. at the Institution for Execution of Criminal Sanctions – Spuž (ZIKS), where two polling stations were organised for the local elections, one being the Istražni zatvor Podgorica (Remand Prison) and the other the Kazneno popravni dom Podgorica (Prison). On the election day, MANS received complaints from voters in remand detention or serving prison terms regarding the irregularities in the composition of the excerpts from the voter registers for the given polling stations. These voters claimed they were prevented from casting votes although they were registered in the CVR and had the right to vote in the local elections.

some voters were denied the right to cast their votes, the voting procedure was nevertheless not repeated at those polling stations.

Case study 8: Deprivation of suffrage with no consequences

MANS, through the political parties, filed a complaint to the SEC stating that Đurović Dragan was prevented from casting a vote at the polling station Istražni zatvor Podgorica, since his name was not entered into the excerpt from the voter register used at the given polling station, although he is registered in the final voter register for the Capital City. The decision passed by the SEC notes that the excerpt from the voter register for the given polling station contained the person with the same name and surname, but not with the same civil registry number as stated in the complaint.

Most probably the incorrect entry of the voter's civil registry number while compiling the voter register made it impossible for the given voter to exercise his right. The statement of reasons accompanying the decision states it was established the voter register contained the person with the same name and surname but with different civil registry number. Therefore, Dragan Đurović, the person on whose behalf the objection was raised, does not enjoy the right of suffrage under the voter register of the Capital City Podgorica, hence he could not have been entered into the relevant excerpt, leading the SEC to reject the complaint as unfounded.

Similar thing happened with Kljajević Igor, who was identified as registered voter in the final voter register of the Capital City Podgorica, but not at the excerpt from the voter register for the polling station Kazneno popravni dom Podgorica. In its reasoning, the SEC noted that in the written communication among the State Election Commission, the Institution for Execution of Criminal Sanctions, and the relevant secretariat of the Capital City Podgorica, it was concluded that the voter register did not contain the name and other required data for the given voter, leading the SEC to reject this complaint as unfounded.

The SEC obviously did not have a full list of persons held on remand or serving prison sentences, which led to the omissions in preparation of excerpts from voter registers for the given polling station by leaving out some names¹⁷, which de facto led to the denial of the right of suffrage. Nevertheless, the voting procedure was not repeated in these polling stations, although they were denied the right to cast their votes through an omission by the SEC, in contravention to the Law.

¹⁷ SEC's Decision nos 433/2 and 434/2 dated 26 May 2014.

II Implementation of the Law on Electoral Lists



In addition, the persons serving longer prison terms were not given the possibility to renew their old IDs, which prevented them from exercising their voting rights in the local elections, since the Law stipulates casting of votes may be done only if producing a valid new ID or passport.

14. INSTITUTIONAL RESPONSE TO IRREGULARITIES IN THE VOTER REGISTER

The new Law on Electoral Lists was adopted back in February 2014, but its actual implementation was moved forward for 01 November 2014, hence the 2014 local elections were held under the provisions of the old law.

Given that the old law was in force for the local elections, MANS documented the most obvious deficiencies of the voter register, and then launched initiatives with the MoI through parliamentary parties¹⁸ requesting inspection supervision of voter registers be carried out and any deficiencies established be removed.

14.1. Reported cases

Between 03 March and 12 May 2014, through the political parties MANS filed three sets of initiatives for inspection control of the voter register, requesting the verification of 9,018 persons per each lot.

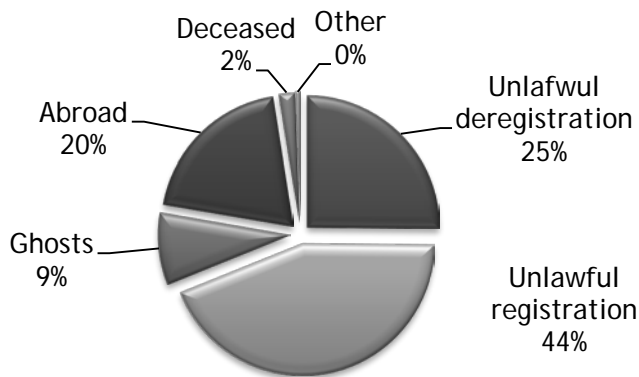


Figure 2: The breakdown of reports requesting inspection supervision filed with the MoI

¹⁸ Early this year, MANS has invited all political parties, due to legal caveats, to file in their own name the requests for conducting inspection supervision of the voter register. The reason is that, until the beginning of the new law implementation, nongovernmental organisations are not entitled to file such requests. Three parties responded to this call – the Civic Alliance, the Positive Montenegro and the Democratic Front.

The first set of motions was filed before the local elections in Berane¹⁹, the second after these elections²⁰, and the third immediately before the local elections in 12 municipalities²¹.

14.2. Violation of the law by the MoI

The MoI failed to observe the law in all of the cases requesting the response by the inspection service within 24 hours or providing the inspection supervision report to the requesting party within the additional 48 hours presenting the information of the facts established. Therefore, MANS, through the political parties, filed urgencies with the MoI requesting the Law observance.

The MoI failed to act as per the urgencies filed either, and ignored these alongside the requests filed, so MANS, via the political parties, filed complaints with the Administrative Court.

In each of the cases, the Administrative Court ordered the MoI to conduct inspection supervision in terms with the law and to inform the requesting party of the facts established through such checks.

¹⁹ On the eve of the local elections in Berane, the irregularities involving 3,278 persons were reported. The requests asked for checks of the persons registered, the legitimacy of deregistration from the CVR (765 persons), the legitimacy of new registrations (2,211 persons), and also the suspicions of double entries were reported (250 persons), as well as for 52 persons granted the right to cast votes twice, in Petnjica and in Berane.

²⁰ Following the elections in Berane, MANS volunteers conducted an extensive field verification of the voter register attempting to establish who the persons registered as voters in contravention to the law are. Following this effort, the request for checks for additional 1,543 persons were filed with the MoI as follows: 1,119 persons suspected of residing out of the country longer than two years or out of the given municipality for over six months, 245 persons not residing at the address recorded in the voter register, 173 persons suspected to have passed away, and 6 persons established to be registered as voters twice.

²¹ On the eve of the local elections, the MoI received the requests for inspection supervision of the voter register involving 4,197 persons. The CVR review revealed the existence of at least 665 persons suspected to have resided abroad for over two years or outside of the municipality for over six months, and for 292 persons suspected to be registered twice. There were also reports against 1,504 persons suspected to be unlawfully deregistered, and 1,736 persons where there are grounds to believe they were not registered in terms with the law.

UPRAVNI SUD CRNE GORE
U. br. 1846/14

U IME NARODA

Upravni sud Crne Gore, u vijeću sastavljenom od sudija Gordane Pot, kao predsjednika vijeća, Svetlane Radošević i Dragana Đuretića, kao članova vijeća, uz učešće službenika Suda Maje Ulićević, kao zapisničara, rješavajući upravni spor po tužbi tužioca Građanske inicijative Tuzi, protiv Ministarstva unutrašnjih poslova - Podgorica, zbog nepostupanja po predstavi, na nejavnoj sjednici održanoj dana 01.07.2014. godine, donio je

PRESUDU

Tužba se usvaja.

Nalaze se Ministarstvu unutrašnjih poslova, da odmah, a najkasnije u roku od 24 časa, od dana prijema presude postupi po predstavi tužioca od 13.05.2014. godine i o tome ga obavijesti u daljem roku od 48 časova.

An excerpt from one of the Administrative Court judgments

Following the Administrative Court judgments, the MoI started submitting arbitrary statements citing that no irregularities were noted through inspection supervision.

These responses did not cite the cases covered by the inspection supervision, nor any description of facts, thus causing the MoI to act in contravention to the Law again.

PREDMET: OBAVJEŠTENJE PODNOSIOCU INICIJATIVE

Povodom inicijativa za pokretanje postupka inspeksijskog nadzora, broj 05-069/14-23683/1 od 13.05.2014.godine, broj 05-069/14-23684/1 od 13.05.2014.godine i broj 05-069/14-23685/1 od 13.05.2014.godine, kojim ste od Ministarstva unutrašnjih poslova – Direkcije za inspeksijski nadzor zatražili, da izvrši kontrolu primjene odredaba Zakona o biračkim spiskovima, u pogledu promjena tačnosti podataka i drugih radnji potrebnih za održavanje tačnosti i ažurnosti biračkog spiska, odnosno promjena u biračkom spisku koje obuhvataju upis, brisanje, izmjene, dopune, i ispravke podataka, u skladu sa odredbom člana 13 stav 1 tačka 1 Zakona o inspeksijskom nadzoru ("Sl.list RCG" br.39/03 i "Sl.list CG", br.76/09, 57/11), obavještavamo Vas o sljedećem:
Nakon razmatranja Vaše inicijative, ista je prihvaćena i pokrenut je postupak inspeksijskog nadzora po službenoj dužnosti u odnosu na primjenu odredaba Zakona o biračkim spiskovima.

U postupku inspeksijskog nadzora, nakon utvrđenog činjeničnog stanja i izvedenih dokaza, upravna inspekcija nije utvrdila nepravilnosti iz svoje nadležnosti.


UPRAVNI INSEKTOR
Mirdija Pantović


An excerpt from one of the MoI responses

Due to such actions by the Mol, MANS lodged via the political parties new complaints with the Administrative Court, requesting inspection checks of voter register based in law.

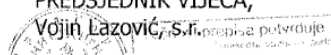
Obzirom da tuženi to nije učinio, a kako tužilac osporava činjenično utvrđenje i pravilnost primjene materijalnog prava, posebno ukazujući na odredbu člana 19 stav 3 Zakona o biračkim spiskovima ("Sl.list CG", broj 40/2008), prema kojoj je tuženi bio dužan dostaviti tužiocu, kao podnosiocu predstavke, primjerak zapisnika o izvršenoj inspeksijskoj kontroli, sud nije prihvatio osporeni akt, kao dovoljan, bez dokaza da je u vezi predstavke tužioca, zaista izvršena inspeksijska kontrola i sačinjen zapisnik o utvrđenom.

Iz iznijetih razloga, a na osnovu člana 37 stav 1 u vezi člana 27 stav 3 Zakona o upravnom sporu, riješeno je kao u dispozitivu.

UPRAVNI SUD CRNE GORE
Podgorica, 20.05.2014. godine

Zapisničar,
Veljko Vujović, s.r.

PREDSJEDNIK VIJEĆA,
Vojin Lazović, s.r.



An excerpt from one of the judgments cancelling the Mol's "statement"

Utvrdivši da tuženi nije postupio u skladu sa članom 19 Zakona o biračkim spiskovima osnovano je Upravni sud istom naložio da preduzme radnje u rokovima naznačenim izrekom pobijane presude, pa se neosnovano podnijetim zahtjevom tvrdi da je ista nerazumljiva, protivrječna sama sebi i razlozima iste.

Navodi podnijetog zahtjeva da je tuženi u odgovoru na tužbu isticao "da će obavještenje, odnosno zapisnik definisan citiranim odredbom Zakona o biračkim spiskovima dostaviti podnosiocu inicijative" su bez značaja za drugačiju odluku, jer očigledno u vrijeme donošenja pobijane presude to obavještenje, odnosno zapisnik nijesu bili dostavljeni, a samo je ta činjenica od značaja za donošenje odluke.

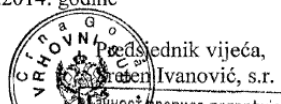
Navodi podnijetog zahtjeva kojim se ukazuje da su rokovi iz člana 19 Zakona o biračkim spiskovima suviše kratki su bez značaja za donošenje odluke, jer sud nije ovlašćen da mijenja zakonom propisane rokove.

Sa iznijetih razloga, ovaj sud nalazi da pobijanom presudom nije povrijeđeno materijalno pravo, pa je s pozivom na član 46 st 1 Zakona o upravnom sporu, odlučeno je kao u izreci ove presude.

VRHOVNI SUD CRNE GORE
Podgorica, 20.05.2014. godine

Zapisničar,
Ljiljana Milačić, s.r.

PREDSJEDNIK VIJEĆA,
Ivan Ivanović, s.r.



An excerpt from one of the judgments rejecting the Mol's complaint



According to the Administrative Court judgement, the MoI failed to respond to the complaint, or to provide any case file that may lead to the conclusion inspection supervision was actually carried out, leading the Court to cancel the statements issued by the MoI to the requesting parties.

Thereafter, the MoI instigated a proceeding before the Supreme Court challenging the Administrative Court decision, attempting to obtain an alibi for its unlawful actions.

Nevertheless, the Supreme Court rejected all complaints raised by the MoI as ill-founded, with which the final judicial instance confirmed this authority violated the Law on Electoral Lists and that it had never conducted inspection supervision over the voter registers in the manner set forth in laws.

Despite the highest judicial decision, to this date the MoI failed to deliver to the requesting parties any decision made in line with the law upholding or rejecting the claims.

Therefore, MANS intends, through the political parties, to launch proceedings before the Ombudsman to ensure the enforcement of judicial decision, but also intends to file criminal charges against the responsible persons at the Ministry of the Interior for the failure to execute final court judgments.

14. 3. New law as the solution

The parliamentary Working Group for Building Trust in the Election Process, upon the initiative launched by MANS, whose representatives were members of this body, drafted a new text of the Law on Electoral Lists. With these provisions an attempt was made to put an end to the irregularities noted and possible manipulation evidenced over the previous period.

The new Law was adopted in February 2014, but its application was postponed for 01 November this year²².

The most relevant novelty introduced by the law is seen in the fact that now the voter register will be a single volume document to be maintained by the MoI, unlike the

²² The Law is available at: www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7B70E77F90-539A-49D0-BFAD-52FE6896B045%7D. Accessed on 9 October 2014.



current provision where municipalities maintained voter registers, later on compiled into a single document entitled the Central Voter Register (CVR).

<p>1. The MoI shall provide the information to municipalities of the necessity to modify the voter register, based on the data from other registers.</p> <p>2. Each municipality shall maintain its own voter register.</p> <p>3. The Ministry for Information Society and Telecommunication shall compile all municipal voter registers into a single CVR.</p> <p>4. The MoI shall carry out inspection supervision over voter registers and order municipalities to rectify irregularities.</p>	<p>1. The MoI shall maintain and control the voter register based on the data from other registers.</p> <p>2. The State Election Commission shall oversee the management of the voter register by the MoI.</p>
<i>Current provisions</i>	<i>New provision</i>

It has been envisaged for the first time for the voter register, as a permanent database, to be populated with information from all relevant registers the MoI is already in charge of maintaining to minimise any possibility of error and to be able to check for any voter at any given point in time whether he or she meets the criteria for being a registered voter.

The registers to feed into the single voter register include the register of temporary and permanent residents and of Montenegrin nationals, and civil registers of births and of deaths. Thus, should the Law be applied and should other registers be kept up-to-date and accurate, the possibility for a person to be a registered voter without meeting the eligibility criteria would be kept at minimum.

The voter register database itself should contain a column for “comments” to cite the legal grounds and the number and date of the decision based on which a voter was deregistered²³. In addition, under the new Law, special records shall be kept of deregistered voters, which shall make an integral part of the voter register²⁴.

At the proposal of the MANS representative, the Working Group approved the provision tasking the Ministry responsible for maintaining voter registers to submit the election notification to voters not later than seven days before the closing of the Voter Register,

²³ Law on Voter Register, Art 15 (2).

²⁴ Ibid, Art 15 (4).



including the information on the number and address of their respective polling station. This is an attempt to pre-empt possible lack of information of voters as regards the exact polling station where they are supposed to cast their vote, i.e. the discouragement of voters to actually do so²⁵.

The new Law envisages that nongovernmental organisations authorised to observe elections have the right to examine and control the voter register, and these organisations are entitled for the first time to autonomously lodge initiatives for inspection control over the voter register, the tool currently available only to parliamentary parties and approved candidate lists.

In addition, the new Law also removed a number of technical deficiencies previously enabling inadvertent or intentional mistakes in the register, such as the elaborate procedure how to maintain the voter register, how to take stock of notes and what these are to contain, the obligation of authorities to provide information from other registers in a timely fashion which may affect how accurate and updated the voter register is, etc.

The new Law improves the sanctioning policy to ensure that all institutions and responsible persons involved in the law implementation meet their obligations, which has not been the case so far, particularly as regards inspection supervision over the voter register.

Thus, for any instance of the Law violation, including failure to conduct inspection supervision, the responsible persons within the Ministry of the Interior is punishable by a fine ranging between 1,500 and 2,000 euros, which should ultimately ensure the conducting of inspection supervision over voter registers within the timeframe set in law.

²⁵ Law on Election of Local Councillors and MPs, Art 68.



LOCAL ELECTIONS 2014
IMPLEMENTATION OF THE
LAW ON THE ELECTION OF
COUNCILORS AND MPs



15. LEGAL FRAMEWORK

15.1. Amendments to the Law on Election of Councilors and Members of Parliament

The Law on Amendments to the Law on Election of Councilors and MPs was adopted in March this year¹. This law is adopted by two-thirds majority vote of all MPs².

The most important changes to the Law relate to somewhat different structure of the State Election Commission, whose two members are elected following a public call, namely the president and the member from the ranks of universities, civil sector and NGOs; then introduction of electronic devices for voter identification in polling stations; voting of persons with the help of an assistant, as well as a more detailed regulation of postal voting, including more members of the election committee who go into the field and enabling electoral observers to monitor this segment of the electoral process as well. The amendments also stipulate an increase in number of candidates of less represented gender on the electoral lists, as well as the duty of the Ministry of Interior to send out invitations to citizens for elections.

It is planned that a part of these amendments will enter into force only on 1 November 2014, most specifically the articles which relate to the electronic identification of voters and to sending out invitations for elections.

The Law defines the bodies for administering elections: election committees (EC), municipal electoral commissions (MEC) including the Electoral Commission of the Capital City (ECCC), and the State Election Commission (SEC).

Members of municipal electoral commissions are at the same time representatives of parties which participate in the work of local parliaments, in accordance with their representation, as well as representatives of all confirmed electoral lists³. Members of electoral commissions, municipal and the SEC, are elected after the constitution of the newly elected parliament on the local or state level. Their mandate lasts four years. Unlike them, members of the election committees are appointed for each election⁴.

¹The Law is adopted on 21 March 2014, at the Third Meeting of the First Ordinary Session.

²Article 91 paragraph 3 of the Constitution of Montenegro.

³A municipal electoral commission consists of: the president, secretary and five members in permanent composition, as well as one accredited representative of each submitted electoral list.

⁴The Law on Election of Councilors and MPs, article 19.



The right to submit an objection is given to electoral lists and citizens whose rights were breached, within 72 hours from the occurrence of irregularities.

Electoral commissions decide upon complaints by the majority of votes of their members⁵. Otherwise, if the decision is not brought by the prescribed majority within 24 hours, the complaint is considered adopted.⁶

Against the decision of a MEC or the ECCC, which rejected or refused the objections, applicants can submit the objections to the SEC within 72 hours from the moment of delivery of the decision.

Finally, if the SEC rejects or refuses the objections as well, submitters have to right to appeal to the Constitutional Court, within 24 hours from the delivery of the decision. The Constitutional Court must adopt a decision within 48 hours, but unlike for the SEC and a MEC, it is not stipulated that the appeal is automatically accepted if the deadline for the decision is breached.

The Law does not prescribe deadlines by which a MEC, the SEC and the Constitutional Court must give a written justification of their decisions and submit them to the applicants.

15.2. Types of electoral irregularities as are laid down by the Law

The polling station (PS) comprises voting premises with the yard⁷. **Breaches prescribed by the Law** at the PS can be divided into five groups:

1. Breaches due to which the election committee (EC) is automatically dissolved, and voting at the PS is repeated:

- the EC did not organise the PS in the manner which ensures secrecy of the ballot⁸,
- the excerpt from the concluded electoral roll differs from the excerpt from the electoral roll which is used at the PP⁹,
- the opening or closure of the PS is unjustifiably late or the PS is not continually open¹⁰,

⁵Ibid, article 21.

⁶Ibid, article 109 paragraph 3 and article 110 paragraph 2.

⁷ Rules on determining and organizing polling stations and on measures for providing secrecy of the ballot, item 2.

⁸The Law on Election of Councillors and Members of Parliament, article 69a paragraph 2.

⁹Ibid, article 83 paragraph 1.



- a person who at the time of closure of the PS is found within the PS is not allowed to vote¹¹,
- upon opening the ballot box after closure of the PS, the box does not contain the control sheet¹² and
- the number of ballots in the ballot box is different from the number of persons who cast the vote or a higher number of ballots is found in the ballot box than the number of control coupons, or there are two or more control coupons with the same serial number or one which does not belong to that PP¹³.

2. Breaches because of which a complaint can be submitted to the municipal electoral commission (MEC) which decides whether or not voting at this PS would be repeated:

- a separate room is not provided where it is possible to ensure secrecy of the ballot,
- persons without rights or duties with regard to administering elections dwell at the PS,
- during voting hours not all members of the EC or their substitutes are present at the PS,
- there are more voters present at the PS than there are voting booths¹⁴

3. Violations due to which the EC can be dissolved:

- placing propaganda material in the PS and within 100 metres from the PP¹⁵,
- arriving to the PS with a weapon or a dangerous tool¹⁶,
- a voter does not vote in person¹⁷
- a voter casts a ballot several times¹⁸,
- ballots are not verified or a voter does not confirm that they took the ballot by signing the excerpt from the electoral roll¹⁹,
- members of the EC do not explain to the voter how to cast a ballot²⁰,
- members of the EC influence in any way a voter's decision or do not ensure that no one bothers them²¹.

¹⁰ibid, article 70 paragraph 1.

¹¹ibid, article 70 paragraph 2

¹²ibid, article 79 paragraph 4.

¹³ibid, article 89 paragraph 9.

¹⁴ibid, article 72.

¹⁵ibid, article 69 paragraph 6.

¹⁶ibid, article 69 paragraph 5.

¹⁷ibid, article 69 paragraph 1.

¹⁸ibid, article 69 paragraph 2.

¹⁹ibid, article 69 para. 3 and 4.

²⁰ibid, article 81 paragraph 2.

²¹ibid, article 81 para. 1 and 3.



4. Breaches of the law for which there are fines envisaged relate to persons who:

- arrive to the PS with a weapon or a dangerous tool²²,
- do not leave the PS after the president of the EC requests it²³,
- cause disturbances in the PS which lead to interruption of voting²⁴
- disable monitoring of conduct of elections²⁵

5. Conduct prohibited by law, for which no legal consequence is prescribed:

- VC does not affirm if the election day materials are correct and adequate for administering elections²⁶,
- VC does not determine a voter's identity or allows them to vote without submitting an adequate identity proof²⁷,
- president of the EC refuses to show the identification which proves the voter's identity, upon request of members of the VC²⁸,
- president of the EC does not respect the procedure of applying invisible ink on a voter's finger²⁹ or EC allows a person to vote after they refused the invisible ink test³⁰,
- VC does not give out ballots or take care of them in accordance with the Law and the Rules³¹,
- minutes are not being kept in the manner prescribed by the Law and the Rules³²,
- president or a member violates rules on secrecy of the ballot³³, including early opening of the ballot box for postal voting or omission to mix postal voting ballots with the ballots in the box at the PP³⁴,
- VC does not allow observers to monitor elections or does not provide adequate conditions for them³⁵,

²²Ibid, article 116 paragraph 1 item 4.

²³Ibid, article 116 paragraph 1 item 6.

²⁴Ibid, article 116 paragraph 1 item 5.

²⁵Ibid, article 116 paragraph 1 item 8.

²⁶Law on Election of Councillors and MPs, art. 75 para. 1, 75 para. 5, 74 para. 1, 79 para. 1, 73, 73a, 84, para. 2, Rules on work of the VC item 1.1 para. 3 and 1.7 para. 2.

²⁷Law on Election of Councillors and MPs, article 80 para. 2 and 3.

²⁸Rules on work of the voting committee, item 2.5.

²⁹Ibid, item 2.5 paragraph 3.

³⁰Ibid, item 2.5 paragraph 4.

³¹Law on Election of Councillors and MPs, art. 74 para. 4, 78a para. 1 and 2, 78a para. 3, 78a para. 4 and 82 para. 4.

³²Law on Election of Councillors and MPs, art. 71, 71a, 75, 79, 84, 85a, 85b, 89, 90, 91, Rules on work of VC, item 3.13, 4.1, 5.3, 5.4 and 5.6.

³³Law on Election of Councillors and MPs, art. 69 para. 8 and 69a para. 4.

³⁴Law on Election of Councillors and MPs, article 85b para. 5 and 6.



- presence of uniformed persons causes disruption of peace and order at the PP³⁶,
- unauthorised devices are used at the PP³⁷,
- voting at the PS does not extend, if the interruption lasted for more than one hour³⁸,
- VC does not identify a submitter of request for postal voting or does not assess merits of the request³⁹,
- VC does not facilitate access or exercise of voting rights to persons with disabilities⁴⁰,
- VC does not arrive in time or does not organise the PS in accordance with the Law and the Rules of the State Election Commission⁴¹,
- persons employed in the ministry in charge of judiciary or an administrative organ in charge of execution of criminal sanctions are part of the VC⁴²,
- trustees are improperly designated for postal voting or are given inadequate and incomplete materials⁴³,
- member of the EC carries inside, possesses or uses prohibited substances (alcohol, drugs etc.)⁴⁴.

15.3. Key shortcomings of the new Law on Election of Councillors and Members of Parliament

The amendments to the Law did not correct many uncertainties and ambiguities. First of all, **some articles of the Law are in collision**. For example, the Law stipulates that the EC is automatically dissolved if it does not organise the PS in the manner which ensures secrecy of the ballot. At the same time, the Law defines that a complaint can be submitted to the MEC if the EC does not provide a separate room where it is possible to ensure secrecy of the ballot.

³⁵Law on Election of Councillors and MPs, article 85a para. 6, Rules on work of the voting committee items 1.3, 1.5 and 3.11.

³⁶Law on Election of Councillors and MPs, art. 71 para.2 and 72 para.5.

³⁷Ibid, art. 71a para.1, 2 and 3.

³⁸Ibid, art. 71 para. 4.

³⁹Ibid, art. 85a para. 1.

⁴⁰Ibid, art. 65 para. 5 and 84 para. 1 and 3.

⁴¹Law on Election of Councillors and MPs, art. 65 para. 3 and 76 para. 1, Rules on work of the voting committee, item 1.2. para 1.

⁴²Law on Election of Councillors and MPs, art.87, para. 3.

⁴³Rules on postal voting, item 4 para. 1 and 2.

⁴⁴Article 4 paragraph 1 of the Ethical code of bodies administering elections.



One gets the impression that severity and the possible consequences of certain irregularities have not been adequately measured; therefore, sanctions are not adequately set either. For example, it is prescribed that the EC shall be automatically dissolved if it is unjustifiably late with opening the PS, while if unverified ballots are used for voting, the EC can be dissolved.

From the item 5 it is clear that **the Law defines many actions which are considered as violation of the voting rights, but does not regulate in this regard either any legal consequence, or the decision making procedures on these irregularities.** For example, there are no consequences if the president of the EC does not cancel the ballot of the voter who voted in a public manner, or if there is a parallel record being taken at the PS on voters who came to vote.

The Law generally defines certain prohibitions, which creates problems with its practical implementation. For example, the Law specifies that it is prohibited to keep records at the PS on voters who came to vote, but it does not prohibit camera use at the PS, or collecting and taking out from the PS discarded voting invitations of voters who came to vote. Also, the Law stipulates an obligation of the EC to check whether voting materials are complete and correct, but does not define that it is forbidden to use invisible ink which expired. The Law binds the EC to provide conditions for secret ballot at the PS, but does not specify what to do when there is a video surveillance near or in the PS itself. Likewise, the Law prescribes the duty of members of the EC to explain the voting procedure to a voter, but does not state anything about situations when members of the EC give incorrect information to the voter, for example that they are not registered to vote at the said polling station, while later it turns out that they are.

Particularly problematic is the omission of the lawmaker to define in which way reported irregularities are decided upon, or what kind of evidence is used in deciding upon reports or complaints. In the practice to date, electoral commissions exclusively used minutes from the polling stations as the only evidence, so if the irregularities were not noted in these minutes, there were no means to prove them. This is particularly problematic where the reports relate precisely to unlawful minute keeping, where important violations are not noted.

The Law does not stipulate either the consequences of not signing the minutes by members of the election committees, or whether such minutes can be considered legally valid.

One of the key shortcomings of the Law is related to the fact that **electoral irregularities are decided upon by representatives of political parties which are accused of breaking the law, which creates an obvious conflict of interests.** Amendments to the Law



continue to stipulate that, apart from the president and representative of the civil society, all other members of the SEC are representatives of parties or electoral lists, while they do not envisage any changes to the composition of MEC. This means that party representatives decide on whether their parties broke the law or not.

An important defect in the Law is also that **only the party or the electoral list which submitted an objection has the right to file an appeal against the decisions of MEC**. For this reason, if the objection is accepted, whether owing to a decision made by majority of members or made automatically due to expiration of the 24-hour deadline, no one has the right to file a complaint against such decision.

The Law **did not prescribe deadlines in which a MEC, the SEC and the Constitutional Court must deliver a written justification of their decisions to the submitters**, which in practice means that procedures can last for weeks, although those are cases of urgent matters, because deadlines for appeals start with the moment of the delivery of response.

16. ELECTION IRREGULARITIES DETECTED

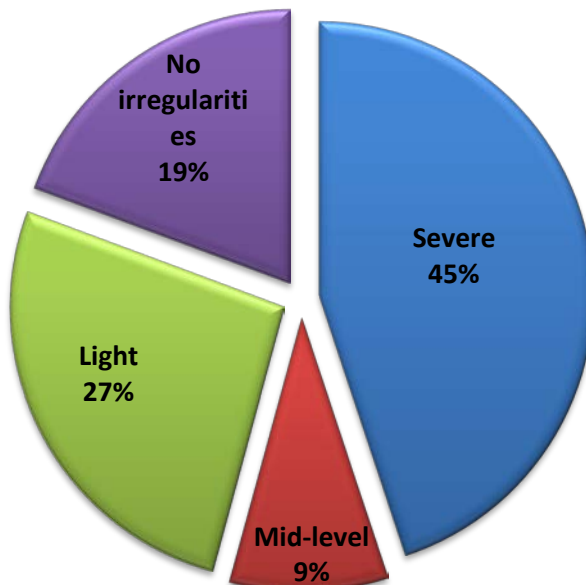
The MANS observers followed all the stages of the election process, including the preparation of the polling stations which began at 5 am, opening of the polling stations, voting process, voting by letter, closure of polling stations and counting of ballots, and determining the results of voting in polling stations.

In each polling station which we monitored, there were two observers present, one monitoring the process in the voting premises, and another in charge of reporting any irregularities which occurred in front of these premises, and in the proximity of the polling stations.

16.1. Statistical data on observed election irregularities

The MANS observers reported a total of 841 irregularities on Election Day.

In 163 of the total 239 polling stations, or **68% of all polling stations where 80% of the overall number of voters registered in the Voters’ List of the Municipality of Podgorica exercised their suffrage, observers recorded some form of violation of the law.**



Graph 1: Degree of detected irregularities in polling stations (by overall number of registered voters)



Observers reported **severe irregularities in 89 polling stations with** a total of 66.692 voters or **45% of the overall registered voters** in the local elections, where the **election processes had to be repeated by default**. Of these polling stations, in nine of them only severe irregularities were detected, in 51 both light and severe irregularities were detected, while for 29 polling stations all three types of irregularities - severe, light and mid-level.

In an additional 19 polling stations, mid-level election irregularities were detected, for which the law provides that elections can be repeated. In these polling stations, an additional 13.886 citizens of Podgorica, or **another 9% of the electorate, exercised their suffrage**.

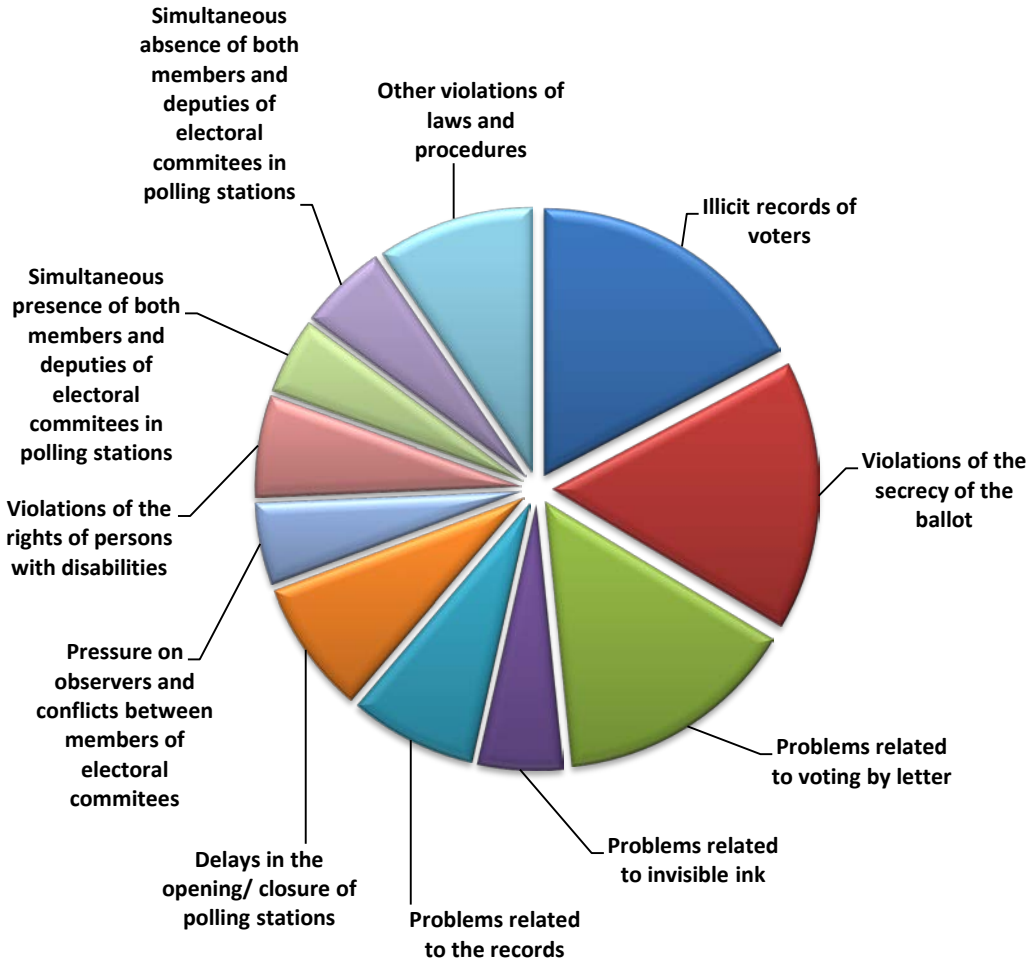
Finally, the MANS observers **detected only light irregularities in another 55 polling stations**, meaning those regularities for which the law does not provide any consequence if they occur. This type of polling station irregularity occurred in polling stations with 39.431 voters of Podgorica, or nearly **27% of the overall registered voters**.

Most recorded irregularities occurred in Tuzi, the area bordering Albania, 16% of the overall number. In Konik, a part of Podgorica mostly inhabited by refugees, internally dislocated persons and members of the RAE population, which live in difficult conditions, 12% of the overall violations of law were recorded. The same percentage was recorded in Zeta, a rural area with a large portion of agriculture-based population. A large number of violations were also recorded in Zabjelo, Ljubović and the part of the city known as Kruševac, as well as in Zagorič.

The analysis shows that the best results in a large majority of the polling stations where the most severe violations of law were detected were achieved by the ruling party. The report appendix contains an overview of the polling stations where irregularities, for which the law provides that elections must be repeated by default, or that elections may be repeated, were detected, together with the data about the number of votes all political parties received in these stations.

16.2. Types of election irregularities

Most election irregularities related to the making of illicit records regarding the voters who took part in the elections, violations of the secrecy of the ballot and problems related to voting by letter.



Graph 2: Reported election irregularities divided by category

Many irregularities related to the use of invisible ink, as well as refusals to record data on violations of law in the records on the work of the electoral committees, were also detected, which significantly hinders the later proving of these irregularities.

Finally, a significant number of irregularities related to assaults and pressure on our observers, and to conflicts between members of electoral committees.



16.2.1. Illicit records of voters participating in the ballot

During the Election Day, illicit records of voters participating in the ballot were recorded at a large number of polling stations. Records of voters in the voting premises and courtyards which are part of polling stations are prohibited by the Law on the Election of Councilors and Members of Parliament.

These records allow the control of voters which took the obligation of voting in a certain way when receiving money or some other benefit by the state or a political party for voting or not voting⁴⁵.

There is a large amount of evidence that within state institutions and companies, information on the political affiliation of employees is being collected⁴⁶, so records of voters which exercised their suffrage allows the pressurizing of those who were employed thanks to their party affiliation or those who promised to their superiors that they would not vote. Finally, these records also serve as a means to pressurise the so-called "certain voters" to participate in the ballot and vote.

The illicit records of voters participating in the ballot were created by presidents and other members of electoral committees by writing down the codes of voters, loud pronouncing of their names which were then recorded by individuals who were standing outside the premises or by their deputies, and some of them even openly browsed the Voters' Lists, made phone calls and text messages from the voting premises or from their immediate vicinity. Records within the polling stations were even made by certain members of electoral committees which had copies of Voters' Lists and which recorded the voters which participated in the elections, which is a serious violation of law on many grounds.

In many cases, members of electoral committees did not cease to break the law even after warnings by the president, or all members of the electoral committee tolerated the use of phones in voting premises, which is explicitly prohibited by law.

The MANS observers have noticed that in certain polling stations, the discarded invitations for voting, which many voters carry to the polling stations during the voting, are being collected. These invitations contain more than enough information for exact

⁴⁵For example, in cases of buying of IDs, unlawful payment of state aid or employment, detailed information included in a special report: MANS, *Local Elections 2014 – Implementation of the Law on the Financing of Political Parties*, Podgorica, 2014.

⁴⁶ MANS, *Report on the abuse of state resources and public authority in the campaign of the parliamentary elections in 2012*, Podgorica, 2012.

identification of voters. Under the excuse of taking out the trash, these invitations were being carried out of the voting premises and passed on to third parties, most likely with the aim of keeping records and applying pressure on voters.

Furthermore, voters were also recorded by party activists who were hiding in nearby buildings, vehicles, and even in tents or sometimes openly waiting for voters in front of the voting premises.



Photographs 1, 2 and 3: Examples of illicit records of voters participating in the ballot

In some polling stations, MANS observers photographed the party activists which prevented them from keeping the illicit records. Because of this, in several polling stations, the observers were physically threatened, they were insulted and provoked⁴⁷.

16.2.2. Violation of the secrecy of the ballot

The second most reported irregularity in the polling stations related to the violation of the secrecy of the ballot.

The MANS observers recorded many cases of voters who loudly stated how they voted or who displayed the filled ballots after leaving the voting cabin, but their ballots were not annulled as required by the law, nor have these violations been recorded in the electoral committee records.

Cases were often recorded when voters stated how they voted after dropping their ballots into the ballot box, which does not represent a violation of the Law, so it does not bear any consequences.

⁴⁷Detailed information on pressures to the observers stated in chapter 3.2.5

In some polling stations, the ballots used for voting were completely transparent, so even after the folding of the ballot, it was easy to see how the voter voted.

Members of electoral committees also violated the secrecy of the ballot by loudly saying the first and last names of voters, which is prohibited by law.

In a large number of polling stations, the voting premises held more voters than voting cabins, which was not prevented by members of electoral committees, even though such situations are explicitly prohibited by law.

In several cases, it was observed that voters inserted their ballots in the ballot box together with the control coupon, which violates the secrecy of the ballot, because after opening the ballot box, it is easy to determine how the person in question voted. The Law does not provide a procedure which would retroactively make such a ballot invalid.

In some cases, two or more voters entered the voting cabin together, and there were also examples where entire families voted together, under the instruction of one of the family members. Most of these irregularities were not met with a reaction by members of electoral committees, and they were not included in the records.

There were even examples when voters voted at the desk of the members of electoral commissions, where these ballots were not annulled. Some members of electoral committees publically agreed that they would not annul the ballots by voters who publically voted for one party if the same became allowed to the voters of another party.

Some voters photographed their ballots in the cabins, and the members of the electoral commission did not annul such ballots.



Photos 4 and 5: Example of video surveillance in a polling station



In some polling stations, the presence of video surveillance within or outside the voting premises was recorded.

Cameras were not removed even after the demands by some members of electoral committees, and it was never checked whether they were recording.

16.2.3. Irregularities related to voting by letter

Despite the improvements introduced by the legal provisions regulating voting by letter and voting within the household of the voter, these elections also saw the recording of numerous irregularities in this field.

The majority of violations related to the submission of the requests for voting by letter. The amendments to the Law prohibited one person from delivering multiple requests for voting by letter, except for extraordinary circumstances for family members. However, the practice of one person submitting up to a dozen requests was not discontinued and electoral committees mostly approved these requests.

Electoral committees rarely evaluated the reasons for voting by letter, even though they are obliged to do so by law. Almost all of the submitted requests were approved, even those who were not made on the required forms or which were not signed, as well as requests submitted by persons who had no authorization to deliver them, even though these requirements are clearly stipulated by law. In some cases, the electoral committees did not even verify the identity of the person delivering the request.

The amendments to the law stipulate that voting by letter requires the participation of four commissioners of the electoral committee⁴⁸, but in some polling stations, a smaller number of commissioners were dispatched.

The MANS observers monitored voting by letter and they recorded many cases where voters were not familiar with the fact that a request for voting by letter was made on their behalf.

Many of the persons on whose behalf the requests for voting by letter were submitted were fully able to vote in the polling stations. In this way, the commissioners of the electoral committees and observers found some voters for which requests for voting by letter were submitted with the explanation that they were not able to reach the polling

⁴⁸ibid, article 85a paragraph 5.

stations while doing hard physical labour or waited for them to come from their workstations.

Observers also recorded that some persons who voted by letter were very ill, were not able to make judgement, so family members voted on their behalf. These voters were not able to tell their "assistants" for which party they wanted to vote, but the voting was made anyway without opposition by the commissioners.

The voting by letter often violated the secrecy of ballot, so voters voted in front of the commissioners and observers or loudly stated how they voted, without their ballots being annulled.

16.2.4. Other irregularities

Numerous irregularities related to the **keeping of records on the work of the electoral committees** were also recorded. A large number of reports related to the presidents of electoral committees refusing to note remarks by members of electoral committees in records. In many polling stations, complaints by members were not recorded in the moment when they were stated, as is prescribed by the Rules on the Work of Electoral Committees, and were recorded only later. Often the records were written by members of electoral committees, even though this is the responsibility of the committee president.

There were also examples where presidents and members of electoral committees representing different parties were related, which led to numerous election irregularities not being mentioned in the records. In some polling stations, members of electoral committees refused to sign the records, without their reasons being noted in the records as provided by law.



Photo 6: Invisible ink with an expiry date before the election

The law does not envision a procedure to be followed in case of irregularity in election materials, even if these irregularities may lead to serious violations of the election process. An example of this is the use of **invisible ink with an expiry date** sometimes several years before the election in several polling stations.

In several polling stations, there were reports of voters who were **allowed to vote despite having ink on their fingers**, with an excuse that they came into contact with other substances with effects similar to invisible ink, while in certain polling stations some voters were not sprayed at all. These actions opened the possibility for **voters to vote several times**, which is contrary to the provisions of the law which state that each voter can only vote once⁴⁹. This is especially problematic when having in mind the fact that the Voters' List contains a large number of persons with almost identical personal data which are suspected to have been entered into the Voters' List multiple times⁵⁰.

In some cases, the voting procedure was violated by **spraying voters before they were identified in the Voters' List**. This prevented a number of voters from voting, because it was determined that they were not entered in the Voters' List in this polling station where they could not vote because they were sprayed with invisible ink.



Photo 7: Absence of members and deputies of electoral committee

Especially worrying are the situations recorded in some polling stations, where **members and deputies of electoral committees from the same party were absent at the same time**. In some cases, only members of one or two parties were present in a certain period in some polling stations.

A large number of reports related to the **simultaneous presence of electoral committee members and their deputies in polling stations**, which is explicitly prohibited by law, and electoral committee presidents mostly did not react to these irregularities.

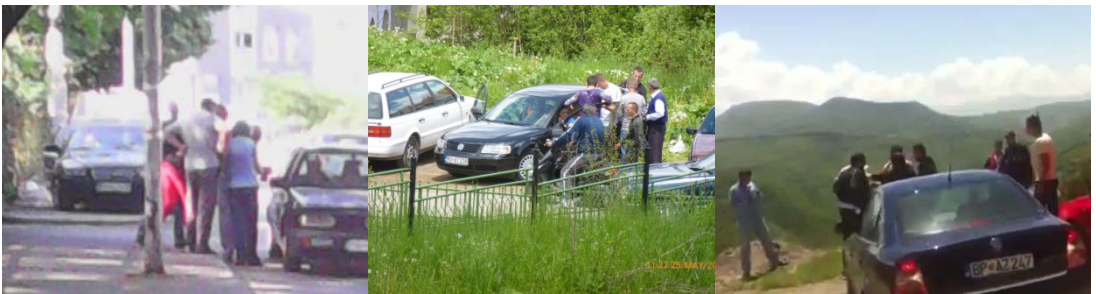
In addition, **the presence of persons with no rights or obligations related to the elections** was recorded in some polling stations. Even though the law recognises this as one of the most severe violations, in most cases the presidents and members of the

⁴⁹Ibid, art 69 par 2.

⁵⁰Further reading in the report MANS, *Local Elections 2014 – Implementation of the Law on the Financing of Political Parties*, Podgorica, 2014..

electoral committees did not react to these irregularities. There were also examples where the very members of electoral committees kept voters in the voting premises after voting, as well as cases where unauthorised persons were present in the voting premises or outside them for several hours at a time.

In some cases these persons provoked voters and told them how they should vote, and there were also cases where they **disturbed public order**. In one polling station, a **threat by arms was also recorded**.



Photos 8, 9 and 10: Persons present near the polling stations

The rules regulating the work of electoral committees prescribe that the president and members of the committee must come to the polling station at least two hours before its opening, in order to prepare them for voting and check the materials, while the law prescribes that all polling stations must be opened exactly at 7 am, otherwise the electoral committee in question is dismissed and voting is repeated. However, in many polling stations observers recorded significant **delays in the arrival** of electoral committee members.

In many polling stations **the conditions for the voting of disabled persons were not fulfilled**. In addition to the difficulty of access to polling stations, on several occasions, electoral committee members failed to inform the disabled persons about the possibility of voting with the help of an assistant or special voting pattern, even though they are required to do so by law.

In some polling stations, there were also recorded cases where certain voters approached the MANS observers to ask them for information about where they can find members of certain parties, in order for them to **reimburse their expenses for arriving for the voting**, which also shows the existence of influencing the free will of the citizens.

In the vicinity of a number of polling stations, the **propaganda materials of political parties** were noticed, without representatives of electoral committees removing them, despite being obliged to do so by law.



Photos 11, 12 and 13: Promotional materials near the polling stations

16.2.5. Prevention of the monitoring of the election process, assaults and pressure on observers

During the Election Day, many MANS observers were prevented from monitoring all stages of the election process.

In at least 30 polling stations in Podgorica, electoral committees claimed that the Election Commission of the Capital did not deliver them the data on accredited observers, because of which they were prevented access to the polling stations.

Many observers were not permitted to follow the preparation and control the election materials, which is made before the opening of the polling stations, even though the law provides that observers have the right to monitor the entire election process and work of election bodies⁵¹.

Photo 14. shows that the observer t-shirts did not in any way represent propaganda materials of any political party, meaning that there were no grounds for them to be banned.

Some electoral committees demanded that the observers take off the shirts which clearly stated their role in the monitoring of the election process, in order that the citizens might recognize them and report any election irregularities to them.



Photo 14: The t-shirts worn by the MANS observers

⁵¹ibid, art 111d.



In several polling stations observers were prevented from monitoring voting by letter.

Many observers reported some form of abuse and provocations at or in front of the polling stations, including pressures which spilled over into psychological abuse. In several cases, observers were threatened, and some were also physically assaulted. **Most pressures were recorded in polling stations where the largest number of irregularities was reported.**

Observers also faced several serious **threats of physical violence** by members of electoral committees and party activists who were violating the law. An example is a member of the Election Commission of the Capital City (IKGG) who threatened a MANS activist at a polling station in Konik of using physical violence against her. One electoral committee member threatened an observer in Tuzi with the words: "I will cut off your head and throw it out the window". Outside several polling stations, groups of masked individuals threatened observers with violence.

One MANS observer reported being chased by a group of men, after which he took refuge in the polling station. However, they locked him in a voting premise and threatened to physically assault him if he reported election irregularities. A mobile team for support to observers arrived at the scene, but they were also subsequently threatened. Only an intervention of the police prevented physical assault on our observers.

One observer was locked in a car between 14.30 and 17.40h, while a member of the electoral committee pressurised him to allow him to fulfil the ballots on behalf of the voters which should vote by letter.

An official of the Election Commission of the Capital City assaulted MANS representatives during the submission of a complaint. After this assault, the remaining complaints were submitted in the presence of police security.



17. CONDUCT OF RELEVANT INSTITUTIONS

The Law on the Election of Councillors and Representatives prescribes that only the participants of the elections can file a report related to possible irregularities, while this right is not given to the observers of the electoral process. For this reason, we invited all political parties, just before the elections, to be formal applicants of reports which our legal team prepares on the basis of information we receive from the observers. Four political parties initially accepted our invitation but one of them withdrew with the explanation that this could affect their electoral result.⁵²

MANS's legal team prepared over 2.500 objections for three political parties relating to 841 observed irregularities. The objections dominantly related to the local elections in Podgorica which were held on the 25th of May, 2014. Around a hundred objections were submitted relating to the repeated elections at multiple polling stations in Podgorica and Danilovgrad which were held on the 8th of June, 2014.

17.1. Election Commission of the Capital (ECC)

The Election Commission **rejected all of the objections** which MANS submitted through political parties by a majority vote.

In the beginning of the first session, a suggestion of the president of the Election Commission of the Capital for inspection of records and other documentation related to objections to be conducted only if one of the members of the Commission especially requests it, was adopted by a majority vote. There was no such request for any of the individual cases. In this way, ECC "decided" concerning the objections without dealing with their essence in any of the specific cases.

During this session, the Commission firstly began by considering individual objections. However, soon afterwards, on the basis of the suggestion of its president, it was decided to move to "**group voting**". This meant that the members of the Commission declared their opinion about a great number of objections through one vote, that is - all of the objections which were "submitted" to the ECC by "6 pm" were rejected through one decision. Through the second decision the majority of the members of the Commission rejected objections "submitted by 10 pm". In this way, the Commission rejected over

⁵²Objections which MANS observers noticed were submitted by the Albanian Coalition – Citizen Initiative, the Democratic Front and Positive Montenegro, while Socialist People's Party withdrew from the submission of these objections after the first set of the objections was submitted.



1500 objections relating to different polling stations and different violations of voting rights which were submitted by different electoral lists.

At the second session, ECC rejected over 900 objections. This time, three “group decisions” were made, but not on the basis of the time in which the complaints were submitted, but on the basis of who submitted the complaints. Thus, thanks to the outvoting of the Commission, **all of the objections which individual electoral lists submitted were rejected at once, without consideration of the polling station they came from and the type of voting right violations they related to.**

After these sessions, through the conclusions of the president of the ECC, different objections were consolidated into group cases and special decisions on how they were rejected were made for them; even though the Commission did not treat them as such when voting, that is – the members of the Commission were not familiar with such consolidation of cases nor did they vote for such consolidation during the sessions.

ECC did not give an explanation of the reasons on the basis of which these objections are rejected in any of the decisions. It is stated in the decisions that the ECC has examined the records from the polling stations and has determined in this manner that these were signed by members of the Election Committees without remarks, so it concluded that there were no irregularities at those polling stations. As was previously stated, **examination of any of the records was not conducted at the sessions of the Commission.**

The Law on the Election of Councillors and Representatives does not prescribe the possibility to decide at the same time about objections relating to different violations and different polling stations. However, the Law and the by-laws do not precisely state, in a more detailed manner, the way of work and decision-making of the municipal Election Commissions.

RJEŠENJE

ODBIJAJU SE prigovori kao neosnovani.

Obrazloženje

Positivna Crna Gora, Demokratski front i Albanska koalicija-Građanska inicijativa, podnijeli su 27.maja 2014. godine u 17,35h prigovore Izornoj komisiji Glavnog grada Podgorica zbog povrede biračkog prava na biračkim mjestima broj: 87, 63-A, 87-A, 20, 66-A, 64, 72-B, 11-A, 23, 60, 39-B, 86, 107, 39-A, 100, 20-B, 61-B, 98.

Blagovremeno izjavljenim prigovorima u bitnom navode da je birčki odbor prekršio pravila rada biračkog odbora u smislu neisticanja zbirne izborne liste na vidnom mjestu, nije odredio po dva predstavnika iz odbora za glasanje putem pisma, nevidljivo mastilo-spreju istekao rok, da funkcije za članove odbora nijesu birane žrijebanjem, prilikom provjere materijala prije početka glasanja utvrđeno da hvali zapisnik o radu biračkog odbora, birački odbor nije utvrdio uslove glasanja putem pisma, čime je povrijeđen član 85, 83, 75, Zakona o izboru odbornika i poslanika.

Razmatrajući navode iz prigovora, zapisnike o radu biračkog odbora i izvještaj o rezultatima glasanja sa navedenih biračkog mjesta, Izborna komisija Glavnog grada ocijenila je da su prigovori neosnovani.

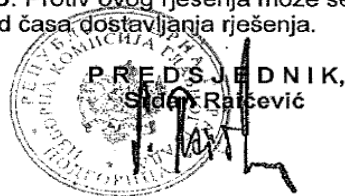
Članom 85 stav 1 Zakona o izboru odbornika i poslanika("Službeni list RCG", br. 4/98, 17/98, 14/00, 18/00, 9/01, 41/02, 46/02, 45/04, 48/06, 56/06 i "Službeni list CG", broj 46/11 i 14/14) propisano je da birač koji nije u mogućnosti da glasa na biračkom mjestu (nemoćno ili spriječeno lice), a želi da glasa obavistiće o tome birački odbor. Birački odbor će preko svoja dva povjerenika za glasanje putem pisma, koji ne mogu biti iz iste političke partije odnosno koalicije omogućiti takvom licu da glasa, na način kojim se obezbjeđuje neporednost i tajnost glasanja. Stavom 5 ovog člana utvrđeno je da način glasanja iz stave 1 ovog člana unosi se u zapisnik.

Tačkom 5.4. i 5.5. istih Pravila propisano je da primjedbe koje su dali članovi biračkog odbora unose se u zapisnik u momentu davanja primjedbe i da zapisnik o radu biračkog odbora potpisuju predsjednik i članovi biračkog odbora.

Izborna komisija Glavnog grada Podgorica je, uvidom u zapisnike o radu biračkog odbora sa navedenih biračkog mjesta, utvrdila da nije konstatovana bilo kakva nepravilnost u dolasku biračkog odbora i otvaranju biračkih mjesta, odnosno da su zapisnici potpisani od članova biračkog odbora bez primjedbi, te zaključila da nije bilo neregularnosti na tim biračkim mjestima, odnosno da su izbori sprovedeni u skladu sa zakonom.

Na osnovu izloženog riješeno je kao u dispozitivu.

UPUTSTVO O PRAVNOM SREDSTVU: Protiv ovog rješenja može se izjaviti prigovor Državnoj izbornoj komisiji u roku od 72 časa od časa dostavljanja rješenja.



1

Decision on the objections for different violations of the Law, at different polling stations which were submitted by different parties.

One of the examples relates to the objections submitted by Positive Montenegro (23), Democratic Front (18) and Albanian Coalition – Citizen Initiative (9 objections).⁵³In the

⁵³Decision of the ECC, number 1613/14, from the 28th of May, 2014.



decision of the ECC it is stated that all objections relating to the violation of voting rights at 18 different polling stations are rejected.⁵⁴

In this case, as in many other cases, objections about different violations of voting rights are connected. Thus, it was decided, all at the same time, about objections relating to illegalities in preparation of the polling station and Election Committee for work, deficiencies related to summary electoral lists, electoral materials, violations of voting procedure, voting by letters, as well as violations of the Law related to the closing of polling stations and recounting of the votes.

Members of the Commission in Conflicts of Interest

Within its work, ECC decided on objections relating to possible irregularities at the polling stations caused by the very members of the Commission.

The Law forbids conducting parallel records about voter turnout during elections and thus, a series of objections related to this type of irregularities. The president declared that his party possesses such records and that, in his opinion, such behaviour is legitimate. This occurred during the session of the Commission at which decisions concerning objections related to illegal records were made.⁵⁵

The Commission also decided on the physical attack of an observer of MANS, the suspect of which is the member of the Commission, who was not exempt from the decision-making in this case nor was this possibility even considered.

17.2. State Election Commission

MANS submitted two types of objections to SEC through three political parties. The first type related to the decisions of the ECC which rejected objections for violations perceived by the observers of MANS, while the other type related to decisions through which ECC compiled objections into group cases.

The State Election Commission (SEC) decided on the objections **without presence of the media, and it limited the possibility for the observers to monitor a part of its work** even though the manner of the decision-making of this institution was different from the practices of the Election Commission of the Capital.

⁵⁴ At the polling stations marked by the following numbers: 87,63-A, 87-A, 20, 66-A, 64, 72-B, 11-A, 23, 60, 39-B, 86, 107, 39-A, 100, 20-B, 61-B, 98.

⁵⁵ The president of the Commission is SrdjanRicevis, representative of Democratic Party of Socialists (DPS).



In the beginning of the first session which SEC held on the 31st of May, 2014, it was decided, through a majority vote, that media should be forbidden from attending the sessions, even though the Law on the Election of the Councillors and Representatives states that the work of the entities in charge of conducting elections is public.⁵⁶

During this session, the Commission went into a detailed discussion about an objection filed by the Democratic Party of Socialists (DPS). It is especially interesting that the Commission voted on the same question twice. During the first voting, a majority vote was not secured so as to make any decision, and the Law prescribes that in these cases the objection is considered adopted after the 24 hour deadline passes. However, the Commission, after a break, voted again, and this time had the necessary majority to reject the complaint.

One day later, on the 1st of June, 2014, the second session of the SEC was held, during which the question of objections of MANS observers submitted by political parties was decided on. During this session, **two of the members of the Commission, named by DPS, as "rapporteurs" explained objections which other political parties submitted and then suggested their rejection.** The Commission voted on this. The explanations consisted of reading filing numbers and dates of submission of the objections, without consideration of their content, and then they were rejected by an **identical majority of the members of the Commission.** In this way, **all objections** of the observers of MANS were **rejected, without the investigation of the records on the work of Election Committees or of any other submitted documentation.**

Only after one of the observers of MANS asked for clarification of the principle on the basis of which the role of the "rapporteur" in these cases is allocated, and whether there is an internal procedure or a decision on the basis of which the Commission is acting, SEC called for a special session in order to adopt the methodology of work. During this session, it was agreed that this is the case of so-called **„mini work-groups“ which will consider the submitted materials and evidence outside of the session of the Commission, while the observers are forbidden from monitoring this segment of the work of the SEC.** Neither the Law nor the by-laws prescribe such manner of work and decision-making, but state that objections are to be discussed during the sessions.

At the next session there was again no discussion, nor was investigation of the documentation following the objections to which SEC refers to in their decisions conducted, and all of the complaints were rejected purely by outvoting.

⁵⁶Law on the Election of Councillors and Representatives, Article 22.



Complaints were not practically considered at the next session either. The members of the Commission who represent the ruling parties again took upon themselves the role of reporters and only stated data about the number and the date of the submission of the objection and about the individuals who submitted those complaints. They then stated that there is no basis for acceptance of the complaints. After this, there was no discussion nor was there investigation of the evidence, but the president of SEC⁵⁷ acted identically in all of the cases, that is – he proposed for a decision to be made to reject the objection. Using such method of work, the Commission considered and decided, on average, on two objections per minute.

The decision-making was identical in all of the specific cases, nine members of the Commission voted for the objections to be rejected while two voted for them to be adopted.

Even though the evidence was not considered during the sessions, SEC stated that it has conducted investigation of the disputed decisions of the ECC, and of the objections and records about the work of the Election Committee, in its decisions based on the objections, and that it has made the decisions based on this. SEC does not state even the violations of the voting right relating to the rejected objection nor does it consider other suggested evidence in any of its decisions.

Even though the members of SEC voted in each of the specific cases, this Commission made group decisions for multiple completely different objections which were previously connected through the decisions of the ECC. At the same time, SEC rejected all objections relating to the decisions of ECC which connected different objections.

A special problem related to the fact that SEC needed **eight days to make the first decisions explaining their decisions and to submit them to the applicants**. The Law does not prescribe the deadline by which SEC is obligated to do this but only states that from the moment of submitting decisions the deadline for usage of other legal remedies begins.

The confirmation of the non-consistent and unlawful work of the SEC is the fact that this Commission, **firstly, without any discussion, rejected our objections**, which were submitted through three political parties, in order to **later accept identical cases and void elections at three polling stations, when these were submitted by other political parties, and all of this after detailed discussion and investigation of the records**.⁵⁸

⁵⁷ President of SEC is Ivan Kalezic, representative of DPS.

⁵⁸ An example of this is Socialist People's Party, whose objection was adopted, and elections at three polling stations in Podgorica were repeated.



Case study “Djudjevina”

An example of elections at the polling station in Djudjevina in the municipality of Kolasin has increased the suspicion that the Election Commissions avoid applying clear legal regulations and make decisions on the basis of political outvoting.

The applicant of the electoral list „European Face of Kolasin – Social Democratic Party / Positive Montenegro”, after the elections held on May 25th this year filed an objection relating to irregularities at this polling station, which the Municipal Election Commission Kolasin accepted as an objection with a basis. MEC decided that all electoral activities in this polling station are to be voided, and that elections are to be held again.⁵⁹ Another electoral list „For European Kolasin – Milo Djukanovic” declared an objection to the State Electoral Commission relating to these decisions of the MEC.

The State Electoral Commission rejected these objections as not-allowed⁶⁰ since, according to the Law, an objection can be made only against a decision of MEC to reject or deny the objection⁶¹, while in these specific cases the issue related to objections which were adopted. These decisions were confirmed by the Constitutional Court of Montenegro by rejecting complaints against them.⁶² Thus, the decision on holding repeated elections in this polling station was confirmed.

During the repeated elections at this polling station the electoral list „Sule and Mikan with Citizens for Kolasin” stated an objection claiming that a voter, who voted through a letter, was identified on the basis of his old ID, that is – that he did not have a biometric ID.

The objection was considered at the session which was attended by all of the 12 members of the Commission, out of which a half (6 members) voted for the objection to be adopted, while the other half voted against this. All members of the Commission voted in accordance with the political interests of the party that they belong to. Taking into consideration that the Law prescribes that Election Commissions make decisions through a majority vote of its members⁶³, it was not possible to decide on the objection.

⁵⁹Decisions of the Municipal Electoral Commission Kolasin, number 296/2014 and 297/2014 from 28.05.2014.

⁶⁰Decisions of the State Electoral Commission, number 532/2 and 533/2 from 31.05.2014.

⁶¹Law on Election of Councilors and Representatives, Article 110.

⁶²Decision of the Constitutional Court U-VI number 8/14 and 9/14 from 03.06.2014.

⁶³Law on Election of Councilors and Representatives, Article 21.



The Law prescribes that an objection is considered adopted if the relevant Election Commission does not decide within the legally prescribed deadlines in order to avoid the blockage of the work of the law enforcement entities.⁶⁴ In accordance with this legal solution, MEC Kolasin, through its action⁶⁵ informed electoral lists that the submitted objection is considered adopted.

Electoral List „European Face of Kolasin – Social Democratic Party / Positive Montenegro” declared an objection to SEC on this decision; SEC adopted the objection and requested MEC to make a decision which will confirm that the objection is rejected because it did not get the necessary majority.

Besides the fact that this attitude is based on the incorrect application of the Law on Election of Councillors and Representatives, SEC acted in opposition to the attitude it took only 10 days prior to this and which the Constitutional Court confirmed a week prior to this. In this specific case, the previous attitude that an objection can be made only against a decision of MEC which rejects or denies the objection was not respected, since this is the case where an act was made which informs the parties that the objection is considered adopted.

Acting on the basis of this unlawful attitude of SEC, MEC Kolasin made a new decision⁶⁶ through which it determined that the objection was rejected as without basis because it did not get the majority necessary for adoption. This attitude of MEC was confirmed by SEC, rejecting the objection of the electoral list „Sule and Mikan with Citizens of Kolasin.”⁶⁷

However, already on June 19th 2014, the Constitutional Court of Montenegro adopted the complaints and abolished the decisions of SEC⁶⁸, stating that SEC has wrongly applied the provisions of the Law on the Election of Councillors and Representatives and that the objection will be considered adopted since the relevant Commission did not make a decision about this objection within the legal deadline of 24 hours.

Acting on the decision of the Constitutional Court, SEC adopted the objection, abolished the decision of MEC and requested it to act in accordance with the

⁶⁴Ibid, Article 109 paragraph 3.

⁶⁵Number 339/2014 from 10.06.2014.

⁶⁶Number 346/2014 from 14.06.2014.

⁶⁷Decisions number 232/2 from 13.06.2014. and number 1303/2 from 16.06.2014.

⁶⁸Decision U-VI number 552/14 and 553/14 from 19.06.2014.

provision of the Law under which this objection is considered adopted when the decision is not made within the legal deadline.⁶⁹ After this decision of SEC, MEC made a decision to adopt the complaint, to abolish all electoral activities and to call for new elections at the stated polling station.⁷⁰

Electoral list „European Face of Kolasin – Social Democratic Party / Positive Montenegro” declared an objection to this decision as well, and SEC again acted in opposition to the Law and to its previous attitude that in the case of adoption of objection by MEC an objection to SEC is not allowed. SEC adopted this objection and abolished the decision of the MEC.⁷¹

A complaint to this decision of SEC, which the electoral list „Sule and Mikan together with Citizens for Kolasin” submitted was rejected as untimely by the Constitutional Court of Montenegro.⁷²

Thus, only after one month a procedure for irregularities in one polling station was legally finalized, and in a manner which shows that the decision-making was never about the essence of the irregularity, and also that the final result is undoubtedly in opposition to the law, and in opposition to the very attitudes of the Electoral Commissions and the Constitutional Court.

17.3. The Constitutional Court

The final decision in the proceeding concerning the protection of voting rights is made by the Constitutional Court of Montenegro.⁷³ **The procedure before the Constitutional Court was highly non-transparent**, so there are no detailed information on their manner of work and decision-making.

Namely, **the observers of MANS asked the Constitutional Court to enable them to monitor the sessions dedicated to the decision-making in cases of violations of voting rights, but this request was rejected.**⁷⁴ Besides the fact that the observers have the right to monitor the work of the entity in charge of conducting elections and all phases of the

⁶⁹ Decision number 1303/3 from 20.06.2014.

⁷⁰ Decision number 349/2014 from 21.06.2014.

⁷¹ Decision number 1323/2 from 25.06.2014.

⁷² Decision U-VI number 854/14 from 27.06.2014.

⁷³ Law on Election of Councilors and Representatives, Article 110, paragraph 2.

⁷⁴ On the day of June 10th, the Court informed us electronically that the decision was uniformly made that on the basis of the Law on Constitutional Court of Montenegro and the Rules of the Constitutional Court there is no possibility for the representatives of MANS to attend the sessions.



electoral process, in accordance with the Law on Election of Councilors and Representatives and the decision of the State Election Commission, the provision of the Law on Constitutional Court of Montenegro prescribes the principle of publicity of the work of this Court, which, among other things, secures holding of public discussion.⁷⁵ In addition, the very Constitution prescribes a general provision of publicity of trial and states that the publican only be excluded for reasons necessary in a democratic society.⁷⁶ After this, **the representatives of electoral lists which submitted the complaints asked the Court to enable them to participate in the discussion but the Constitutional Court never provided them with a response to this request nor did it enable them to attend the sessions.**

The Constitutional Court **rejected all 427 complaints**⁷⁷ of all three electoral lists relating to all irregularities reported by the observers of MANS.

When it comes to the question of **complaints relating to the decisions about the connection of objections** which different electoral lists submitted for different polling stations and because of different violations of the Law, **the Constitutional Court adopted them and returned them to SEC for repeated decision-making.** In all of the decisions adopted in these cases the Constitutional Court stated the following:

"Through arbitrary and wilful interpretation of the procedural law, State Election Commission has, by the assessment of the Constitutional Court, violated the constitutional and conventional right to effective legal remedy to the applicants of the complaints, which is guaranteed by the provisions of the Article 20 of the Constitution and Article 13 of the European Convention."⁷⁸

Namely, **in the first decisions SEC rejected the complaints about connection of cases as not allowed, with** the explanation that the electoral organs cannot decide about lawfulness of these proceedings but only about "violation of a voting right or a right of the voting procedure."⁷⁹ After the decisions of the Constitutional Court, SEC **rejected**

⁷⁵ Law on Constitutional Court, Article 3, paragraph 1.

⁷⁶ Just like public order, protection of private life of parties, in marriage disputes and proceedings in relation with parenthood or adoption, for the sake of military, business or professional secret and the protection of security and defense of Montenegro, Constitution of Montenegro, paragraph 120.

⁷⁷ The number of complaints is lesser than the number of objections which were initially submitted to ECC since that Commission connected decision-making in a larger number of cases and made one decision for a greater number of objections, as was explained in this chapter.

⁷⁸ Decision of the Constitutional Court U-VI number 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 647, 548, 549, 550 and 551/14 from June 15, 2014.

⁷⁹ All decisions of SEC contain identical explanations, for example 699/2 from June 2, 2014.



complaints as without basis with the explanation that the decisions on connecting proceedings in the decision-making were conducted "for reasons that they are based on the same or similar factual state and on the same legal basis"⁸⁰ through new decisions.

MANS **again filed complaints** through the political parties to these decisions, since the decisions connected objections for different polling stations and for different violations of voting rights, and which were submitted by different electoral lists, just like in the example given in chapter 4.1. However, **the Constitutional Court assessed that all of these complaints are without basis**, stating that "in the conclusions it was not decided about any voting right, act or omission, through which voting right would be violated due to their irregularity or non-lawfulness".⁸¹ After these decisions, the final results of the elections were proclaimed.⁸²

⁸⁰ All decisions of SEC contain identical explanations, for example 1028/3 from June 18, 2014.

⁸¹ All decisions of the Constitutional Court contain identical explanations, for example U-VI number 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647 and 648 from June 21, 2014.

⁸² Final results of the elections were determined by the Electoral Commission of the Capital at the session held on June 23, 2014.

Appendix 1: Overview of the number of votes achieved by the political parties on the local elections in Podgorica in polling stations where irregularities have been reported

No PS	Name PS	Number of voters	Number of registered votes					Level of irregularity
			SNP	AA	ELP	DF	DPS	
1	MZ "BLOK V" (A-LJ)	766	54	2	91	166	241	light
2	JZU DOM ZDRAVLJA - ZDRAV. STANICA BLOK V (A-LJ)	765	68	2	9	186	220	severe
2-A	FOND PIO područno odjeljenje BLOK V (M-Š)	748	78	0	60	202	210	mid-level and light
3	JU OŠ "ŠTAMPAR MAKARIJE" (A-LJ)	910	70	2	80	216	303	severe, mid-level and light
3-A	JU OŠ "ŠTAMPAR MAKARIJE" (M-Š)	829	73	0	90	218	225	light
4-A	JU OŠ "RADOJICA PEROVIĆ"-BLOK VI (E-NJ)	866	86	0	76	199	288	light
5	OMLADINSKI DOM "TOLOŠI" (A-G)	944	104	1	53	226	264	severe and light
5-A	OMLADINSKI DOM "TOLOŠI" (D-L)	944	101	0	60	206	261	severe and light
5-B	OMLADINSKI DOM "TOLOŠI" (LJ-P and slovo Ć)	892	135	2	59	189	230	severe and light
5-C	OMLADINSKI DOM "TOLOŠI" (R-š osim slova Ć)	994	98	2	93	214	250	severe and light
6	JU OŠ "RADOJICA PEROVIĆ" PJ TOLOŠI (A-V)	893	140	0	55	189	263	light
6-A	JU OŠ "RADOJICA PEROVIĆ" PJ TOLOŠI (G-LJ)	866	110	3	53	219	242	light
6-B	DJEČJI VRTIĆ LJ.POPOVIĆ-"LANE"-TOLOŠI (M-R)	871	104	0	67	187	266	mid-level

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6-C	JU OŠ "RADOJICA PEROVIĆ" PJ TOLOŠI (R-Š)	770	84	1	35	217	191	light
8-A	JU OŠ "SUTJESKA" (RANIJE AD PLANTA.(J-P)	918	80	1	84	212	273	severe and light
9	JU OŠ "SUTJESKA" (A-I)	863	75	2	77	174	261	severe and light
9-A	JU OŠ "SUTJESKA" (J-P)	875	90	0	81	189	288	mid-level
10	JU MID-LEVEL STRUČNA ŠKOLA "I.USKOKOVIĆ" (A-K)	572	55	2	49	104	219	severe, mid-level and light
11	ŽENSKI FRIZERSKI SALON "LUNA" (A-Ž)	571	44	1	46	135	205	severe, mid-level and light
11-A	MZ "13 JUL" (RANIJE MZ N. GRAD) (Z-N)	570	42	3	49	134	171	severe, mid-level and light
11-B	JU MID-LEVEL STRUČNA ŠKOLA "I.USKOKOVIĆ" (NJ-Š)	558	57	1	38	125	165	light
12	MZ "13. JUL" (PROSTORIJE KLUB PENZIONERA) (A-LJ)	836	91	0	80	189	250	severe and light
12-A	JU MID-LEVEL STRUČNA ŠKOLA "I. USKOKOVIĆ" (M-Š)	747	48	0	58	198	214	mid-level and light
13	JU SRED.GRAĐ.GEOD.ŠKOLA "MARKO RADEVIĆ" (A-LJ)	523	59	0	38	109	174	severe and light
13-A	JU SRED.GRAĐ.GEOD.ŠKOLA "MARKO RADEVIĆ" (M-Š)	596	53	1	56	137	184	light
14	MZ "KRUŠEVAC" (A-J)	791	56	0	82	185	266	mid-level
14-A	JP CENTAR "MORAČA" (K-P)	683	48	1	71	173	209	mid-level and light
14-	JP CENTAR "MORAČA"	588	45	1	54	136	189	severe,

B	(R-Š)							mid-level and light
15	JU OŠ "MAKSIM GORKI" (A-I)	946	69	1	95	182	362	severe
15-B	JU OŠ "MAKSIM GORKI" (P-Š)	979	51	0	93	197	369	severe, mid-level and light
16	GALERIJA SAVREMENE UMJETNOSTI	780	49	1	92	150	276	light
17-A	"CENTRALNA BANKA" CG FIL.PODGORICA (M-Š)	530	37	0	30	95	200	light
18	SALA ZA VJENČANJE GLAVNOG GRADA	739	76	1	71	174	193	severe, mid-level and light
19	KIC "BUDO TOMOVIĆ" ulaz sa sjev.strane (A-LJ)	773	52	0	82	139	266	light
20	JU OŠ "SAVO PEJANOVIĆ" (A-Đ)	702	58	0	70	112	246	mid-level and light
20-A	JU OŠ "SAVO PEJANOVIĆ" (E-N)	692	49	0	53	126	243	severe and light
20-B	JU OŠ "SAVO PEJANOVIĆ" (NJ-Š)	758	69	1	65	165	232	severe and light
21	MZ "ZAGORIČ" (A-I)	963	116	0	50	250	291	severe and light
21-A	MZ "ZAGORIČ" (J-O)	861	88	1	63	220	222	severe
21-B	MZ "ZAGORIČ" (P-Š)	882	91	1	59	203	279	severe and light
22	JU OŠ "BRANKO BOŽOVIĆ" (A-Z)	709	68	0	58	185	247	severe and light
22-B	JU OŠ "BRANKO BOŽOVIĆ" (A-Z)	725	80	1	42	198	199	severe, mid-level and light
23	JU OŠ "BRANKO BOŽOVIĆ" (A-LJ)	962	107	0	49	237	311	severe and light
23-A	JU OŠ "BRANKO BOŽOVIĆ" (M-Š)	849	105	0	37	199	330	severe and light

23-B	JU OŠ "BRANKO BOŽOVIĆ" (A-K)	650	99	0	12	155	182	light
23-C	JU OŠ "BRANKO BOŽOVIĆ" (L-Š)	671	92	0	12	192	179	light
23-D	JU OŠ "BRANKO BOŽOVIĆ" (P-Š)	686	95	0	28	171	173	severe and light
24	JU OŠ "DR DRAGIŠA IVANOVIĆ" (A-G)	891	131	1	23	302	201	light
24-A	JU OŠ "DR DRAGIŠA IVANOVIĆ" (D-J)	870	159	0	46	250	181	light
24-B	JU OŠ "DR DRAGIŠA IVANOVIĆ" (K-P)	931	101	1	29	280	246	mid-level
24-C	JU OŠ "DR DRAGIŠA IVANOVIĆ" (R-Š)	882	80	0	28	240	217	light
25	JU OŠ "VLADIMIR NAZOR"	858	85	1	59	212	269	severe and light
26	MZ "MASLINE" (A-I)	749	86	1	41	231	212	light
26-B	JU OŠ "VLADIMIR NAZOR" (P-Š)	855	134	1	51	256	204	light
26-C	JU OŠ "VLADIMIR NAZOR"	794	88	1	17	175	216	mid-level and light
27	MK - DOLJANI	742	91	2	21	197	165	severe and light
30	DOM OMLADINE - UBLI	422	83	0	10	130	95	light
32	JU OŠ "ĐOKO PRELEVIĆ" UBLI - PJ KOĆI	112	2	0	5	0	33	light
38	MZ JEDINSTVO (MALA SALA) (Ž-M)	739	103	3	39	183	214	light
38-A	MZ "JEDINSTVO" (ranije JP ELEKTRODI.) (N-Š)	956	147	1	55	233	285	light
39-A	JPU "Đ.VRBICA" - "ZVONČIĆ" - MASLINE (I-N)	905	128	2	47	264	164	light
39-B	JPU "Đ.VRBICA" - "ZVONČIĆ" - MASLINE (NJ-Š)	965	131	1	36	261	220	severe
40	MK ROGAMI (PTT CENTRALA)	954	73	0	40	265	369	light

58-A	PRIVREDNO DRUŠTVO "DOMIS"(zg.Ameri.cent.) (M-Š)	587	77	2	45	135	180	light
59-A	"FADIP MONT"DOO (zgr.Lepa Kata) (M-Š)	842	76	1	56	209	245	light
60	"MAŠINOPROMET" (A-L)	831	83	0	62	173	238	severe, mid-level and light
61	MZ "19. DECEMBAR" (A-Đ)	636	75	0	44	130	198	severe, mid-level and light
61-A	MZ "19. DECEMBAR" (E-N)	579	56	0	41	113	183	light
61-B	SAVEZ PRONAL.I AUTORA TEH. UNAPR.CG(NJ-Š)	683	58	0	68	123	219	light
62-A	AD "ZAŠTITA" (LJ-Š)	746	67	1	64	146	240	light
63	JU OŠ "MILORAD-MUSA BURZAN" (A-LJ)	630	50	0	46	128	208	light
63-A	JU OŠ "MILORAD-MUSA BURZAN" (M-Š)	606	53	5	40	134	205	severe and light
64	MZ "DRAČ" (A-LJ)	874	57	0	93	148	293	mid-level and light
64-A	MZ "DRAČ" (M-Š)	957	78	2	79	188	294	severe, mid-level and light
65	PORESKA UPRAVA CG PJ PODGORICA (A-LJ)	451	24	0	46	93	160	severe and light
66	"CIJEVNA KOMERC" sj.str. - suteren (A-M)	727	67	0	53	137	232	light
66-A	"CIJEVNA KOMERC" juž.st.JP "POG.USLUGE" (N-Š)	545	38	1	41	80	175	severe and light
67	NARODNI UNIVERZITET"M.BOŽOVIĆ" r.fak.pos.st (A-Š)	708	52	0	66	126	238	severe, mid-level and light
68	BIVŠA ZGRADA AD "TELEKOM" (A-Š)	810	40	1	61	153	300	severe and light

69	JU OŠ "VUK KARADŽIĆ" (A-I)	624	72	1	38	108	175	severe and light
69-A	JU OŠ "VUK KARADŽIĆ" (J-O)	580	66	1	29	127	181	light
69-B	JU OŠ "VUK KARADŽIĆ" (P-Š)	749	80	1	58	173	186	severe and light
70	STRELJAČKI CENTAR "LJUBOVIĆ" (A-I)	648	52	0	51	133	182	severe, mid-level and light
70-A	STRELJAČKI CENTAR "LJUBOVIĆ" (J-O)	605	65	0	38	119	194	light
70-B	STRELJAČKI CENTAR "LJUBOVIĆ" (P-Š)	616	50	2	46	119	189	mid-level and light
71-A	ŠKOLSKI CENTAR "SERGIJE STANIĆ" (J-O)	662	72	2	63	132	199	severe, mid-level and light
71-B	ŠKOLSKI CENTAR "SERGIJE STANIĆ" (P-Š)	818	91	0	50	194	214	light
72	MZ "ZABJELO" (A-I)	709	82	0	55	138	193	severe and light
72-A	MZ "ZABJELO" (J-O)	570	47	0	30	108	191	severe, mid-level and light
72-B	MZ "ZABJELO" (P-Š)	878	96	3	62	180	250	severe and light
73-A	JU RESURSNI CENTAR ZA OBR.I OSP. "1 JUN" (E-M)	784	82	3	50	174	207	severe and light
73-B	JU RESURSNI CENTAR ZA OBR.I OSP. "1 JUN" (N-Š)	901	85	0	65	203	244	mid-level and light
74	JU OŠ "OKTOIH" (A-I)	957	94	1	72	231	268	severe
74-A	JU OŠ "OKTOIH" (JUŽNI ULAZ) (J-O)	969	102	1	51	204	285	light
74-B	JU OŠ "OKTOIH" (P-Š)	971	107	1	75	209	257	light
75	JPU DJE.VRTIĆ Đ.VRBICA "POLETARAC" (A-Đ)	891	81	0	54	213	268	severe and light

75-A	JPU DJE.VRTIĆ Đ.VRBICA "POLETARAC" (E-M)	697	69	0	48	177	200	severe and light
75-B	JPU DJE.VRTIĆ Đ.VRBICA "POLETARAC" (N-Š)	832	89	0	62	179	217	light
76	MZ "DAJBABE" (A-J)	545	42	0	34	100	259	severe
76-A	MZ "DAJBABE" (K-Š)	624	83	2	47	156	194	severe
77	JZU "DOM ZDRAVLJA" STARI AERODROM (A-I)	789	78	0	80	177	254	light
77-B	JZU "DOM ZDRAVLJA" STARI AERODROM (P-Š)	866	81	2	77	222	268	severe
78	JU OŠ "PAVLE ROVINSKI" (A-V)	835	102	1	56	184	270	light
78-A	JU OŠ "PAVLE ROVINSKI" (G-J)	840	81	0	73	204	233	light
78-B	JU OŠ "PAVLE ROVINSKI" (K-M)	897	90	1	77	193	274	severe and light
78-C	JU OŠ "PAVLE ROVINSKI" (N-R)	946	98	1	59	204	298	severe and light
78-D	JU OŠ "PAVLE ROVINSKI" (S-Š)	800	63	1	75	151	278	severe and light
79	JU OŠ "PAVLE ROVINSKI" (A-Z)	767	68	0	52	170	279	severe and light
79-A	JU OŠ "PAVLE ROVINSKI" (I-O)	777	78	3	71	166	293	severe and light
79-B	JU OŠ "PAVLE ROVINSKI" (P-Š)	749	66	0	39	176	272	mid-level and light
80	JU DJ.VRTIĆ"Đ.VRBICA"vas .jed.J.ČETKOVIĆ. (A-LJ)	826	67	3	24	166	280	severe and light
80-A	UO "POD ORAH" VL. ČELJIĆ SAFET (M-Š)	781	67	3	30	173	257	mid-level and light
81	JU OŠ "MARKO MILJANOV" (A-LJ)	793	41	4	35	106	336	light
81-A	JU OŠ "MARKO MILJANOV" (M-Š)	607	29	0	15	89	260	severe, mid-level and light

82	DOM OMLADINE-KONIK (STARI DOM DPO) (A-LJ)	616	90	0	33	115	189	severe and light
82-A	JU OŠ "MARKO MILJANOV" - KONIK (M-Š)	563	52	1	17	126	178	light
83	MZ KONIK (DOM OML."25 MAJ" (A-I)	960	64	2	33	91	384	severe and light
83-A	POSL.PROS.MILAČIĆ SVETISLAV (J-P)	982	78	5	19	115	344	severe, mid-level and light
83-B	KLADIONICA "LOB" - KONIK (R-Š)	799	46	2	26	64	324	severe, mid-level and light
84	JU OŠ "BOŽIDAR VUKOVIĆ PODGORIČANIN (A-D)	974	34	1	19	38	477	severe, mid-level and light
84-A	JU OŠ "BOŽIDAR VUKOVIĆ PODGORIČANIN (Đ-LJ)	691	13	0	31	39	345	severe and light
84-B	JU OŠ "BOŽIDAR VUKOVIĆ PODGORIČANIN (M-R)	930	41	1	38	40	443	light
84-C	JU OŠ "BOŽIDAR VUKOVIĆ PODGORIČANIN"(S-Š)	879	15	0	35	24	488	light
85	POŠTA BR.4 - KONIK (A-K)	810	62	0	18	120	345	severe, mid-level and light
85-A	MZ "KONIK" KLUB PENZIONERA (L-Š)	938	99	11	25	148	347	mid-level and light
86	DOM OMLADINE GOLUBOVCI TOMIĆA UBA (A-J)	864	97	0	23	245	310	severe and light
86-A	DOM OMLADINE GOLUBOVCI TOMIĆA UBA (K-Š)	934	151	0	20	157	343	severe and light
87	DOM OMLADINE - MAHALA (A-LJ)	595	60	1	11	113	284	severe and light

87-A	DOM OMLADINE - MAHALA (M-Š)	635	82	4	11	138	231	severe and light
88	DOM OMLADINE - MOJANOVIĆI (A-J)	507	36	0	10	185	190	light
88-A	DOM OMLADINE - MOJANOVIĆI (K-Š)	499	22	2	10	191	207	severe
89	"ELEKTRODISTRIBUCIJA" - GOLUBOVCI	745	113	2	27	168	243	severe and light
90	DOM OMLADINE ZETA - GOLUBOVCI	682	81	0	28	120	202	severe, mid-level and light
92	KUĆA MILENKA - VIDA MARAŠA - MITROVIĆI	170	13	0	1	18	118	light
93	JU OŠ "MILAN VUKOTIĆ" GOLUBOVCI - PJ BOTUN	502	86	2	11	109	220	light
94	DOM OMLADINE "LJAJKOVIĆI"	735	29	0	5	95	475	light
95	DOM OMLADINE BALABANI	767	222	1	21	96	282	light
96	DOM OMLAD. "Š.KALUĐEROVIĆ" MATAGUŽI (A-M)	527	142	0	11	77	199	severe and light
96-A	DOM OMLAD. "Š.KALUĐEROVIĆ" MATAGUŽI (N-Š)	489	153	1	10	70	153	severe and light
98	KUĆA LUKICE PRENTIĆA - GOSTILJ	158	38	1	7	12	76	light
99	DOM OMLADINE ZETA - GOLUBOVCI	216	16	2	0	11	168	severe, mid-level and light
100	JU OŠ "NIKO MARAŠ" - BIJELO POLJE	653	60	4	23	119	341	severe, mid-level and light
101	GRAĐ.OBJEK.VLAS.SAŠE KRUNIĆA - BISTRICE	359	33	3	10	82	183	severe and light
105	DOM OMLADINE - GORNJA GORICA (A-G)	910	114	0	79	220	277	light
105-C	JPU LJUBICA POPOVIĆ V.J."PALČICA" (S-Š and	815	85	1	48	230	240	severe and light

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106 -A	"ZADRUŽNI DOM" - DONJA GORICA (D-LJ)	707	75	0	27	147	275	light
106 -B	"ZADRUŽNI DOM" sala za sastanke DONJA GORICA (M)	788	77	2	40	110	386	severe and light
106 -C	JPU "LJUBICA POPOVIĆ"V.J."BAJKA" D.GORICA(N-Š)	956	91	2	48	231	342	severe and light
107	MZ "BARUTANA"	444	45	1	18	60	144	mid-level and light
116	ZGR.GRAD.OPŠ.TUZI (RAN.OŠ"M.LEKIĆ) (A- G)	707	14	105	32	10	187	severe, mid-level and light
116 -A	ZGR.GRAD.OPŠ.TUZI (RAN.OŠ"M.LEKIĆ" (D-J)	788	13	128	27	6	227	severe, mid-level and light
116 -B	ZGR.GRAD.OPŠ.TUZI (RAN.OŠ"M.LEKIĆ" (K- NJ)	849	23	67	57	14	315	severe and light
116 -C	ZGRADA GRADSKE OPŠTINE TUZI (O-Š)	879	17	64	76	3	391	severe, mid-level and light
117	JU OŠ "29. NOVEMBAR" DINOŠA (A-K)	645	2	50	41	4	253	severe and light
117 -A	JU OŠ "29 NOVEMBAR"- DINOŠA (L-Š)	501	2	27	26	2	225	severe, mid-level and light
120	JU OŠ "MAHMUT LEKIĆ" - TUZI - PJ MILJEŠ	951	10	45	92	10	435	severe, mid-level and light
122	DOM OMLADINE - SUKURUĆ	752	11	152	16	15	237	mid-level and light
123	MZ "VRANJ" - VRANJ (A-LJ)	479	44	36	11	17	175	severe, mid-level and light
123 -A	MZ "VRANJ" (M-Š)	530	46	23	24	25	232	light
124	MZ "VRANJ-VLADNE"	388	2	22	46	2	192	light

128	JU OŠ "MAHMUT LEKIĆ" - VUKSANLEKIĆI	341	6	71	12	8	87	mid-level and light
129	GRAĐEV. OBJEK. JUSUFA ČUNMULJAJA PODHUM	348	22	73	7	5	112	mid-level
134	FAB."PLASAL" (VL.E.ŠKRIJELJ) KARABUŠKO POLJE	976	1	12	3	9	634	light

Source: public data by the Election Commission of the Capital City

Legend:

A. Irregularities:

Severe irregularities – irregularities in case of which the law prescribes that elections in this polling station where they occurred must be repeated;

Mid-level irregularities – irregularities in case of which the law prescribes that elections in the polling station where they occurred can be repeated;

Light irregularities – irregularities in case of which the law does not provide any consequences.

B. Abbreviations:

AA – Albanian Coalition

DF – Democratic Front

DPS - Democratic Party of Socialists

ELP – European Face of Podgorica (Social-Democratic Party and Positive

Montenegro)

SNP – Socialist People's Party